



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Floods ... *Again*

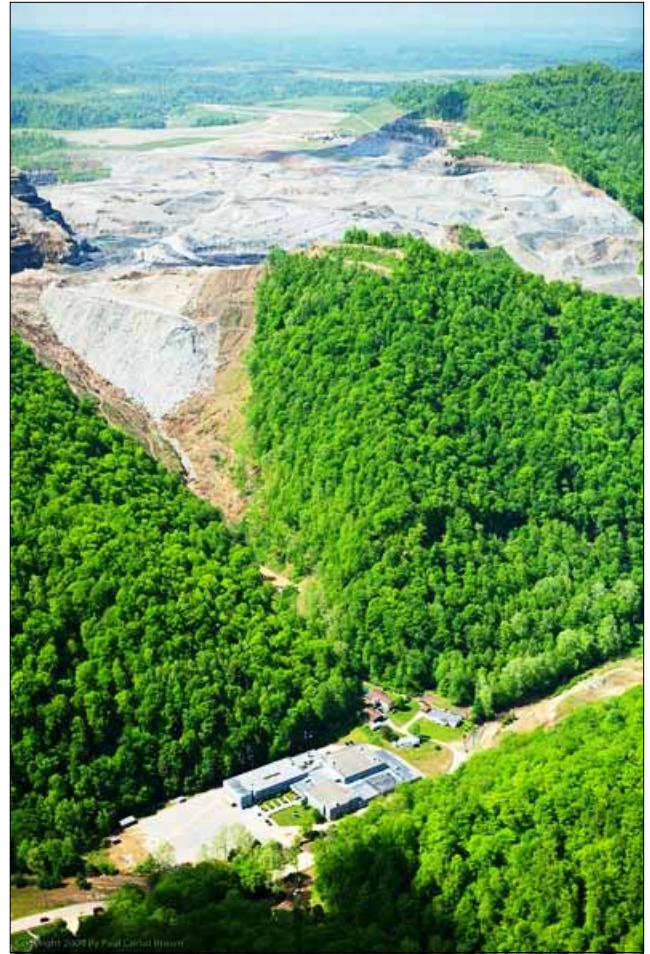
Imagine the swiftness of it... having no time to collect precious family photographs or the serving bowl your grandma gave you on your wedding day. No way to grab some clothing or extra shoes, just leaving the house as fast as you can, with what you have on your back, to avoid the roiling waters.

This scenario has, unfortunately, become all too familiar to the citizens of West Virginia's coalfield counties. Loss upon loss, repeated endlessly. Some families in Mingo County have been flooded out of their homes two or three times since Mother's Day. The toll the flooding takes is more than the destruction of homes and the loss of possessions, which is devastating enough.

The emotional upheaval and stress are almost crippling. Howard Branham, a veteran from the affected area, states, "I spent time in the war in Iraq, and I never saw anyone there look as shell-shocked as my neighbors do. They are walking around in shock."

And it's no wonder. Bridges were washed away, roads
continued on page 3

The high school in Gilbert, Mingo County, pictured at right, was severely damaged by flooding. Large mud flows could be traced directly off the mountaintop removal site above the school. Photo by Paul Corbit Brown, flyover courtesy of SouthWings.



OVEC Organizer Wins International Recognition with Green Nobel

Working on behalf of the people and the planet can seem like an uphill battle against the odds. But sometimes something great happens. The announcement in April that Maria Gunnoe had won the Goldman Environmental Prize

was one such moment for OVEC.

Many OVEC members remember Gunnoe speaking to groups as far back as 2000 about the flooding that swept away a large chunk of her property, destroying the access from the road to her house. Such flooding had not happened during her lifetime until a large mountaintop removal operation began at the head of the hollow beyond her home. Photograph album in hand, Gunnoe pleaded with listeners to help stop the destruction and the injustice being done to her family and her neighbors.

