

Press Release from the Southern Environmental Law Center, Black Warrior Riverkeeper, and Defenders of Wildlife

For Immediate Release: March 21, 2017

Contact:

Catherine Wannamaker, Southern Environmental Law Center, (650) 793-3372, cwannamaker@selcsc.org
Eva Dillard, Staff Attorney, Black Warrior Riverkeeper, (205) 458-0095, edillard@blackwarriorriver.org
Mike Senatore, VP of Conservation Law, Defenders of Wildlife, 202-772-3221, msenatore@defenders.org

Conservation Groups Challenge Coal Mine's Stream Fill Permit on the Locust Fork

Birmingham, AL – Conservation groups are challenging the U.S. Army Corps of Engineers' approval of another permit authorizing coal mining material to be dumped into streams that feed into the Locust Fork of the Black Warrior River in Jefferson County. The groups charge that the federal agency failed to account for the permit's adverse effects on a watershed that has been continuously degraded by previous and current mining activities for decades.

The Southern Environmental Law Center filed the challenge on behalf of Black Warrior Riverkeeper and Defenders of Wildlife, arguing that allowing stream filling at Black Warrior Minerals Mine #2 is yet another example where the agency has rubberstamped approvals without properly analyzing the site-specific and broader impacts of the permit, including compromised water quality, habitat degradation, and threats to rare aquatic wildlife.

“The Corps' lax approach toward issuing stream fill permits has resulted in many miles of important streams and acres of wetlands being filled with coal mining waste,” said Nelson Brooke from Black Warrior Riverkeeper. “The Corps' permitting system is too destructive for Alabama's water resources, which deserve lasting protection from coal mining activities.”

With over 100 permitted coal mines in the Black Warrior River watershed, impacts from coal mining are some of the biggest threats to water quality in the region. Black Warrior Minerals Mine #2 is a 1,368 acre mine that represents a second phase of the Morris Mine, which began with a surface mining operation at Black Warrior Minerals Mine #1.

Polluted water discharged from this mine will go into waters that feed the Locust Fork of the Black Warrior River. The Locust Fork is already listed as impaired by the Alabama Department of Environmental Management and is home to some of Alabama's rarest species and their federally-protected critical habitat. The Locust Fork is also a popular destination for fishing and other forms of outdoor recreation, a multi-billion dollar industry for Alabama.

Mine discharges will also flow into Turkey Creek, known habitat for listed species such as the flattened musk turtle and various endangered fish. Yet the Corps of Engineers and Fish and Wildlife Service routinely fail to consider the impacts of mines like this on these species, finding here that the mine would have no effect on imperiled aquatic species.

“The permitting process for coal mines such as this not only fails to comply with federal laws, it wreaks havoc on Alabama's beautiful waterways, the quality of drinking water, and the fish and wildlife that depend on these resources,” said Catherine Wannamaker from SELC. “When miles of streams and wetlands are permanently filled in as they will be at this site, they can no longer function to filter out pollution such as sediment and heavy metals. The lax permitting process for these mines also threatens the great biodiversity that makes Alabama's rivers so unique.”

The Southern Environmental Law Center, Black Warrior Riverkeeper and Defenders of Wildlife challenged a similar mining permit on the Locust Fork in late 2015, and the Corps of Engineers suspended that permit in response to the lawsuit. Unfortunately, the Corps and Fish and Wildlife Service have approved the BWM Mine without considering any of the issues raised in the earlier case.

EPA has commented that the discharge limitations and best management practices typically required at coal mining sites on the Locust Fork are ineffective in maintaining water quality and are allowing the continued degradation of the river. However, the Corps continues to issue these permits without adequate protections or appropriate mitigation measures.

For a high-resolution photo of the Locust Fork in Jefferson County by Nelson Brooke, [click here](#).

For a link to the complaint, [click here](#).

To share this release on social media, use this link: blackwarriorriver.org/black-warrior-minerals-mine-2/

###

About Black Warrior Riverkeeper:

Black Warrior Riverkeeper is a citizen-based nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries. We are advocates for clean water, wildlife habitat, and recreational opportunities throughout the Black Warrior River watershed. To learn about the river and threats to it, visit BlackWarriorRiver.org

About Defenders of Wildlife:

Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. With more than 1 million members and activists, Defenders of Wildlife is a leading advocate for innovative solutions to safeguard our wildlife heritage for generations to come. For more information, visit defenders.org.

About Southern Environmental Law Center:

The Southern Environmental Law Center is celebrating its 30th anniversary this year. With nine offices across the region (Charlottesville, VA; Chapel Hill, NC; Atlanta, GA; Charleston, SC; Washington, DC; Birmingham, AL; Nashville, TN; Asheville, NC; and Richmond, VA), SELC is widely recognized as the Southeast's foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect the South's natural resources and the health and well-being of all the people in our region.

SouthernEnvironment.org