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## **An Ingenious New Strategy for Blocking ICE Detention Warehouses Depends on a Minuscule Snail**

By Madeleine O'Neill



Tucked away in rural western Maryland, past a dead-end road cut off by railroad tracks, a stream runs cool and clear over a ledge dotted with snails.

About the size of a flake of black pepper, one particular species of snail believed to live at this waterfall is playing a part in the legal battle over a massive immigration detention center planned for about 700 yards upstream in Williamsport, Maryland.

The fight between the state of Maryland and U.S. Immigration and Customs Enforcement could easily have been about federalism, due process, or human rights as ICE moved to house hundreds of people inside a windowless warehouse with little notice to the surrounding community.

Instead, it has proven to be about Appalachian springsnails—and a few other rare or endangered species, including freshwater mussels, fish, and crustaceans. These creatures may be surprisingly key to stopping a massive ICE detention warehouse from operating here in Maryland.

As ICE began buying up warehouses earlier this year as part of a \$38 billion plan to expand its detention footprint, communities across the country have found varying ways to push back. In [Social Circle, Georgia](#), the city manager shut off water to a warehouse ICE had purchased amid concerns about strains on local resources. In [Hanover County, Virginia](#), the owner of a warehouse that ICE planned to buy backed out of the deal after local leaders and protesters opposed the plan.

Maryland [didn't have much chance](#) to intervene before the U.S. Department of Homeland Security quietly bought an 825,000-square-foot warehouse in the state's conservative western panhandle. State government also had little power to stop ICE from converting the warehouse into a detention and processing center: Local leaders came out [in support of the project](#), and immigration matters fall squarely within the federal government's authority.

With few cards available to play and [grassroots opposition](#) to the detention center growing, the Maryland Attorney General's Office took a cue from the environmental justice movement, which has [for decades](#) used federal environmental laws to protect vulnerable communities from the unequal effects of pollution and development.

"Federal immigration authorities are barreling past their legal obligations in an effort to build an immigration detention facility as quickly as they can," Attorney General Anthony Brown said when he announced a state lawsuit against the facility on the grounds that the federal government had violated its own environmental standards with the project. "Once construction begins, the damage to Maryland's waterways, protected species, and communities cannot be undone."

The lawsuit is an example of a state using environmental laws to protect itself from the federal government because there are few other legal options available, said Camille Pannu, the director of the Environmental and Climate Justice Clinic at Columbia Law School. In the context of the Trump administration's vast new overreaches, these avenues have become increasingly important.

"We would call this an environmental justice strategy," Pannu said; "the use of environmental law for an issue related to human inequality."

The lawsuit argues that ICE failed to meet its obligations under the [National Environmental Policy Act](#), which requires environmental assessments before major federal projects. Maryland is not the only state taking this approach: Michigan [is making a similar environmental argument](#) in a lawsuit over an ICE warehouse planned for the small blue-collar city of Romulus.

Maryland's lawsuit points to several species that live in the waters near the proposed detention center: the brook bloater mussel and the green floater mussel, which are both considered endangered by the state of Maryland; the Allegheny pearl dace and the checkered sculpin, two rare species of fish; and the Appalachian springsnail, which lives in the limestone springs that feed Semple Run, a stream that runs through the woods behind the warehouse.



The Appalachian springsnail is basically a tiny aquatic cow that mows over algae and other organic matter, sucking them up and extracting whatever nutrients it can. Like the mussels, it requires “crystal-clear, rock-hard, ice-cold water,” said Robert T. Dillon, a former biology professor who runs the [Freshwater Gastropods of North America Project](#), which inventories snail species.

The Appalachian springsnail has been documented in a few spots around Maryland, including the waterfall in Williamsport. The most recent record of the snail there dates back to 1991, according to [Smithsonian records](#).

“I really think that snail could likely be there,” Dillon said. Several snail species live at the waterfall, including the more common [rock fossaria](#).

Retrofitting the warehouse for immigration detention would create construction sediment that would run into nearby waterways, Maryland’s lawsuit argued, and housing hundreds of people there would strain the water supply and create sewage overflows.

Snails and mussels are sensitive to water pollutants. If sewage made it into the Appalachian springsnail’s habitat, “that would kill it straight dead,” Dillon said.

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“This motion is really about environmental law,” he said. “But we all know there’s a bigger picture to this case, and this court is not blind to that.”

The hearing came amid news that ICE was [pausing warehouse purchases](#) and reexamining contracts signed under former DHS Secretary Kristi Noem. In court papers, the agency said it was “[reconsidering the scope](#)” of the Williamsport warehouse plan.

ICE did not say it was abandoning the project, and seemed to be weighing whether the warehouse would house 542 people or 1,500 people for detention and processing. Activists and the state of Maryland remained wary.

“Any self-imposed pause could lift at any moment, in secret and without warning,” the Maryland Attorney General’s Office wrote in response.

At last week’s hearing, Hurson pointed out that the limited environmental review DHS carried out before buying the warehouse appeared to have been completed in a single day. Papers the agency filed in the lawsuit showed an “environmental review” dated Jan. 15, the same day DHS marked the project approved, and just a day before it bought the warehouse.

“I learned a lot of new species from this,” Hurson joked, as he agreed that the project posed clear risks to the environment. He went on to grant Maryland’s request for a preliminary injunction, blocking ICE from converting the warehouse for detention purposes while the lawsuit continues. The agency can move forward with limited work to protect the property, like installing security cameras.

Local groups that oppose ICE’s efforts celebrated the ruling and pledged to continue applying pressure until there is a permanent ruling ensuring the building will never operate as a detention center.

“Today proved that people power and legal pressure are working,” said Laura Spivak, an organizer with Washington County Indivisible. “We will continue showing up every week until this project is dead.”

In an email, a DHS spokesperson said “the left” was feigning concern about environmental issues to prevent immigration enforcement.

“Let’s be honest about this. This ruling isn’t about the environment. It’s about trying to stop President Trump from making America safe again,” the spokesperson said.

They may have a point. The Appalachian springsnail hasn’t been documented in Washington County since the ’90s—not that many people have been looking—and the mussels live in the Potomac River, separated from the warehouse by Semple Run and Conococheague Creek. But forcing the federal government to follow its own environmental laws is about more than snails and mussels.

“This is an issue of, what is the most effective legal strategy to get you to the end that you want?” Pannu said. “You’re seeing people going to where they think the law is the strongest.”

A Department of Justice lawyer, Sean C. Duffy, acknowledged in court last week that ICE had concluded more environmental analysis was needed before it converted the warehouse for detention. But he also argued there was little risk to the area, which is surrounded by highways and other warehouses.

“It’s not a pristine environment that we’re talking about here,” Duffy said. But that’s not exactly true. On a recent Sunday afternoon, a bald eagle lazily flew back and forth over the spot where Semple Run feeds into Conococheague Creek. A barred owl hooted and shook its feathers in a sycamore above the creek, and red-bellied cooters sunned themselves on half-submerged logs.

Nearby, half a dozen teenagers raced each other on dirtbikes at a campground by the creek and gunshots occasionally rang out in the distance. And at the waterfall, **snails that could easily be confused for pebbles** slowly trudged along algae-covered rocks as Semple Run flowed by.