

June 2008



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Judge to Corps: Stop Stonewalling, Show Permit Info

Excerpted from an article by Ken Ward Jr., Charleston Gazette, April 18, 2008

The U.S. Army Corps of Engineers must stop stonewalling environmental group requests for information about new mountaintop-removal mining permits, a federal judge ruled.

U.S. District Judge Robert C. Chambers ordered corps officials to **immediately notify lawyers for the Ohio Valley Environmental Coalition, WV Highlands Conservancy and Coal River Mountain Watch when the agency issues new mining permits.**

“What I don’t want to see is streams and the area around streams being disturbed between now and (a hearing a few days later) in a way that creates the kind of irreparable damage that the plaintiffs seek to prevent,” Chambers said...

Lovett said the corps has refused to provide citizen groups with information about new permits and has stalled on responding to weekly Freedom of Information Act requests for permit documents.

By delaying the public notification about new permits, Lovett said, corps officials allow coal operators to



What Judge Chambers does NOT like to see— a stream buried under tons of rock before the corps even notifies the public the permit was approved.

bury streams before environmental groups can challenge those permits in court.

...Chambers said requiring the (groups to submit)

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Legal Victories Continue: Mountaintop Removal Limited at 3 Mines, Corps Ordered to Give Timely Notice of New Full Permits

In April, we won another legal victory.

The *Associated Press* reported: A trio of coal companies has agreed to temporarily limit operations at three mountaintop removal mines... The deal... settles the latest

round in a long-running battle pitting the Ohio Valley Environmental Coalition, WV Highlands Conservancy and Coal River Mountain Watch, represented by the Appalachian Center for the Economy and the Environment and Earthjustice, against the Army Corps of Engineers and coal mine operators.

OVEC won a court ruling in March 2007 that the corps violated federal law by issuing valley fill permits for mountaintop removal mines without conducting extensive environmental reviews.

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It's About Jobs That Support Human Life – OVEC Joins CLEAN

by Janet Keating

Hurricanes, like fierce, deadly Katrina; killer tornadoes in our country's midsection; melting glaciers worldwide; and the recent devastating typhoon in Myanmar, are but a few signs that underscore the immediate need for action by the US government to confront global warming.

Although the United States accounts for just 4 percent of the world's population, it produces 25 percent of the world's greenhouse gases. As a rich, industrialized nation, we have a moral obligation to the world – especially to those who can least afford to deal with climate catastrophes – to reduce our gigantic carbon footprint (carbon dioxide emissions account for the greatest percentage of greenhouse gases.). And despite what the coal industry and its supporters say on their latest round of ridiculous billboards in West Virginia – coal is anything by “carbon neutral.”

Our government, both state and federal, has disgracefully dragged its feet for 30 years, despite the fact that signs of global warming have been with us for decades. Although 175 nations ratified the Kyoto Protocol which would reduce global greenhouse gas emissions, the US has failed to do so. And so – the planet “burns” while the government fiddles.

Some of us have grown impatient with all the fiddling and posturing by politicians and fossil fuel lobbyists. OVEC refuses to take our nation's inaction sitting down.

Instead OVEC, along with several other “inaugural” groups, has joined with the Civil Society Institute (a national think-tank) to develop a “**CITIZENS CALL TO ACTION TO STOP GLOBAL WARMING AND CLIMATE CHANGE.**” (See WWW.CLEANENERGYACTION.NET for more information.) Our collective goal is to create and mobilize a grassroots movement that our government officials cannot ignore.

Our collective goal is to create and mobilize a grassroots movement that our government officials cannot ignore.

OVEC believes that facing the challenges of global warming would not only help protect our health and well-being in West Virginia, but also **lead to the creation of tens of thousands of new jobs** in manufacturing, construction and sales, etc., in West Virginia and elsewhere.

The Call to Action, while calling for gradual phase out of fossil fuels and a five-year moratorium on new coal-fired power plants, includes provisions for “investments in renewable technology... targeted to those states that have historically depended on coal, providing good jobs and a clean environment for the people in those states.”

Additionally, the Call to Action urges our federal government to invest in renewable energy and energy efficiency to boost our country's industrial competitiveness in a world market where renewable energy technology will be needed to meet the challenges and mitigate the impacts of global warming.

The analysis (see table), conducted by the Union of Concerned Scientists, shows some tangible benefits if just 20 percent of our nation's overall electricity generation came from renewable sources.

If you, as an individual, or a group you know of, is interested in supporting the “**CITIZENS CALL TO ACTION TO STOP GLOBAL WARMING AND CLIMATE CHANGE**” you or your group can sign on via the website at WWW.CLEANENERGYACTION.NET.

For additional information call OVEC at (304) 522-0246.

What's not to like about clean, good-paying jobs, economic development around renewable energy, consumer savings on utility bills and reduction in global warming pollution?

| 20 Percent by 2020: The Benefits of a National Renewable Electricity Standard |
|--|
| Job Creation 185,000 new jobs from renewable energy development |
| Economic Development \$66.7 billion in new capital investment, \$25.6 billion in income to farmers, ranchers, and rural land owners, and \$2 billion in new local tax revenues |
| Consumer Savings \$10.5 billion in lower electricity and natural gas bills by 2020 (growing to \$31.8 billion by 2030) |
| Climate Solutions Reductions in global warming pollution equal to taking 36.4 million cars off the road |

Blessing of the Mountain

Potentially Volatile Prayer Vigil Turns to Calm Talk

Early Saturday, April 5, dozens of mountaintop removal opponents converged on Gauley Mountain for Blessing of the Mountain II, intending to pray near a mountaintop removal operation above the Fayette County community of Ansted. But, a similar number of employees of CONSOL coal company were already there, blocking access to the prayer site.

So Reverends Roy Crist and Stan Holmes set up a music stand amongst the strip mine workers' vehicles. The mountaintop removal opponents stood amongst the coal workers and services began.

"There are no enemies here," Crist said. He made an effort to shake the hand of every one of the mountaintop removal workers present.

The mountaintop removal opponents read prayers, sang hymns and spoke against mountaintop removal. At one point, a CONSOL worker stepped into the midst of the service and it looked as if the situation could turn volatile. But the crowd began singing "Amazing Grace," easing the tension between the two groups.

After the services concluded, many from both sides stood and talked calmly with one another about the need for change.

"We let our presence be known to the public. Even though we had opposition, everything came out in a positive



Facing the camera, foreground left to right, Reverends Roy Crist and Stan Holmes, Deacon Denise Giardina and Christians for the Mountains' Bob Russo, with mine employees in the background.

manner," said Ansted Historical Preservation Council member Karen Huffman.

Allen Johnson, a founder of Christians for the Mountains, said the event, "dissolved some of the polarization" between the community and the strip mine workers.

The Ansted Historical Preservation Council planned the vigil. Fliers for the event said people were invited to join in prayer, to seek "Divine intervention and wisdom to contradict the devastation created by mountaintop removal mining practices."

The council has been organizing in Ansted and surrounding tourism-dependent communities, attempting to stop a 286-acre Powellton Coal mountaintop removal operation which would be visible from the New River Gorge Bridge and would affect the Gauley River National Recreation Area. The permit boundary allows mining right up to the boundary of Hawks Nest State Park.

Residents worry the mining might unleash flash flooding if old abandoned mines and tunnels in the area are breached. They also worry that blasting will send clouds of silica-laden dust into the air.

A recent WVU study indicates that people living near coal mining operations suffer higher incidences of certain diseases and increased mortality rates.

"It was good to see both sides of the issue, and the vigil drew attention to the question of what is West Virginia

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OVEC is a founding member of Community Shares of West Virginia and a 501(c)(3) non-profit organization.

Stop Stonewalling

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weekly records requests was not acceptable and ordered the corps to provide notice of new permits to Lovett at the same time coal companies learn if they have been granted.

Chambers...indicated he was unlikely to shut down a mine where stream damage was already done.

Legal Victories Continue

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OVEC contends three Clean Water Act permits the corps issued in March suffer from the same defects cited by U.S. District Judge Chuck Chambers in 2007 when he rescinded permits issued for four Massey Energy Co. mines. Chambers followed that decision up in June with a ruling that using settling ponds to remove sediment from streams at mountaintop removal coal mines violates the Clean Water Act.

Ken Ward Jr. of the *Charleston Gazette* reported: Coal operators agreed to limit waste dumping at three mountaintop removal mines to streams that had already been disturbed.

...Coalition lawyers went to court last week, arguing that the new permits from the federal Army Corps of Engineers violated previous rulings by U.S. District Judge Robert C. Chambers.

Independence Coal, Fola Coal and Tyler Morgan LLC each agreed to limit operations to one existing fill at their respective operations, said citizen group lawyer Joe Lovett of the Appalachian Center for the Economy and the Environment...

Prayer Vigil

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going to do,” said Peter Bosch, with the Christian student group Restoring Eden.

“What are you going to do in a few years down the road when your job is gone?” Ansted community leader Cary Huffman asked a group of coal workers.

