

Date Adopted: February 18, 2013

A Resolution of the YMBC Civic Forum to be Entitled:
Opposition to the Proposed Shepherd Bend Mine

1 WHEREAS, the YMBC Civic Forum, along with the Birmingham City Council, believes that clean, safe,
2 affordable drinking water and the health of the Black Warrior River basin are both essential to the quality
3 of life of residents of the Birmingham area and the State of Alabama; and
4

5 WHEREAS, we believe the Shepherd Bend Mine would be detrimental to the quality of Birmingham-area
6 drinking water, and to the health of the Mulberry Fork itself. This damage would result from the discharge
7 of wastewater from coal mining into the Black Warrior River's Mulberry Fork only 800 feet from the
8 drinking water intake for 200,000 daily customers of the Birmingham Water Works Board (BWVB)
9 including UAB students, faculty, and staff; and
10

11 WHEREAS, despite widespread opposition, in July 2008 the Alabama Department of Environmental
12 Management issued a permit to Shepherd Bend, LLC for mining on 1,773 acres adjacent to the river.
13 Black Warrior Riverkeeper, represented by the Southern Environmental Law Center, is appealing this
14 permit and has offered detailed information as to how the wastewater discharges from the mine will
15 introduce heavy metals, sediment, and other pollutants into the river, contributing to a violation of state
16 water quality criteria. The ADEM permit would allow Shepherd Bend to discharge wastewater with 10
17 times the level of iron and 40 times the level of manganese recommended by the Safe Drinking Water
18 Act; and
19

20 WHEREAS, despite widespread opposition, in October 2010 the Alabama Surface Mining Commission
21 issued a permit to Shepherd Bend, LLC for mining on 286 acres adjacent to the river. The BWVB is
22 appealing this permit and has offered detailed information as to how the wastewater discharges from the
23 mine will introduce heavy metals, sediment, and other pollutants into the water. These pollutants can
24 result in increased treatment costs (typically passed on to customers), decreased water quality, and
25 possible health risks, as well a degradation of the river. The BWVB also stated that a mine this close to a
26 major municipal water intake would be "incompatible" and "unprecedented"; and
27

28 WHEREAS, Shepherd Bend, LLC has leases necessary to start mining an initial increment of 34 acres. If
29 they choose to mine beyond that first small increment, they will have to obtain leases from other property
30 owners, including the University of Alabama System, a major owner of both land and mineral rights at
31 Shepherd Bend. As a practical matter, without the consent and full participation of the UA System, it may
32 not be cost effective to mine Shepherd Bend at all; and
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34 WHEREAS, we strongly believe the damage which would be done to drinking water, the harm to fish and
35 wildlife, and the tons of sediment dumped into the river are all excellent reasons to not to allow this
36 project to go forward; and
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38 THEREFORE BE IT RESOLVED, that we, the YMBC Civic Forum, in concordance with unanimous
39 Resolutions passed by the UAB USGA, the UAB GSA, the UA SGA, and the Birmingham City Council,
40 implore the University of Alabama System Trustees to neither sell nor lease their significant land and
41 mineral holdings to allow coal mining at Shepherd Bend; and
42

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

50 Confirmed as a true and correct copy adopted on the date above written:

51 By its President: 