

Press Coverage | July 14, 2020

Houston Partner Ben Cowan Quoted by E&E News on Implications for Pipeline Developers Following Nationwide Permit 12 Ruling

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[Ben Cowan](#), a member of Locke Lord's Environmental Section, provided insight to E&E News and EnergyWire on ongoing pipeline litigation battles, highlighting the significance of the Army Corps of Engineers' Nationwide Permit 12 (NWP 12) program for energy projects.

Now that the U.S. Supreme Court allowed the Army Corps to continue issuing the NWP 12 general permits for oil and gas projects, with the exception of the Keystone XL oil pipeline, many pipeline developers may be able to move forward on that basis. However, there remains a chance for an adverse ruling in the appeal currently pending in the 9th Circuit, said Cowan, "And use of NWP 12 will be on unsure footing until the Army Corps reissues it and other nationwide permits in a manner that addresses the problems the court cited in its original opinion." But Cowan said he anticipates it will be several months, at least, before the 9th Circuit issues a decision, so projects that need to move forward between now and year end will probably take advantage of the window.

With uncertainty around the nationwide permitting program, Cowan said some developers have changed course to consider ways to avoid the need for such approvals, while other projects are advanced and short on time, with developers moving forward with pursuing or using the permits.

To read the full article, click [here](#) (*subscription may be required*).

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