Press Release from the Southern Environmental Law Center

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## SELC and Black Warrior Riverkeeper Challenge Flawed Northern Beltline Permit

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Birmingham, AL -- The Southern Environmental Law Center today filed a new federal lawsuit on behalf of Black Warrior Riverkeeper, challenging a permit issued by the U.S. Army Corps of Engineers for the Northern Beltline's first phase of construction.

The lawsuit addresses the Corps of Engineers' failure to follow requirements of the Clean Water Act and the National Environmental Policy Act. Although the 52-mile Beltline will have widespread impacts on rivers, streams and wetlands throughout North and West Jefferson County, the Corps chose to evaluate impacts and issue a permit only for a small 1.86 mile segment of the project between Hwy. 75 and Hwy. 79. Due to this improper segmentation, the full extent of the project's impacts to wetlands and waterways, which supply area drinking water, is unknown. The Corps' unlawful decision to segment this large-scale project for review and analysis could set a dangerous precedent for future Alabama transportation projects.

"The Northern Beltline will cross and permanently alter Black Warrior and Cahaba river tributaries in 67 places," said Nelson Brooke, Black Warrior Riverkeeper. "ALDOT and FHWA have not adequately studied impacts to water resources and wildlife along the entire chosen route, which is the longest and most environmentally destructive of the seven routes considered."

Along with its harmful environmental impacts, the Northern Beltline will draw limited federal transportation dollars away from dozens of worthy transportation projects necessary for safety and congestion relief in Birmingham and throughout the state. The overall cost of the Beltline (predicted by the Federal Highway Administration to be \$5.4 billion) is over \$1 billion more than it would cost to address I-65, I-20/59, Highway 280, and ongoing maintenance and improvements for at least 50 other major highways and connections. To break it down, the Beltline will cost over \$104 million per mile.

"Proper analysis required by law would show that this project's significant environmental impacts are not justified by its costs," said Sarah Stokes, one of the Southern Environmental Law Center attorneys on the case.

The state currently has about \$160 million in funds which could be applied to Corridor X, whose construction is underway, Corridor V in Huntsville, or the Northern Beltline. This amount may not be enough to even cover construction of the Beltline's initial 1.86-mile section. Once those funds are exhausted, there is no longer an approved funding source for the Beltline, so the project will have to directly compete with more immediate transportation needs around the state.

Both this lawsuit and an ongoing 2011 lawsuit against ALDOT and the Federal Highway Administration highlight the ongoing failure of responsible agencies to provide necessary analysis of alternative transportation investments as required by law, and to justify the environmental impacts and tremendous

economic cost of the Beltline. That failure is critical, given the Beltline will merely reduce traffic congestion by one to three percent in downtown Birmingham and supplant other priority transportation projects that not only will create jobs in the near-term but also address safety and congestion issues on area roads.

To view a map of where the proposed route will affect stream and wetland crossings, click here.

To view the lawsuit, click here.

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## About Southern Environmental Law Center:

The Southern Environmental Law Center is a regional nonprofit using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of nearly 60 legal and policy experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use. www.SouthernEnvironment.org

## About Black Warrior Riverkeeper:

Black Warrior Riverkeeper's mission is to protect and restore the Black Warrior River and its tributaries. We are a citizen-based nonprofit organization advocating for clean water, wildlife habitat, and recreational opportunities throughout the Black Warrior River watershed. To learn more about the river and threats to it, visit <a href="https://www.BlackWarriorRiver.org">www.BlackWarriorRiver.org</a>