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Lawsuit to Challenge Feds' Approval of Decades More Coal Pollution at Four Corners

PHOENIX — After years of refusal by U.S. government agencies to address coal pollution damage from the Four Corners Power Plant and Navajo Mine, Diné (Navajo), regional and national conservation groups today took joint legal action to seek justice for impacts to communities, the climate and endangered species.

Today the groups filed a 60-day notice of intent to sue the Office of Surface Mining, U.S. Fish and Wildlife Service and other federal agencies for approving the Four Corners Power Plant and Navajo Mine Energy Project in July. The approval prolongs the 52-year-old power plant and coal mine – among the most notorious for coal contamination in the country – through 2041 despite impacts from coal toxins to communities, the San Juan River Basin, its ecosystems and endangered species.

“While the rest of the world is transitioning to alternative forms of energy, the Four Corners Power Plant continues to burn coal and will do so for the next 25 years,” said Colleen Cooley with Diné Citizens Against Ruining Our Environment. “Prolonging coal not only condemns our health and the water, air, and land around us, it undermines our community’s economic future because we are not investing and transitioning to clean energy. Even former owner of the Navajo Mine, BHP Billiton has exited many coal contracts across the globe because coal is no longer economically feasible.”

Community and conservation groups have exposed gaping deficiencies in the U.S. government’s impact study of Four Corners Power Plant and Navajo Mine, including inadequate analysis of clean energy alternatives to prolonged operation of the coal plant and insufficient consideration of carbon pollution impacts, public health problems, threats to endangered species, water contamination from coal ash waste, and impacts to Navajo culture.

“The U.S. government supposedly sees the importance of the transition to the clean energy economy nowadays, so it’s really an affront to Four Corners area residents when the feds won’t even provide honest evaluation of pollution or solar and wind alternatives at Four Corners Power Plant and Navajo Mine,” said Mike Eisenfeld with San Juan Citizens Alliance. “All of us in the Southwest deserve at least an honest expert analysis.”

Today's notice cites violations of the Endangered Species Act, and will be followed in 60 days by additional claims under the National Environmental Policy Act relating to pollution impacts on climate, people and local communities.

"Mercury is the top cause of water quality impairment in New Mexico lakes and reservoirs," said Rachel Conn, interim executive director for Amigos Bravos. "Over 60,000 acres of New Mexican lakes and reservoirs are polluted with Mercury. It is unacceptable that in over half of the State's lakes and reservoirs, New Mexicans can no longer fish without worrying about poisoning their families."

"Decades of deadly coal pollution in the San Juan Basin have poisoned people, the San Juan River and its endangered fish," said Taylor McKinnon with the Center for Biological Diversity. "Our laws require the government to recover endangered species, but more coal pollution will push San Juan River fish toward extinction. The time for a just transition to clean, renewable energy is now."

"Federal agencies must assure that coal operations follow the law. What agencies can't do is bend the law to accommodate coal operations, but that's just what they did here," said Western Environmental Law Center Attorney Shiloh Hernandez. "What this really shows is the outdated and heavily polluting Navajo Mine and Four Corners Power Plant can't operate in compliance with the law. These facilities are obsolete and need to transition."

"This toxic, outdated facility has been wreaking havoc on the health of people and ecosystems for far too long," said Nellis Kennedy-Howard, senior campaign representative for the Sierra Club's Beyond Coal campaign. "The Office of Surface Mining and U.S. Fish and Wildlife Service ignored the obvious environmental impacts of this facility when they approved extending its life."

Groups party to today's notice include Diné Citizens Against Ruining Our Environment, San Juan Citizens Alliance, Amigos Bravos, Center for Biological Diversity, and Sierra Club. They are represented by attorneys Shiloh Hernandez, Matt Kenna, Kyle Tisdell and Laura King of the Western Environmental Law Center, John Barth, and Michael Saul of Center for Biological Diversity.

Download a copy of today's notice [here](#).