

Atlantic Coast Pipeline Permit Pileup

DEC. 7, 2018: 4th Circuit freezes reissued FWS biological opinion and incidental take statement. ACP halts construction.

The 4th Circuit froze not just the incidental take statement but also the overarching FWS biological opinion.

The court's much broader stay this time led ACP builders to *voluntarily* stop construction. Southern Environmental Law Center has called on FERC to formally stop all construction

Oral arguments in the case had been tentatively scheduled for March, but delays appear to have pushed the hearing to the 4th Circuit's next session, which falls in May. The judges rejected requests by Dominion to shrink the scope of this December 7 ruling or to accelerate proceedings in the case.

DEC. 13, 2018 (*one week later, with the same judges*): 3 judge panel on the 4th Circuit finds that the Forest Service improperly approved ACP's crossing of the George Washington National Forest, Monongahela National Forest and Appalachian Trail.

Judges found the Forest Service's decision to allow ACP to cross George Washington and Monongahela Nat'l Forests violated the Nat'l Forest Mgmt. Act and the Nat'l Environmental Policy Act (NEPA). Also, the 4th Circuit ruled that Forest Service lacked authority to allow ACP to cross the Appalachian Trail.

ACP has petitioned for a rehearing en banc, which would put this issue before the *full* court.

DEC. 19: ACP files Work Area Stabilization Plan

JAN. 10: FERC approves plan but denies continued drilling under the Tar River

JAN. 15: ACP files supplemental information arguing that drilling under the Tar must be completed "to avoid further environmental damage"

JAN. 18: FERC approves ACP drilling under the Tar River during ACP's voluntary construction stoppage

JAN. 23, 2018 4th Circuit Court grants a National Park Service request to re-examine its permit that would allow ACP to cross the Blue Ridge Parkway

Following the 4th Circuit's December rulings on the Fish and Wildlife Service and Forest Service permits, the National Park Service asked the Court for permission to reevaluate its own permit allowing ACP to cross the Blue Ridge Parkway. This request was granted.

JAN. 25, 2018 (*two days later*) The Army Corps of Engineers' Huntington District (W.VA) asks the Court for permission to revisit their water crossing permit for the ACP