

## **An Open Letter to Senators Bernie Sanders (I-VT), Patrick Leahy(D-VT), Diane Feinstein (D-CA), Ed Markey(D-Mass) and Benjamin Cardin(D-Md)**

**by Mina Hamilton**

October 28, 2016

Dear Honorable Senators,

Thank you for your letter of October 13 to President Barack Obama in which you asked the President to support the Standing Rock Sioux Nation, other Native American peoples, and concerned citizens in their call for a "complete environmental and cultural" review of the Dakota Access Pipeline.

This letter is to ask for your help regarding a related matter, S. 2012, the North American Energy Security and Infrastructure Act (formerly the Energy Policy Modernization Act). **S. 2012, as it is now written, will make the kind of comprehensive environmental review you are requesting for the Dakota Access Pipeline impossible for dozens of other gas-and-oil pipeline and infrastructure projects.**

Why impossible?

S. 2012 fast-tracks the Federal Energy Regulatory Commission's already deeply flawed permitting process. In addition, S. 2012 streamlines the permitting process for liquified-natural-gas terminals and limits the review process of other federal agencies, such as the US Army Corps of Engineers and the US Fish and Wildlife Service. In its current form this legislation will undercut the National Environmental Policy Act process. The bill also puts US National Parks in the cross-hairs of the fracked-oil-and-gas industry. (A detailed list of some of the bill's provisions is attached.)

Additionally, S. 2012 is based on now-discredited science that underestimates the climate impact of fracked gas. Since the bill was first proposed four years ago, peer-reviewed scientific studies by the US National Oceanic and Atmospheric Administration, the World Bank, plus studies at prestigious universities including Princeton, Boulder, and Cornell have marshaled the scientific evidence: methane releases from fracked oil and gas production and infrastructure are mega-climate destroyers.

In its current form, S. 2012 is a hand-out to the fracked fossil fuel industry. It also promotes coal technology, touts forest bioenergy as "carbon-neutral" and rolls back some energy efficiency programs.

Two thousand and sixteen marks one of the hottest years in recorded history with both methane and carbon dioxide levels skyrocketing. And researchers expect this to be the 'new normal' for the future. Surely the US Congress can respond to this crisis with a

scientifically-based bill? [http://www.climatecentral.org/news/world-passes-400-ppm-threshold-permanently-20738.](http://www.climatecentral.org/news/world-passes-400-ppm-threshold-permanently-20738))

Over 370 organizations oppose this bill including Friends of the Earth, the Center for Biological Diversity, Rainforest Action Network, and Food and Water Watch. Even so S. 2012 has passed both the US Senate and House of Representatives and is currently in conference committee. **Please take action to delete and/or amend the provisions referenced here. And please let President Obama know that this legislation must not be signed in its current form.**

In honor of our unique, beautiful and fragile planet and to honor Standing Rock please take action now.

## **S. 2012, the North American Security and Infrastructure Act**

### **Summary of Sections Pertaining to Fossil Fuel Promotion**

- 1) S. 2012 accelerates the US Department of Energy's liquified natural gas (LNG) export permitting process - requiring the issuing of such permits *within a short 30 days of the completion of National Environmental Policy (NEPA) review* of the proposed action (Section 2005 of the proposed legislation).
- 2) S. 2012 mandates that an application to import or export natural gas between Canada and Mexico must be awarded *within 30 days* of the submission of an application to the Federal Energy Regulatory Commission (FERC) (Section 2007.)
- 3) The bill mandates that FERC will be the "lead" agency for all comments by other US agencies, such as the US Fish and Wildlife Service, the US Forest Service, the US Army Corps of Engineers. Thus, S. 2012 would give FERC unprecedented power to limit meaningful input by these agencies.
- 4) The bill further undermines the regulatory process by requiring that "relevant federal and state agencies" will conduct reviews *concurrently* with the NEPA review.
- 5) S. 2012 mandates that all comments by other federal agencies must be submitted *within 90 days* of FERC's final environmental document.
- 6) S. 2012 cripples landowner rights by allowing FERC to give "conditional approval" to applications on the basis of "remote surveys" by aerial or other means. After this approval, there supposedly would be on-site "verification" of the aerial surveys. (Items 3-6 appear in Section 1101.)
- 7) S. 2012 targets National Parks for fracked oil and gas infrastructure (including not just pipelines, but compressor stations, fractionation plants, gathering plants, etc.). S.2012 states that one man, the US Secretary of the Interior, will be authorized to establish "National Energy Security Corridors " through national treasures such as

Yellowstone National Park, Yosemite National Park, and the Great Smoky Mountains National Park. The language specifies that the corridors will **not** be limited either *in number, width or length* and will include industrial-sized, methane-polluting compressor stations and other pipeline infrastructure. *There will be no public hearings* on the siting of these corridors. Neither will there be even the minimal oversight provided by the FERC permitting process. It is also mandated that 10 such corridors be established by the Secretary within 2 years of the passage of S. 2012. (Section 1115)

8) S. 2012 also promotes the use of climate-destroying coal or what the legislation ludicrously describes as "transformational coal technologies." The bill authorizes the expenditure of over 1.2 billion dollars for this program in fiscal years 2016 and 2017

9) S. 2012 also states that forest bioenergy is "carbon neutral." Forest bioenergy means the cutting down of vast swaths of US timber and pelleting the wood. Much of the resulting product is exported (via fossil-fuel intensive shipping) across the Atlantic to the UK and Europe. (Section 3017).

S. 2012 is a whopping 792 pages long. A bill of this magnitude has some good provisions, including the permanent authorization of the Water and Land Conservation Fund. (Ironically, the Fund, which pays for the acquisition of park lands, will be seriously undermined by Section 1115 that authorizes the establishment of National Security Corridors through said lands.)

*Mina Hamilton is a life-long environmentalist and author. She was a co-founder and co-director of the Sierra Club Radioactive Waste Campaign and on the board of GreenpeaceUSA. Her writing has appeared in Mother Jones, the Nation, the Progressive, In These Times and at DissidentVoice.org. She can be reached at minaham(at)aol.com.*