

May 08, 2009

Public Justice has just blocked another mountaintop removal mine -- this time in southwest Virginia, adding to our previous victories in West Virginia and Kentucky. Less than a week after Public Justice filed a complaint in federal court and threatened to seek a temporary restraining order, the U.S. Army Corps of Engineers suspended its permit that would have allowed A&G Coal Corporation to begin filling nearly three miles of streams with mining waste at its planned 1,291-acre Ison Rock Ridge Surface Mine, which would be within sight of the Derby Historic District that is listed on the National Register.



View toward the project area from the Derby historical area.

On behalf of the [Sierra Club](#) and [Southern Appalachian Mountain Stewards \(SAMS\)](#), Public Justice's April 30, 2009 complaint in the U.S. District Court for the Eastern District of Virginia challenges the Corps' conclusions that it could use a streamlined nationwide permit for this huge mine and other similar mines in southwest Virginia and that it had adequately considered historic preservation issues. Nationwide permits can only be used for small projects with cumulatively minimal environmental impacts. We are building on our recent victory in West Virginia, where a federal judge last month enjoined the Corps from using the same nationwide permit for coal mines in that state. The Corps' action was also in response to pressure from the U.S. Environmental Protection Agency, which wrote a letter to the Corps on April 3, 2009 supporting our claims that mines like this one cause serious environmental harm that cannot be effectively mitigated.

"It's great to see that all our work is paying off," said Pete Ramey, retired coal miner and president of SAMS. "We've spent so much time and energy as a community on Ison Rock Ridge over the last two years building this struggle and getting our neighbors involved. This really and truly is a great victory for the people and streams of Southwest Virginia."

"Although the Army Corps only suspended the permit, we doubt that it can ever be reissued," said Jim Hecker, Public Justice's Environmental Enforcement Director and co-counsel in the case. "Both EPA's recent objection letter and a recent West Virginia court decision recognize that the impacts of mountaintop removal mines like this one are so large that they are ineligible for 'cookie-cutter,' nationwide permits. We now expect that, if A&G Coal wants to open this mine, it will have to obtain an individual permit, which will require much more rigorous environmental review."

In addition to Jim, counsel on the case are Joe Lovett at the [Appalachian Center for the Economy and the Environment](#) in Lewisburg, WV, Walt Morris in Charlottesville, VA, and Andrea Ferster in Washington, DC.

To read the complaint in *Southern Appalachian Mountain Stewards v. Anninos*, [click here](#).

Congratulations and thanks to Jim and his legal team for their great work on this case and the

entire battle against illegal mountaintop removal mining. Congratulations and thanks to you, too, for helping make this victory possible.

Arthur Bryant
Executive Director
Public Justice
& the Public Justice Foundation

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