They agreed there needs to be more conversation between the workers and community members.

They exchanged names, handed out phone numbers, shook hands and left.

For more on the Blessing of the Mountain, including the program and sermon, go to OVEC’s website, WWW.OHVEC.ORG. In the column at left, under Photo Galleries, click on People in Action, then click on Blessing of the Mountain. 🍌

“If a stream has already been filled, for better or worse, it’s beyond the court’s ability to grant any relief,” Chambers said. “It’s too late.”

Lovett said that’s exactly what he was concerned would happen because of the corps’ stonewalling in releasing information about newly issued permits.

All three companies agreed that they could probably continue operations in the limited fill areas until an appeals court rules on a challenge to Chambers’ 2007 decisions. Company lawyers agreed to give the citizen groups 30-day notice if they plan to start additional fills, Lovett said.

Last week, Chambers had also ordered the corps to provide more timely notice to the citizen groups of any new permits issued for mountaintop removal valley fills...

Citing the “alarming cumulative stream loss” to valley fills, Chambers ruled the corps needed to more thoughtfully consider mining’s potential impacts before granting permits.

In a second ruling on June 13, Chambers concluded that the Clean Water Act does not allow coal operators to build in-stream sediment ponds at the bottom of valley fills.

The 2007 rulings are being appealed by the Bush administration and the coal industry to the 4th U.S. Circuit Court of Appeals.

The Richmond, Va.-based court has scheduled oral arguments for May 13 (*Ed. Note: the arguments have been moved to September.*) 🍌

Farewell to Abe

Abraham Mwaura, an OVEC organizer for the past five years, has moved on to new adventures. Abe just began a job as a union organizer with UE; this summer he’ll be working in Chicago, North Carolina and West Virginia. He’s considering law school for the fall.

Abe’s work helped OVEC to grow in many ways. He’ll be missed by members and staff. We’re thankful for the time Abe spent with us, and wish him all the best in his new endeavors. 🍌

CRMW Essay Featured in New Journal

Joyce M. Barry, environmental studies lecturer, has published an essay in the inaugural issue (Spring 2008) of *Environmental Justice*. Barry’s article is “A Small Group of Thoughtful, Committed Citizens: Women’s Activism, Environmental Justice, and the Coal River Mountain Watch.”

Citizens to DEP: *This is Not Good Enough!* Sludge “Study” Not Fulfilling Mandate



Members of the Sludge Safety Project (SSP) who lobbied legislators and won a DEP study of underground coal slurry injection believe the DEP is failing in its mandate to carry out the study.

On April 1, representatives of SSP met with officials from the Department of Environmental Protection (DEP), the Department of Health and Human Resources (DHHR), and the Office of Surface Mining to express the group’s extreme dissatisfaction with the lack of progress.

“I am here because something is in my well,” Maria Lambert of Boone County told agency officials. “If you all aren’t going to test it, then please tell me what I need to do to get some attention to this.”

During the 2006 legislative interims and the 2007 legislative session, SSP led the effort to pass SCR-15, a state resolution mandating that the DEP and the DHHR research the impacts of the coal industry practice of injecting liquid coal waste, or slurry, underground.

In December 2006, DEP Secretary Stephanie Timmermeyer told a legislative committee her agency did not need additional time or funding for the study. The DEP was supposed to complete the study and present its findings to the legislature by December 31, 2007.

“Here we are, 16 months after the DEP supposedly began the study, and the state agency that claims to protect our environment has tested three slurry underground injection sites in the state,” SSP coordinator Patricia Feeney said. “We pushed for this study because we need to know the extent of the problem and if injecting sludge underground is making people sick. Three sites in the whole state are not enough.”

“Meanwhile, people are being poisoned,” said Lambert. “We need DEP to take this seriously and respond to people in a timely manner.”

Randy Huffman, director of DEP’s Division of Mining and Reclamation (*Ed. Note: Huffman now heads the agency since Timmermeyer left in May*) made a personal commitment to see the study through and to get the water tested in Lambert’s area.

“We didn’t expect it (the study) to be this big,” Huffman told SSP members. “We need more time and we are going to continue to look into this. . . .As long as there are still questions to be answered and, I think there will be, there’s nothing final about what we’re doing here.”

But the SSP representatives reiterated concerns that the testing the DEP is conducting does not fulfill the requirements of SCR-15, and that DEP:

- ☒ Is unjustifiably limiting the scope of the study to current injections, while ignoring slurry pumped underground before the agency had a slurry injection permitting process;
- ☒ Is not fulfilling its responsibility to DHHR so that agency can determine the impacts of slurry on human health;

- ☒ Apparently does not intend to fulfill its responsibility for determining the impact of slurry on aquatic ecosystems;
- ☒ Has neglected to set a timeline and request the necessary funding for the study, and has no plans, nor a date, for presenting its findings to the legislature.

“We have repeatedly alerted DEP to citizens’ concerns in regard to water contamination, but the agency is not prioritizing those concerns,” said Feeney. “We believe they are dragging their feet and diluting the study by marginalizing citizens’ concerns. They have not requested more funding, but maintain that funding is an obstacle to fulfilling the study.”

“The study is providing a lot of information and it’s causing us to ask more questions than it’s getting answered,” Huffman added. “And we’ve actually got some plans, already got some recommendations to do some follow up outside of the study.” 🍌

SSP is a citizens’ project led by OVEC, Coal River Mountain Watch and Concerned Citizens of Mingo County. It offers support to communities that are concerned about black water and sludge impoundments. SSP also works to improve community safety through better state policy.

For more information on the Sludge Safety Project, go to www.SLUDGESAFETY.ORG or contact Patricia at (304) 235-2618.



Mary Miller and Pauline Canterberry lobby the WV Legislature with a jar of sludge water.

WVU Study Finds High Illness, Death Rates in Coalfields

by Ken Ward Jr., Charleston Gazette, March 26, 2008

Across West Virginia's coalfields, residents frequently worry that coal slurry in their water or coal dust in their air is making them sick.

Now, a West Virginia University researcher who has spent more than seven years looking into the issue says those residents may be onto something.

West Virginians who live in the state's coalfield counties are more likely than other residents to suffer from chronic heart, lung and kidney disease, WVU researcher Michael Hendryx reports in one of a series of new scientific papers.

“We need to pay attention to these problems, and try to find ways to deal with them,” Hendryx said.

Hendryx, associate director of the WVU Institute for Health Policy Research in the university's community medicine department, is co-author of four new articles examining coal's possible impacts on public health in Appalachia.

The studies found more lung cancer deaths, overall hospitalizations and overall deaths in coal-producing counties compared to other parts of the region and to the nation as a whole (Ed. Note: *Just one more price West Virginia pays for being America's Energy Sacrifice Zone*).

That study, being published in next month's issue of the *American Journal of Public Health*, used data from a 2001 phone survey of nearly 16,500 West Virginians. Hendryx and Washington State University researcher Melissa Ahern compared the results to coal production figures, U.S. Census data and Department of Health and Human Resources information.

As coal production in counties increases, they found, so does the incidence of chronic illness.

Residents in major coal counties had a 70 percent increased risk of kidney disease and a 64 percent increased risk of developing chronic obstructive pulmonary disease such as emphysema, the study found. Coal county residents were also 30 percent more likely to report high blood pressure.

Hendryx and Ahern tried to isolate coal's potential



Smoke and dust from mountaintop removal blast sites may be causing coalfield residents more health problems, experts believe.

impacts by factoring out the influence of other possible causes, such as smoking, obesity and age.

“We've adjusted our data to include those factors, and still found disease rates higher in coal mining communities,” Hendryx said.

In another study, published in the January 2007 issue of the *Journal of Toxicology and Environmental Health*, Hendryx ... found that hospitalization for chronic obstructive pulmonary disease

increased 1 percent for every 1,462 tons of coal produced in a county. Hospitalization for high blood pressure increased 1 percent for every 1,873 tons of coal produced.

This month, another study by Hendryx in the journal *Lung Cancer* reported that lung cancer rates for 2000 to 2004 were higher in areas of heavy Appalachian coal mining, even after figures were adjusted to take smoking, poverty and other variables into account...

Later this spring, another paper by Hendryx in the new journal *Environmental Justice* will examine total excess deaths from all causes in coal mining counties in Appalachia.

After adjusting for other possible factors, coal mining counties experienced 1,607 excess deaths during a six-year period between 1999 and 2004, Hendryx said, which amounts to about 268 excess deaths per year, he said.

“The incidence of mortality has been consistently higher in coal-mining areas for as long as the Centers for Disease Control rates are available, back to 1979,” he said.

...More research is needed on such matters, Hendryx said, but possibilities include exposure to coal byproducts such as slurry leaching into drinking water or air pollution effects from mining and coal processing.

...Hendryx said while coal is a major economic player in the state, the impacts of mining on communities should not be forgotten.

“I think we have to be honest about the effects of coal on communities and not just pretend these things don't exist,” he said.

