

The Recorder

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Court of legal, and public, opinion counts

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We predicted more than a year ago that the fate of Atlantic Coast Pipeline, and its sister project, the Mountain Valley Pipeline, would be determined by court decisions.

Unfortunately, that's been true. But it should not have come to this point.

When the projects were first announced, and in the more than four years since, people who live in this region have told project owners, state agencies, the Federal Energy Regulatory Commission, elected officials, and anyone who would listen, that building a 600-mile gas transmission pipeline through our Appalachian region would be a horrible mistake.

They have consistently recognized what state and federal agencies have not: Constructing the ACP and MVP through here is unnecessary. Doing so threatens to damage one of the most delicate, least developed regions left in the United States.

Both projects have been abject failures on so many levels it's hard to count. Each has been subject to state and federal reviews. And according to the Fourth Circuit Court, those agencies have failed us. Is anyone surprised?

We hoped the U.S. Forest Service, the National Park Service, the state agencies in West Virginia, North Carolina, and Virginia would go above and beyond in their efforts to make sure the projects would not forever damage what God and Mother Nature have taken eons to create. We were repeatedly assured the projects would get the most rigorous of regulatory oversight.

Most of us knew from the outset they would not. The system — the process — was set up to help the corporate owners get their way from FERC on down. Despite all the rules and laws and layers of regulations involved, despite the insistence we would see strict protections and mitigation, the methods for approving such pipelines simply don't do the job.

How many times did landowners call attention to errors in maps and omissions in data? How often did they have to write and plea for officials to recognize historical and natural treasures that needed to be protected from pipeline paths? Dozens of karst experts pointed out the dangers of

digging in such terrain, and noted how much lies underground that had not even been mapped. Hundreds of people pointed to the water supplies at risk from steep runoff. How many residents called attention to endangered or threatened flora and fauna they knew existed near their homes and were ignored?

We told them. You told them. Repeatedly. Firmly, and with evidence. But the projects were allowed to proceed anyway. And here we are, with ACP owner Dominion just this week getting its first citation for failure to use proper controls for erosion, and the MVP already cited several times for the same thing, resulting in flooding.

And here we are, all wasting our time and money to enforce regulations in the courts instead of getting it right the first time.

EQT, Dominion, and their partners in environmental crime — they don't give the first what-for about your property, or your neighbor's, or protecting the environment. Their focus is on dollars — millions of them — to make their investors rich and happy.

The process of approving projects like this is so deeply flawed that even FERC thinks it's time to review how it works — but doesn't.

Those opposed to these pipelines should not have to spend their own time, money, and mental/emotional energy proving what they know to be true in a court of law. They should not have to form task groups and pipeline air forces to watch over construction. They should not have to file hundreds of requests for documents and information only to meet delay after delay and walls of resistance. Without these citizen volunteers, the environmental groups who stay alert, and the legal minds behind them, there's no telling how much damage would already be done.

Project owners feel confident they'll be able to get back to the drawing board and secure the permits they need to proceed. The MVP is at a standstill until that happens. The ACP should be, too.

But as hundreds of people have said for years, these pipelines cannot be built here without irreparable harm. No amount of legal or permitting controls can change that fact.