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***United States Forest Service v. Cowpasture River Preservation Association, Nos. 18-1584 & 18-1587***

Today, the Supreme Court in a 7-2 decision preserved the authority of the Forest Service over national forest lands that are crossed by the Appalachian Trail. Under basic principles of statutory interpretation and the well-established law of easements, the Supreme Court rejected the argument that this land became a part of the National Park System instead.

**Background:** Acting under the Mineral Leasing Act, the Forest Service granted Atlantic Coast Pipeline, LLC a right-of-way to construct a pipeline in national forest lands beneath the Appalachian Trail. Respondents challenged the Forest Service's authority to issue it. National forest lands indisputably fall under the Forest Service's jurisdiction. But the Forest Service entered a right-of-way agreement for the Appalachian Trail with the National Park Service, which administers the Appalachian Trail under delegated authority from the Secretary of the Interior. The Mineral Leasing Act prohibits pipeline rights-of-ways through the National Park System. The Fourth Circuit determined that the Appalachian Trail is part of the National Park System and held that the Forest Service lacked authority to issue the permit.

**Issue:** Whether the Forest Service has authority to grant rights-of-way under the Mineral Leasing Act under lands traversed by the Appalachian Trail within national forests.

**Court's Holding:** In an opinion written by Justice Thomas and joined by Justices Roberts, Breyer, Alito, Gorsuch, Kavanaugh, and Ginsburg, the Supreme Court held that the Forest Service maintains jurisdiction over federal lands that the Appalachian Trail crosses. The right-of-way agreement with the National Park Service granted only an easement across the land—not jurisdiction over the land. As a result, the Forest Service possessed jurisdiction to grant the right-of-way under the Mineral Leasing Act.

The majority, except for Justice Ginsburg, explicitly rejected a dissent authored by Justice Sotomayor and joined by Justice Kagan that argues that the land is administered by the National Park Service and thus is part of the National Park System. Justice Thomas explained that this theory would vastly expand the Park Service's jurisdiction absent a clear congressional command.