

## E&E Energywire

### FERC rejects bid to halt Mountain Valley construction

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Pieces of the Mountain Valley pipeline awaiting installation in Newport, Va. Pamela King/E&E News

The Federal Energy Regulatory Commission yesterday denied a bid to stop construction on parts of the embattled Mountain Valley pipeline, despite a stern rebuke from the agency's two Democratic members.

Mountain Valley "lacks the federal authorizations required to cross over 700 waterbodies and wetlands along the project route," FERC Chair Richard Glick and Commissioner Allison Clements, both Democrats, wrote in their **dissent**. "Under these circumstances, allowing piecemeal construction of a project that is still awaiting critical federal authorizations is inconsistent with any reasonable reading of [the pipeline's certificate], not to mention our responsibilities to the landowners, communities, and others who have interests at stake in this proceeding."

The dispute stems from a FERC decision in December, when the agency — then under Republican leadership — voted to allow the 303-mile natural gas pipeline to resume construction between certain mileposts near the Jefferson National Forest in Virginia (***Energywire***, Dec. 18, 2020). A group of environmental advocates led by the Sierra Club contested the ruling.

Republican Commissioners Neil Chatterjee, James Danly and Mark Christie, representing the majority, bypassed Glick's objections and issued the order denying the Sierra Club challenge yesterday.

While Glick is chair and controls the agency's agenda, the order marks the limitation of his power without a majority of Democrats on the panel. Chatterjee's term expires in June, and President Biden is expected to appoint a Democrat to take his place.

The order does not change the status of the \$6 billion project that would carry natural gas through West Virginia and Virginia, as Mountain Valley developers resumed construction following FERC's decision in December and favorable legal rulings.

But the project has faced a series of delays and legal battles and currently lacks a number of permits required for completion, including one to cut through part of the Jefferson National Forest. Financial analysts have predicted that further delays could doom the project.

Wild Virginia, an environmental group that opposes the pipeline, said a stay of the commission's December order "would have prevented further damage to valuable and sensitive environments along a 17-mile route through our mountains and forests."

"However, this failure by the Commission, to act responsibly and uphold the public interest, will not stop or slow our efforts to end the MVP once and for all," said David Sligh, the group's conservation director, in a statement, using an abbreviation for the project. "Where FERC and other agencies have repeatedly failed us, we seek the court's intervention and believe we have a great chance of success in those suits."

The U.S. Court of Appeals for the District of Columbia Circuit rejected the Sierra Club's request to stop construction last month. The case is now pending judicial review, but the court has not set a timeline for its decision ([\*Energywire\*](#), Feb. 22).

Analysts at research firm ClearView Energy Partners LLC noted yesterday's order marks "no change to MVP's current construction authorizations" but pointed out that Glick and Clements' dissent offers the Sierra Club a wellspring of legal arguments to draw on in any future litigation.

"We expect the Sierra Club to rely heavily on the dissents (Glick's from the December order and the joint dissent in today's order) in their appeal," ClearView said in a note to clients.

A spokesperson for Mountain Valley developer EQM Midstream Partners LP did not respond to requests for comment last night.

***Reporter Carlos Anchondo contributed.***

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