

## John Fognani in Courthouse News Service: Opponents Say Texas Pipeline Should be Halted After Keystone Ruling

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Haynes Boone Partner [John Fognani](#) talked with *Courthouse News Service* about why several natural gas projects could be delayed by the Keystone XL ruling that struck down a nationwide permit for pipeline construction.

Here is an excerpt:

Landowners and city governments fighting a planned \$2 billion natural gas pipeline through the Texas Hill Country say the project should be halted after a federal judge's ruling in Montana last week canceled a blanket permit for such projects across the nation.

U.S. District Judge Brian Morris ruled Wednesday that a river-crossing permit for the long-disputed Keystone XL oil pipeline was issued by the U.S. Army Corps of Engineers without first properly considering the pipeline's local environmental impact.

The ruling canceled a so-called "nationwide permit" the Corps issued in 2017 that essentially approves any pipelines that don't significantly impact federal waterways.

On Friday, plaintiffs in a separate lawsuit targeting the 430-mile Permian Highway Pipeline in Texas argued that the Montana ruling effectively voided an early part of the regulatory process on the Texas project.

"I think industry should worry about it simply because of the broad mandate," said John Fognani, an attorney who specializes in environmental law at the Dallas-based firm Haynes Boone.

Fognani said both energy companies and environmental groups could ask the courts for clarification on whether the Montana ruling truly applies nationwide.

"I don't believe the judge intended for this to have a nationwide effect, but I certainly think that's how the decision could be read," he said. "We can all be sure that the environmental groups that are supportive of this will likely take that interpretation, the industry will take another interpretation."

To read the full article, click [here](#).