

Federal land swap prompts challenge

ENVIRONMENTAL GROUPS' LAWSUIT OPPOSES TRADING FOREST TRACT TO COAL COMPANY

By Roger Alford

ASSOCIATED PRESS

PIKEVILLE - Environmentalists will ask a judge to stop the U.S. Forest Service from trading a section of the Daniel Boone National Forest to a coal company for mining

Kentucky Heartwood and three other environmental groups filed a lawsuit Friday in U.S. District Court in Pikeville, saying that, if the land swap is permitted, the company will decapitate an Eastern Kentucky mountain to remove the coal inside.

"We're going to court because we believe that the Forest Service shouldn't be in the business of handing over public lands to coal companies so that this destruction can continue," said Perrin de Jong, spokes-man for Kentucky Heartwood, a Lexington-based group that works to protect federal forests in the state.

The land swap, approved by the Forest Service in December, would give Leslie Resources 91 acres in Leslie and Perry counties in exchange for a 98-acre tract in Owsley County. Both tracts are valued at \$36,500.

Leslie Resources has acknowledged that, once the trade is completed, it plans to mine the property a mile upstream from Buckhorn Lake. That lake made headlines last year when it became clogged with tons of household garbage that floated in from illegal dumps during spring floods. Adding more pollution and sediment from mining, de Jong said, could be devastating to the already sensitive reservoir.

Joining Kentucky Heartwood in filing the suit were Kentuckians for the Commonwealth, the Western Land Exchange Project in Washington state, and the Resource Stewardship Council in Indiana.

Marie Walker, spokeswoman for the Forest Service in Winchester, declined to comment on the lawsuit yesterday, saying she hadn't yet received a copy.

Ben Worthington, supervisor of the Daniel Boone National Forest, has said the swap would benefit both the Forest Service and the coal company.

The land in Perry and Leslie counties is isolated and is difficult for the Forest Service to monitor because it is separated from the main body of the Daniel Boone, Worthington said.

He said the tract in Owsley County, on the other hand, would be surrounded on three sides by the national forest.

An environmental impact study found that mining the 52-acre mountaintop tract near Buckhorn Lake would increase sedimentation in the reservoir, but not significantly, considering all the other mining being done in the area.

Leslie Resources, according to the Forest Service, would reclaim the property for wildlife habitat after mining. Danny Combs, land agent for Leslie Resources, was traveling and couldn't be reached for comment, the company's receptionist said.

Chris Krupp, attorney for the Western Land Exchange Project, said his non-profit group routinely tries to block land swaps that negatively affect national forests.

"We see a lot of bad land trades, but few as terrible as this one," he said. "Federal law says that land exchanges have to be in the public interest, but most of the public comments were opposed to this trade. Who better than the public to say what's in the public interest?"