



For Immediate Release

May 15, 2020

(202) 870-7715

info@eeia.org

EEIA, U.S. Chamber Team Up to Urge Court to Stay Montana Ruling Nixing Pipeline Permits

The Energy Equipment and Infrastructure Alliance (EEIA) and the United States Chamber of Commerce jointly filed a brief today with the U.S. Court of Appeals for the Ninth Circuit urging the Court to stay implementation of a recent Montana federal court's ruling invalidating Army Corps of Engineers water crossing permits nationwide for all oil and natural gas pipelines.

Montana Federal District Court Chief Judge Brian Morris ruled May 11 to invalidate the Corps' blanket project-wide water crossing permits for oil and natural gas pipeline projects, in a case brought against the Keystone XL project. Morris not only ruled against Keystone XL but extended his order to strike down all water crossing permits issued to pipeline projects under the Corps' Nationwide Permit 12 (NWP 12) program, used to permit the vast majority of pipeline projects.

The EEIA-Chamber brief was filed in support of an Army Corps of Engineers emergency petition to the appellate court to stay the lower court's ruling pending the outcome of an appeal expected to be filed soon.

The brief pointed out that the ruling, if allowed to stand, will result in a severe disruption to the construction of critical energy infrastructure, the loss of tens of thousands of construction jobs and billions of dollars in economic activity, especially important in the midst of the COVID-19 crisis. Disallowing the NWP 12 program will do nothing to protect endangered species or critical habitat at the same time it threatens to increase consumers' energy costs and impair the reliability of the nation's electric power generation and natural gas distribution grids.

EEIA's President Toby Mack noted that the Montana court's decision reflects bias against pipelines in particular. "By confining the ruling's coverage to pipelines and allowing other utility projects such as power transmission lines to continue to use NWP 12, the court revealed its true agenda – stopping pipeline projects," Mack noted. "This obvious bias is one of several fatal flaws in the court's reasoning. It cries out for both a quick decision to stay implementation, and then for reversing the ruling in its entirety when it takes up the appeal."

About Energy Equipment and Infrastructure Alliance (EEIA)

EEIA is a non-profit organization representing people and businesses who work in the energy infrastructure supply chain. EEIA's member companies and their workers provide construction, equipment, materials, and services essential to building the infrastructure necessary to produce and deliver America's energy. The industry sector provides over a million good jobs with a massive economic footprint throughout America.