(Ed. Note: Asked about Hendryx's findings, Gov. Manchin said he had no intention of ordering further studies on the issue.)



County Dragging Feet on Emergency Warning System for Sludge Dam Failures

Sludge Safety Project Update

Thanks to the great ladies in Sylvester known as the “Dustbusters” for following up this spring on the Reverse 911 and evacuation plans with the Boone County Commission and Office of Emergency Services. Others helped them get this far, and all of us will have to continue working to make certain the system operates properly.

Mary Miller said, “I think it is terrible that we as retired citizens have to fight for an emergency monitoring system, evacuation plan and evacuation centers, but that is what is going on.”

Pauline Canterbury said, “The Boone County Commission and the Office of Emergency Services missed the opportunity to get a grant to put this system in and this was because they don’t see this as a priority, because they don’t have to live like we do.” (*See story on page 8.*)

While the Boone County Commission was dragging its feet on the Reverse 911 systems, it did allocate the funds to run water to Massey Energy’s new office on Rt. 119, a \$500,000 project. The cost of a Reverse 911 system, on the other hand, is slightly less than \$25,000. Up that to \$50,000, and you include the cost for the first year’s operation. Now ask yourself, why don’t we have a Reverse 911 system operating in Boone County?

Meanwhile in Prenter, people are being forced to travel to get water in bottles to supply their families with safe drinking water. Yup, people in Prenter do without good water, yet Massey’s new building gets it piped in.

The message that we are getting is clear... we are not worth clean, healthy water nor are we worth a Reverse 911 system to save our lives. Are we in reality the last thing on the priority list of our county representatives? Are we simply expendable people that should shut up and go away?

We don’t think so. We deserve a Reverse 911 monitoring system, working individual community evacuation plans and community evacuation shelters. And we as taxpayers should not have to pick up the bill. The coal companies operating in Boone County should pay the cost to solve a problem they created. If each one would give



**Please support OVEC through
Community Shares**

just “pocket change,” this cost would not be an issue.

Boone County is one of the most poverty stricken counties in the state, as is McDowell County. Both counties have had high rates of resource extraction. Paying the cost of a Reverse 911 system, working evacuation plans and evacuation shelters would be a great “good neighbor” policy for the coal companies to practice. Just a thought – as the coal company surveyors do their community residential surveys, they also could ask the people in the communities to help devise an evacuation plan that could save their lives if anything was to go wrong on one of the 18 Class C (high risk) dams we have in Boone County. Now is the time to do this. Tomorrow may be too late.

Citizens of Rt. 3, Rt. 17, Rt. 26, Rt. 5, and Rt. 85 will stand together to see to it that we have a Reverse 911 system installed and operating with individual community evacuation plans and well-stocked evacuation shelters. We cannot rest until we do. Buffalo Creek taught us something, whether our leaders paid attention or not. We are the people paying the true cost of this so-called “cheap, clean coal” and we deserve protection in our homes and communities.

We citizens in Boone County get stuck with the things that make coal expensive and dirty, like the ruined abandoned mine lands, polluted water, polluted air, and pothole-ridden roads. We live under sludge dams with no warning system and no realistic escape plan. Now what makes anyone believe that we are asking too much in asking that our county officials make protecting our lives priority number one? The people of Boone County will unite to see this through because we have no other choice.

We will be revisiting this in June with the Boone County Commission and Office of Emergency Services. We want your input. Please give us a call at (304) 245-8481.

Goodbye Bob

One of Boone County’s long-standing OVEC members, Bob Farris, recently passed away. Bob was a man who knew we will stop mountaintop removal. We truly appreciate all he did as a volunteer to help us form the Boone County OVEC team. If everyone believed in human kindness as Bob Farris did, mountaintop removal would have never begun. He will be greatly missed by many folks in Boone County and beyond. We love and miss you Bob! Brenda, our hearts are with you in your time of grief. 🍷

WARN System Not Forgotten, Just ... Delayed. Again.

by Lawrence Keeney, The Boone Standard, April 4, 2008

The system designed to give Boone County residents adequate warning if a disaster is imminent has not been forgotten by commissioners and emergency services office administrators in the county.

According to 911 Director Greg Lay, once a final word on funding for the new WARN System is assured, the

Black Water Rafting: Summer 2008

If you live anywhere downstream and you have a canoe or kayak or just an old inner tube and you want to be involved, give us a call and get active in cleaning up our streams.

Community people will be rafting this summer to evaluate the streams and report findings. We are photographing and documenting the condition of the Pond Fork River and its tributaries. We are looking for River Keepers. Get involved and have fun! 🍌

Reflections on A Week in Washington

by Carolyn Van Zant, OVEC member from Williamson, WV

In April, 120 people from 19 different states converged upon Washington, D.C. They were all ages, sizes, socio-economic and education levels.

The only thing that they appeared to have in common was a commitment to stop the destruction of the southern coalfields. The goal for the week in Washington was to gain legislative support for the Clean Water Protection Act.

Never before have I been with such a committed and congenial group. Everyone that I met was someone that I would like to spend more time with and that I really hope to meet again. Maybe a commitment to the environment brings out the best in people or just brings out the best people – either way the synergy was remarkable.

Although I was with groups that met with Congressional aides for districts directly impacted by mountaintop removal, the most interested aides were from other areas. Congressman John Dingell's aide was very supportive of the effort to stop companies from blowing up the mountains and from spoiling the streams.

The people that I met were wonderful, some of the meetings with congressional aides were educational and the parties were fun. I am really thankful I had the chance to be a part of this historic event. Thanks to all the groups who worked together to pull off this great experience! 🍌

system could be in place 'in a matter of days.'"

Activists from various communities in Boone County came to the commission last year with a laundry list of possible scenarios that frightened them. The county is bordered on at least two sides by a series of coal company slurry ponds that posed what they deemed a massive danger to residents.

Lay said WARN is a system which allows emergency responders to program a computer system to call homes and businesses in the path of a possible disaster.

Sylvester community activists Mary Miller and Pauline Canterbury came to last week's Boone County Commission meeting to find out just what was going on with WARN.

"Every week our neighbors are asking us what's going on with the system," Miller told commissioners. "Our people face this every day. We live in fear every time there's a storm."

Miller and Canterbury said they were satisfied with the progress Lay outlined, but asked that they, and everyone else in Sylvester, be kept up to speed about when and if the WARN system is put into place.

Maria Gunnoe is also pleased with the progress of WARN, but expressed other worries in an interview with *The Boone Standard*.

Gunnoe, Community Outreach and Issue Organizer for the Ohio Valley Environmental Coalition (OVEC), has worked for a number of years on local environmental issues, including the problems she said surrounds containment structures.

"I'm pleased to hear that the WARN system is probably going to be a reality in Boone County soon," she said. "At the same time, however, I have to wonder why the coal companies aren't coughing up the funds necessary to put the WARN System in place, and why the Office of Emergency Services and the Boone County Commission isn't making them." 🍌

ACTION ALERT!

In Boone County, **EVERYONE CAN DO SOMETHING!**

Become an OVEC member. To get involved in our county, give us a call at our Boone County Office, (304) 245-8481 or e-mail Maria Gunnoe at wvhollowgirl@aol.com

From Morgan to Mingo: Sister County Solidarity

Mingo Countians Donna Branham, Carol Young, Terry Steele, Carolyn Van Zant and Walter Young have been working with a group in Morgan County that wants to fight mountaintop removal.

We have had several conference calls together and the Morgan County group has offered solidarity, time, professional resources, and fundraising for the group in Mingo County. This has been an amazing way to build solidarity, understanding, and power across geographic and cultural barriers. We hope to build a sustainable model to be replicated across the state.

On our way to the Stop Mountaintop Removal lobbying week in Washington, DC (*See story on page 8*), Mingo Countians stayed in Berkeley Springs for a night. We enjoyed a wonderful potluck dinner and gave a presentation to the group. Thank you to Leslie Milbourne and Beth Raps for coordinating that energizing event.

Alliance with State Worker's Union, UE Local 170

OVEC members in Mingo County have been holding the Department of Environmental Protection accountable to the people. We have joined together to demand a legislative audit of the DEP. If the DEP did its job, we would have more state revenue from fines, we would have a healthier environment, and we would have workers who are paid a fair wage. We look forward to working more closely with the State Workers Union. See page 12 for more information on our DEP accountability efforts.

Local Group Outreach Campaign

Mingo folks identified our top priorities to be

“Clean” Coal Candidates Confronted with Mountaintop Removal Questions

The presidential candidates from both parties are using the words “clean” and “coal” together. It’s pitiful, but not surprising all are spouting the coal industry’s most-favored Orwellian phrase. After all, the industry has sponsored presidential debates and is spending \$35 million on propaganda during the campaign season.

Talk of “clean” coal is really about “slightly less dirty” burning of coal. Coal’s dirty when you mine it, dirty when you prep it for market, dirty when you haul it to market, dirty when you burn it, and dirty when you “dispose” of the ash. And it sure dirties up politics!