Since then, Gunnoe has become an active organizer,
continued on page 3

Inside This *Winds of Change*

Picnic for Green JOBSpage 2
OVEC at Senate Hearingpage 11
Civil Disobedience Movementpage 14
The Photovoice Projectpage 21
Blair Mtn. Protection Effortspage 25

JOBS and Energy Answers for Our WV Mountain Communities

by Jenny Hudson

Just and Open Businesses that are Sustainable (JOBS) began in 2007 with a group of people living in Mingo County, WV.

As a small grassroots group, we have rallied the support of organizations, university groups, professors, and research teams in finding energy solutions to transition beyond coal.

This year, our efforts to create new jobs in renewable energy have sparked some interest among our neighbors.

Eric Mathis, the coordinator of the JOBS project, frequently hears from people in the area with invitations to “come check out our land.” These property owners have heard about JOBS Community Wind Initiative and want to know if the wind on their ridges will turn turbines.

Eric and I often go out for site inspections and listen to stories about how the wind blows year-round, strong enough to pull trees down or flag limbs in the wind’s direction. We’re looking for strong wind, good roadways, and proximity to electrical lines – enough information to zoom in on possible sites for harnessing wind energy, then we will send out the experts.

Back in front of a computer, the JOBS team works to raise the curiosity of investors or organizations willing to

Picnic for Green JOBS

Nearly 200 people from West Virginia and Kentucky poured into Southern Community College in Williamson, WV, on June 13 to celebrate the first Energy Independence Day.

Eric Mathis, coordinator of the JOBS Project, an organization working to bring union-friendly cleaner energy projects to the region said, “This holiday is for the coalfield residents who have offered their loved ones, their lives, their health and their freedoms so that we may enjoy the everyday luxuries of electricity. It’s also a look forward at how that energy mix will be changing in the future and how we can build on that to lay a foundation for prosperity in Appalachia.”

OVEC was the lead partner in organizing the event, which was a mix of celebration and education. Live bluegrass

continued on page 6



Many people from West Virginia and Kentucky celebrated the area's first Energy Independence Day at the Picnic for Green JOBS on June 13. Participants attended workshops on green job development, how to lay down the infrastructure for a renewable energy future, and ways to make such jobs economically viable.

finance the start-up costs of wind projects that will ultimately belong to the community. A business model that retains economic benefits within the local economy is ideal. Federal incentives for wind energy include a 30 percent tax credit for wind energy investment.

Putting up wind turbines will bring jobs to the area and increase the local tax revenue. The payoff period is quick when clean electricity is generated and sold to power providers.

Energy is a key word in policy lately. We have all heard talk about energy independence and the green transition. Traveling through Appalachia, we can see the smoke from John Amos Power Plant or carts of coal moving along our railways and waterways.

Recently, JOBS met with American Electric Power to discuss ideal locations for wind power and biomass facilities that are clean and sustainable (in some cases, excess wood waste from mills, etc., can be converted to fuel).

The AEP maps called our attention to the power lines we pass under every day, which deliver electricity derived mostly from coal. There are energy solutions that can thread our communities back together with people working towards responsible ways of using our abundant renewable resources.

The JOBS community meets each month to shape our ideas for transition, and it is always good to see new faces. We hosted a Wind Energy Tour on April 25, so folks could examine the turbines at Mountaineer Wind Energy up close. 🍷

Floods ... Again

continued from page 1

closed and damaged, culverts filled with debris. People's homes and yards vanished and mobile homes were ripped off their foundations and carried away by the waters. Trees were downed and then clogged already full streams, making the flooding worse. Power outages left areas in the dark.

Although Governor Manchin and coal industry apologists call the flooding an "act of God," the residents know better. And so do scientists. Jack Spadaro, former director of the National Mine Health and Safety Academy, states that the Army Corps of Engineers, the federal Environmental Protection Agency (EPA), and the West Virginia state government have all found connections between the flooding and the huge mountaintop removal sites in the area.

