



3 August 2018

Greetings Y'All!

What follows is ATC's report for the month of July, an at-a-glance look at *some* (but not all) of our achievements over the last month. This monthly recounting never ceases to impress me and remind me how ATC employees demonstrate their commitment to the cause – to maintaining and protecting the renowned A.T., the most important contiguous landscape in the eastern United States. Thank you for your hard work and dedication.

To members of the Board, the Stewardship Council, the President's Advisory Circle, the Next Gen Advisory Council, the 31 stalwart clubs who determinedly maintain the Trail, and all our partners, a big thank you, too! Our achievements at ATC are furthered and supported by you!

This month we have had some significant announcements and achievements, one of which is a significant court ruling that vacated the permits the Bureau of Land Management and U.S. Forest Service had granted for the construction of the Mountain Valley Pipeline across federally protected land. What this means ahead is not yet known but this is a significant step in the right direction. Undoubtedly there will be more to report in the upcoming months.

Then there was the closing on a significant acquisition to the Trail in Dutchess County, made possible through private donations and the Land and Water Conservation Fund. And there was the ceremonial opening of the Tribute Garden and a number of other worth-telling things that happened including a marriage proposal at Harpers Ferry headquarters.



While we didn't have anything to do directly with the proposal, we have everything to do with making certain the A.T. is the important, relevant, accessible and that those who love it, engage with it. (And, yes, pun intended.)

July was a good month. Thank you *everyone* because *everyone* plays a part in ATC's successes. Babe Ruth may have said it best: *The way a team plays determines its success.* (And yes, a baseball legend seems perfect to quote in this summer report.)

Hope you will find a tall cool glass of lemonade and a place to relax as you read this report. Let's make the most of August, in all ways.

Sincerely,

A handwritten signature in blue ink that reads 'Suzanne Dixon'.

**Progress & Accomplishments
Appalachian Trail Conservancy
July 2018**

‘VICTORY LAP’ – OPENING OF THE TRIBUTE GARDEN



Saturday morning, July 21st,
ATC hosted the A.T. Tribute Garden Dedication and Celebration at ATC headquarters.

ATC hosted approximately 200 donors, family and friends in what was one of the largest events ever held at ATC headquarters. Attendees came from 19 states – 12 of the A.T. states and some from as far away as California, Oregon and Montana. Three former ATC Executive Directors and many other AT pioneers were in attendance.

Attendees explored the garden to find their engraved bricks, benches, boulders and other features. Refreshments, seating and live music were centralized in the ATC parking lot under rental event tents.

Board chair Sandi Marra and President & CEO Suzanne Dixon thanked the donors, spoke about the meaning and importance of the garden and recognized the many AT pioneers present. Former ATC Executive Director Dave Startzell gave a special tribute for Dave Richie, the first APPA superintendent and Tribute Garden memorial bench recipient who passed away in 2002.

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‘VICTORY LAP’ – OPENING OF THE TRIBUTE GARDEN
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- Over 600 individuals contributed to the installation of the A.T. Tribute Garden by purchasing 525 bricks, nine benches, nine boulders, two picnic tables, a bird bath, a water feature and a butterfly garden.

Overall Strategic Direction

- Outlined Operations Action Plan for 2019-2010 with strong review and dialogue about goals and tactics in each department.
- Assigned futurist research to executive team members to outline historical, current and future potentials trends regarding Demographic and Cultural Trends; Overarching Societal Trends; Globalization and its Impact on Society; Changing Attitudes Toward Public Lands and Land Use; The Future of Retail and Consumerism; Trends in Leisure and Recreation; The Future of Philanthropy; Urban Growth and Sprawl on the East Coast; Organizational and Leadership Trends; and Membership Organizations and the Future of “Joining Things.” For discussion with the Board.

Outreach by ATC CEO to Partners & Allies

- Traveled to Blackburn for dinner and conversation with seasonal ridge runners to discuss several topics and perspectives from the A.T.
- Addressed Next Gen Council members and participated in their quarterly planning and update teleconference.
- Held several conversations with federal partners about collaborative issues including a possible ATC-convened meeting in the fall with the National Park Service and U.S. Forest Service.

Additional Outreach to Partners & Allies

- Suzanne Dixon and Laura Belleville met with representatives of The Conservation Fund to discuss collaboration on building community partnerships.
- Lynn Davis spent time on the Hill with Bill Hodge, director of Southern Appalachian Wilderness Stewards, to promote Tennessee Wilderness legislation.

