

Congress of the United States
Washington, DC 20515

April 23, 2021

Ms. Shannon Estenoz
Principal Deputy Assistant Secretary
Fish and Wildlife and Parks
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Mr. Shawn Bengé
Deputy Director, Operations
Exercising the Delegated Authority of the
Director
National Park Service
1849 C Street, NW
Washington, DC 20240

Dear Deputy Assistant Secretary Estenoz and Deputy Director Bengé:

As Members of the South Florida congressional delegation and longtime advocates of Everglades restoration efforts, we are writing to express our serious concerns regarding the proposals¹ submitted to the National Park Service (NPS) by a Texas-based oil company to develop two new oil extraction operations within Florida's Big Cypress National Preserve. To protect Big Cypress, the Everglades ecosystem, and the billions of dollars of taxpayer investments in local ecological restoration, we strongly encourage the National Park Service and Department of the Interior to conduct a full environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for these proposals and deny any Operations Permits needed to advance any new oil drilling sites within Big Cypress.

As you know, the Biden-Harris administration has begun to advance a whole-of-government, climate-forward agenda. We fully support this agenda, and we believe our country's public lands and national park sites – including Big Cypress – should be part of the climate solution. Big Cypress National Preserve is a site of national concern because it sequesters carbon, buffers communities from storms, imbues South Florida with climate resilience, and is a vital part of the Greater Everglades ecosystem, which protects drinking water and crucial fisheries for millions of Floridians.

That is why we were concerned to learn that NPS's local superintendent suggested that the Preserve is proceeding with an environmental assessment (EA) for the proposed Burnett Oil operations at Big Cypress, even though several expert and experienced environmental organizations believe a full EIS is warranted. An EA would be inadequate because it would be tiered to the Preserve's outdated 1992 General Management Plan (GMP)², which did not contemplate the environmental impacts of today's oil extraction methods, nor did it evaluate the climate change impacts of oil extraction in the Preserve. Today's oil extraction methods, including horizontal drilling and oil well stimulation techniques, e.g., fracking and acidizing,

¹ Per publicly available applications filed to the Florida Department of Environmental Protection, Burnett Oil Company filed an Operations Permit application with NPS on August 14, 2020. NPS staff have thus far refused citizens' requests to release the permit applications filed by Burnett Oil Company to NPS and we thus reiterate the request for NPS to release those applications or permit requests immediately.

² <https://www.nps.gov/bicy/learn/management/upload/19920127-BICY-GMP-Vol-1.pdf>

could have serious adverse impacts on Big Cypress and the overarching Everglades ecosystem. Because the federal government and the State of Florida have for decades invested significant public resources into the protection and restoration of this ecosystem, it is important for any potential impacts of the sort posed by oil development to be fully evaluated and disclosed to the public in an EIS.

Additionally, the construction of miles of new oil roads and well pads in two distinct habitats within Big Cypress could result in serious consequences for the Preserve. In particular, we are concerned about potentially unlawful impacts to wilderness-eligible areas; disruption of water flow and hydrology; pollution from leaks, spills, or emissions; degradation or loss of highly endangered wetland habitat (which comprise less than 5 percent of habitat in the continental U.S.); impacts to federally listed species; and disturbances to the ecological integrity, soundscape, and natural scenery that the Preserve fosters for visitors seeking tranquil recreational experiences in their public lands.

We are especially concerned about potentially unlawful impacts to wilderness-eligible areas of Big Cypress and urge you to direct NPS staff to uphold the highest protections afforded by law³ for the Preserve pursuant to the Wilderness Act and NPS Director's Order 41. These protections should prohibit the authorization of any oil or road development activities in the wilderness-eligible Nobles Grade region of Big Cypress. Previous damages caused by seismic exploration in approximately 112 miles of the Preserve by the same company in 2017 and 2018 have yet to be properly restored and mitigated. We request that NPS prioritize full restoration and compensatory mitigation for those seismic damages and restore and maintain the wilderness character of the Nobles Grade region as required by law and NPS policy.

Finally, the long-term resolution of the oil and gas threats facing Big Cypress National Preserve should be advanced through an acquisition process for the remnant subsurface rights in the Preserve. Per the Preserve's enabling legislation⁴, the National Park Service has the authority to acquire any remaining oil and gas rights in the Preserve, and we urge the Park Service to exercise their authority to do so. The enabling legislation clearly states that the Secretary of the Interior must "limit or control" certain uses within the Preserve, including with respect to exploration or extraction of oil, in order to carry out the primary conservation purpose for which the Preserve was established by Congress. This purpose is incompatible with detrimental oil and gas drilling, and the Biden administration should take this opportunity to advance its pro-public lands and anti-greenhouse emissions agenda. Funding mechanisms such as the Land and Water Conservation Fund (LWCF) are available for mineral rights acquisition.

Oil drilling within Big Cypress National Preserve would substantially conflict with President Biden's commitment to halt "new oil and gas permitting on public lands and waters,"⁵ and the President's strong climate initiatives that require analysis of "potential climate and other

³Including but not limited to the Organic Act, Endangered Species Act, Wilderness Act, National Historic Preservation Act, and [NPS Director's Order #41: Wilderness Stewardship](#).

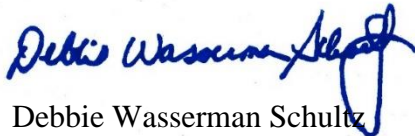
⁴ <https://www.nps.gov/bicy/learn/management/upload/Enabling%20Legislation.pdf>

⁵ <https://joebiden.com/climate-plan/#>

impacts associated with oil and gas activities on public lands”⁶. Consequently, the proposed oil extraction activity should not be authorized. Instead, a full EIS should be prepared, which must include a detailed analysis of the project against a no-action alternative. We believe this rigorous analysis would make evident the unacceptable impacts to our climate, wilderness, endangered species, and water resources and would make clear that DOI should not approve the Burnett application.

Thank you for your consideration of our requests.

Sincerely,



Debbie Wasserman Schultz
Member of Congress



Ted Deutch
Member of Congress



Lois Frankel
Member of Congress



Charlie Crist
Member of Congress



Frederica S. Wilson
Member of Congress

CC:

Deb Haaland, Secretary, Department of the Interior

Michael Regan, Administrator, Environmental Protection Agency

Noah Valenstein, Secretary, Florida Department of Environmental Protection in regards to State 404 application numbers 323836-004 and 397879-002

⁶ The White House, *Executive Order on Tackling the Climate Crisis at Home and Abroad*, Section 208 (January 27, 2021) section 208.