"If you look at any of the areas where the flood is, you can find direct links, such as erosion gullies on the faces of the valley fills and landslides and debris flows that go all the way down into the valleys below," says Spadaro. Aerial photographs affirm his contention; recent images of Mingo County showed visible areas of runoff originating at mountaintop removal sites.

A local man who was helping his sister clean mud out of her Varney home stated in an interview with Public Radio, "And each and every time it gets larger. So the next one will be bigger. The same amount of rain, these creeks just fill in. The water does not have nowhere to go. They've

done all this mountaintop removal and timber and gas line and all of that, and everything just fills these valleys in."

DEP spokeswoman Kathy Cosco reported that inspectors cited a Rawl Sales operation in Mingo County because two culverts failed, sending water into the yards and basements of nearby homes. One of those homes belonged to Pastor Larry Brown, who was forced to watch helplessly as mud and slate slid off the Massey mine site behind his house, filling the nearby creek and shooting four feet of water into his home.

Brown, an OVEC supporter, stated, "Now, we've had water before and we've had extensive rain. It's never come out of the banks. It's never. At 30 years I've been here we've never had a problem. When this sediment came (off the hillside) the water had to go somewhere so it just

continued on page 4

OVEC Organizer

continued from page 1

talking to people in communities affected by mountaintop removal and testifying in court about its impacts on her land and her life.

Her opponents have killed her dogs, tampered with her vehicles, harassed her children, and threatened her life – but she doesn't stop.

In March 2007, a coalition of groups including OVEC, West Virginia Highlands Conservancy, and Coal River Mountain Watch, won a federal court ruling with the effect of blocking or slowing new valley fill permits. When the U.S. Army Corps of Engineers issued yet another permit adding to the size of the operation above Gunnoe's community, the coalition sought an injunction to block it.

In preparation for the hearing, Gunnoe organized a media training session for 20 local residents, some of whom were scheduled to testify before federal judge Robert C. Chambers in Huntington. When about 60 coal miners appeared at the meeting, a move designed to intimidate the community members, Maria Gunnoe was the only resident who persevered in testifying at the hearing, which resulted in an injunction halting the valley fill. It is fitting that Gunnoe's determination won recognition like the Goldman Prize.

The Goldman Environmental Prize was established in 1990 by San Francisco civic leader and philanthropist Richard N. Goldman and his late wife, Rhoda H. Goldman. It has been awarded to 126 people from 72 countries. Prizewinners are selected by an international jury from confidential nominations that are submitted by a worldwide

continued on page 4

OVEC Board of Directors & Staff

Board Members

Jeff Bosley	Regina Hendrix
Victoria Bosley	Thomas Kincaid
David Duke, Chair	Michael Morrison
Eric Fout	Chuck Nelson
Larry Gibson	

Full- and Part-Time Staff

Dianne Bady	Janet Keating	Vivian Stockman
Maryanne Graham	Tonya Adkins	Maria Gunnoe
Patricia Feeney	Carol Warren	Robin Blakeman
OVEC Webmaster		Don Alexander
Winds of Change Editor		Vivian Stockman

Ohio Valley Environmental Coalition

P.O. Box 6753, Huntington, WV 25773

phone: (304) 522-0246

fax: (304) 522-4079

e-mail: ohvec@ohvec.org

web page: www.ohvec.org

OVEC is a founding member of Community Shares of West Virginia, a member of the WV Environmental Council and the Alliance for Appalachia, and a 501(c)(3) non-profit organization registered with the IRS and the WV Secretary of State.

When you're finished with this newsletter - PASS IT ON!

Floods ... Again

continued from page 3

dumped on us. It had no choice. So it's the coal company's fault."

West Virginia's churches, as always, responded swiftly by providing emergency assistance, shelter, and counseling. But like other non-profit organizations that rely heavily on donations, churches are finding themselves unable to provide as much assistance as they have in the past. "The money just isn't there like it used to be," lamented Cheryl Ingraham of the West Virginia Council of Churches.