To try to get that message to Senator Hillary Clinton, several OVEC members stood outside her March 19 Charleston appearance with “Stop Mountaintop Removal”

educating neighbors about the issues and getting more people involved in making change. We researched media costs, brainstormed slogans, and made plans to do some serious outreach this summer with the goal of recruiting 50 members.

We aim to kick off the outreach campaign with billboards along Rt. 119 near Williamson. Stacey Stalnaker, professional graphic designer in Huntington, is volunteering her time to develop an effective ad. Beth Raps, a professional grant writer in Berkeley Springs, is also volunteering her time and looks to raise \$10,000 for the billboards.

Through a gift from Appalachian Voices, we met with Fenton Communications, a PR firm in DC. And, Earthjustice has donated both time and money to help us develop a powerful message.

Thank you to everyone who is making this important project a reality. This is surely a powerful catalyst for an event-filled summer of recruitment!

And keep your eyes peeled for the launch of a new, local environmental group here in Mingo County. If you have any experience or support you would like to offer, please call Donna Branham at (304) 475-2421.

Movie Nights

Mingo County community leaders recently initiated monthly movie showings at the Pizza Hut in South Williamson.

Free and open to the public, these movie nights are a great place to meet others who want to get involved and learn more about environmental issues in the coalfields. 🍿

signs for hours in the rain. Clinton’s motorcade finally buzzed by us so fast our signs were probably only a blur to occupants of the assorted SUVs in her motorcade.

Inside the event, Clinton never called on us for a question. But, WV Public Radio asked her about mountaintop removal. She said, “I am concerned about it for all the reasons people state, but I think it’s a difficult question because of the conflict between the economic and environmental trade-off that you have here.

“I’m not an expert. I don’t know enough to have an independent opinion. . . You know, maybe there is a way to recover those mountaintops once they have been stripped of the coal. You know, I think we’ve got to look at this from

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Coal Candidates

continued from page 9

a practical perspective.”

Sigh. Clinton learned quite a bit about mountaintop removal at a June 6, 2002 hearing in DC. There, she told Backstreet Boys’ Kevin Richardson she would take a SouthWings flyover of mountaintop removal mining areas. That flight hasn’t happened yet.

On March 20, more OVEC members were stationed throughout the Beckley arena where Senator Barak Obama was speaking. Also present were members of Coal River Mountain Watch, Student Environmental Action Coalition and WV Young Democrats. Early on, a whitewater rafters’ advocate asked about mountaintop removal.

The *Beckley Register-Herald* reported: *Obama’s answer didn’t give much red meat to either environmentalists or coal supporters, both of which had loud contingents in the audience.*

“I’m not just going to take a bunch of contributions from the coal industry and do their bidding, any more than I would only listen to the environmentalists,” Obama said. “I want to listen to everybody... We’ve got to transition into clean energy...but it’s not going to happen overnight...I have the aggressive goal of 25 percent renewable energy by 2020.”

Obama took more questions and eventually looked over at the man in the neon-green ball cap and sweatshirt – Larry Gibson. Obama, like many of us, noticed Larry’s dogged persistence: “This gentlemen in the green has had his hand up for a long time.”

Larry stood up and said, “Senator Obama, I appreciate your stand on the war... We’d like you to consider the war we have here in Appalachia, with over 474 mountains blown up...”

Obama replied, “What I want to do is work with experts here... to find out what we need to do to protect the waterways. That’s going to be a primary task of the head of my Environmental Protection Agency... we have to be good stewards of the land so that we are passing on a planet to our children and our grandchildren that’s as beautiful and as bountiful as the one that we inherited from our parents and our grandparents.”



Arrows, left to right, Barak, Jay Rockefeller, and Larry!

On March 26, Bill Clinton stumped for his wife at the Raleigh County Armory. OVEC members Chuck and Linda Nelson were there. Mr. Clinton touted “clean coal and coal-to-liquid.” Chuck told Clinton about Bush’s gutting of the Clean Water Act, and handed him a fact sheet on mountaintop removal and a copy of the “Mountain Mourning” DVD. Clinton just nodded.

“I just hope he watches it, so he can see the impact that mountaintop removal has on our lives,” Chuck said. He related our adventures in trying to elicit a straight answer about mountaintop removal from the candidates to both National Public Radio and CNN.

After those visits, the WV Democratic Party held its county conventions. Cabell County convention goes, prompted by OVEC volunteer Robin Blakeman, approved a statement opposing mountaintop removal and supporting renewable energy. At its convention, the WV Young Democrats passed a resolution against mountaintop removal.

In May, Senator Clinton was back in Charleston for a rally at the State Capitol. Larry arrived at 5:30 a.m. and was first in line. A photo of the rally appeared in the *New York Times*. There was Larry, in the front row, in his iconic fluorescent green Stop Mountain Removal ball cap and sweatshirt. After Clinton concluded, Larry shook hands with her and asked her to sign his Stop Mountaintop Removal ball cap and to commit to ending the massacre of our mountains.

She did sign the ball cap, but she didn’t give an answer on mountaintop removal. 🍌

Mine's Selenium Deforms Fish, Expert Says - Are People Next?

Excerpted from an article by Ken Ward Jr., Charleston Gazette, April 27, 2008

Selenium pollution from one of West Virginia's largest mountaintop removal mines is dangerously poisoning Mud River fish, leaving some with serious deformities, according to one of the nation's leading experts on the issue.

Fish samples showed some specimens with two eyes on one side of the head, and others with curved spines, fisheries biologist A. Dennis Lemly reported.

He blamed high concentrations of selenium in discharges from the Hobet 21 mountaintop removal complex upstream from the Mud and from the Mud River Reservoir.

"The Mud River ecosystem is on the brink of a major toxic event," Lemly said in a report, filed April 18 in U.S. District Court in Huntington.

"If waterborne selenium concentrations are not reduced, reproductive toxicity will spiral out of control and fish populations will collapse," Lemly wrote in a report for environmental group lawyers who filed a federal court case to try to force Hobet 21 operator Hobet Mining Inc. to stop violations of its selenium discharge limits.

The court action is the latest effort by the Ohio Valley Environmental Coalition and the WV Highlands Conservancy to try to crack down on coal industry selenium pollution.

Selenium, a naturally occurring element found in many rocks and soils, is an antioxidant that is needed in very small amounts for good health. But in slightly larger amounts, selenium can be highly toxic. In aquatic life, very small amounts of selenium have been found to cause reproductive problems.

In 2003, a broad federal government study of mountaintop removal coal mining found repeated violations of water quality limits for selenium in water downstream from mining operations. The following year, a report from

the U.S. Fish and Wildlife Service found troubling levels of selenium in fish downstream from large surface mines.

Coal industry lobbyists tried - so far unsuccessfully - to persuade lawmakers and the Department of Environmental Protection to relax West Virginia's water quality rules for selenium.

The Manchin administration moved instead to give nearly 100 coal operations three more years to fix violations of their selenium permit limits.

Environmental groups are challenging about two dozen of those DEP compliance orders before the state Environmental Quality Board.

Since the federal report in 2003, environmentalists have discovered that the DEP has not taken enforcement action against mine operators with selenium violations.

Citizen groups sought to file their own lawsuits in federal court. DEP lawyers responded by filing agency lawsuits, which would block the citizen court actions. However, since filing its cases, the DEP has not sought court orders to force compliance.

"Plaintiffs have not located a case where a state has so brazenly

attempted to exploit the preclusion provisions by simply commencing an action to preclude a citizen suit and then doing nothing," wrote citizen group lawyers Joe Lovett and Derek Teaney. "DEP's Boone County action is part of its larger effort to immunize the coal industry from compliance with the selenium water quality standard."



Young fish affected by selenium pollution. What about people?

*(Ed. Note: You read correctly – DEP has done **nothing** to stop selenium pollution, but instead is stalling for time, apparently hoping for a rule change; instead granting more permits for mountaintop removal operations mining high-selenium coal seams; and instead saying treating mine discharges to remove selenium is not possible, when in fact treatment is possible, but costly.)* 🍌

Show Me The Money! *DEP ASKS, OVEC DELIVERS*

On Earth Day (April 22) at the state capitol, an alliance of citizen groups, union workers, and environmental organizations called for the legislature to protect the health and well-being of West Virginians. They presented a mock check for \$2.4 billion to the West Virginia state legislature.

Speakers cited the \$20 million dollar settlement between the federal Environmental Protection Agency and Massey Energy for more than four thousand violations of the Clean Water Act in West Virginia and Kentucky.

If the state had collected the full amount of the fines, **it would have collected \$2.4 billion.**

“We would like the legislature to have these billions that could be coming into the state if the Department of

Environmental Protection would collect the overdue fines from violators,” said Gordon Simmons, President of the Local UE 170. “Unfortunately, there is no money to collect, as the DEP has not been doing its job to hold polluters accountable.”

