

Press Release from the Southern Environmental Law Center  
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Contact: Jonathan Gendzier, [jgendzier@selcva.org](mailto:jgendzier@selcva.org), 434-977-4090  
Greg Buppert, [gbuppert@selcva.org](mailto:gbuppert@selcva.org), 434-977-4090  
Claudine McElwain, [cmcelwains@selcva.org](mailto:cmcelwains@selcva.org), 434-218-1960

## **State Agency Quietly Weakened Pipeline Water Restrictions**

Charlottesville, VA—The Virginia Department of Game and Inland Fisheries, in the closing days of the McAuliffe administration, rolled back restrictions on construction in streams to help Dominion and Atlantic Coast Pipeline developers move the project along faster. The modifications that were granted, weakening protections for Virginia water and wildlife, were made at Dominion’s request and without public input or notice from Virginia to the public, despite widespread opposition to the project. Dominion had previously agreed to all of the restrictions as set out in the project’s environmental impact statement, but sought waivers because it could not meet its original construction schedule.

SELC has learned this information through documents obtained through the Virginia Freedom of Information Act. Among the state waters that Dominion sought to weaken restrictions for is one of our state’s most important and pristine bodies of water, the Cowpasture River. Now that this issue has come to light, the Northam Administration should ensure that these important restrictions are put back into place and that state agencies hold the line against Dominion’s pressure to ease restrictions in the future.

“The ‘time of year’ restrictions were put in place on a stream-specific basis, as part of a public process, to protect fish and other wildlife, including trout and endangered species, from pipeline construction during critical periods. They are essential not just to maintaining these species in the streams where they live, but also to Virginia trout fishermen and others using these streams, and the people who live near and value them,” said Southern Environmental Law Center Attorney Jonathan Gendzier. “Now that the Northam Administration is aware of this roll-back it should shoulder the responsibility of reestablishing these important protections for Virginia’s waters. The state should not alter already-established restrictions for Dominion’s convenience.”

Among the problems with these weakened restrictions are:

- On the Jackson River, allowing in-stream construction during a portion of the overlapping restricted periods established to protect Rainbow, Brook, and Brown Trout spawning.
- On the Cowpasture River in Bath County, home to trout and the federally endangered James Spiny mussel and an exceptionally clean stream, elimination of the first two months (mid-March to mid-May) of a restricted period protecting trout, and on six nearby

Cowpasture River tributaries, allowing construction during portions of the restricted period protecting the James Spiny mussel in the Cowpasture River.

- Allowing construction during portions of the James Spiny mussel restricted period on thirteen tributaries of Mill Creek in Bath County, known to be habitat for that species.
- Total elimination of time-of-year restrictions implemented to protect trout on a number of streams, including Morris Run in Highland County and Dowell's Draft and tributaries to Jennings Branch in Augusta County. Jennings Branch is known to support native Brook Trout.

The 600-mile long Atlantic Coast Pipeline is slated to cross 890 Virginia rivers and streams and hundreds of acres of wetlands. The construction of the pipeline will also require carving through steep mountain slopes upland from many streams and waterways, putting them in danger of severe erosion and resultant sedimentation of streams. The construction of the Mountain Valley Pipeline has caused severe erosion and sedimentation problems in recent weeks, and similar problems are now cropping up on portions of the Atlantic Coast Pipeline construction under way in West Virginia.

The Southern Environmental Law Center represents Cowpasture River Preservation Association, Friends of Buckingham, Highlanders for Responsible Development, Jackson River Preservation Association, Potomac Riverkeeper Network, Shenandoah Riverkeeper, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, and Virginia Wilderness Committee in a legal challenge to Virginia's 401 Certification for the pipeline.

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For more than 30 years, the Southern Environmental Law Center has used the power of the law to champion the environment of the Southeast. With over 70 attorneys and nine offices across the region, SELC is widely recognized as the Southeast's foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect our natural resources and the health and well-being of all the people in our region. [www.SouthernEnvironment.org](http://www.SouthernEnvironment.org)