Advocacy & Government Affairs

- Tennessee Wilderness legislation: Sent letter of support to members of the Senate Energy Natural Resources (SENR) Committee and met with or communicated by email with Tennessee House members, including House sponsor Congressman Roe. The legislation, if passed, would add 3-4 miles of Wilderness designation to the A.T.
- Biggs Amendments to the Land and Water Conservation Fund (LWCF): Sent letter of opposition to all House members in the A.T. 14 states regarding unsettling amendments. The bill was

soundly defeated in a Floor vote. The letter also asked that LWCF be reauthorized before the September 30, 2108 deadline and that full funding be mandatory.

- Restore Our Parks Act (S 3172): Observed SENR Committee regarding the introduction of the Restore Our Parks Act, legislation intended to address the deferred maintenance backlog in national parks. Communicated our support to co-sponsors from A.T. States and saw that co-sponsors were thanked in social media.
- Restore Our Parks and Public Lands Act (H.R. 6150); Prepared for the introduction of this legislation – we learned of it prior to introduction – and thanked co-sponsors through email communication and social media tags.
- Received official approval from Senate Rules to present a photo-art exhibit in the U.S. Senate Russell Rotunda with a corresponding reception in the Kennedy Caucus Room. Working with Senator Richard Burr (TN) and House Caucus co-chairs.

Marketing & Communications

- Made major progress on the plans to celebrate the 50th Anniversary of the National Trails System Act. In coordination with the Pacific Crest Trail Association, the ATC will host an online celebration featuring stories covering the history, challenges, and future of our Trails; special guests including Authors Bill Bryson and Cheryl Strayed; and an online auction featuring Trail memorabilia and vacation packages. More information can be found at: www.ATPCT50.org
- Released the fourth myATstory Season 2 which presents Vietnam War veteran Don "All the Way" Lenc's story of his 2013 thru-hike. The film has received well over 75,000 views. To view the latest story, visit: www.myATstory.org
- Completed and distributed digital and print versions of the 2017 Annual Report. To view a copy, visit www.appalachiantrail.org/annualreport.

Publications & Sales

- Achieved a record second quarter. While sales have been somewhat sluggish in July in all venues, product sales remain above budget approximately 12% ahead of last year.
- Completed publication and delivery of the 2019 calendar.
- Working on the 2020 calendar and a new edition of the Massachusetts-Connecticut guidebook.
- Putting the finishing touches on a digital promotion in August which marks the 70th Anniversary of Earl Shaffer's first thru-hike.

Development

- ATC was included in Charity Navigator's Top 10 List of non-profits supporting national parks. http://blog.charitynavigator.org/2018/07/charity-navigators-top-10-tuesday_17.html?m=0
- Liz Borg has joined the team in a consulting role. She brings impressive fundraising experience and will be working with the team and traveling with Suzanne to visit major donors.
- Chris Blosser attended the Outdoor Retailer Show in late July and had more than 40 meetings with current and prospective partners including Google and National Geographic. He will be busy with follow up meetings.

- Received funding to host a youth summit and partner with the Children's Forest Network of Northern Georgia in 2019.
- Received funding from the Whitehead Foundation for support of youth summits and Broader Relevancy initiatives.
- Preparation continues for the Membership Meeting on August 12. Online voting opened on July 23 and, to date, more than 600 people have voted for the slate of candidates.
- Continue to transition to a new direct mail partner.

Conservation Report
By Laura Belleville
July 2018

Effective Stewardship

- Seasonal crew and corridor stewardship projects, as well as ridgerunner work is underway. Virginia staff reported that the Konnarock Crew and Natural Bridge Appalachian Trail Club successfully completed the Highcock Knob relocation after 4 years (and 12 crew weeks) of work. The Brown Fork Gap relocation was also blazed and opened. The SWEAT crew is reporting many challenges with bears this season.
- Georgia PATHE committee met and reported decisions on Low Gap shelter blowdowns and Blue Mt. shelter roof, both in Wilderness;
- Amicalola Falls State Park is onboard to continue A.T. partnership under new management.
- Bear canister info is being gathered including development of a new Trail-wide bear incident report form for a new Georgia bear canister recommendation this fall.
- Mid-Atlantic staff have been managing the environmental review contract for the Walkkill A.T. relocation. This relocation through the Walkkill Wildlife Refuge will be approximately 1 mile with a boardwalk portion that is about 1/3 mile, and a suspension bridge will be about 145'.
- Smoky Mountain and Nantahala National Forest campsite inventory was completed by volunteer Tip Ray, with data processed. Comprehensive campsite inventories and GIS mapping and classification (compliant with metrics, compliant by exception, and non-compliant) are now complete for nearly all of the Southern Region overnight sites.
- The Monson Visitor Center has had 1470 visitors, about on par with last year. A record 200 people stopped in on one day earlier in July.
- The Boiling Springs center visitation spiked in June thanks to a record-breaking National Trails Day event (ATC staff interacted with 1,786 visitors) and a record-breaking A.T. Music Festival on Father's Day. Those events gave this center a total of 3,742 visitors in June. If you only consider those who interacted with ATC volunteers on Father's Day, without counting the attendees of the event, we still get a whopping 3,098 visitors. In context, 2,780 visitors were recorded in June 2016, and that's the closest number to this year. June 2017 recorded 1,385 and June 2015, 2,349.
- The Harpers Ferry center reported 3946 visitors in June, 12,819 total visitors Jan- June 2108.
- Progress continues regarding the Damascus center development with a ground-breaking date expected to be announced soon.

