

E&E Energywire

62 groups urge Biden admin to scrap Mountain Valley permits

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Published: Thursday, April 22, 2021



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

A coalition of 62 environmental and conservation groups are calling on the Biden administration to reverse federal approvals for the contentious Mountain Valley pipeline, claiming that the natural gas project is "inconsistent" with a January executive order signed by President Biden.

The groups, including the Natural Resources Defense Council and Sierra Club, said Biden's **order** — which directs agencies to review and potentially overturn Trump-era actions that clash with climate goals or other priorities — should be applied to federal decisions that have allowed the 303-mile pipeline to advance.

The \$6 billion Mountain Valley project, which would carry natural gas through West Virginia and Virginia, is "inconsistent with several of the national objectives outlined in the Order, including the use of science in decision making, protecting our environment, ensuring access to clean air and water, and reducing greenhouse gas emissions," the groups wrote in a **letter** Tuesday to multiple agency and department heads.

Since the Federal Energy Regulatory Commission greenlighted the pipeline in 2017, it has faced a series of delays and legal challenges, with opposition against the project intensifying after the Atlantic Coast pipeline was canceled last year (*Energywire*, July 8, 2020).

The groups' letter this week lists three federal actions to "review and reverse," including an authorization in January for pipeline construction to cross a national forest in Virginia, a Fish and Wildlife Service **biological opinion** issued in September and a final supplemental environmental impact **statement** from the Forest Service in December.

Natalie Cox, a spokesperson for Mountain Valley developer EQM Midstream Partners LP, said work on the pipeline is over 90% complete and that developers continue to "target a late 2021 in-service date."

In response to the groups' letter, Cox said the Biden administration has acknowledged that natural gas is a needed part of the transition to a "lower-carbon economy," adding that "as a domestic resource, natural gas can be used to span renewable energy sources as we continue to make progress in further developing the renewable energy sector."

Amy Mall, a senior advocate at NRDC, said the groups are hopeful the administration will act on Mountain Valley.

"We expect that the agencies are taking executive orders seriously and reviewing what the president has directed them to review," she said.

"And we think there are good reasons why these federal decisions made during the Trump administration are inconsistent with the science, the law and the national objectives that the president set out" in his January order, Mall added.

Christi Tezak, managing director at ClearView Energy Partners LLC, said while agencies "can and may rescind permits" if they really are flawed, "just because the Trump Administration issued it, a permit may not necessarily be legally infirm given applicable law."

"We have not read that [executive order] as obligating agencies to suspend all issued permits pending review," Tezak also said in an email.

With other approvals being challenged in court, the Mountain Valley project is still missing federal authorizations to cross hundreds of bodies of water and wetlands along its route ([*Energywire*](#), March 25).

After facing litigation on a streamlined Army Corps of Engineers permit, Mountain Valley developers are now pursuing an "individual permit" process to traverse the water crossings ([*Energywire*](#), Jan. 27).

In their letter, the environmental groups said the Biden administration is "fully warranted in closely reviewing [Mountain Valley]'s pending application" for an individual permit from the Army Corps, calling developers' prior attempts to use the blanket approval known as Nationwide Permit 12 "misguided."

"We urge the administration, including the Corps as well as the Environmental Protection Agency, to elevate the permit decision to the Assistant Secretary of the Army for Civil Works, given the size of the project, its effects on aquatic resources of national importance, and its spanning of three distinct Corps districts," the groups said in their letter.

The Interior Department declined to comment on the groups' letter. Other agencies did not respond to a request for comment.