

May 27, 2022

Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
441 G Street NW.
Washington, DC 20314

Subject: Public comment on Docket ID No. COE-2022-0003 and Review of Nationwide Permit 12

Dear Assistant Secretary Connor:

On behalf of our millions of members and supporters, we urge the Army Corps of Engineers' not to fast-track permits for oil and gas pipelines. Nationwide Permit 12 (NWP 12) has allowed the oil and gas industry to build numerous fossil fuel pipelines across the country, even on private property, without any project-specific environmental review or public input process and in direct contravention to the public interest in a livable climate and planet. The [January 20, 2021 Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis \(Exec. Order 13990\)](#) directed federal agencies to more fully consider the climate change impacts of their decisions. NWP 12 does just the opposite - it allows the Army Corps to rubber stamp permits for corporations to build oil and gas pipelines without adequate environmental, climate, and public interest review.

We urge the Army Corps to revoke Nationwide Permit 12.

It is the duty of the Army Corps to assess the full range of impacts posed by the entirety of each pipeline project it approves to be constructed and operated across and in U.S. waters. Instead, NWP 12 is being used to improperly segment major pipeline projects and circumvent critical laws that are designed to protect the public interest through informed and participatory agency decision making. The Clean Water Act's general permit program was intended for categories of projects that will have minimal environmental impacts both individually and cumulatively, like some boat ramps, mooring buoys, and recreational facilities. It was not intended for massive interstate pipelines that transport hazardous fossil fuels for hundreds of miles across communities and waterways and pose grave risks of leaks, spills, and explosions. The Army Corps' individual permit process is necessary to evaluate whether these projects are in the public interest, to identify, analyze, and properly mitigate their risks and impacts, and to enable the families and communities that stand to be impacted by these pipelines and the disaster risks they pose to have their voices heard in the permit review process.

Since 2012, NWP 12 has been used to fast track a series of major pipelines like the Dakota Access Pipeline, Keystone XL, Mountain Valley Pipeline, Atlantic Coast Pipeline, Flanagan South Pipeline, the Gulf Coast Pipeline, and many more. For example, the Mountain Valley Pipeline (MVP) was originally approved under NW P12 even though it has more than 1,000

water crossings. These pipelines undoubtedly have more than “minimal” effects under any reasonable definition; simply put, NWP 12 is a loophole under which the pipeline industry has fast-tracked massive climate-polluting projects. Major pipelines that cross multiple states, dozens of communities, sensitive waterways, and forests at a minimum deserve and legally require a project-specific review. In these and many other instances, the Army Corps has approved massive, controversial pipelines following close collaboration with project proponents yet without any public notice, environmental review, or opportunity for meaningful public involvement.

The Army Corps’ present practice of considering a single oil or gas pipeline as thousands of water crossings as “single and complete” projects circumvents the comprehensive and robust public interest analysis and environmental review required by the Clean Water Act and the National Environmental Policy Act. As long as NWP 12 is used to rubber-stamp oil and gas pipelines, it thwarts the intent of our bedrock environmental laws and presents an ongoing threat to our water resources, our communities, and our climate.

Assistant Secretary Connor, we urge you to take action that is consistent with the Biden administration’s climate and environmental justice goals and ensure pipelines are fully and transparently evaluated at the site-specific level in a manner that provides a meaningful opportunity for public input from the most impacted communities and fully protects the public interest in a livable climate.

We look forward to working with the Army Corps to ensure that the Biden Administration delivers on its commitments to our nation’s waterways, climate, and communities.

