

October 20, 2016

The Honorable Eric Fanning
Secretary of the United States Army
101 Army Pentagon
Washington, DC 20310-0101

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

The Honorable Loretta Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Dear Secretary Fanning, Secretary Jewell, and Attorney General Lynch:

The undersigned groups represent workers and companies who want to build a brighter future for America. That means developing a robust transportation system that supports the nation. That means plentiful, affordable energy for American consumers. That also means expanding the ways we deliver energy, from liquid energy to natural gas to renewable energy such as wind and solar. That means good-paying manufacturing and construction jobs for American workers. We cannot bring this future to America without new infrastructure projects.

We write to express our deep concerns over recent actions that took place in North Dakota to effectively ignore the rule of law in an attempt to halt infrastructure development. One of our nation's founding fathers, John Adams, once wrote that the United States is a "government of laws, and not of men." The laws governing infrastructure development are extensive. Infrastructure projects like roads, bridges, electric transmission and distribution lines, and pipelines must comply with extensive state and federal requirements such as the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, state Public Utility Commission approvals, local land use restrictions and requirements, federal and state construction and design standards, and many other statutory and regulatory requirements.

These requirements must be followed before any infrastructure is built. In short, this process requires that all infrastructure plans be thoughtfully developed such that they consider all of the benefits as well as all of the risks or impacts associated with the project. The government, in turn, bears the responsibility to review these plans to make a determination if construction should move forward. Throughout this entire process, there are multiple opportunities for stakeholder engagement, whether through public fora or through written submittal. If stakeholders disagree with the government's final decision, there is a judicial process in place to address those concerns. This North Dakota project has complied with the procedures laid out in law, engaged in more than two years of federal review and has received the necessary federal approvals. Additionally, the project has been fully approved by all four states it traverses. The federal approvals required for the project were upheld by the U.S. District Court for the District of Columbia in a 58-page opinion.

Despite the federal judge's opinion, your agencies then jointly denied access to federal property necessary to complete the pipeline until the Administration "can determine whether it will need to reconsider any of its previous decisions" under various federal laws. The previous decisions now being "reconsidered" were properly considered and made through a fair and thorough process on which the company and others are entitled to rely. In our "nation of laws," when an established legal process is complete, it is just that—complete.

When your agencies upend or modify the results of a full and fair regulatory process for an infrastructure project, these actions do not merely impact a single company. The industries that manufacture and develop the infrastructure, the labor that builds it, and the American consumers that depend on it all suffer.

We urge you to abide by the well-established process and the law and help us build an infrastructure system suitable to the demands of the 21st century.

Sincerely,

American Chemistry Council
American Forest & Paper Association
American Fuel & Petrochemical Manufacturers
American Gas Association
American Highway Users Alliance
American Iron and Steel Institute
Association of Energy Service Companies
American Petroleum Institute
American Road and Transportation Builders Association
Association of Oil Pipe Lines
Consumer Energy Alliance

Edison Electric Institute
Energy Equipment and Infrastructure Alliance
GPA Midstream Association
Independent Petroleum Association of America
Industrial Energy Consumers of America
Institute for 21st Century Energy, U.S. Chamber of Commerce
Interstate Natural Gas Association of America
National Association of Manufacturers
Natural Gas Supply Association
The Association of Union Constructors