“We are here today because we want to support the DEP,” said Donna Branham, an OVEC member from Mingo County. “We want good jobs for the state workers; we want a DEP that has the resources it needs to do its job. We are asking the state legislature to conduct an audit of the DEP, assess why the agency has been missing these billions of dollars. Let’s get the agency the resources it needs to protect our health and our environment.”

During the press conference, citizens presented more than 600 petition signatures, which they delivered to the Speaker of the House and the Senate President by way of the clerks’ offices. The groups will continue collecting signatures on the petition, which calls for the legislature to audit the DEP, fill the 100 job vacancies in the DEP, assess why the agency has missed so many fines, and postpone the issuance of any future permits until the audit is complete and the fines are collected.

“Year after year after year, the DEP has failed to enforce the environmental standards of state law,” said Dawn Knight, a chapter president of the West Virginia Public Workers Union. “It is in the public interest that the Division of Environmental Protection be vigilant in its inspections and vigorous in its enforcement. It is in the public interest that DEP hire and maintain an adequate and professional staff. It is in the public interest that corporate polluters be punished and made to put our state’s ecology right again, to undo the wanton damage of poisoning our land and water and the very air we breathe.

“It is obviously not enough for the legislature to pass laws to protect us. The laws must be enforced. So we call on that branch to audit DEP,” Knight added. “It is



OVEC member Donna Branham gets ready to deliver the 600 petitions to the House Clerk's Office.

Opportunities for Student Interns to Work on Campaign Finance Reform

Democracy Matters, a national organization of youth working on public campaign financing, is offering 80 internships for college students nationwide. Each intern receives a stipend of \$750 per semester for duties that include forming an organization on campus and planning events to

get out the word about the advantages of public financing to the student body. High school students can do a supervised project in their school and receive credit for an internship. Contact Joan Mandle at joanm@democracymatters.org or (315) 824-4306. 🍌



Left to right, OVEC organizer Patricia Feeney and Mingo County members Carolyn Van Zant and Donna Branham show off the giant check with the amount of money the DEP *could* have collected in fines - if it had cared enough to do its job.

high time for the legislative branch to exercise its oversight responsibilities to the people and land of West Virginia.”

The event was sponsored by OVEC, WV Public Workers Union, Coal River Mountain Watch, Concerned

Citizens of Mingo County, West Virginia Citizen Action Group, the WV Environmental Council, Sustainable Living for West Virginia, Keepers of the Mountain Foundation, Student Environmental Action Coalition and Sierra Club. 🍌

ACTION ALERT

As our last issue of *Winds of Change* went to press, we were set to turn out in force for a Department of Environmental Protection (DEP) oversight hearing in the State Senate. Unfortunately, that hearing was canceled the day before it was to be held.

However, our petition drive continues to spread across the state. We delivered 600 signatures to the legislature on Earth Day (see story above), and will continue to present stacks of signatures throughout the legislative interims and the 2009 session. We need to show the legislature that West Virginians find environmental enforcement lacking, and that we demand a legislative audit of the DEP.

We need your help. Please visit the OVEC website, print off a petition and take it around to your neighbors, co-workers, or pass it around at class. **Every signature counts!**

If you don't have Internet access, call Patricia at (304) 235-2618 for a copy of the petition.

Youth in Action

Finding the Unexpected on a Class Trip to West Virginia

Adapted from an article by Patricia Lutfy

Months ago, Peter Comstock, headmaster of the Glen Spey (New York) Homestead School, contacted OVEC volunteers in order to plan a class trip to West Virginia.

Students, teachers and parents spent six months preparing for the trip, learning about the many issues that need to be considered when looking at our choices regarding energy consumption. Parent Patricia Lutfy wrote:

This was in no way going to be a one-sided issue and that was very clear from the beginning. But what was also very clear from day one is that blowing off the tops of mountains was simply wrong!

The students formed a group, came up with a mission statement and decided upon a name for themselves. The Green Power Alliance was born. The children met with Congressman Chris Carney in Milford, PA, with a strong message encouraging him to be a co-sponsor of the Clean Water Protection Act.

We began our first day in West Virginia with a 7 a.m. start to meet Larry Gibson who would take us to his mountaintop home which is surrounded by active mountaintop removal coal mining. . . . We found out only too soon that we were entering a battle zone. With Larry's white pickup in the lead, an approaching coal truck challenged each of the cars in our caravan by veering over onto our side of the road.

This harassment is commonplace for Larry Gibson. There were the bullet holes in the outhouse and the side of his home from drive-by shootings of vandals during the night. This peaceful sanctuary has been altered almost as dramatically as the barren wasteland just beyond the tree line where the mountaintop removal site was in full operation.

On Kayford, we met Ed Wiley, whose

granddaughter and classmates started experiencing sickness at Marsh Fork Elementary School. We also met Mary Miller and Pauline Canterbury, aka "the Dustbusters." These ladies brought about a lawsuit and are still fighting for the basic human needs of clean water and air in their community.

We went to West Virginia to educate ourselves about an environmental issue, but came face to face with a human rights issue.

What does this mean for the people in our region? We consume electricity that is generated by coal from West Virginia and therefore we are a part of this problem. My daughters and the kids of the Green Power Alliance want to be a part of the solution. It will begin for all of us as it began for all of these children – with education.

The Green Power Alliance hosted an Energy Expo and Family Environmental Day at Pocono Environmental Education Center on May 3. Larry Gibson and two other OVEC volunteers spoke at the event.

After the expo, the Homestead School's headmaster reflected, "It's time for an active partnership in solving the problems of global warming, environmental degradation, and the related violations of human rights issuing from the exploitation of natural resources. The West Virginians sense that a powerful wave of change is about to crest. We want to do our part in hastening that Green Revolution. These are momentous and exciting times, indeed." 



OVEC Works!

Thanks to everyone near and far taking action to end mountaintop removal, with an extra special thanks to all the coalfield residents who speak out courageously. Due to the recent rising levels of threatening behavior from mountaintop removal proponents, we won't be publishing a listing of everyone we wish to thank. We hope you know how much we appreciate you. OVEC works because of you!

Thanks!

We care. We Count. WE VOTE!

Study Resolution on Judicial Elections Prompted by Photos

Due at least in part to the hubbub resulting when photos were published showing Supreme Court Justice Spike Maynard vacationing in Monaco with Massey CEO Don Blankenship, both the WV Senate and House of Delegates passed a resolution to study the way our judicial campaigns are conducted.

Maynard's insistence that he could remain impartial in pending Massey cases was openly questioned by many.

As a result of our Clean Elections coalition's work over the past several years, and a growing understanding of our efforts among the legislators, public campaign financing will be one of the options for judicial elections considered by the study.

It has been assigned to the Joint Standing Committee on the Judiciary. 🍂

Center for Individual Freedom Lawsuit Challenges 527 Limits

Clean Elections coalition partners were among the first to respond to a lawsuit filed by an out-of-state special interest group in March against Secretary of State Betty Ireland.

The suit seeks to overturn West Virginia's 2005 electioneering communication disclosure law (the "527" legislation), and asked Judge David Faber to issue an injunction preventing the law's enforcement during our current election cycle.

The law requires groups or individuals spending money on our elections to identify themselves and where their money comes from.

It forced us to move from the stealthy "And for the Sake of the Kids" to the more direct "Paid for by Don Blankenship."

OVEC, CitizenAction Group, the AFL-CIO, WV Education Association, the Council of Churches, three of



The need for Clean Elections took center stage thanks to Massey CEO Don Blankenship's relationship with Supreme Court Justice Spike Maynard. ABC News broadcast Blankenship's hissy fit as a reporter questioned him about their Monaco vacation. On primary day, the voters told Spike to take a hike.

the four Supreme Court candidates, and others signed onto a "friend of the court" brief from the Association for Justice seeking to keep the law in place.

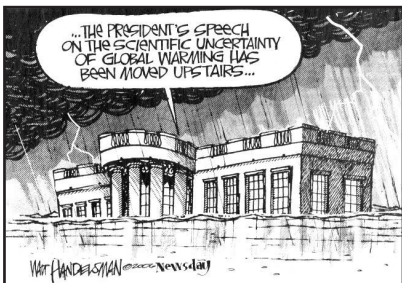
We firmly believe that if groups intend to spend large amounts of money to influence West Virginia elections, the citizens have a right to know who the groups are and who provides the funding.

However, on April 22, Judge Faber granted the out-of-state group's request for an injunction providing "partial relief." Attorneys for the Association for Justice and the Supreme Court candidates believe that the decision will still require disclosure for any use of broadcast media, but will not require disclosure for e-mails, phone banks, etc. 🍂

Challenge Grant Goal Met! Thanks!

Thanks to the generosity of our partners and supporters, the coalition's \$15,000 goal for our challenge grant was met by the April 30 deadline. Thank you so much for your assistance!

