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Coalition files requests to stop pipeline

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RICHMOND — Last Friday, a coalition of environmental advocates filed two requests to stop construction of the controversial fracked gas Atlantic Coast Pipeline in the U.S. Court of Appeals for the 4th Circuit.

The first is a motion to stay construction pending the court's decision on the merits in an existing case for which the Federal Energy Regulatory Commission has challenged the court's jurisdiction.

The second is a petition for relief under the All Writs Act, asking the court to halt construction pursuant to the FERC certificate pending FERC's resolution of the coalition's request for rehearing, which FERC contends is still pending despite the fact that the agency is allowing construction of the ACP to proceed pursuant to the challenged certificate. The second is filed in the alternative to the first and asks that the court act on it only if it agrees with FERC that the court does not have jurisdiction over the petition for review.

These filings challenge FERC's failure to demonstrate the pipeline is actually needed by the public. The groups contend the overwhelming evidence shows the true purpose of the ACP is to provide profits for the shareholders of the pipeline's financial backers, Duke and Dominion, at the expense of those utilities' ratepayers.

The effect of the filings would be a halt to the construction of the ACP until the court considers the coalition's existing challenges to the FERC certificate that authorizes construction. FERC and ACP have 10 days to respond.

Attorneys with Appalachian Mountain Advocates filed the litigation on behalf of the Sierra Club, Appalachian Voices, the Chesapeake Climate Action Network, and Wild Virginia.

David Sligh, conservation director for Wild Virginia, said, "For FERC to allow damage to the environment and assaults on our communities without all approvals in place and legal questions settled is irresponsible and is an assault on the way our government is supposed to work. We've

seen where people and natural resources in Pennsylvania were harmed by premature construction activities for the Constitution Pipeline, a project that will likely never be built. FERC should be ashamed of that case and it should never be repeated.”

Kelly Martin, Sierra Club Beyond Dirty Fuels campaign director, a statement: “The fracked gas Atlantic Coast Pipeline is dirty, dangerous and unnecessary and not a single foot of it should be built until the families and the communities that would be threatened by this project have their day in court.”

Added Anne Havemann, general counsel for the Chesapeake Climate Action Network, “We know the Atlantic Coast Pipeline would scar pristine mountains, damage water quality, and dramatically increase greenhouse gas emissions that contribute to climate change. Yet FERC is trying to force it through without even allowing opponents their day in court. This is undemocratic and un-American and can’t be allowed.”

“The system has been rigged for years against citizens who want to challenge these interstate natural gas pipelines, which pose long-term threats to communities,” said Peter Anderson, Virginia program manager for Appalachian Voices. “FERC can essentially put legal challenges on ice while letting construction proceed, so by the time citizens have their day in court, a pipeline may be in full operation. It’s absurd, and utterly unfair. We will continue to fight to protect these communities.”