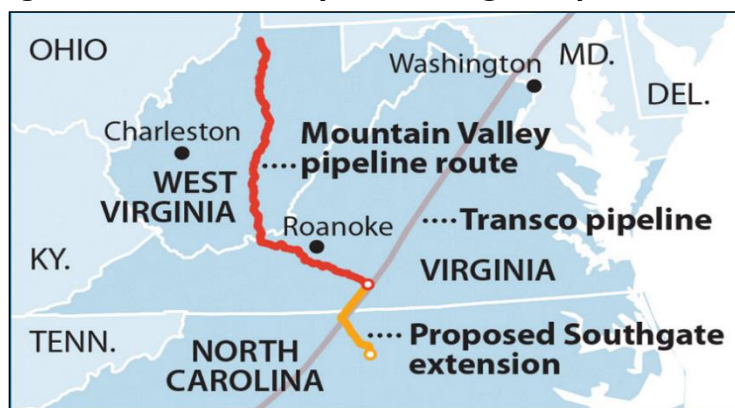


Mountain Valley Pipeline: Past the Finish Line

Updated June 13, 2024

The [Mountain Valley Pipeline](#) (MVP) is a 303-mile natural gas transmission pipeline linking natural gas fields in West Virginia to the Transco pipeline in Virginia (**Figure 1**). Initially [proposed in 2014](#), the project took nearly a decade to complete after numerous permitting challenges in federal court, which repeatedly caused construction to be suspended. The MVP's developer reported the [mechanical completion](#) of the pipeline on June 10, 2024, and was authorized to place the pipeline into commercial service the following day. A separate pipeline, the MVP Southgate Project—[still in development](#)—would extend the MVP into North Carolina. The MVP's construction challenges, its operation, and the status of Southgate are of continuing interest to Congress.

Figure 1. Mountain Valley and Southgate Pipeline Routes



Source: Adapted from Institute for Energy Economics and Financial Analysis.

MVP Federal and State Permit Status

Like other large infrastructure projects, the MVP required authorizations from a range of agencies under various federal statutes, summarized below.

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- **Federal Energy Regulatory Commission (FERC).** Interstate natural gas pipelines require a certificate of public convenience and necessity from FERC pursuant to the Natural Gas Act. FERC [issued a certificate](#) to the MVP in 2017 and extended the MVP's construction deadline twice, [most recently to October 2026](#). FERC [authorized](#) the pipeline to be placed in service on June 11, 2024.
- **National Park Service (NPS).** The MVP crosses NPS lands under the Blue Ridge Parkway, so it requires an NPS right of way. The agency issued the right of way in 2017 and reissued it in 2020.
- **U.S. Fish and Wildlife Service (FWS).** Federal agencies approving parts of the MVP [were required to consult with FWS](#) under the Endangered Species Act (ESA). A Biological Opinion the FWS issued in 2020 was [vacated and remanded](#) by the U.S. Court of Appeals for the Fourth Circuit in 2022. FWS issued a revised [Biological Opinion](#) on March 1, 2023.
- **U.S. Army Corps of Engineers (Corps).** The MVP requires a Corps permit under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act for water crossings. The Corps first authorized the MVP by general permit, but the Fourth Circuit rejected that option twice, in 2018 and 2020. The MVP therefore [applied for an individual permit](#) in February 2021. The Corps [issued the permit](#) on June 23, 2023.
- **U.S. Forest Service (FS) and Bureau of Land Management (BLM).** The FS and BLM were required to approve rights of way for the MVP to cross federal land under their jurisdiction. The Fourth Circuit twice vacated and remanded Forest Plans and associated BLM rights of way for the MVP, in 2018 and 2022. FS and BLM issued [new records of decision](#) and approved rights of way for MVP in May 2023.

In addition to federal agency authorizations, under CWA Section 401, the MVP requires water quality certification from the states. In 2021, Virginia granted its certification, which was subsequently upheld by the Fourth Circuit. West Virginia also granted its certification in 2021, but that certification was vacated by the Fourth Circuit in April 2023. West Virginia [reissued](#) its certification on June 8, 2023.

Legislation to Approve MVP

The MVP is a controversial project. Opponents have [expressed concerns](#) about the need for the pipeline, its potential environmental impacts, and its potential safety risks, especially in minority and low-income communities (i.e., [environmental justice](#)). MVP's proponents cite its [purported economic benefits](#) (e.g., jobs and lower energy prices), natural gas royalties, gas supply reliability, and its potential role supplying gas exports to U.S. allies. The Biden Administration also [has supported](#) building the pipeline.

In the face of ongoing permit litigation and agency reviews, on June 3, 2023, President Biden signed the Fiscal Responsibility Act of 2023 (P.L. 118-5), which included language to approve the pipeline. Under the act, "Congress ... ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary" for constructing and operating MVP. The act further directs the relevant federal agencies "to continue to maintain" such authorizations and declares that "no court shall have jurisdiction to review any action taken" by these agencies to approve the pipeline, seeking to shield these actions from further litigation. The act also gives the U.S. Court of Appeals for the District of Columbia Circuit "original and exclusive jurisdiction over any claim alleging the invalidity" of Section 324. Notwithstanding these judicial provisions, the Fourth Circuit subsequently [granted a motion](#) to stop construction of MVP through the Jefferson National Forest while it considered the constitutionality of the act and also [granted a motion](#)

to stay the FWS Biological Opinion. However, on July 27, 2023, the Supreme Court [granted](#) an emergency application from MVP’s developer to vacate these stays, allowing construction to resume.

Southgate Extension

With the completion of the MVP, greater attention may turn to the MVP Southgate Project. FERC issued the project [a certificate](#) on June 18, 2020. However, Southgate has faced its own challenges, including North Carolina’s initial [denial](#) of a CWA Section 401 water quality certification and delays in the MVP’s construction, which effectively put Southgate on hold. With the passage of P.L. 118-5, development of Southgate resumed. On December 19, 2023, in light of the MVP project’s delays and other Southgate permitting issues, FERC [granted](#) the developer “a three-year extension of time, until June 18, 2026, to complete construction.” On December 29, 2023, the developer [informed](#) FERC that it was contemplating a “redesigned project (in lieu of the original project),” which would be shorter (31 miles vs. 75 miles), with fewer water crossings, and without a new compressor station, but using larger diameter pipe. FERC has subsequently [affirmed](#) its extension order for Southgate under the existing design. Whether the developer formalizes a redesign of the project and seeks to amend its FERC certificate remains to be seen, but such an outcome could initiate a new round of permit application and review.

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