

## KEYSTONE XL

### Feds ask judge to toss Trump permit challenge

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Published: Monday, July 1, 2019



Keystone XL would connect to the existing Keystone pipeline to deliver Canadian oil to U.S. refineries. ShannonPatrick17/Flickr

The Trump administration last week asked a federal court to dismiss a challenge to a fresh presidential permit for the Keystone XL pipeline.

Environmental and tribal plaintiffs in the case have neither the standing to challenge nor proper claims against a presidential permit to replace the State Department's 2017 authorization for the crude oil pipeline to traverse the U.S.-Canada border, government attorneys argued.

"The President appropriately exercised his Article II authority in issuing the border-crossing Permit," federal lawyers wrote in a Thursday [filing](#) in the U.S. District Court for the District of Montana.

"Plaintiffs' argument to the contrary has no basis in law, is inconsistent with historical practice, and is contrary to the Constitution's shared allocation of authority between the two political branches."

Government lawyers argued that the court should dismiss the case for lack of a final agency action and valid constitutional challenge.

The Indigenous Environmental Network and the North Coast Rivers Alliance argued in their initial complaint that the president's new permit was merely an attempt to escape a construction block instituted by the same court until the State Department could update an environmental review supporting its earlier authorization ([Energywire](#), Nov. 9, 2018).

Unlike approvals from federal agencies, presidential permits are not subject to National Environmental Policy Act reviews.

Judges for the 9th U.S. Circuit Court of Appeals last month dismissed litigation focused on the State Department permit and dissolved the construction block ([Energywire](#), June 7).

Trump's border-crossing permit pertains to a 1.2-mile section of the 875-mile pipeline connecting Canadian oil fields to the existing Keystone system.

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