

## Ban on Nationwide Permit 12 for Pipelines Will Continue During Appeal

MAY 29, 2020

The *Northern Plains Resource Council et al. v. U.S. Army Corps of Engineers* (NPRC v. Corps) case continues in the Ninth Circuit. As we [previously reported](#), after the Montana district court vacated the use of Nationwide Permit 12 (NWP 12) for oil and gas pipelines, the Corps appealed to the United States Court of Appeals for the Ninth Circuit. On May 13, 2020, the Corps asked the Ninth Circuit to stay the implementation of the Montana court's order pending the appeal. On May 28, 2020, the Ninth Circuit denied that request, finding that the Corps did not demonstrate a sufficient likelihood of success on the merits and probability of irreparable harm to warrant a stay while the court considers the merits of the lower court ruling. With this decision, the Montana court's amended order remains in effect, and the Corps will continue to be barred from authorizing the construction of oil and gas pipelines using NWP 12.

We will continue to follow the case going forward. Please watch our blog for further updates.

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