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**Virginia District Court Judge Rules Big Coal Can't Clearcut Mine Site without a Permit**  
*Community members applaud decision to grant preliminary injunction*

**Abingdon, Virginia** — In a victory for community members and for clean water, a district court judge today issued a preliminary injunction stopping a coal company from clearcutting an unpermitted mountaintop removal mining site in Southwest Virginia. Southern Appalachian Mountain Stewards (SAMS) and the Sierra Club had requested the injunction from U.S. District Judge Glen M. Williams after bulldozers started clearcutting A&G Coal's Ison Rock Ridge coal mine site even though the mine had not received a permit.

"The judge told Big Coal today that they are not above the law and cannot start bulldozing without a permit," said Kathy Selvage, Vice President of SAMS. "We are tired of A&G Coal's efforts to permanently bury our Appalachian streams and threaten our homes and neighborhoods."

Under the Surface Mining Control and Reclamation Act, it is illegal to conduct "surface coal mining operations" without a permit. This decision reaffirms the community's belief that clearcutting a mine site after a mining application has been submitted qualifies as "mining operations."

Derby, Virginia resident Gary Bowman, who lives directly below Ison Rock Ridge, said, "I am thankful that the boulders will stop falling near my house and threatening my family. Now that the clearcutting has stopped, this community will work to make sure that the mine does not receive a permit."

In his ruling Judge Williams refers to the August 20, 2004 tragedy in which a boulder from an A&G strip mine rolled down a hillside and crashed into a family's Wise County home below, killing a sleeping three-year-old child in his bedroom. During the proceedings, Gary Bowman submitted pictures of large rocks "the size of watermelons" that had fallen on to his property. Judge Williams noted that "clearly, if any such rock struck Bowman or his wife, the injury would be severe and irreparable."

The proposed mine at Ison Rock Ridge in Wise County, Virginia, would be 1,300 acres and would fill nine lush valleys with more than 11 million cubic yards of rock and dirt. The massive mountaintop removal coal mine would also permanently destroy 14,000 feet of streams. The operation would surround the town of Derby, bringing destruction within a half mile of the historic district, eliminating the community's tourism appeal.

Mountaintop removal mining is a destructive form of coal mining that has already buried more than 1,200 miles of streams and threatens to destroy 1.4 million acres of land by 2020. The mining poisons drinking water, lays waste to wildlife habitat, increases the risk of flooding and wipes out entire communities. For more information, visit [www.sierraclub.org/MTR](http://www.sierraclub.org/MTR).

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