These challenge grants are a primary source of funding for our work on public campaign financing and are very important to the continuation of the effort. We could not reach these fundraising goals without your support and commitment. 🍂



☆☆ **DEMOCRACY WORKS!** ☆☆

Rising Level of Intimidation Against Anti-Mountaintop Removal Leaders

On April 3, Larry Gibson met a *Washington Post* reporter in Charleston to take him up to Kayford Mountain. Larry had recently strapped a big “Stop Mountaintop Removal” sign on the back of his well-bumper-stickered pickup truck. He predicted that there would be problems because of the sign.

By the time they got to Marmet, 4 miles from where they started, chatter about Larry and his sign start coming in over the truck’s CB radio.

“Who is that driving that truck?” “Where do they think they will get their electricity?”

Larry was intentionally driving the coal-hauling route through Marmet, so the reporter could see what the communities along the route look like and what they go through with all the coal truck traffic and the coal dust on the homes. It was coal truck drivers’ voices coming in over the radio.

The CB chatter became insults, and then escalated into deliberate planning to try to run Larry and the reporter off the road.

Once the pair was on the dusty dirt road at the base of the Kayford Mountain, a trucker yelled “Dust them! Dust them!” as he zoomed by them at almost 40 mph (on a road posted 18 mph). Larry was pointing out the bright orange, contaminated water flowing alongside the road.

“They are more scared of me than I am of them. They will react without thinking, which makes it even more dangerous,” Larry told the reporter.

On the way up the mountain, Larry had to weave from side to side as they listened to the truckers’ plans to block the road ahead of them.

“I don’t have anything against the people who are angry at me and cussing at me. The industry has instilled fear in them, and that’s who their anger should be directed to, not me,” Larry would later say.

“The reporter wasn’t used to seeing the kind of struggle that we have to go through in order to survive. The people who live out in the hollows, and the creeks and the mountains are in a struggle just to survive,” said Larry.

Unfortunately, this was not the only recent act of intimidation. People active with OVEC and Coal River Mountain Watch and other groups are noting an increase in

threatening behavior from people who support mountaintop removal coal mining.

A few days after the *Washington Post* reporter witnessed the threats, when a group of first to sixth grade students from a homestead school in New York (see story

page 14) came to visit Kayford Mountain, the intimidation continued.

“When there are a few cars with me, I have come to expect that they will talk about it on the CB. But this time there were eight or nine cars following me up the mountain. The homestead school had come to West Virginia to study issues around coal. They have started a renewable energy and environmental justice program at their school in New York. They had never seen anything like this,” Larry said.

One trucker tried to pull his trailer across the road to block the oncoming cars. The coal truck barely missed a couple of the cars.

The following day Larry attended the Department of Highways Weight and Safety Enforcement Advisory Committee meeting with one of the homestead school parents to tell the committee what they had seen. They talked about the danger that the truckers put her and the school children through.

“We didn’t do anything,” she said. The truck driver had hurled insults and rude gestures at them as she drove past the truck with four school children in the car.

“We’ve got to find a way to scale down these threats. Until we can bring those who are being driven by fear to intimidate people and those who are fighting these injustices together, we will not be able to win. We are smarter than this . . . citizens fighting against citizens. We are being used against each other. We need to start talking collectively about these issues,” Larry said. 🍌

The Post-Carbon Future is NOW!

CNN, May 11, 2008 – ***True or False:*** The world has enough proven coal reserves to last for the next 100 years.

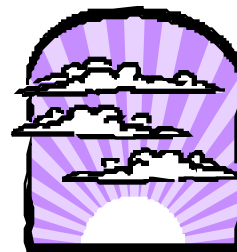
The answer is: ***FALSE.***

New data from the Energy Watch Group – a global coalition of scientists – says that instead of the world having 100 years’ worth of coal reserves, the reality is we only have about another 20 years’ worth. 🍌

This summer, OVEC will sponsor a ***peace keeping, de-escalation, non-violence workshop.*** Learn techniques for diffusing tense situations and keeping your calm at this training, which will be conducted by trained professionals. Join us June 29 at the Holiday Inn Charleston House in Charleston, WV. Call the OVEC office at (304) 522-0246 to register or for more information.

Faith in Action

OVEC Staffer Presents to Franciscan Community



Mountaintop removal mining came to the Rochester (MN) Franciscan community on April 26, when OVEC staff member Carol Warren delivered the keynote speech to the annual Justice and Peace Conference.

One hundred community members attended the talk, which included excerpts from Christians for the Mountains *Mountain Mourning* DVD. Later that evening, about 30 sisters also viewed Catherine Pancake's *Black Diamonds* documentary and were able to ask still more questions.

The Rochester Franciscans have made implementation of the Earth Charter at all levels of their common life a top priority, and were appalled to see the destruction of our mountains, and the harm to the health and culture of the people.

They are eager to help, and decided on several actions: Calling their Congress people to support the Clean Water Protection Act, showing the DVD at other regional meetings, and composing a letter to be sent to public officials in Appalachia, Minnesota, and the many other areas of the country where the sisters work.

The letter will also be posted on the Sisters' website, www.ROCHESTERFRANCISCAN.ORG, which serves a large

number of women's religious communities, with a link to OVEC's website for more information and photos of mountaintop removal. It is possible that the community will offer a resolution to the Leadership Conference of Women Religious, which represents the policy interests of many communities, and the Franciscan Federation.

The letter notes that the community is "deeply grieved by mountaintop coal mining" and that this "assault on the natural world has ethical and moral implications... The coal industry is responsible for ecocide as well as devastation for human families living in those areas... What a price to pay for government and industry encouraging an ever more voracious appetite for electricity rather than encouraging the public to conserve and use wisely."

In order to exercise shareholder responsibility and activism, the Sisters' Social Investment Activities Committee has purchased token shares of stock in Massey Energy.

OVEC can look forward to working with these new allies, who are truly concerned about the devastation of our beautiful mountains. 🍂

Train to Speak Out, Not Freak Out! - Getting Our Message to the Media

If you are involved in campaigns for social change, you may find yourself speaking at a meeting, a hearing or a press conference while cameras whirr and reporters ask questions.

That's stressful to a lot of folks, so take a tip from the Boy Scouts and be prepared. Come to one of OVEC's free Speak Out! trainings (open to OVEC and Coal River Mountain Watch members).

These fun, interactive workshops offer tips on how to hone your message and stay on point, and a chance to practice in front of cameras in a friendly atmosphere.

Once you are involved in being part of the news, you may want to delve deeper, to reach more people in new ways. OVEC, in partnership with the Center for Rural Strategies and Appalshop also offers trainings in Place Stories (very easy digital storytelling), and audio interviewing and editing for radio.



Ansted-area residents attend a recent OVEC Speak Out! training to learn how to get their message about stopping a mountaintop removal mine out to the public and the mass media.

For more information or to sign up for a training, contact Vivian at vivian@ohvec.org, (304) 522-0246, or Patricia at patricia@sludgesafety.org, (304) 235-2618. 🍂

Citi Shareholders Asked to Get Principled About Their Investments

Outside Citi's annual shareholder meeting in April, 50 supporters of Rainforest Action Network (RAN) made sure every shareholder entering the meeting knew the giant bank is funding coal projects and why that funding should stop.

Inside the meeting, OVEC organizer Maria Gunnoe was one of a couple of folks speaking in support of Shareholder Resolution No. 9, calling on Citi to cease financing of coal-fired power plants and mountaintop removal coal mining.

Speaking directly to Citi CEO Vikram Pandit and Chairman Sir Win Bischoff, Maria said:

"My name is Maria Gunnoe and I am a resident of Bob White in Boone County, WV. I want to congratulate you on your recent commitment to the 'Carbon Principles.' But, I also want to speak to your ongoing commitment to the coal industry through various loans and investments. I come from a place where your clients and customers use 'mountaintop removal' coal mining to extract seams of coal by literally exploding the tops off of mountains and dumping them into nearby valleys. They have little consideration about whether people are living near their mining sites or not. And they have little consideration of the impact of their operations on the diversity of the mountains and wilderness and citizens of Appalachia.

"So I ask you: Where is the 'principle' in financing Arch Coal? Arch Coal is the second largest coal company in the U.S. with active mines in West Virginia, Kentucky,

KY Residents Organize to Fight Landfill

by Carrie Kirschner, The Ashland Independent, March 19, 2008

Boyd County residents are organizing to fight the planned expansion of the Big Run Landfill, which they say will increase odor and dust problems at the facility.

Big Run, owned by Virginia-based EnviroSolutions Inc., is in the final stage of applying for a permit to develop an additional 194 acres at the facility off U.S. 60. The expansion is expected to allow the landfill to triple its annual waste capacity from 500,000 tons to 1.5 million tons a year.

Retired state air quality inspector (and OVEC board member) resident Dan Kash is leading the fight to organize his neighbors. Kash (has handed) out hundreds of fliers ...

Kash accused the state agency of putting on a "sham" of a public hearing about the permit in January. 🍌

and Virginia using a variety of strip mining techniques including mountaintop removal...