Proactive Protection

- **Threat Abatement – BIG NEWS.** In a unanimous decision, the US 4th Circuit of Appeals vacated decisions by the Bureau of Land Management and the U.S. Forest Service to allow Mountain Valley Pipeline to cross Jefferson National Forest based on inadequate environmental reviews relevant to sedimentation and erosion.
- **Looming Threat – Central Maine Power (CMP/ Avangrid NECEC Project).** A new powerline corridor being proposed to transmit hydro-power from Canada to New England markets. This line is being proposed in Maine after New Hampshire rejected the Northern Pass Transmission line. ATC's New England staff is working with the Maine Appalachian Trail Club (MATC), reporting the following:
 - **Reconnaissance of possible visual impacts.** Hikes up Moxie Bald and Pleasant Pond Mountain. as well as at the actual trail crossing of the existing transmission line took place last month. MATC and ATC (and other unsuspecting hikers) deliberated, discussed and examined the visual impact of the project both from the nearest viewpoints (3-miles away) and from the actual trail crossing.
 - **Determine its preferred trail relocation.** MATC District Overseer, Craig Dickstein and ATC's Clare Polfus have GPS/flagged proposed routes, prepared maps, and project photos for review.
 - **Opposition hardens, and support grows.** Partners are starting a campaign to oppose this project based on the impact to the Boundary Mountains, Kennebec gorge and the A.T. as well as general concerns about the 'clean energy' aspects of this project. Leaders in the Maine Legislature wrote an opposition letter to the Massachusetts Public Utilities Commission (possibly written by lobbyists of CMP's competitors). Recently, CMP finalized a power purchase agreement with Massachusetts which seems to further endorse this project by the customer. CMP also signed an MOU with a newly formed non-profit that will benefit nearby rafting companies and Maine Huts & Trails. We expect the public hearing this Fall. ATC will be filing for intervenor status.
- **Land Acquisition – Boniello Tract (Corbin Hill) – Closed on July 27th!** ATC and our NY-NJTC partners have been working for nearly a decade to acquire the Boniello (recently re-named "Corbin Hill") tract in Dutchess County, NY. The 219-acre parcel is the central focus from Cat Rocks, the premier vista in the area. Acquisition of the parcel will also protect confirmed bog turtle and New England Cottontail habitat and will allow the A.T. to be relocated out of a chronically wet area. The parcel was slated for a housing development. ATC and our Trust for Public Land partners worked to secure LWCF funding and the project was NPS's #1 priority.
- **Landscape Partnership – capacity building and land acquisition grants.** Dennis Shaffer led a process to allocate Volgenau Foundation funded grants to partners that advance our landscape conservation work. Following is a summary:

Capacity grants:

- A.T. Communities – economic impact studies
- Open Space Institute – focus area mapping analysis
- Chesapeake Partnership – communications and messaging
- South Mountain Partnership – communications intern
- Hudson Highlands Land Trust – conservation planning
- LightHawk – aerial services for PR and conservation planning
- Maine A.T. Land Trust – marketing and conservation planning
- NPS RTCA/A.T. Communities – day hiking brochure
- New River Land Trust – conservation planning
- **Total \$149,980 (\$150,00 was available – fully allocated for 2018)**

Land Protection grants:

