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## Army Corps Permits From Trump Admin. Illegal, Enviros Say

By [Juan Carlos Rodriguez](#)

Law360 (February 8, 2021, 6:22 PM EST) -- Nationwide permits renewed or created in the final days of the Trump administration failed to properly ensure their use will not jeopardize plants and animals protected under the Endangered Species Act, environmental groups said Monday.

The [16 permits](#), which project developers may use to bypass more stringent environmental reviews, allow too much leeway for approval without adequate protection for ESA-protected species, the [Center for Biological Diversity](#), Waterkeeper Alliance, Center for Food Safety and other groups said in a notice of intent to sue the [U.S. Army Corps](#) of Engineers.

The groups said oil pipelines, coal mines and marine aquaculture facilities allowed to use the permits could damage streams, rivers and wetlands across the U.S.

Jared Margolis, a senior attorney at the Center for Biological Diversity, said the 12 permits that were renewed and the four that were created "flagrantly violated" environmental laws, and said he hopes the permit renewals will get a second look soon.

"I'm hoping President Biden will prevent the Corps from continuing to use the permits to rubber-stamp major projects like oil pipelines that leak and spill, degrading the clean water that people and wildlife need," Margolis said in a statement Monday.

[The White House](#) has specifically targeted the permit renewals for review under Biden's executive order entitled, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis."

In January, as part of its nationwide permit actions, the Corps dramatically altered one key Clean Water Act permitting program at the center of a high-stakes legal dispute in the Ninth Circuit, a move environmentalists criticized as making it easier to begin construction of oil and gas pipelines without proper review.

The rule split Nationwide Permit 12, or NWP 12 — which has been subject to Keystone XL pipeline-related litigation in Montana that is now at the Ninth Circuit — into three parts.

NWP 12 will continue to be available to oil and gas pipelines, while the Corps split off two other areas that used to be part of it. NWP 57 will now be available for electric utility line and telecommunications activities, and NWP 58 will be available for utility line activities for water and other substances.

The new rule eliminates pre-construction notice requirements for NWP 12 for several conditions that used to require such a notice, such as clearing a forested wetland or constructing some permanent roads.

The [U.S. Army Corps of Engineers](#) did not respond to a request for comment Monday.