Sincerely yours,

Bold Alliance
Center for Biological Diversity
Giniw Collective
Greenpeace USA
Indigenous Environmental Network
Oil Change International
League of Conservation Voters
Clean Water Action
Natural Resources Defense Council
Earthjustice

Pueblo Action Alliance
Sierra Club
Sunrise Movement
The Wilderness Society
[350.org](https://www.350.org)
Food & Water Watch

1000 Grandmothers for Future Generations

198 methods

350 Alexandria

350 Bay Area Action

350 Colorado

350 Dallas

350 Hawaii

350 Massachusetts Berkshires

350 New Hampshire Action

350 Pensacola

350 Spokane

350 Kishwaukee

350 New Orleans

350 Triangle

350 Wisconsin

80 Feet Is Enough

Accelerate Neighborhood Climate Action

Action for the Climate Emergency

All Our Energy

Alliance for the Great Lakes

Alliance to Protect Our People & the Places We Live

Allinwon

American Federation of Government Employees Local 704

Animals Are Sentient Beings

Anthropocene Alliance

Alabama Rivers Alliance

Association of Young Americans

Atchafalaya Basinkeeper

Azul

Bayou City Waterkeeper

Berkshire Environmental Action Team

Beyond Extreme Energy

Black Millennials 4 Flint

Black Oaks Center

Black Warrior Riverkeeper

Blue Ridge Environmental Defense League

Boston Clean Energy Coalition

Breathe Project

Bridging the Gap in Virginia

Businesses for a Livable Climate
California Communities Against Toxics

Call to Action Colorado
CatholicNetwork US
Chesapeake Climate Action Network
Chesapeake Physicians for Social Responsibility
Choctawhatchee Riverkeeper

Choosing Green
Citizen's Alliance for a Sustainable Englewood
Citizens Awareness Network
Clean Air Action Network of Glens Falls NY
Clean Air Council

CleanAirNow
Climate Action Rhode Island
Climate Code Blue
Climate Crisis Policy
Climate Hawks Vote

Climate Health Now
Climate Justice Alliance
Climate Reality Project
Climate Reality Project Capital Region New York
Climate Reality Project Finger Lakes Greater Region New York
Climate Reality Project Memphis & Mid-South Regional
Climate Reality Hudson Valley & Catskills
Climate Reality Project New York State Coalition

Climate Reality Project Westchester
Coalition Against Pilgrim Pipeline New Jersey
Colorado Businesses for a Livable Climate
Columbia Gorge Climate Action Network
Columbia Riverkeeper

Common Ground Rising
Communities First Sewickley Valley
Community for Sustainable Energy
Damascus Citizens for Sustainability
Dayenu: A Jewish Call for Climate Action

Democratic National Committee Environment & Climate Crisis Council
Democratic Socialists of America Madison People's Green New Deal Committee
Divest Ed

Don't Gas the Meadowlands Coalition
Don't Waste Arizona

Earth Ethics
Earth Path Sanctuary
Elders Climate Action
Elders Climate Action Massachusetts

Elmirans & Friends Against Fracking
Endangered Species Coalition
Environmental Law & Policy Center
Evergreen Action
Extinction Rebellion San Francisco Bay Area
Fox Valley Citizens for Peace & Justice

Frack Free Illinois
FracTracker Alliance
Franklin County Continuing the Political Revolution
FreshWater Accountability Project
Friend's of the Narrows of Hans Creek

Friends of Buckingham
Friends of the Earth U.S.
Friends of the Kaw
Freshwater Future
Gas Free Seneca
Georgia Interfaith Power & Light

Greater Boston Physicians for Social Responsibility
Greater New Orleans Housing Alliance
Green House Collaboration Center
Green New Deal Virginia
Green Ossining

GreenFaith
Healthy Gulf
Hispanic Federation
Honor the Earth
Humboldt Unitarian Universalist Fellowship Climate Action Campaign

Illinois Green New Deal Coalition
Immaculate Heart Community Environmental Commission
Indian Point Safe Energy Coalition
Indivisible Ambassadors
Ingleside on the Bay Coastal Watch Association

Inland Ocean Coalition
Institute for Policy Studies Climate Policy Program
Interfaith Power & Light
International Marine Mammal Project
Interstate 70 Citizens Advisory Group