- Trust for Public Land – Corbin Hill/Boniello, NY
- New River Land Trust – Little Meadows, VA
- Potomac Appalachian Trail Club -- Calf Mountain, VA
- Wildlands Conservancy – Kittatinny Ridge, PA
- Upper Valley Land Trust – Tunis Timber, NH
- Upper Valley Land Trust – Brackett Brook Farm, NH
- Hudson Highlands Land Trust – Lafata, NY
- Hudson Highlands Land Trust – Stapf, NY
- Hudson Highlands Land Trust – Vrooman, NY
- Northeast Wilderness Trust – Bramhall Preserve, VT (pending)
- **Total \$437,960 (\$500,000 was available -- \$63,000 remaining for 2018)**

- **Connecting Communities to the A.T. Landscape.** The A.T. is an important part of the recreation economy in the east. ATC is helping communities connect Trail related economic data and leverage it to protect land and a sense of place. We are continuing to work with our consultant to advance economic assessments and promote a *geotourism* agenda in priority communities. The Harlem Valley and Kittatinny Ridge regions are heavily engaged. A visitor survey has been developed for the Harlem Valley area that will collect data about spending and visitor interests. The Harpers Ferry area and southwest Virginia will also be included in this work in the coming weeks.
- **Science and Stewardship.**
 - 25 acres of Golden winged warbler habitat were created/improved, also opening views for open areas in the Upper Laurel Fork area of Tennessee. Monitoring has shown this year the number of birds nesting at these sites has more than doubled.
 - 516 ash trees to date (2 more treatment days to go) were treated against Emerald Ash Borer at 6 sites in TN and NC

- 6 non-native invasive species work days, including nearly 400 lbs. of garlic mustard were pulled, (down from 1200 lbs. the last 2 years - progress!)
- One of those work days was "Kill the Dam Invasive Plants Work Day" at Fontana Dam with live music, shirts, a buffet lunch and raffle for volunteers. The work occurred on both sides of the dam, in the Smokies and on Tennessee Valley authority and U.S. Forest Service land, with staff from all. 50 participants.
- 2 Natural Resources on the A.T. workshops (GATC and NHC) were held. One for rare, threatened and endangered species monitoring training, and one called "Natural Communities of the Southern App's" at the Wilderness Skills Institute.

- **Engaged Partners**

- A new Director for Baxter State Park has been appointed, Eben Sypitkowski. (Background is here: <https://www.pressherald.com/2018/06/21/baxter-state-park-home-of-mount-katahdin-gets-new-director/> Suzanne and NERO staff are planning a visit in late August to meet with Eben and other park staff, along with representatives from Friends of Baxter Park
- Catalyzed by the 50th Anniversary of the National Trails System, several stewardship events have taken place in the last several months. These events included multi-partner planning, cooperation, and promotion. Events at Max Patch, Fontana Dam, and Pawling Nature Reserve, among others, helped raise awareness for A.T. maintaining clubs, introduced new volunteers to the A.T., and served to highlight the success of partners in collaboration.
- ATC had a kick-off meeting with our Salesforce implementation partner, Percolator Consulting, as a first step in the build-out of our Volunteer Engagement Platform. Contractors are now holding focus group conversations with functional teams working toward common program goals to understand overarching needs.
- The Partner Communications and Resource Committee along with the Youth and Diversity Committee of the Stewardship Council have diligently been planning for and preparing the Volunteer Leadership Meeting, August 10-12. The workshop hosts approximately 80 volunteers who include representatives from 29 A.T. maintaining clubs, the Next Generation Advisory Council, A.T. Communities, and Affinity Groups. The program focus includes defining the Cooperative Management System - the structure through which clubs, along with ATC, the National Parks Service, and local land managers work together to set the course of the Appalachian Trail. The rest of the weekend frames up roles/responsibilities that A.T. clubs undertake, provides time for functional practice for field leaders, and brings some focused resources to clubs around capacity building for meeting current and future organizational needs.

- ATC's Program Director for Volunteer Relations Leanna Joyner has been serving as a technical assistant to the National Park's Foundation Love Your Park pilot projects for national trails. Leanna was recently honored as Advocate of the Year by Trail Dames, a woman's hiking club.

