

Date Introduced: 1/30/2013

Date Voted Upon: 2/13/2013

A Resolution to be Entitled:
Opposition to the Proposed Shepherd Bend Mine

1 WHEREAS, the UAB Public Health Student Association along with the Green Initiative at UAB, the UAB
2 Graduate Student Association, and the UAB USGA believe that clean, safe, affordable drinking water and
3 the health of the Black Warrior River basin are both essential to the quality of life of residents of the
4 Birmingham area and the State of Alabama; and

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6 WHEREAS, we believe the Shepherd Bend Mine would be detrimental to the quality of Birmingham-area
7 drinking water, and to the health of the Mulberry Fork itself. This damage would result from the discharge
8 of wastewater from coal mining into the Black Warrior River's Mulberry Fork only 800 feet from the
9 drinking water intake for 200,000 daily customers of the Birmingham Water Works Board (BWVB); and

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11 WHEREAS, despite widespread opposition, in July 2008 the Alabama Department of Environmental
12 Management (ADEM) issued a permit to Shepherd Bend, LLC for mining on 1,773 acres adjacent to the
13 river. Black Warrior Riverkeeper, represented by the Southern Environmental Law Center, is appealing
14 this permit and has offered detailed information as to how the discharges from the mine will introduce
15 heavy metals, sediment, and other pollutants into the river, contributing to a violation of state water quality
16 criteria. The ADEM permit would allow Shepherd Bend to discharge wastewater with 10 times the level of
17 iron and 40 times the level of manganese recommended by the Safe Drinking Water Act; and

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

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

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33 WHEREAS, we strongly believe the damage which would be done to drinking water, the harm to fish and
34 wildlife, and the tons of sediment dumped into the river are all excellent reasons to not to allow this
35 project to go forward; and

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37 THEREFORE BE IT RESOLVED, that we, the UAB Public Health Student Association, in concordance
38 with unanimous Resolutions passed by the UAB USGA, the UAB GSA the UA SGA, and the Birmingham
39 City Council, along with expressed support from our student body and many UAB alumni; implore the
40 University of Alabama System to neither sell nor lease their significant land and mineral holdings to allow
41 coal mining at Shepherd Bend; and

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43 BE IT FURTHER RESOLVED, that we urge the University of Alabama System Trustees to make a swift
44 decision against the sale or lease of land and mineral holdings for mining at Shepherd Bend; and

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46 BE IT FURTHER RESOLVED, that we will send a copy of this Resolution to Chancellor Robert E. Witt
47 The University of Alabama System, 401 Queen City Avenue, Tuscaloosa, AL 35401-1551; requesting that
48 he share this Resolution with all UA System Trustees and Administrators.

49 President *Ann W. Penhale* Secretary *Tessa Dent*