

Conservation groups file suit to protect Starved Rock

Assert IDNR failed to comply with law in mine permitting

SPRINGFIELD, Ill. — A complaint filed Wednesday demands judicial review of an open pit silica sand mining permit the Illinois Department of Natural Resources Office of Mines and Minerals has granted to Mississippi Sand, LLC.

The complaint which the Sierra Club, Prairie Rivers Network, and Openlands filed in circuit court in Springfield, Ill., alleges that IDNR failed to protect Starved Rock State Park — one of the most beautiful and popular state parks in Illinois — when it approved an 80-acre open pit mine. The mine is designed to harvest and process silica sand for use in the hydraulic fracturing (or “fracking”) natural gas extraction process.

The permit clears the way for Mississippi Sand, LLC to start blasting the sand, mine it to about 80 feet over the span of 10 years, and leave a large reclamation lake on the site.

About the Complaint

The 24-page complaint alleges the Office of Mines and Minerals failed to follow state law — as well as its own guidelines — in reviewing the permit for Mississippi Sand, LLC’s permit.

Mississippi Sand, the suits alleges, provided incomplete and inaccurate information in its mining permit application to the Office of Mines and Minerals. The Office of Mines and Minerals approved its reclamation plan and map, even though Mississippi Sand couldn’t follow certain parts of it within the approved mining area.

The Office of Mines and Minerals, the complaint further charges, didn’t fully consider 13 factors that address natural resource impacts, including the short- and long-term impact of the proposed mining on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the region and the state, employment opportunities, air pollution, water pollution, soil contamination, noise pollution, and drainage, as required by the Surface Mined Land Conservation and Reclamation Act and its regulations.

The suit goes on to contend the Office of Realty and Environmental Planning didn’t perform a proper natural areas consultation under the Illinois Natural Areas Preservation Act. As a result, the environmental organizations claim, the Office of Mines and Minerals made an “arbitrary and capricious” decision by issuing the permit.

For this reason, Sierra Club, Prairie Rivers Network, and Openlands are asking the Sangamon County Court to void the mining permit.

About the Potential Effects of the Mine

The organizations, in fighting the permit, have argued the operation would erode the natural value of the park for both people and wildlife, as well as tarnish a major driver of the local economy. The mine will pump up to five million gallons a day of water from its operation and stormwater into Horseshoe Creek, which runs through Starved Rock State Park. Introducing that much water, they believe, will likely cause damage to Horseshoe Creek and destroy its low-flow ecosystem.

Despite their concerns, local residents were not allowed an opportunity to speak formally with the Office of Mines and Minerals. In not considering the opinions and impacts to local citizens, the organization bringing the suit allege, the Office of Mines and Minerals neglected to consider the full, long-term impacts for this mine with respect to how it will impact adjacent landowners and local businesses that depend on the health and natural beauty of the area.

“The granting of this permit highlights the Illinois Department of Natural Resources’ inherently conflicting roles of promoting conservation and permitting natural resource extraction,” said Elliot Brinkman, habitat conservation specialist with Prairie Rivers Network. “Until these roles are reconciled, we can expect to see IDNR’s Office of Mines and Minerals continue to allow risky mining projects that jeopardize the special places and resources the department holds in public trust.”

“If the permitting process followed by the Illinois Department of Natural Resources can fail at Starved Rock State Park, our premier state park, it can fail anywhere,” said Openlands President Jerry Adelman. “IDNR has long been, and will continue to be, a valued partner of Openlands and many other conservation organizations in Illinois. However, in granting this permit, the Office of Mines and Minerals did not adhere to procedures required by state law, and this forced us to stand up for what we believe through this action.”

“Starved Rock is one of the crown jewels of Illinois’ state park system, and we count on IDNR to protect it for future generations,” said Jack Darin, director of Sierra Club, Illinois Chapter. “It is not only a very special place to people from all over Illinois, but an important economic asset for Illinois River valley communities.”

The plaintiffs are represented by Mark Templeton and students of the Abrams Environmental Law Clinic of the University of

Chicago Law School, Albert Ettinger (Chicago), and Eric Schwing (Springfield).

Copyright © 2013 Morris Daily Herald. All rights reserved.