Broader Relevancy

Cultivating the Next Generation:

- The Virginia Region was formally awarded a National Civilian Community Corps (NCCC) team from Sept 19-Oct 14. This team of 7-11 NCCC members (18-24-year-olds) will work on high priority-maintained landscape, corridor stewardship, and tread projects with two clubs.
- All 9 of the youth crews that ATC is contracting with are now on the ground improving A.T. tread and overnight site conditions in all 5 A.T. states in New England and supporting open area work in North Carolina.
- ATC partnered with Shelburne Farms, an educational non-profit, to provide a Park to Every Classroom project for 10 teachers from New England. We began at Marsh Billings Rockefeller National Park, then hiked the A.T. to the Connecticut River. The focus of this 4-day course is to teach teachers how to lead overnight trips with their students at National Parks using Leave No Trace practices and tie in curriculum about climate change.
- ATC will host the Student Conservation Association urban corps program in Harpers Ferry on August 8th.
- NextGen members will participate and present in several sessions at the upcoming Volunteer Leadership Meeting

Diversity, Equity, Inclusion:

- ATC supported Daniel White's, (trail name *Blackalachian*), visit to Asheville, NC in July. An audience of over 100 heard him speak about his thru-hike, the challenges of racism on the Trail, and the Trail showed him a greater faith in humanity and freedom.
- In addition: NextGen Council members developed suggestions and best practices for diversity, equity, and inclusion for ATC staff, leadership, and clubs; ATC staff hosted its first women's work day on the A.T. in NC.; and a Hike Leadership Manual is being developed as a tool for clubs and new audiences including A.T. Community leaders, affinity group leaders, NextGen, etc.

A Sampling of Recent Media Attention July 2018

- Interview with Suzanne Dixon in *The Daily*, a magazine for the Outdoor Retailer Show.

See *5 Questions with Suzanne Dixon*, on page 40

https://issuu.com/activeinterestmedia-boulder/docs/ord_summer_day4_2018/42

- Interview with Laura Belleville on West Virginia Public Radio

Read/listen to *How Would You Improve the Natural Gas Pipeline Process?*

<http://wvpublic.org/post/how-would-you-improve-natural-gas-pipeline-process#stream/0>

- Excerpt from *The Washingtonian*, Travel Feature

See *Five Easy Train Getaways From DC*

<https://www.washingtonian.com/2018/06/20/five-easy-train-getaways-from-dc/>

Harpers Ferry, West Virginia

Travel time from Union Station: One hour.

An easy walk from the Harpers Ferry station: Most attractions are reachable on foot. Amtrak as well as MARC commuter trains stop at the restored, circa-1894 station near Lower Town attractions, such as [John Brown's Fort](#) (*Shenandoah and Potomac sts.*; 304-535-6029). The shops along High Street are also an easy walk, as is the [Potomac Grille](#) (*186 High St.*; 304- 535-1900), which offers salads, sandwiches, and views overlooking the historic train depot.

A farther walk: There are some great hiking paths, including the Appalachian Trail, which runs right through town. To learn about the historic AT, visit the [Appalachian Trail Conservancy Headquarters and Visitor Center](#) (*799 Washington St.*; 304-535-6331). Up the street, [A Step in Time Bake Shop](#) (*1112 W. Washington St.*; 304-535-8046) annually ships hundreds of its [Mama Jo's Pepperoni Rolls](#) to homesick West Virginians across the US.

- [Article about the details of the recent MVP Court Decision](#)

From the Roanoke Times – July 27, 2018

Federal appeals court delivers blow to Mountain Valley Pipeline

By Laurence Hammack laurence.hammack@roanoke.com 981-3239



Felled trees are shown on July 18 on Peters Mountain just below the ridgeline, which the Appalachian Trail follows. The Mountain Valley Pipeline route through the Jefferson National Forest would take it beneath the Appalachian Trail atop Peters Mountain.

In what environmentalists called a major victory, a federal appeals court on Friday struck down two key decisions allowing a natural gas pipeline to slice through the Jefferson National Forest.

The 4th U.S. Circuit Court of Appeals sided with the Sierra Club and other conservation groups that challenged approvals by the U.S. Forest Service and the Bureau of Land Management for a 3.6-mile segment of the Mountain Valley Pipeline.

Affected woodlands are in Giles and Montgomery counties and Monroe County, West Virginia. The pipeline's route through the national forest will also take it under the Appalachian Trail atop Peters Mountain.

During oral arguments in May, a three-judge panel raised pointed questions about the Forest Service's acceptance of Mountain Valley's assurances that it could control erosion and sediment caused by running a 42-inch diameter buried pipeline along steep mountainsides.

"MVP's proposed project would be the largest pipeline of its kind to cross the Jefferson National Forest," Judge Stephanie Thacker wrote in the opinion.

"American citizens understandably place their trust in the Forest Service to protect and preserve this country's forests, and they deserve more than silent acquiescence to a pipeline company's justification for upending large swaths of national forest lands."

Although the court's decision was tailored to a small section of the 303-mile pipeline, opponents said it could have implications beyond the national forest.