Keepers of the Sacred Tradition of Pipemakers
Larimer Alliance for Health, Safety & Environment
League of Women Voters of Wisconsin
Littleton Business Alliance
Local Environmental Action Demanded Agency

Long Beach Alliance for Clean Energy
Long Island Progressive Coalition
Loudoun Climate Project
Louisiana Bucket Brigade
Mayfair Park Neighborhood Association Board
Menikanaehkem

Mental Health & Inclusion Ministries
Michigan Clinicians for Climate Action
Mid-Ohio Valley Climate Action
Migiziwillfly
Milwaukee Riverkeeper
Missing Murdered Indigenous Women Coalition of North Carolina

MN350
Montana Environmental Information Center
Montbello Neighborhood Improvement Association
Mothers Out Front Virginia
Mountain Watershed Association
Mount Triumph Baptist Church

Natural Capitalism Solutions
NDN Collective
Network Northern Virginia
New Energy Economy

New Jersey Conservation Foundation
New Mexico Environmental Law Center
New York Grassroots Alliance
Niagara Center for Community Action
No Fracked Gas in Mass
North Carolina Climate Justice Collective

North Dakota Native Vote
North Range Concerned Citizens
Northern Michigan Environmental Action Council
Nuclear Information & Resource Service
Nukewatch

Oceanic Preservation Society
Our Climate
Peace & Freedom Party of California
Peace, Justice, Sustainability NOW
PennFuture

People for a Healthy Environment
Peoples Climate Movement New York
Physicians for Social Responsibility Arizona
Physicians for Social Responsibility Pennsylvania
Plymouth Friends for Clean Water
Preserve Montgomery County Virginia
PolicyLink
People For Community Recovery

Preserve Monroe
Preserve Giles County
Property Rights & Pipeline Center
Protect Our Water, Heritage, Rights Coalition
Protect Penn-Trafford
Putnam Progressives

Rachel Carson Council
RapidShift Network
Resource Renewal Institute
Rio Arriba Concerned Citizens
River Valley Organizing

Rogue Climate
Rogue Riverkeeper
San Luis Valley Ecosystem Council
San Francisco Bay Physicians for Social Responsibility
Santa Fe Forest Coalition
Save EPA

Save the Pine Bush
Science & Environmental Health Network
Seneca Lake Guardian

Seven Directions of Service
Seventh Generation

Sheffield Saves
Shelby County Lead Prevention & Sustainability Commission
Sisters Health & Wellness Collective
Sisters of Mercy Justice Team
Sisters of Saint Dominic of Blauvelt New York

Small Business Alliance
South Asian Fund for Education Scholarship & Training
Southwest Organization for Sustainability
Spirit of the Sun
Stand.earth

Stop SPOT & GULFLINK
Stop the Algonquin Pipeline Expansion
Sullivan Alliance for Sustainable Development
Sunflower Alliance
Sustainable Roanoke

System Change Not Climate Change
Tennessee Riverkeeper
Terra Advocati
Tethra Advisors Blue Tech & Circular Economy
Texas Campaign for the Environment

The CLEO Institute
The Climate Mobilization
The Consortia
The Earth Bill Network
The Enviro Show

The Natural History Museum
Third Act Virginia
Three Rivers Waterkeeper
Turtle Island Restoration Network
Unitarian Universalist Justice Florida

Unitarian Universalist Service Committee
Unite North Metro Denver
Veterans for Climate Justice
Virginia Citizens Consumer Council
Vote Climate
Wall of Women

Waterkeeper Alliance
Waterkeepers Chesapeake
Waterspirit
Waterway Advocates
Western North Carolina Climate Action Coalition

Western Slope Businesses for a Livable Climate
White Rabbit Grove RDNA
WildEarth Guardians
Wilwerding Consulting
Wisconsin Health Professionals for Climate Action

Women Against War
Women's Earth & Climate Action Network
Women's International League for Peace & Freedom of the Triangle Region of North Carolina
Womxn from the Mountain
Working for Racial Equity
Zero Hour