

April 14, 2021

President Joseph R. Biden
Vice President Kamala Harris
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20005

Dear President Biden and Vice President Harris,

On behalf of the 80 undersigned organizations and our millions of members, supporters, and partners from across the country, we thank you for your leadership to address environmental justice and climate change. **We write to you today to urge your administration to reconsider the Army Corps of Engineers' use of Nationwide Permit 12 for the Byhalia Connection Pipeline**, a proposed 49-mile crude oil pipeline that would cut through historic Black neighborhoods in Tennessee and threaten the Memphis Sand Aquifer which serves as the sole drinking water source for more than 1.2 million people.¹

On February 1, 2021, the Army Corps of Engineers verified an application of Nationwide Permit 12 to the Byhalia Connection Pipeline, effectively declining to consider threats to the Memphis Sand Aquifer. As a result, it allowed two companies, Valero Energy Corp. and Plains All American, to fast track federal approval of a new crude oil pipeline in the heart of Memphis.² We are deeply disappointed with the Corps' decision to award a Nationwide Permit 12 despite overwhelming opposition from citizens.³

The proposed path would cut through Boxtown, a historic Black community originally built out of scraps of wood and metal in the 1860s by formerly enslaved people.⁴ If built, it would cross an established Wellhead Protection Zone near an earthquake fault line, the New Madrid Seismic Zone, which is the most seismically hazardous area in the central and eastern United States.⁵ Unfortunately, families in Southwest Memphis are already burdened by dozens of industrial facilities and subjecting Black communities to more environmental degradation is wrong.

¹ Pipeline through the heart: A Black neighborhood's uphill battle against oil developers (2020)

<https://mlk50.com/2020/09/10/this-black-neighborhood-is-trying-to-stop-an-oil-pipeline-theyre-running-out-of-time/>

² SELC & Concerned Citizen Groups Statement in Response to the U.S. Army Corp of Engineers Verifying that the Byhalia Pipeline Qualifies for Nationwide Permit 12 (2021) <https://www.southernenvironment.org/news-and-press/press-releases/southern-environmental-law-centers-statement-in-response-to-u.s-army-corp-of-engineers-verifying-the-byhalia-pipeline-qualifies-for-nationwide-permit-12>

³ Memphis City Against the Pipeline Community Rally featuring Al Gore

<https://www.facebook.com/1156843731/videos/10222873070432753/%5C>

⁴ Opponents suspect environmental racism in pipeline project (2021) https://www.washingtonpost.com/climate-environment/black-landowner-digs-in-against-land-grab-for-oil-pipeline/2021/03/07/78480c38-7f52-11eb-be22-32d331d87530_story.html

⁵ What you need to know about how the Byhalia Pipeline impacts Memphis (2021)

<https://www.southernenvironment.org/news-and-press/news-feed/what-you-need-to-know-about-how-the-byhalia-pipeline-impacts-memphis>

For many in Memphis, environmental racism runs much deeper than its water source. A 2013 study found the area has the highest toxic air pollution in the Southeast region with a cancer rate four times higher than the national average.⁶ Making matters worse for city and county residents, the pipeline company is currently attempting to take property from generational Black landowners through eminent domain.⁷

A recent hydrogeologic report presented to Memphis Light, Gas and Water, the city's utility company, warned that the Byhalia Connection Pipeline would pose a significant risk to nearby communities and the Memphis Sand Aquifer.⁸ Portions of the aquifer are protected by a clay layer between the groundwater and the surface. However, there are several known breaches in the clay layer that have the potential to allow contamination to reach the aquifer. A leak could spew hundreds of thousands of gallons through even a small rupture into the city's sole drinking water supply. Now more than ever, we urge your administration to protect the rights of this community to clean water.

The Corps' decision is grossly out of step with your administration's plan to review Nationwide Permits and make environmental justice a priority.⁹ **We respectfully call on the Corps to revoke its Nationwide Permit 12 verifications for the Byhalia Connection Pipeline and reevaluate the propriety of the use of Nationwide Permit 12 for new oil and gas pipeline infrastructure across the country.**

Notably, a revocation of the Nationwide Permit 12 verifications would not necessarily prevent construction of the pipeline but would ensure that the Corps conducts a site-specific environmental analysis and provides opportunities for public comment. The only opportunity for public comment on application of Nationwide Permit 12 to the Byhalia pipeline occurred in 2016—years before the Byhalia pipeline was proposed.¹⁰

This fast-track approach to siting fossil fuel infrastructure in environmental justice communities is wrong and must be reconsidered. Thank you for your leadership.

