

KEYSTONE XL

New lawsuit targets pipeline's water permit

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A Keystone XL pipeline protester holding a sign in front of the White House. Emma Cassidy/Tars and Action/Flickr

A coalition of landowner and environmental groups yesterday launched a new legal battle over a federal approval for the Keystone XL pipeline.

The Army Corps of Engineers flouted the law when it authorized the project under a nationwide water permit without evaluating its environmental impacts, the groups argued in their [lawsuit](#), filed in the U.S. District Court for the District of Montana.

The Army Corps uses nationwide permits to govern broad categories of activities that affect rivers, streams and wetlands. Instead of going through a unique permitting process for individual projects, the agency certifies that a proposal meets general permit criteria and then adds project-specific conditions as needed.

The environmental groups' complaint follows a separate challenge in the same court over a presidential permit replacing the State Department's approval of the pipeline ([Energywire](#), July 1).

"Though he seems to think otherwise, Donald Trump is not above the law, and we won't allow him to endanger wildlife, clean water, and the climate to allow a Canadian company to move more tar sands through the United States," Sierra Club Senior Attorney Doug Hayes said in a statement yesterday.

"We've held off construction of Keystone XL for more than a decade, and we won't stop until this dirty tar sands proposal is put to rest for good."

Lawyers for the Sierra Club, the Northern Plains Resource Council, the Bold Alliance and other groups brought claims under the National Environmental Policy Act, Clean Water Act and Administrative Procedure Act.

The groups also informed the federal government and TC Energy, formerly TransCanada Corp., that they intend to raise additional challenges under the Endangered Species Act.

Designed to connect Canadian oil fields with the existing Keystone network, the 875-mile Keystone XL pipeline would affect sensitive species such as the American burying beetle and whooping crane, they argued.

The new lawsuit against the Army Corps mirrors early claims against the agency's approval of the Dakota Access oil pipeline three years ago ([Energywire](#), July 29, 2016).

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