November 6, 2026

Dear Members of Congress

As New Yorkers who are committed to stewarding and advocating for healthy ecosystems, clean water, clean air, and thriving communities, we write to express our strong concerns about the so-called Bipartisan American Affordability and Jobs Act of 2026 (S. 5653), introduced in the Senate on September 30, 2026, and scheduled for a vote in early November, bypassing typical processes that allow for consideration and review. While the bill has been presented as an effort to modernize clean energy permitting, there are valid concerns that it would benefit fossil fuel, mining, data center, and other industrial projects more than clean energy and that its sweeping provisions would undermine decades of science-based environmental management, weaken protections for imperiled wildlife under the Endangered Species Act, widely curtail public participation, and severely weaken the effectiveness of bedrock environmental laws.[1] We urge you to defend the safeguards mandated by a series of federal laws that have protected our natural resources and communities for generations.

New York's beautiful forests, freshwater rivers, streams and marshes, Atlantic Coast beaches, and coastal estuaries are home to some of the nation's most vulnerable wildlife and sensitive habitats. New York's threatened and endangered species are not only part of our natural heritage; found from the Adirondacks and Catskills to Niagara Falls and Montauk, they serve as indicator species that help sustain healthy ecosystems supporting tourism, recreation, fisheries, and coastal resilience. For example, the piping plover, a small shorebird that nests on Suffolk, Nassau, and Queens County beaches, serves as an important driver for beach ecosystems and coastal protection efforts, which extend to several species listed under the New York State Wildlife Action Plan, like black skimmers, American oystercatchers, and least and common terns, as well as federally threatened seabeach amaranth. Yet S. 5653 would erode several of the Endangered Species Act's most important safeguards: the best available science standard, Section 7 consultation, and access to public accountability through the courts. Species extinction is permanent, and sacrificing the Endangered Species Act will lead to irreversible losses.

The bill also raises serious concerns for New York's waterways and wetlands. The Clean Water Act has long protected the rivers, lakes, estuaries, and coastal waters that provide drinking water, recreation, wildlife habitat, and economic benefits to communities across the state. This would inevitably affect species such as federally listed Atlantic and shortnose sturgeon, bog turtles, and multiple species of insects, amphibians, and plants. S. 5653 would prioritize faster permitting and longer-lasting permits while limiting environmental review and constraining oversight. Longer permit terms risk locking in outdated pollution controls, while restrictions on federal review could make it harder to address emerging threats to water quality. The bill also weakens important opportunities for states to protect their own water resources through Clean

[1] NRDC Assessment of BAAJA, the 2026 Permitting and Transmission Bill; What would a permitting reform deal mean for clean energy and climate? - Center for Energy and Environmental Analysis; The Impacts of the Bipartisan American Affordability and Jobs Act of 2026 - Earthjustice

Water Act Section 401 review. It expands permitting approaches that could treat projects affecting wetlands and waterways as having minimal impacts without sufficient scrutiny. Faster permitting should not come at the expense of clean water protections.

Just as concerning, S. 5653 would limit meaningful environmental review and public accountability. New Yorkers rely on the National Environmental Policy Act (NEPA) and related environmental laws to ensure that major infrastructure and energy projects are evaluated transparently and that communities have a meaningful opportunity to understand and comment on environmental impacts before decisions are made. The bill's restrictions on environmental review and shortened timelines for legal challenges would make it harder for communities, local governments, and conservation organizations to hold agencies accountable when they fail to follow environmental protections. Public participation and judicial review are not obstacles to good decision-making; they are essential safeguards that help ensure projects are developed responsibly.

Protecting endangered wildlife, clean water, and healthy communities is not incompatible with economic growth or energy development. New Yorkers have consistently supported science-based approaches that balance development with environmental stewardship. In fact, strong environmental safeguards have long supported tourism, outdoor recreation, fisheries, and the natural systems our communities depend on. S.5653 threatens this balance. We urge you to reject the rollbacks proposed in S.5653 and defend the Endangered Species Act, Clean Water Act, NEPA, and other bedrock environmental laws that safeguard New York's wildlife, waters, and communities for future generations, from across the five boroughs, and Westchester to the North Country, and the shores of the Atlantic to the shores of Lake Ontario.

Sincerely,

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