

New Legal Challenges Launched to Keystone XL Pipeline Approval

Trump Administration Violated National Environmental Policy Act, Clean Water Act, Endangered Species Act by Approving Controversial Tar Sands Pipeline

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Global Research, July 02, 2019

[Center for Biological Diversity](#) 1 July 2019

Region: [USA](#)

Theme: [Law and Justice](#), [Oil and Energy](#)

Conservation groups filed [a federal lawsuit](#) today challenging the U.S. Army Corps of Engineers' illegal approval of the Keystone XL tar sands pipeline to be constructed through hundreds of rivers, streams and wetlands without evaluating the project's impacts as required by the National Environmental Policy Act and the Clean Water Act.

The groups also sent notices of their intent to sue President Donald Trump, the Army Corps and the companies seeking to build Keystone XL and its power line infrastructure over the project's lethal threats to endangered species, including the whooping crane.

Late last year the U.S. District Court for the District of Montana [ruled](#) that the Trump administration violated bedrock environmental laws by issuing a permit for Keystone XL without adequately evaluating critical information on the project's environmental impacts, including tar-sands oil spills and climate change. Although Trump effectively circumvented that ruling by issuing a new permit in March, the fact remains that no federal agency has yet completed the requisite analysis.

The new lawsuit, filed in the same federal court in Montana, challenges the Army Corps' approval of Keystone XL under its streamlined "Nationwide Permit 12" process, under which the Corps avoids the transparent and comprehensive review normally required for major projects. In fact the Corps has approved the Keystone XL route completely behind closed doors, without evaluating the risk of oil spills into waterways. The lawsuit alleges that these approvals violate both the National Environmental Policy Act and the Clean Water Act.

The groups sent notices to the [Army Corps](#), [President Trump](#), [TC Energy](#) (formerly TransCanada) and the power line companies that would construct the hundreds of miles of lines needed for the pipeline's pump stations. These letters clear the way for future legal action under the Endangered Species Act by putting the parties on notice that their approvals and proposed actions to build the pipeline violate the law.

Construction activities and spills from the pipeline would threaten protected species like the pallid sturgeon, the American burying beetle, and the critically endangered whooping crane, which remains at the brink of extinction.

"The Trump administration has proven to be just as reckless with our Constitutional separation of powers as this dangerous Keystone XL pipeline is

to the safety of our water and climate,” said Dena Hoff, a Northern Plains Resource Council member and Glendive, Mont. farmer. “The United States is still a country of laws, and this foreign corporation’s proposed tar sands pipeline has yet to prove it meets legal standards in the American court system. We will continue this fight for the safety of Montanans and the livelihoods of farmers and ranchers who depend on clean water.”

“We won’t stop fighting Trump’s underhanded attempt to dodge the courts and ram this dirty fossil fuel project down America’s throat,” said Jared Margolis, a senior attorney with the Center for Biological Diversity. “We’ll continue working to ensure this destructive pipeline never has the chance to ruin clean water that’s crucial to people and endangered species.”

“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,” said Sierra Club Senior Attorney Doug Hayes. “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.”

“While Trump states over and over again the Keystone XL pipeline is already being built, those of us who live in the states know the reality and risks. Our scenic Niobrara River and the Platte River, where Sandhill and Whooping Cranes migrate, along with farmers’ water wells, are all at risk with this foreign, export pipeline. Trump may not believe in the rule of law, but we the people do, and we will take to the streets, courts and cornfields to ensure this pipeline is never built,” said Jane Kleeb, Bold Alliance founder.

“The Army Corps’ lack of transparency in their review process for the Keystone XL pipeline is deeply disturbing,” said Marcie Keever, legal director at Friends of the Earth. “On such a major project, the communities who are on the frontlines deserve a comprehensive environmental review to protect themselves and our environment. Rubber-stamping Trump’s attempt to build the dirty Keystone XL pipeline behind closed doors is devastating for the farmers, tribes and communities along its route. Stopping this pipeline is an environmental priority and will help put a stop to Trump’s ongoing corruption.”

“After we won in court, Trump tried to skirt the law by issuing an unjustified permit for Keystone XL,” said Jackie Prange, senior attorney with the Natural Resources Defense Council. “But as this new lawsuit shows, no president can, on a whim, unilaterally exempt the government from complying with our nation’s bedrock environmental laws. We will never stop fighting to protect the country’s wildlife, water, communities and climate from this disastrous tar-sands oil pipeline.”

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