

# United States Senate

WASHINGTON, DC 20510

March 8, 2024

The Honorable Michael L. Connor  
Assistant Secretary of the Army for Civil Works  
108 Army Pentagon  
Washington, DC 20310

Dear Assistant Secretary Connor:

We write as follow up to our July 2022 letter offering strong support for the Army Corps of Engineers (Corps) initiating a formal review of Nationwide Permit 12 (NWP 12).<sup>1</sup> This March will be two years since the Corps first announced its intention to review NWP and there has been no update on the status of the review. We urge you to complete your review and not wait until NWP 12 is supposed to expire in 2026 because we are confident that any review will find that NWP 12 does not make sense in our climate-constrained world, and that it is too harmful to continue rubber stamping projects.

In March 2022, the Corps announced a formal review of NWP 12, after President Biden signed Executive Order (EO) 13990. EO 13990 directed federal agencies to review the promulgation of federal regulations, and other actions taken during the previous four years, that conflict with the policy set forth in the EO. The Corps sought input on the appropriate balance between an efficient authorization process, the potential effects of oil and natural gas pipelines, and engagement with and informing the public regarding uses of NWP 12.<sup>2</sup>

Fast-tracking of oil and gas infrastructure projects through NWP 12 threatens neighboring communities, the local environment, endangered species, and Tribal sovereignty, and contributes to the climate crisis. The Corps' review of NWP 12 is necessary to prevent oil and gas infrastructure projects from continuing to bypass the public interest review and circumvent study of the impacts of new fossil fuel infrastructure on the climate emergency.

We were encouraged to learn that the Corps had initiated this formal NWP 12 review. However, it has been almost two years since the review was initiated and no further information regarding the review has been provided to the public, much less a final determination. We write to ask for an update on the Corps' NWP 12 review, and a timeline of when you expect to complete the review.

Once again, we appreciate the initial step that you took by opening NWP 12 for formal review, and strongly urge you to eliminate this permit which is overly broad, harmful to the planet, and

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<sup>1</sup> <https://www.merkley.senate.gov/merkley-leads-colleagues-in-urging-end-of-fast-tracking-oil-and-gas-infrastructure/>


<sup>2</sup>


[https://www.army.mil/article/254976/army\\_civil\\_works\\_announces\\_publication\\_of\\_a\\_formal\\_review\\_for\\_nationwide\\_permit\\_12](https://www.army.mil/article/254976/army_civil_works_announces_publication_of_a_formal_review_for_nationwide_permit_12)

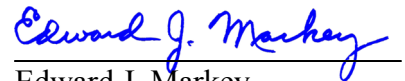
contributing to global climate chaos. We urge you to continue with this important review and we look forward to hearing from you on the status of your review.


Sincerely,


  
Jeffrey A. Merkley  
United States Senator

  
Sheldon Whitehouse  
United States Senator

  
Cory A. Booker  
United States Senator

  
Edward J. Markey  
United States Senator

  
Elizabeth Warren  
United States Senator

  
Bernard Sanders  
United States Senator