

**Submitted by:** Councilor Valerie Abbott  
**Recommended by:** Councilor Valerie Abbott

**RESOLUTION NO. 366-11**

**WHEREAS**, the Council of the City of Birmingham believes that clean, safe, reasonably-priced drinking water and the environmental health of the Black Warrior River basin are both essential to the quality of life of residents of the Birmingham area and the State of Alabama; and

**WHEREAS**, we believe that the Shepherd Bend Mine would be detrimental to the quality of drinking water in Birmingham and the surrounding area, and to the health of the Black Warrior River itself. This damage would result from the discharge of waste water from coal mining into the Black Warrior's Mulberry Fork, only 800 feet from the drinking water intake for over 200,000 customers of the Birmingham Water Works Board; and

**WHEREAS**, despite widespread opposition, in October 2010 the Alabama Surface Mining Commission issued a permit to Shepherd Bend, LLC for the mining of 286 acres adjacent to the river. The BWWB is appealing this permit and has offered detailed information as to how the wastewater discharges from the mine will introduce both toxic pollutants and sediment into the water. These pollutants can result in increased treatment costs (typically passed on to customers), decreased water quality, and possible health risks, as well a degradation of the river. The BWWB also stated that a mine this close to a major water intake would be "incompatible and unprecedented"; and

**WHEREAS**, Shepherd Bend, LLC has leases necessary to start mining an initial 34 acres. If they choose to mine beyond that first small increment, they will have to obtain leases from other property owners, including the University of Alabama System, a major owner of both land and mineral rights at Shepherd Bend. As a practical matter, without the consent and full participation of the UA System, it may not be cost effective to mine Shepherd Bend at all; and

**WHEREAS**, the Council of the City of Birmingham strongly believes that the damage which would be done to drinking water, the harm to fish and wildlife, and the tons of sediment dumped into the river and the adjacent wetlands are all excellent reasons to not to allow this project to go forward; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Birmingham, with Mayor William A. Bell, Sr. concurring, that we implore the University of Alabama System to neither sell nor lease their significant land and mineral holdings to allow coal mining at Shepherd Bend.

**ADOPTED** this Fifteenth day of March, Two Thousand and Eleven.

Adopted by the Council of the City of Birmingham March 15, 2011 and Approved by the Mayor March 22, 2011