Money notwithstanding, folks turned out in traditional Appalachian fashion to help their neighbors. OVEC members responded with donations and clean-up labor. We networked with groups like Mountain Justice, which brought in people from all over the country to help with the cleanup efforts. But residents observed that the majority of the work crews were from nearby, and particularly Virginia, Kentucky, North Carolina, and West Virginia.

The flooding on and after Mother's Day destroyed an estimated 3,000 buildings in 11 counties and has so far

OVEC Organizer

continued from page 3

network of environmental organizations and individuals. The prize includes an award of \$150,000.

Previous prize winners have been at the center of some of the world's most pressing environmental challenges. In 2003, Coal River Mountain Watch leader Judy Bonds, who lives just 16 miles from Gunnoe, won the prize for fighting against mountaintop removal mining.

"In the heart of Appalachia, where the coal industry wields enormous power over government and public opinion, lifelong resident Maria Gunnoe fights against environmentally devastating mountaintop removal mining and valley fill operations," a Goldman Prize spokesperson said.

Thanks to special fund-raising efforts, various OVEC staff members and allies from the Alliance for Appalachia member groups were able to join Gunnoe at awards ceremonies in San Francisco and Washington, D.C. On April 21, the initial award ceremony took place at the San Francisco Opera House before a capacity audience of 3,500.

Former Vice President Al Gore congratulated the



Carl Mills of North Matewan in Mingo County surveys the flood damage to his yard. The cars in the background were tossed around like toys by the force of the water. Photo by Paul Corbit Brown

resulted in over \$60 million in government assistance. Most Americans want to help those affected by natural disasters, but one wonders what taxpayers around the country would think of their tax dollars being used to repeatedly subsidize irresponsible coal mining practices. Natural disasters are one thing – unnatural, avoidable disasters are something else entirely. 🍓

2009 Goldman Environmental Prize winners. He asked the audience to demand that Congress act this year to address the problems of climate change to avoid future catastrophe.

Robert Redford narrated a short film highlighting Gunnoe's efforts to protect West Virginia's mountains and communities from mountaintop removal coal mining. Singer and songwriter Tracy Chapman serenaded award winners and audience with two songs. A similar ceremony was held on Earth Day, April 22, at the Smithsonian's Natural History Museum in Washington, D.C.

On April 28 in Charleston, OVEC hosted a special celebration event for Gunnoe at John XXIII Pastoral Center. More than 100 well wishers attended a dinner, panel discussion, and showing of David Novack's documentary film *Burning the Future*.

"We are so proud of Maria," said Janet Keating, executive director of OVEC. "Her courage and determination, like that of so many other grassroots leaders, make her an extraordinary model for all who want to save the land, water, people and culture of Central Appalachia by ending mountaintop removal." 🍓

MTR Mining Equipment Taken Off Gauley Mountain – For Now

Powellton Coal blames economic factors, but continues fight for permit renewal

Sustained Outrage on Gauley Mountain - DEP Renews Fayette Permit

by Katheryne Hoffman

With our indifference, we have allowed an industry, completely out of control since its inception, to destroy our beautiful state, pollute our air and water, destroy our wildlife habitat, strip the land of its substance and beauty and destroy the graves of our ancestors.

This is an industry with more power than the Mafia, and it wields its power by intimidation, false propaganda and arrogance. Why? Because it can!

Most of our legislators and our governor invariably kowtow to the demands of King Coal. Our Senators and Congressman represent him to the exclusion of the rights of the citizens of this state. They are all complicit in the rape of our state and the abuse of our people.

Finally, on February 12, at Ansted Middle School, I saw some of the sustained outrage that could prevent the continued destruction of our mountains and homes, if only we had a real Department of Environmental Protection (DEP). This public hearing was held by the DEP to gather citizen input on a proposed renewal of a mining permit that is part of Powellton Coal's larger mining complex on Gauley Mountain. About 170 people turned out – not one spoke in favor of granting the permit renewal.

