

Congress of the United States
Washington, DC 20515

May 13, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

President Trump,

Judge Morris of the US District Court for the District of Montana recently invalidated the Clean Water Act Nationwide Permit 12 (NWP 12) that was issued in 2017 by the US Army Corps of Engineers (USACE). USACE estimates the permit has been used more than 37,000 times since 2017 for numerous infrastructure projects that cross waters of the United States. NWP 12 uses include electrical utility lines, phone and broadband lines, and water and other pipelines. This is a terrible and far reaching decision for Montana and the nation, and we urge you to use the full resources of your Administration to work to have this overturned in the courts.

Without the ability to rely on the NWP 12 permit, each crossing of waters of the U.S. could require a full assessment under Section 404 of the Clean Water Act. This time-consuming process would be the only alternative for what USACE estimates are 5,500 pending NWP 12 proposed uses. USACE estimates a 404 permit can take 264 days on average for approval. With hundreds of projects in the works, including some in Montana, delaying permit approvals could have drastic effects on our economic and social well-being. In these difficult economic times, we need to be making it easier to build and maintain our infrastructure, not more difficult.

The Edison Electric Institute (EEI) and the National Rural Electric Cooperatives Association (NRECA) that represent private and public utilities both oppose this ruling. North America's Building Trades Union (NABTU), the American Petroleum Institute (API), and the Interstate Natural Gas Association of America (INGAA) believe the decision only adds uncertainty and will complicate an already slow process to build and maintain infrastructure.

Montana and our nation face difficult times. With millions of Americans out of work, and millions more worried about their health and livelihoods, we should be focused on making things easier, not worse. We urge you to support America's electric, communication and pipeline infrastructure workers. Keep them working and restore the use of the NWP 12 permit.

Sincerely,



Greg Gianforte
Member of Congress



Steve Daines
United States Senator