

TIME

A Court Has Rejected a Request to Hold a New Hearing for an Appalachian Trail Pipeline



Views on a hike towards the Appalachian Trail in the Great Smoky Mountains National Park in Tennessee on Nov. 10, 2018 Patrick Gorsky—NurPhoto via Getty Images

By DENISE LAVOIE / AP 9:04 PM EST

(RICHMOND, Va.) — A federal appeals court on Monday denied a request to



The 4th U.S. Circuit Court of Appeals rejected a request from lead pipeline developer Dominion Energy and the U.S. Forest Service to hold a full-court rehearing.

In December, a three-judge panel of the 4th Circuit sharply criticized the Forest Service, saying the agency lacked authority to authorize the pipeline's crossing of the trail.

The panel also said the agency "abdicated its responsibility to preserve national forest resources" when it approved the pipeline crossing the George Washington and Monongahela National Forests, and a right-of-way across the Appalachian Trail.

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The ruling came in a lawsuit filed by the Southern Environmental Law Center on behalf of the Sierra Club, Virginia Wilderness Committee and other environmental groups.

Representatives for Dominion Energy and the Forest Service declined immediate comment Monday.

The 605-mile (974-kilometer) natural gas pipeline would originate in West Virginia and run through parts of North Carolina and Virginia.

After the ruling in December, Dominion Energy spokesman Aaron Ruby said the court's ruling was "at odds" with the U.S. Department of the Interior, the U.S. Department of Agriculture, National Park Service and U.S. Forest Service.



“All of these agencies agree that the Forest Service has the full legal authority to approve the Atlantic Coast Pipeline’s crossing of the Appalachian Trail,” Ruby said.

In a joint statement, the Southern Environmental Law Center and the Sierra Club said the 4th Circuit’s denial of a new hearing “sends the Atlantic Coast Pipeline back to the drawing board.”

The groups said they believe it is impossible to build the pipeline “without causing massive landslides and threatening the Appalachian Trail and our clean water.”

Contact us at editors@time.com.