All of these persons were there to ask the DEP not to renew a mining permit that would further encroach onto the beautiful Gauley Mountain range – which is already being damaged by mountaintop removal.

According to the DEP's own records, the permittee – a subsidiary of Consol Energy – had violated the permit that it was trying to renew hundreds of times. Indeed, the permittee had three unabated Notices of Violation and is continually discharging illegal pollution into Rich Creek of the Gauley River. Rich Creek is one of the few naturally reproducing trout streams in West Virginia.

After an hour of dawdling and doublespeak by the DEP, the people were allowed to speak. They did so with heartfelt eloquence and accurate factual information that should have led to the denial of this permit renewal.

However, as usual, the ruling by the DEP was

What's This Envelope Doing In My Newsletter?

If you appreciate OVEC's work, please donate! We've made that easier to do by enclosing a pre-addressed envelope. **Your donations keep us at work. Thank you!**

seemingly a foregone conclusion. DEP of course renewed the permit.

What we have is not a WV Department of Environmental Protection, but rather a Department of Environmental Permitting, where the mining of coal must be permitted at all costs to the land and the people.

Once again we are confronted with the cold fact that the beautiful mountains of West Virginia are expendable. The graves of our ancestors are expendable. The people of West Virginia are expendable. But not to those of us who remain outraged and willing to fight for them. 🗿

Board Adds Conditions to Disputed Fayette County Mine Permit

by Ken Ward Jr., Excerpted from June 9, 2009, Charleston Gazette

The state Surface Mine Board on June 9 upheld the renewal of a CONSOL Energy strip mine permit where company officials had not fixed reclamation problems and water quality violations.

During a daylong hearing Tuesday, (citizen group attorney) Derek Teaney had urged board members to overturn the state Department of Environmental Protection's renewal of the permit for CONSOL subsidiary Powellton's Bridge Fork West Surface Mine (on Gauley Mountain).

"It really is this simple – not a day has gone by since it applied to renew its permit when Powellton has been in compliance," Teaney told board members during the hearing in Charleston.

State inspectors had cited Powellton for landslides that sent rocks, dirt and debris outside of the mine's legal permit area.

Teaney also argued that DEP was wrong to approve the permit when Powellton continues to have problems complying with its water pollution permit limits for iron and suspended solids.

A.M. "Fenway" Pollack, a lawyer for DEP, told board members if his agency did not renew permits for companies with outstanding water pollution violations, no mining permits would ever be renewed. "Taken to its logical conclusion, that would mean no one gets renewal," Pollack said. "We'll just shut down mining." 🗿

Picnic for JOBS

continued from page 2

musicians played while folks grabbed food from an impressive array of home cooking between workshops led by speakers from around the country.

One of those presenters, Doug Keaton of NEED (National Energy Education Development Project), is an educator from the Kentucky school system who teaches students to improve energy efficiency and reduce power bills in their high schools. Students who work with Keaton graduate high school with practical job skills they can take straight into the work force.

Keaton says, "Too often people get hung up thinking about green jobs as ones designing wind turbines and solar panels. But those businesses have accountants, secretaries, line workers and a whole array of jobs they bring with them. And with over 1 million renewable job vacancies opening up, there is a huge opportunity for the communities that embrace renewables."

Lisa Daniels, a leading expert on community ownership models for wind farms, noted that a recent study by the Pew Foundation shows that nationally there has been huge growth in the number of green jobs, but **West Virginia was one of only eight states that had seen the number of green jobs decrease in the past decade.**

Let's Make Sure the Transition to a Clean, Green Energy Future in WV is a Peaceful One

We continue to receive reports that allege coal company bosses and coal public relation groups are attempting to incite their employees to violence against those who speak out against mountaintop removal.

