

News : US FERC allows 304-mile Mountain Valley gas pipeline to resume full construction

By Maya Weber

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- Action fast on heels of debt bill, Army Corps permit
- Ends long delays after repeated legal setbacks

The US Federal Energy Regulatory Commission gave Mountain Valley Pipeline the go-ahead to proceed to full construction of the 304-mile, 2 Bcf/d natural gas project, the agency said in an order June 28.

The FERC staff order marks a major milestone for the project, which has been stalled for years amid repeated adverse appeals court rulings on multiple federal permits and authorizations (CP16-10).

Mountain Valley sought FERC's signoff June 26 after it received a final outstanding permit -- the US Army Corps of Engineers stream crossing authorization -- as well as a water quality certification from West Virginia that had been struck by the US Court of Appeals for the 4th Circuit.

Congress had instructed the Army Corps to issue its permit by June 24 as part of the federal debt ceiling bill enacted June 3. The new law also ratified other Mountain Valley permits and sought to insulate them from further litigation from environmental groups.

Several crews to start 'shortly'

Commenting on FERC's action, Mountain Valley spokeswoman Natalie Cox said the developer looks forward to flowing natural gas this winter.

"We expect the first of several forward-construction crews to begin work on the right-of-way shortly, and Mountain Valley continues to target project completion by year-end 2023," she said.

The commission cited the debt-ceiling bill in its order allowing the work to resume, noting the legislation ratified all needed authorizations.

"We find that includes the authorizations subject to the remand in the US Court of Appeals for the District of Columbia Circuit's May 26, 2023, decision in *Sierra Club v. FERC*," the order said. In that case, the DC Circuit found FERC failed to explain adequately why it did not perform a supplemental environmental review after sedimentation problems ensued during prior construction of the pipeline.

The commission June 28 said Mountain Valley may proceed with all remaining construction, including work that had been stopped in the Jefferson National Forest and all remaining waterbody crossings.

The project, running through steep portions of Virginia and West Virginia, would provide another outlet for Appalachian Basin producers.

Environmental groups, who have battled for years to stop the project, on June 26 sought to fend off motions to dismiss their pending cases in the 4th Circuit. The federal government and Mountain Valley have told the court the debt ceiling bill has stripped the court of jurisdiction and rendered the cases moot.

The environmental groups contended in June 26 briefs that the new debt law violated separation of powers. Their still-pending cases involve endangered species documents and federal permissions for the pipeline to cross the national forest.

Mountain Valley and the federal government have told the court they plan to respond to the environmental groups' new briefs that raised constitutional issues.