

November 25, 2009

Public Justice has just won another victory against the environmental devastation caused by mountaintop removal mining. **The U.S. District Court for the Southern District of West Virginia scolded the U.S. Army Corps of Engineers on November 24 for issuing two permits for mountaintop removal coal mining that did not follow public notification laws, a decision that could lead to the resubmission of scores of permits for new mining across Appalachia.**



Mountaintop removal mining converts Appalachian forests into grasslands, and fills streams and valleys with mining waste. (Photo U.S. News & World Report.)

The court ruled that the Corps violated the Clean Water Act and National Environmental Policy Act because the public notices for the permits failed to provide a clear understanding of the environmental impacts of the mines and did not allow the public to be involved sufficiently in the permitting process. The judge ordered the corps to correct the problem with the permits, though he allowed both companies to continue "limited" mining for 60 days.

"The Army Corps' method for giving public notice has been to withhold the specific information needed by the public to understand and comment on mining projects, and then later dismiss the public comments that were submitted for lacking specificity," said Jim Hecker, Environmental Enforcement Project Director at Public Justice. "The Court ruled that this violates the Army Corps' own regulations and is fundamentally unfair."

Although the decision is based on procedural flaws in two permits, many other pending mining permits suffer from the same flaws, so the Corps will have to give the public another opportunity to review those permits and comment on them before issuing them.

You can read the court's decision here:

<http://www.wvsc.uscourts.gov/district/opinions/pdf/OVECvUSorder.pdf>

You can read a news article about the recent decision here:

<http://www.wvgazette.com/News/200911240803>

Our Environmental Enforcement Project has been at the fore of the court fights to stop illegal mountaintop removal mining, which has already buried more than 1,200 miles of streams and destroyed more than 387,000 acres of West Virginia forests and mountains. Public Justice is joined in this effort by the [Sierra Club](#), [Ohio Valley Environmental Coalition](#), [Coal River Mountain Watch](#), the [West Virginia Highlands Conservancy](#), the [Appalachian Center for the Economy and the Environment](#), and [Earthjustice](#).

Once again, Public Justice is fighting for the little guy against a powerful industry and winning. This is precisely the kind of work that your support and contributions make possible. Thank you for being

there for us so that we, in turn, can continue to be there for the wronged, the poor and the powerless.

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation

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