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OSM faces new lawsuit by citizens' groups

BY ERNY ZAH

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Groups of concerned citizens have filed a lawsuit against the U.S. Office of Surface Mining over protection of the San Juan River's ecosystem, according to complaint filed in U.S. District Court on Monday.

The suit alleges the Office of Surface Mining Reclamation and Enforcement violated the Endangered Species Act when they approved a coal mining expansion permit for BHP-Bilton's Navajo Mine in August last year.

"We are reviewing the lawsuit and until then, we won't release any comment," said Chris Holmes, OSMRE spokesman.

The lawsuit states that mining could harm seven different endangered species found within the San Juan River's ecosystem.

The groups suing the government are: Center for Biological Diversity, Diné Citizens Against Ruining Our Environment, and the San Juan Citizen's Alliance.

According to court documents, the group states that OSMRE Director

Joseph Pizarchik didn't consult with the Federal Game and Wildlife Service regarding the effects that coal mining would have on the San Juan River ecosystem.

"We are involved because we are concerned about the mercury and selenium levels (in the San Juan River)," said Mike Eisenfield, staff organizer for San Juan Citizen's Alliance.

He said that the group's primary concern is the water quality and to watch the government to ensure that when the OSM approves mining permits that all the steps have been taken.

"We believe of Office of Surface Mining here has abrogated their responsibilities for evaluating and approving the mine's permit," he said.

In this case, with the mining expansion and extension given to BHP-Bilton in August, Eisenfield said, OSM didn't consult the federal Game and Wildlife Service.

"A lot of time the Office of Surface Mining says 'Oh yeah, we're done. We're good.' We come in

and say wait a minute, have you done it or not?" he added.

"Coal mining activities at BHP Navajo Mine will affect endangered and threatened species and critical habitats," the lawsuit states.

The lawsuit lists seven different endangered animals and plants that could be affected by coal mining. One of the animals listed was the California Condor.

Taylor McKinnon, public lands campaign director for the Center of Biological Diversity, said that they would like the Federal Game and Wildlife to perform an assessment of Navajo Mine and their effects to the San Juan River. He would like the analysis to be similar to a biological assessment done by the U.S. Fish and Wildlife Service for the Desert Rock Energy Project, which mentions the California Condor.

Since this is the basis of the type of biological opinion he'd like to see, McKinnon said, the facts should remain the same when searching for effects of pollution.