



Written by [James Murphy](#) on July 28, 2023

Supreme Court Reverses 4th Circuit on Mountain Valley Pipeline – Construction Can Go Forward

The construction of the Mountain Valley Pipeline (MVP), a natural-gas pipeline running from West Virginia to Virginia, can now proceed thanks to intervention by the U.S. Supreme Court. On Thursday, Chief Justice John Roberts vacated a stay on the project issued by the 4th Circuit Court earlier this month.

The project has been stalled for years due to objections by climate activists and other environmental groups, who argue that no new fossil-fuel projects should go forward.

The 4th Circuit has been chiefly responsible for holding the project up as climate activists have been peppering the court with lawsuits meant to halt any new fossil-fuel projects. The brief [order](#) didn't go into much detail, but the 4th Circuit's stay on the construction project was equally vague.

"The application to vacate stays presented to The Chief Justice and by him referred to the Court is granted," the blunt order stated. "Although the Court does not reach applicant's suggestion that it treat the application as a petition for a writ of mandamus at this time, that determination is without prejudice to further consideration in light of subsequent developments."

Among those most happy about the reversal is Senator Joe Manchin (D-W.V.) who made the pipeline's completion a key provision of the debt-ceiling deal reached in early June. That deal included specific language that barred the 4th Circuit from ruling on the pipeline.

"The Supreme Court has spoken and this decision to let construction of the Mountain Valley Pipeline move forward again is the correct one. I am relieved that the highest court in the land has upheld the law Congress passed and the President signed," Manchin [tweeted](#).

Equitrans Midstream, the Pennsylvania-based company building the pipeline, has argued that the project exceeds all safety concerns and has been unfairly delayed by activist groups and the 4th Circuit.

"The MVP project has gone through more environmental review and scrutiny than any natural gas pipeline project in U.S. history, having been issued the same state and federal authorizations two and three times, only to have those authorizations be routinely challenged and vacated in court," said Thomas F. Karam, chairman and chief executive officer of Equitrans Midstream. "Congressional involvement to legislate the approval of this project only magnifies the critical need for more robust and comprehensive permitting reform that goes beyond the important initial steps in this legislation. Absent a more certain regulatory review and approval process, we are impeding companies' ability to invest



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capital, including in renewable projects, for the benefit of our Nation’s economy, energy security, and energy affordability.”

Nevertheless, climate activists denounced the decision in the midst of the supposed “climate emergency.”

“The Mountain Valley Pipeline is a climate disaster that defies logic and will only exacerbate the crisis for communities along the pipeline,” said Ben Jealous of the Sierra Club. “These communities — like all of us — deserve to have safe drinking water, breathe clean air, and be safe from potential methane leaks and disasters.”

Jamie Williams of the Wilderness Society, one of the pipeline’s chief opponents, was equally outraged, calling it “a threat to our water, our air, and our climate.”

“We will continue to argue that Congress’ greenlight of this dangerous pipeline was unconstitutional, and will exhaust every effort to stop it,” Williams added.

With the amount of scrutiny the Mountain Valley Pipeline has already been under, the pipeline will likely be among the safest such structures ever built.

Today’s vacate order by the Supreme Court will allow the project, which is already 90-percent completed, to be finished by the end of the year. Yet to be completed is a three-mile stretch of the pipeline that runs through the Jefferson National Forest in the Appalachian Mountains.



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