

# Citing Harm to Environment, Rutherford Institute Urges U.S. Supreme Court to Stop Construction of Gas Pipeline Through Appalachian Trail

by [The Rutherford Institute](#)

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[The Rutherford Institute's \*amicus\* brief in \*U.S. Forest Service v. Cowpasture River Preservation Association\*](#)

WASHINGTON, DC – Taking a stand for environmental justice for minority communities that have historically borne the brunt of the damaging effects of corporate development, The Rutherford Institute has asked the U.S. Supreme Court to affirm a lower court ruling that halted construction of the Atlantic Coast Pipeline on a path that includes crossing the Appalachian Trail and national forests.

In an *amicus* brief filed with the Supreme Court in *U.S. Forest Service v. Cowpasture River Preservation Association*, Rutherford Institute attorneys point out that the planned pipeline construction would not only permanently deface national natural treasures like the Appalachian Trail but also would have disproportionate adverse environmental and health

effects on predominantly African-American communities. Affiliate attorney Christopher Moriarty assisted in advancing the legal arguments.

“All across the country, power companies have been given the green light by the government to build massive gas and oil pipelines that crisscross the country, cutting through private and public lands, as well as unspoiled wilderness,” said constitutional attorney John W. Whitehead, president of The Rutherford Institute and author of [\*Battlefield America: The War on the American People\*](#). “These pipeline projects are a prime example of eminent domain being employed for corporate gain with no regard for how these projects might negatively impact the environment or the health and welfare of those in impacted communities.”

The Appalachian Trail, created in the 1930s and running from the hills of Georgia to the mountains of Maine, is an iconic symbol of the American wilderness. As described by one of its planners, the Trail “leads not merely north and south, but up to the body, soul and mind of man.” In 1968, the Appalachian Trail was officially recognized by Congress in the Trails Act, which charged the Secretary of the Interior with administration of the Trail. Administration of the Trail was thereafter delegated to the National Park Service, making the Trail part of the National Park System. In 2015, an application was made to the federal government for the construction of the Atlantic Coast Pipeline, which would transport natural gas along a 604-mile route from West Virginia southeast to North Carolina. The proposed route would run through the Appalachian Trail in Virginia, as well as through 21 miles of National Forest lands. Additionally, construction of the pipeline would entail clear-cutting 125 feet of forest on either side of the pipeline route on lands visible from the Trail.

As part of the approval process, the National Forest Service granted the pipeline developers rights-of-way to cross the

Trail. A group of environmental organizations brought a legal challenge to the approval of the pipeline, raising several irregularities in the approval process. The Court of Appeals for the Fourth Circuit upheld the challenge on several grounds, including a ruling that the Forest Service did not have statutory authority to grant rights-of-way over the Appalachian Trail because it is a unit of the Park System. The U.S. Supreme Court granted the request of the government and pipeline developer to review that ruling. In an *amicus* brief urging the Court to affirm the decision stopping construction of the pipeline, Rutherford Institute attorneys argue that the pipeline development, with its toxic emissions and noise pollution, will impose a disproportionate burden on minority communities and violates a 1994 Executive Order requiring federal agencies to prioritize environmental justice by identifying and addressing projects that have significant human health or environmental effects on minority populations.