"Where is the 'principle' in banking with Massey Energy? Massey Energy is the 'poster child' of mountaintop removal. Besides destroying Appalachia's mountains on a daily basis, Massey Energy operates a coal loading silo and a 2.8 billion gallon leaking toxic sludge dam above Marsh Fork Elementary School in West Virginia...

"Where is the 'principle' in investing in Alpha Natural Resources? Alpha is the second largest producer of mountaintop removal coal. Shareholder Resolution No. 9 requests that Citi amend its carbon emissions policies to cease all financing, investment and any further involvement in activities that support mountaintop removal ...

"How can shareholders think that we have addressed the carbon policy adequately without addressing coal from the cradle to the grave? As long as the coal industry, and its bankers, wage war on the mountains and people of Appalachia, this resolution remains the only true 'carbon principle'." 🍌

Blair Mtn. Preservation Update

by OVEC board member Regina Hendrix

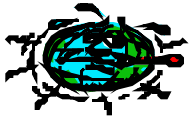
Since I last updated you on the Blair Mountain nomination for national historical status, we've had some very good news. At their semi-annual meeting on Feb. 22, the WV Archives and History Commission voted unanimously to resubmit the expanded nomination package to the National Park Service (NPS).

This resubmission includes archaeological information from numerous sites within the nomination boundary. Our superheroes are Barbara Rasmussen of the Preservation Alliance of WV, who prepared the extensive nomination documents; Dr. Harvard Ayers of Appalachian State University; and Kenny King, a local activist and amateur historian.

Harvard and Kenny pursued the archaeological digs through heat, humidity and poison ivy last summer. During the 2008 legislative session, the House of Delegates passed HJR 40, a resolution in support of the designation of this historic site.

The Historic Preservation Office has put the nomination package together and submitted it to the NPS. NPS will have a 60-day review period. We are optimistic. Stay tuned, or see WWW.FRIENDSOFBLAIRMOUNTAIN.ORG. 🍌

When you're finished with this newsletter, please pass it on!



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



Sequestering Carbon Dioxide: Another Coal Industry Scam

In the midst of a climate crisis and record energy prices, policy makers must not succumb to the false promise of carbon capture and storage (CCS), which would prolong dependence on dirty and dangerous energy sources and reward the world's biggest polluters, says a new Greenpeace report.

The technology seeks to capture carbon dioxide from power plants and store it underground. But, despite being unproven and expensive, coal and power companies are advertising the scheme as a solution to global warming in order to justify building new coal-fired power plants, the single largest contributor to global warming.

The Greenpeace report, "False Hope: Why Carbon Capture and Storage Won't Save the Climate," calls on governments to invest in safe, clean and proven energy technologies like wind and solar to find a long-term solution to the climate crisis.

"Carbon capture and storage is a scam. It is the ultimate coal industry pipe dream," said the report's author, Emily Rochon, climate and energy campaigner at Greenpeace International. "Governments and businesses need to reduce their emissions – not search for excuses to keep burning coal."

"Those of us who live in the so-called 'billion dollar coalfields' are fed up with the coal industry's false promises.

World CO₂ Levels at Record High Level

The Guardian (London), May 13, 2008

The concentration of carbon dioxide in the atmosphere has reached a record high, according to new figures that renew fears that climate change could begin to slide out of control.

Scientists at the Mauna Loa observatory in Hawaii say that CO₂ levels in the atmosphere now stand at 387 parts per million (ppm), up almost 40 percent since the industrial revolution and the highest for at least the last 650,000 years.

The figures also confirm that carbon dioxide, the chief greenhouse gas, is accumulating in the atmosphere faster than expected. The annual mean growth rate for 2007 was 2.14 ppm - the fourth year in the past six to see an annual rise greater than 2 ppm. From 1970 to 2000, the concentration rose by about 1.5 ppm each year, but since 2000 the annual rise has leapt to an average 2.1 ppm. 🍌

We shouldn't throw billions more in taxpayer money into this costly, unproven technology. Let's take all that money and invest it renewable energy jobs for West Virginians," said Mingo County OVEC member Carol Young. OVEC helped release the report in WV.

Fraught with uncertainties about its effectiveness and cost, CCS technology is not expected to be commercially available until 2030, while the world's leading climate experts have said global greenhouse gas emissions must peak no later than 2015 and be cut by at least half by 2050 to avoid the most catastrophic consequences of climate change.

Thus, even if the technology proved viable, it wouldn't be available until long after the window for meaningful action to halt global warming has closed. Even if CCS reaches commercial viability, coal-fired power plant capacity is expanding so rapidly that as much as 70 percent of carbon dioxide emissions from power generation in 2050 may not be technically suited to CCS.

Learn more at WWW.GREENPEACE.ORG/CCS. 🍌

Global Warming Gases: Five WV Cities Act, Help Bring More on Board

Although 173 countries have ratified the treaty, the United States has so far refused to sign onto the Kyoto Protocol to curb greenhouse gases.

A May 12 Charleston Gazette editorial noted, "To counteract Washington's foot-dragging, Seattle's mayor proposed that U.S. cities individually embrace the Kyoto plan, in defiance of national leaders.

The effort caught fire. The Mayor's Climate Protection Agreement was drafted, and city councils began voting to adopt Kyoto at the local level. At latest count, more than 800 cities have signed the pledge.

"Five West Virginia municipalities - Morgantown, Shepherdstown, Oak Hill, Fayetteville and (most recently) Hurricane - have endorsed Kyoto so far."

Interestingly, scientist and OVEC volunteer Mel Tyree had talked with officials in Hurricane several months ago about this very issue.

You too can take action! Urge the mayor of your town to adopt Kyoto locally. **Go to WWW.OHVEC.ORG/GLOBALWARMING/ for information on how to take action at the local level.** 🍌

That's Quite a Bit for One Photography Course in College ...

OVEC staffer Vivian Stockman is the first to admit she's not really a great photographer. It's the issue itself that has resulted in numerous publications of her photos – that and the sheer volume of her photos. In travelling to work on the issue and escorting reporters to meet directly impacted residents, she has taken more than 100,000 photographs of mountaintop removal operations and people in the movement to end mountaintop removal.

Many of the shots are aerial images – Vivian has earned “frequent flyover” status with SouthWings. She says she owes a massive debt of gratitude to the volunteer pilot group for helping to expose so many people to the horrifying bird's eye view of mountaintop removal – that type of view

that can effect real change.

Magazines and newspapers that have published her photos include the *New York Times*, *Orion Magazine*, the cover of *Planning*, *E Magazine*, *Washington Monthly*, *Geo* (French edition), *Blue Ridge Country Magazine*, *Waterkeeper Magazine*, *On Wisconsin*, the cover of *Everybody's Backyard*, *American School Board Journal*, *Environmental Science and Technology* and several West Virginia and Kentucky newspapers.

Her photos have been used in several TV news segments and in documentaries including *Black Diamonds*, *Mountain Mourning*, *Bringing Down the Mountains* and *Hard Coal*. 🍪

The Talk of the Town, State, Nation, Planet... Maybe Even Beyond!

So far in 2008, OVEC volunteers and staff have really been getting the word out about mountaintop removal. News media outlets (not counting books and film) in which we've been quoted or our work has been mentioned include:

In-State

Charleston Gazette
 West Virginia Public Radio
Huntington Herald-Dispatch
Charleston Daily Mail
The State Journal
Williamson Daily News
Logan Banner
Beckley Register-Herald
Fayette Tribune
Boone and Lincoln Standards
Coal Valley News
Roane County Reporter
Marshall University Parthenon

National

National Public Radio
 Pacifica Radio
 CNN
Washington Post (Sunday front page, above the fold, plus two more full pages!)
New York Times
Boston Globe
Los Angeles Times
The Nation
Cleveland Plain Dealer
Lexington Courier-Journal
Ashland (KY) Independent
Dallas Morning News

Charleston (SC) Post and Courier
Pittsburgh Post-Gazette

Portland Oregonian
Albany (NY) Democrat-Herald
Cape Cod Times
Athens (GA) Banner-Herald
San Diego Union-Tribune

International

BBC World News
 Christian Science Monitor
Financial Times (London)
 Danish Public Broadcasting
Toronto (Canada) Star
Flight International 🍪

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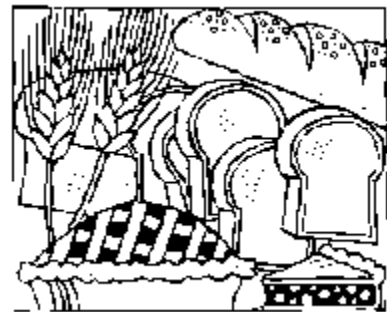
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Coalfield Residents Testify at Wind Hearing in Cape Cod

by Janet Keating

What do communities near Nantucket Sound and in the coalfields of central Appalachia have in common? Sadly, both are deeply divided about energy generation. While OVEC and other groups have worked for a decade to end mountaintop removal in West Virginia, the Hyannis, Massachusetts advocacy group Clean Power Now has promoted the Cape Wind project for seven years, despite rich and powerful opponents.