Joining Thacker in the 44-page opinion were Chief Judge Roger Gregory and Judge William Traxler; the same trio is currently considering another case in which a key approval by Virginia's State Water Control Board is under attack.

A similar ruling in that case "could mean trouble for the MVP's route in the entirety of Virginia," the Sierra Club said in a statement.

And now that Mountain Valley lacks valid permits from the Forest Service and the Bureau of Land Management, some say that calls into question an order from the Federal Energy Regulatory Commission that set the project in motion last October.

FERC's approval "requires all federal authorizations to be in place for construction to take place," Ben Luckett, an attorney for Appalachian Mountain Advocates, wrote in a letter to the agency last month.

That argument — which Luckett made in a separate case after the 4th Circuit stayed a U.S. Army Corps of Engineers permit allowing the pipeline to cross streams and rivers in West Virginia — should also apply to Friday's decision, he said

FERC has not responded to Luckett's June 26 letter.

A spokeswoman for Mountain Valley issued a statement Friday that read in part: "MVP is working with the agencies to evaluate the effect of the order on construction activities in the National Forest, which amounts to about 1 percent of the overall project route."

In an email, Natalie Cox said that many parts of the Sierra Club's challenge were rejected by the court, which "largely upheld BLM's and the Forest Service's compliance with the National Environmental Policy Act."

"The court also concluded that the Forest Service did not fully explain its rationale on sedimentation impacts and that BLM did not address the impracticality of different alternative routes," Cox wrote. Her statement did not directly address a question about what impact the court's decision might have on the entire project.

Earlier in the week, a partner in the corporate venture said completion of the pipeline has been pushed back to early 2019, citing the 4th Circuit's earlier stay of the permit allowing stream crossings in West Virginia.

In its Friday decision, the court said it was sending two decisions back to the appropriate agencies for further review. The first was the Forest Service's amendment of the Jefferson National Forest Land Resource Management Plan to accommodate the pipeline. The second was a right-of-way through the forest granted by the Bureau of Land Management.

It was not clear how long the reconsideration process might take. Officials with the agencies could not be reached Friday.

But at least for a day, pipeline opponents were savoring what was perhaps the most significant ruling to come during nearly four years of fighting the \$3.7 billion project in regulatory proceedings, court challenges and grass-roots demonstrations.

"We have said all along that we can't trust Mountain Valley Pipeline to protect Virginia's water, so it's refreshing to see the court refuse to take them at their word," Nathan Matthews, a Sierra Club attorney who argued the case, said in a statement.

"We aren't buying the gas industry's claims about their water protection methods and now, the courts aren't either," Matthews said.

A key issue in the case was Mountain Valley's assertion, made during discussions with the Forest Service, that its erosion and sediment control measures would be 79 percent effective. At first, Forest Service officials were highly skeptical of such a rosy scenario.

The calculation is a "vast overestimate of containment," Forest Service officials wrote in comments to Mountain Valley cited in court records. "It is more appropriate to err on the side of worst case scenario, rather than best case. Update the analysis to reflect a ... factor equal to or less than 48 percent containment."

Yet later in process, Forest Service officials backed off the directive and accepted the 79 percent projection. When Gregory asked why during oral arguments in May, it prompted the following exchange:

"This is part of the robust back and forth, with the agency asking hard questions," said Trey Sibley, who was representing Mountain Valley after the company could intervene in the case.

"I'm missing the robust side of this," Gregory responded. "This seems like a one-way street. I don't call that robust. I call that capitulation."

The shift in Forest Service's position is "particularly concerning," the court would later write in its opinion, in light of comments by Mountain Valley that using the 48 percent figure "would undercut other studies and numbers supporting the project, causing the entire project to fail or be delayed."

When runoff flows unchecked from construction areas, harmful sediment can contaminate private wells and public water supplies, pipeline opponents have argued.

Since April, state regulators have put Mountain Valley on notice that its sediment and erosion control measures were inadequate at more than a dozen locations in Virginia and West Virginia. At least one inspection in the Jefferson National Forest found similar issues, according to filings with FERC.

Joining the Sierra Club in the legal challenge were Wild Virginia, Appalachian Voices, the Wilderness Society, Preserve Craig and Save Monroe.

"I am very relieved that MVP cannot destroy the Appalachian Trail and our beloved Peters Mountain," Maury Johnson of Save Monroe said. "I feel that when other cases are heard by the courts we will win these as well and hopefully MVP will just be a bad nightmare."