

## Mountain Valley slams sweeping eminent domain lawsuit

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Backers of a contentious Appalachian natural gas pipeline are aggressively defending against a recent challenge from landowners along the proposed route.

In court filings Friday, Mountain Valley Pipeline LLC slammed a July lawsuit from a group of landowners opposed to the anticipated use of eminent domain to acquire some land to build the proposed 300-mile project.

The company criticized the suit for making dramatic claims against pipeline builders and the Federal Energy Regulatory Commission. The [claim](#) alleged, for example, that "FERC has run wild" and "this court is the only check on FERC's exercise of near absolute power."

"These may be catchy clichés to stick in a press release and generate some headlines, but they are not very useful in a federal complaint, particularly one claiming that the Natural Gas Act, one of the most important energy laws in our nation's history, is unconstitutional," Mountain Valley lawyers [told](#) the U.S. District Court for the Western District of Virginia.

Primarily backed by EQT Corp. and NextEra Energy Inc., the Mountain Valley pipeline would deliver shale gas from West Virginia to southern Virginia to serve Southeast markets.

More than a dozen landowners sued over the proposal in late July, arguing that FERC's practice of granting pipeline operators the power of eminent domain violates property rights protected under the Constitution. Gentry Locke attorney Justin Lugar, representing the landowners, says FERC's approach falls short of the constitutional standard for using eminent domain ([Energywire](#), July 28).

Oil and gas pipelines have seen a dramatic buildout in recent years, and environmentalists and landowners are pushing back against several projects they consider environmentally unsound or encroachments on private property rights. The latest lawsuit is a sweeping constitutional challenge that, if successful, could gum up infrastructure development across the country.

"This complaint asks the Court to bypass the statutory process and block the project before any decision is made, and, at the same time, to invalidate the entire Natural Gas Act, and, presumably, all the other projects that have been or may be authorized under it," lawyers for the pipeline company wrote on Friday.

Mountain Valley is urging the district court to dismiss the lawsuit on several grounds, arguing that the landowners lack standing to sue and have not gone through the proper FERC process to raise their complaints. The company is also pushing the court to reject the group's request for a preliminary injunction that would block the use of eminent domain for the project.

FERC is expected to respond to the preliminary injunction request by Sept. 1 and is expected to ask the court to dismiss the lawsuit.