



Press Release

FOR IMMEDIATE RELEASE

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***Feds Committing Ongoing Violations of Endangered Species Act in Relation to
Massive Proposed Limestone Mine near Andrews***

WILLIAMSBURG COUNTY, SC – After a year of calling on state and federal agencies to comply with environmental laws and conduct a thorough and exhaustive review of all impacts associated with a proposed limestone mining and processing facility, the South Carolina Environmental Law Project, on behalf of the Coastal Conservation League (“CCL”), the Winyah Rivers Foundation (“WRF”), and the South Carolina Wildlife Federation (“SCWF”), has filed official notice to the Corps of Engineers (“Corps”) of the groups’ intent to sue for violations of the Endangered Species Act (“ESA”) and Clean Water Act (“CWA”) if those violations are not corrected.

RDA LLC’s (“RDA”) proposed mine site is located in the Earle Community approximately 5 miles northwest of the Town of Andrews. The mine site consists of nearly 1,000 acres, contains over 100 acres of wetlands, and is bisected by Murray Swamp, a tributary that flows into the Black River, which is a state Scenic River and critical habitat for the federally-endangered Atlantic sturgeon. The RDA mine project would lower or “dewater” groundwater levels up to 63 feet, use explosives to blast apart limestone deposits, transport deposits across Murray Swamp using a conveyor belt, and discharge up to 7.5 million gallons per day into the narrow, slow-flowing Murray Swamp and Black River watershed basin system.

The Corps issued federal approval under a Nationwide Permit (“NWP”) based on the claim that the mine project would only involve impacts to 0.394 acres of wetlands and that it would have “no effect” on any federally threatened or endangered species. However, the Corps’ decision is seriously flawed because of its failure to consider protected species and critical habitat, notably the federally-endangered Atlantic sturgeon and the Black River, as well as its failure to fulfill other mandatory obligations under the ESA, which are designed to protect species and their habitats. The Corps has 60 days to take corrective actions on these violations before a complaint may be filed in federal district court.

SCELP’s staff attorney Jessie White explained the significance of the Corps’ violations. “The Corps has a statutory duty to ensure that any activity it authorizes is not likely to impact protected species or critical habitat but it is impossible to satisfy this obligation without consideration of the full range of potential impacts, which the Corps has failed to do here at the most basic level.”

According to **the Coastal Conservation League's North Coast Office Director Erin Pate**: "The proposed mine threatens the quality of life of the people in the Earle Community and could deplete residential wells, cause sinkholes, drain wetlands and create devastating impacts to plant and marine life. The Corps has a basic, yet crucial, responsibility to conduct an exhaustive review of potential impacts like these before permitting a major project like this mine. They have not done the work, and as a consequence, the community and ecosystem are at risk."

Winyah Rivers Foundation's Executive Director Christine Ellis stated: "Winyah Rivers is very concerned about the impacts of the proposed mine activity on the Black River watershed, its water quality, wetland functions, endangered species, and protection of the Black Scenic River. We hold the regulatory agencies accountable for ensuring its protection."

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The **South Carolina Environmental Law Project (SCELP)** is a nonprofit public interest law firm, dedicated to the protection of the South Carolina's environment. Its mission is to protect the natural environment of South Carolina by providing legal services and advice to environmental organizations and concerned citizens and by improving the state's system of environmental regulation.

The **Coastal Conservation League** is a nonprofit advocacy organization dedicated to protecting the state's natural landscapes, abundant wildlife, clean water and quality of life. Since 1989, the Conservation League has carried out this mission by working with citizens, local government and the state legislature.

The **Winyah Rivers Foundation** is a nonprofit grassroots organization that seeks the protection of our local rivers and watersheds and the community's right to fishable, swimmable, and drinkable water through a network of citizen and organizational advocacy and education in North and South Carolina. Its mission is to protect, preserve, monitor, and revitalize the health of the lands and waters of the greater Winyah Bay watershed.

The **South Carolina Wildlife Federation** is a nonprofit citizens' organization that promotes sound stewardship of our natural resources and works to establish policies that sustain, protect, and enhance our natural systems. Its mission is to promote effective habitat protection, natural resources conservation and respect for outdoor traditions through statewide leadership, education, advocacy, and partnerships.