Sincerely,

⁶ Air toxics concentrations, source identification, and health risks: An air pollution hot spot in southwest Memphis, TN (2013) <https://www.sciencedirect.com/science/article/abs/pii/S1352231013006948>

⁷ Eminent domain lets pipeline developers take land, pay little, say Black property owners (2021) <https://mlk50.com/2021/01/15/eminant-domain-lets-pipeline-developers-take-land-pay-little-say-black-property-owners/>

⁸ Evaluation of the Risk of Contamination of the Memphis Sand Aquifer by the Proposed Byhalia Connection Pipeline (2021) <https://southernenvironment.sharefile.com/share/view/sb39c8b08219d423795b5d37ea331b17a/foe241ee-d527-4881-b418-317db383c1a0>

⁹ Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (2021) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>

¹⁰ Memphis Community Against the Pollution, Inc. v. U.S. Army Corps of Engineers (2021) <https://wreg.com/wp-content/uploads/sites/18/2021/04/MEMPHIS-COMMUNITY-AGAINST-POLLUTION-VS-ARMY-CORPS-OF-ENGINEERS.pdf>

Alabama Rivers Alliance
Almore Resources LLC
Anthropocene Alliance
Appalachian Voices
ARTivism Virginia
Azul
Breach Collective
Center for Biological Diversity
Center for Earth Ethics
Change Finance
Chesapeake Climate Action Network
Citizen's Climate Lobby Memphis Chapter
Clean Water Action
ClimateMama
Community Against Reckless Endangerment (C.A.R.E)
Congregation of Sisters of St. Agnes
Eastern Panhandle Green Coalition (WV)
Endangered Habitats League
For Love of Water (FLOW)
Franciscan Action Network
Friends of Buckingham
GreenLatinos
Harpeth Conservancy
Healthy Gulf
Healthy Ocean Coalition
Hudson River Sloop Clearwater, Inc.
ICCR (Interfaith Center on Corporate Responsibility)
Illinois Council of Trout Unlimited
Impact Investors
Jean-Michel Cousteau's Ocean Futures Society
League of Conservation Voters
Memphis Community Against the Pipeline (MCAP)
MICAH Youth Council
Mississippi Environmental Stewards
NAACP Tennessee State Conference
National Black Environmental Justice Network
National Latino Farmers & Ranchers Trade Association
Natural Investments
Natural Resources Defense Council (NRDC)
Nauraushaun Presbyterian Church
New Progressive Baptist Church
North Berkeley Wealth Management
NY Climate Reality Chapters Coalition
OVEC-Ohio Valley Environmental Coalition
Pennsylvania Council of Churches
Physicians for Social Responsibility Pennsylvania (PSR-PA)

Preserve Montgomery County VA
Press & Play
Protect Our Aquifer
Protect Our Water Heritage Rights
(POWHR)
Richmond Interfaith Climate Justice
League
Riverkeeper
SAM studio
Sierra Club
Sisters of St. Francis of Philadelphia
Southern Environmental Law Center
Sowing Justice
Stop Poverty With Policy
Stop The Pipeline
Sustainable Hudson Valley
Tennessee Clean Water Network
Tennessee Environmental Council
Tennessee Poor People's Campaign
Tethra Advisors and Officers (TAO)
The Climate Actors
The Climate Reality Project

The Climate Reality Project: New
York City Metro Chapter
The Climate Reality Project: Dallas
Fort Worth Chapter
The Climate Reality Project: Finger
Lakes Greater Region NY Chapter
The Climate Reality Project:
Memphis and Mid-South Chapter
The Climate Reality: Nashville
Chapter
Union Hill Virginia Freedmen Family
Research Group
Unitarian Universalist Ministry for
Earth
United Native Americans
Virginia Citizens Consumer Council
Walker Homes West Junction
Neighborhood Association
Waterkeeper Alliance
Westwood Neighborhood
Association
Wood Ridge Farms Homeowners
Association
Yogaville Environmental Solutions