As the first-ever off-shore wind farm in the United States, Cape Wind would generate clean, renewable energy from 130 wind turbines in a 25-square-mile area in Nantucket Sound. In more than a symbolic way, the solution to “our” mountaintop removal problem lies in “their” backyard.

In early March, the US Interior Department’s Mineral Management Service held public hearings on the draft environmental impact study for the Cape Wind project. Findings show that impacts on wildlife, tourism, fishing and navigation would be negligible. One “negative” impact was clear – the wind



Chuck Nelson passes out Friends of the Mountains brochures to attendees of the Cape Wind project public hearing. Chuck urged support of clean, renewable wind power to help save our land, people and communities from the destruction caused by mountaintop removal.

turbines would be seen! Many who oppose the wind farm own homes on the Cape or the Islands and are concerned about their view.



An Appalachian delegation traveled to Cape Cod to speak in support of the long-planned Cape Wind Project in Nantucket Sound. From left to right: Coleen Unroe (KFTC), Carl Shoupe (KFTC), John Messer (Southern Appalachian Mountain Stewards), Chuck Nelson (OVEC) and Janet Keating (OVEC).

An Appalachian coalfield delegation joined with local supporters from Clean Power Now rallying outside holding signs and chanting over the opposition group. We held large mountaintop removal photos and passed out flyers to inform our New England neighbors about the steep price citizens living with mountaintop removal are paying to produce electricity. Some people ignored us or averted their eyes; others offered sympathy. And some people were just downright mean-spirited.

After local politicians, “regular” folks – like many locals and OVEC’s Chuck Nelson, Carl Shoupe of Kentuckians For The Commonwealth, and John Messer of the Southern Appalachian Mountain Stewards – were permitted to speak.

Chuck testified: “I’m here
continued on page 22”

Cape Cod Wind

continued from page 21

representing our people of Appalachia where we supply most of the coal that generates half of this nation's energy. I believe that the Cape Wind Project is the direction our country needs to be moving towards. You know I used to like the view from my backyard, but it's been blown up. The coal industry uses 25 hundred tons of explosives each day on mountaintop removal sites around our houses..."

On the previous day, Chuck met with an editor from the *Boston Globe* to explain how the Cape Wind project could bolster the much-needed transition to a clean energy future and decrease our nation's dependence on coal.

Wind energy produced 5 miles offshore in Nantucket Sound wouldn't create toxic sludge lakes or spew mercury into the air that winds up in mothers' breast milk. Neither would the clean, renewable wind energy obliterate life-sustaining headwater streams, choke communities with coal dust, or cause increased flooding.

And although coal accounts for just 15 percent of New England's electricity (according to the *Boston Globe*), the Cape Wind project could generate three quarters of Cape Cod's demand.

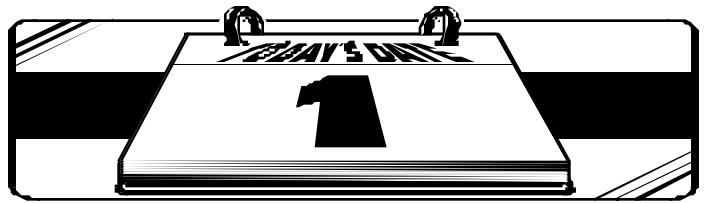
While the Cape Wind faces some powerful opposition, a poll released by the Civil Society Institute indicates that of the 1,203 state residents polled, 87 percent – including 77 percent on the Cape and Islands – said they “are more likely to support Cape Wind” after learning of the Environmental Impact Statement, which labeled 109 of 118 categories of potential impact as “negligible” or “minor.”

A curious connection between the coal industry and the Cape Wind Project exists, according to Barbara Hill, Executive Director of Clean Power Now, and the *Bangor (Maine) Daily News*.

William I. Koch, a founder and owner of the Oxbow Group, that includes the subsidiary Oxbow Mining LLC (which produces 6 million tons of coal annually at its Colorado mine), has spent more than \$1 million of his own money supporting the opposition group – the Alliance to Protect Nantucket Sound. (Sounds like he's taken a page from Massey CEO Don Blankenship's playbook!)

Attending this hearing on the Cape Wind project was a great learning experience for all of us and we deeply appreciated the great hospitality of our host group, Clean Power Now – especially Ms. Hill.

Let's hope that change is in the wind, especially for Nantucket Sound. 🍂



CALENDAR

Every third Thursday at 3 p.m., the Mingo Co. Redevelopment Authority meets to discuss the proposed coal-to-liquid plant. Join Mingo Co. residents in gathering information on this proposal. Contact Patricia at (304) 235-2618

June 29: Holiday Inn Charleston House. OVEC sponsors non-violence/de-escalation workshop. Call the OVEC office at (304) 522-0246 to register or for more information.

Summer 2008: Mountain Justice Summer. See WWW.MOUNTAINJUSTICESUMMER.ORG/.

July 5: Larry Gibson's July 4th Celebration, Kayford Mountain, WV. Call the office at (304) 522-0246 for details.

July 30 – Aug. 4: Southeast Convergence for Climate Action. See WWW.CLIMATECONVERGENCE.ORG/SOUTHEAST/.

Sept. 20: Save the Date! OVEC's annual meeting.

Sept.: Fourth Circuit Court of Appeals in Richmond, Va. Oral arguments in one of OVEC's major lawsuits. TBA. For more events, see OVEC's online calendar, WWW.OHVEC.ORG/EVENTS_CALENDAR/INDEX.HTML. 🍂

Recurring Donation Program

OVEC has set up an online recurring donation program. This easy way to give really helps with our sustainability – it helps ease our dependence on private foundations and helps us with long-term planning, as we can better estimate our donations from our members.

Remember, all donations to OVEC are tax deductible. Go to WWW.OHVEC.ORG and click on the “donate” button, then click on the “automatic recurring donation” button.

Mountaintops Do Not Grow Back - New Booklet Produced

OVEC members will remember our 2006 booklet of interviews with citizens in the coalfields, *Like Walking onto Another Planet*. A group of Sisters of St. Joseph made waves by distributing the booklet at the annual Massey shareholders meeting! The collection was well-received by many folks interested in the true stories of life in the midst of mountaintop removal, slurry injection and looming impoundments.

Now a second book of seven moving and revealing interviews is available, *Mountaintops Do Not Grow Back*.

OVEC staffer Carol Warren collected the recorded interviews and faithfully transcribed them, so readers feel like they are having a conversation with the residents themselves. Illustrations by Joel Futrell again complement several of the stories.

Printed copies are available from the OVEC office, or you can read the interviews online on the OVEC website.

Just click on the booklet title on the OVEC homepage.

Below is an excerpt from an interview with Bill Price, resident of Milton and “refugee from Dorothy, West Virginia.” He describes the experience of having to make the choice to leave his community and family homeplace:

As part of Dorothy, we had this little community that I lived in which was five houses. Here’s what happened in regard to the sale of the houses. We had all of us been flooded. The coal company then comes and says, “Well, we got this permit to do this other mining that’s gonna put seven more valley fills in.” I looked at the mine maps and every valley fill was going into Fulton Creek, which was the creek that went into Clear Fork that created this flooding. And I was thinking, “There’s no way we’re gonna survive the next flood! It’s even gonna be worse!”

The mining company knew it was gonna be worse, so that’s why they wanted to buy us out. What the mining company kept saying was, “We don’t have to have your property. We don’t have to. You’re lucky we’re gonna buy you.” Like disrespectful kind of stuff. None of us wanted to sell. But all of us recognized that we had to sell.

My next-door neighbor had never lived anywhere else in her married life. That’s where her and her husband came when they got married. She was eighty-some years old, and she had never lived anywhere else. I remember when we were going through this months of process, “Well, we hear the coal company’s gonna buy us. But do we really want to sell? Do we not want to sell? Everybody’s got to make their own choice.” And she was like, “I just can’t handle any more. I’ve got to go.”

I remember walking over to her home during that process a dozen times, and her just being in tears. And toward the end, you’d go in her home and she had everything boxed up, ready to go. But still was, I guess, hoping that she wouldn’t have to. I remember sitting in her kitchen with all these boxes stacked around us, and her just in tears going, “We don’t have any choice. We don’t have any choice but to go.” And that’s what we did.

... The coal company looks at this as being dollars and cents. “If we can decrease their property values enough, we can get by scot free by everybody just selling out. And they should be happy we’re doing that to them.” 🍌

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Remember – All donations to OVEC are tax deductible!

'Smoke Gets In Your Eyes,' West Virginia style



Note the clean bright sky on the left edge of this photograph. Now note the 'clouds' covering almost all the rest of the sky behind the trees ... except clouds in real life aren't a sickly yellow color, and these clouds are actually the huge pall of toxic dust released from just one massive mountaintop removal mining blast.

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