

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

ATLANTIC COAST PIPELINE, LLC,

Applicant,

v.

COWPASTURE RIVER PRESERVATION ASSOCIATION; HIGHLANDERS FOR RESPONSIBLE
DEVELOPMENT; SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION; SHENANDOAH
VALLEY NETWORK; SIERRA CLUB; VIRGINIA WILDERNESS COMMITTEE; WILD
VIRGINIA,

Respondents.

**APPLICATION TO THE HON. JOHN G. ROBERTS, JR.
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Atlantic Coast Pipeline, LLC, hereby moves for an extension of time of 30 days, to and including June 25, 2019, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be May 26, 2019.

In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Fourth Circuit rendered its decision on December 13, 2018 (Exhibit 1), and denied a timely petition for rehearing on February 25, 2019 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves whether the United States Forest Service may grant rights-of-way to pipelines crossing the Appalachian National Scenic Trail under the Mineral Leasing Act, 30 U.S.C. §181 *et seq.* Although more than 50 such right-of-ways already exist, the Fourth Circuit held that the entirety of the 2,200-mile trail—which includes vast amounts of United States Forest Service land—is National Park System land for which no rights-of-way may be granted under the Mineral Leasing Act. *See* 30 U.S.C. §185(b)(1). If that decision remains in effect, only an Act of Congress will suffice to authorize a pipeline to cross under the Appalachian Trail.

3. Between now and the current due date of the petition, Applicant's counsel, Paul D. Clement, has substantial briefing obligations, including a brief for amicus curiae in *County of Maui v. Haw. Wildlife Fund*, No. 18-260 (U.S.), a petition for writ of certiorari in *Archdiocese of Wash. v. Wash. Metro. Area Transit Auth.*, No. ___ (U.S.), a brief for amicus curiae in *Sievers v. Nebraska*, No. 18-1166 (U.S.), a reply brief in *Moda Health Plan, Inc. v. United States*, No. 18-1028 (U.S.), a reply brief in *Love Terminal Partners, L.P. v. United States*, No. 18-1062 (U.S.), and an opening brief in *United States v. Chow*, No. 19-325 (2d Cir.).

4. Applicant thus requests a modest extension for counsel to prepare a petition that fully addresses the complex issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

WHEREFORE, for the foregoing reasons, Applicant requests that an extension of time to and including June 25, 2019, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,



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