



Written by [James Murphy](#) on July 13, 2023

Fed Court Blocks Construction of Pipeline Key to Debt-ceiling Deal

On Monday, a panel of judges for the U.S. Court of Appeals for the Fourth Circuit blocked completion of the Mountain Valley Pipeline, which would deliver natural gas from West Virginia into Southern Virginia. The pipeline had been fast-tracked by Congress last month as part of a compromise on the controversial debt-ceiling deal.

The Fourth Circuit issued the stay on construction of the pipeline despite being stripped of jurisdiction over the project by Congress in the legislation that fast-tracked the permits needed to build the project. The stay specifically affects a three-mile portion of the more than 300-mile-long pipeline that runs partially through the Jefferson National Forest in the Appalachian Mountains.



Ben-Schonewille/iStock/Getty Images Plus

The Court included no rationale for the stay in its decision, but has blocked construction on the pipeline several times.

Previously, the Fourth Circuit tossed a permit issued by Virginia's Department of Environmental Quality, claiming that the agency made a mistake in issuing the permit. Earlier this year, the same court threw out permits issued by the U.S. Forest Service and Bureau of Land Management, sending those permits back to the agency for further review.

Absent a reversal from the Supreme Court, the stay will likely remain in place until the matter is decided in court.

The Wilderness Society, an environmentalist non-profit organization, lauded the court's decision to halt construction, claiming that the pipeline was a danger to wildlife habitats.

"Time and time again, Mountain Valley has tried to force its dangerous pipeline through the Jefferson National Forest, devastating communities in its wake and racking up violations," said Ben Tettlebaum, director and senior staff attorney at the Wilderness Society. "We're grateful that the Court has given those communities a measure of reprieve by hitting the brakes on construction across our public lands, sparing them from further irreversible damage while this important case proceeds."

Senator Joe Manchin (D-W.V.), long a vocal supporter of the pipeline, called the 4th Circuit's intervention "unlawful."

"The law passed by Congress & signed by POTUS is clear — the 4th Circuit no longer has jurisdiction over MVP's construction permits. This new order halting construction is unlawful, & regardless of your position on MVP, it should alarm every American when a court ignores the law."



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Manchin originally sought permitting reform for the project as a part of his deal with Senate Majority Leader Chuck Schumer (D-N.Y.) and the White House for his deciding vote on 2022's inappropriately named Inflation Reduction Act.

Fellow West Virginia Senator Shelly Moore Capito, a Republican, agreed with Manchin.

"This latest effort by the activist Fourth Circuit Court flies in the face of the law that was passed by a bipartisan Congress and signed by President Biden," Capito said.

Caught in the middle of this mess is Equitrans Midstream, the Pennsylvania-based natural-gas company involved in the construction of the Mountain Valley Pipeline.

"We are disappointed with the U.S. Court of Appeals for the Fourth Circuit's remarkable decision to grant a one-sentence stay halting all construction in the Jefferson National Forest with no explanation. The Court's decision defies the will and clear intent of a bipartisan Congress and this Administration in passing legislation to expedite completion of the Mountain Valley Pipeline project, which was deemed to be in the national interest," the company declared in a [statement](#).

The company is currently investigating its options going forward, including an appeal to the Supreme Court to overturn the stay on construction.

"We are evaluating all legal options, which include filing an emergency appeal to the U.S. Supreme Court. Unless this decision is promptly reversed, it would jeopardize Mountain Valley's ability to complete construction by year-end 2023."

Frankly, this entire episode sounds somewhat staged. First, a constitutionally questionable bill is passed, barring a specific federal court from ruling on the project. Next, the court in question simply ignores that curious congressional injunction and rules against the project anyway. It sounds as if the Fourth Circuit is either running interference for Manchin and other members of Congress who wish to publicly support the pipeline even if they don't really support it, or the Biden administration never had any intention of supporting the pipeline, but feigned support to get Manchin's vote on the debt-ceiling deal.



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