We ask everyone to continue to practice principles of non-violence with those who might harass or threaten you and to report any incidents of threats, intimidation, bullying or violence to authorities.

We know that most who participate in protests have already had non-violence and de-escalation trainings. If you need a refresher course, please know that OVEC is continuing to offer trainings.

Call OVEC at (304) 522-0246 for details on the next scheduled training or to set up a training in your community. 🍄

She went on further to state, "It's not just about clean energy. It's also about community ownership of those resources. Study after study shows that community ownership brings more money and more jobs to the local economy."

In addition to the educational workshops and videos, the PhotoVoice project from Harts, WV, displayed a collection of photographs depicting the beauty of the region, and many community groups also attended, including OVEC, FRIEnergy, Appalachian Service Project, Genesis Development, and the Civilian Conservation Corps.

The JOBS Project is currently working to identify suitable ridgelines for wind development. For more information, contact Eric Mathis at thejobsproject@gmail.com or (304) 784-0864, and visit WWW.JOBS-PROJECT.ORG. 🍄

Calling All Potential New OVEC Board of Directors Members!

Are you looking for a great place to put your time, skills, and energy? Do you have a passion for OVEC's work and some skills or time to donate that can enhance the work of the organization? Are you a dues-paying member of OVEC? Then **you** may be just the OVEC board member we are looking for!

We are looking for members who share OVEC's environmental and social justice values and who support OVEC's work:

VALUES

- 🍄 Community
- 🍄 Inclusion
- 🍄 Passion
- 🍄 Love of Nature
- 🍄 Authenticity/Sincerity
- 🍄 Social Justice

OPPOSED TO

- 🍄 Corruption
- 🍄 Hypocrisy
- 🍄 Oppression
- 🍄 Greed

OVEC is striving for greater diversity, balance and inclusiveness on our board. To nominate yourself or someone else that you think would be an outstanding board member, please e-mail janet.ovec@gmail.com or send your contact information to: OVEC, P.O. Box 6753, Huntington, WV, 25773-6753.

A member of the governance committee will follow up with you regarding your interests and skills, and answer any questions you might have regarding time commitments and responsibilities. This committee interviews prospective board members and the full board elects new members, based on their recommendations. 🍄

**Please support OVEC through
Community Shares**

Congress Doesn't Always Want to Come CLEAN

From an April 16 letter:

We are nearing the end of the Spring District Work Period, when Congress is working in their district offices. Our nationwide grassroots effort to "Educate Congress" is in progress, with many meetings happening this week and next week.

I want you to know our grassroots work is making an impact! An activist from Maryland recently met with the energy staffer from Representative Ruppberger's office. The staffer welcomed the opportunity to hear from a constituent who is well informed about energy issues. He offered that he regularly hears from energy industry representatives and rarely has the opportunity to sit down and discuss these issues with voters.

This is encouraging but we need to continue to press our leaders for change, one meeting at a time.

We know some of you are getting resistance to meeting from your representative's office. This is unacceptable, and don't let it deter you.

Our message for a clean energy economy is too important and our leaders have a responsibility to listen. You may have had trouble, but educating our leaders can only happen through our persistence and creativity.

Together we will make sure they realize we will continue to push them until we see more decisive leadership and accountability to their constituency. We all know there is only one way to stop the climate crisis and put our

The CLEAN

American Clean Energy Security Act: Coal Rewarded

The Senate will roll out its version of ACES (The American Clean Energy Security Act) in September.

In its current form ACES is unacceptable. While it has some elements that we can support, ACES essentially rewards the fossil fuel industry with subsidies through cap and trade proposals and other measures.

ACES will not be changed unless you and your communities act now. The Senate will undoubtedly hear from fossil fuel industry lobbyists. It is urgent that you call your Senate office, set up meetings with both Senators from your state and mobilize other people in your community to do the same.

Call your Senators *today* and ask them to:

☎ Recognize that the current version of ACES as passed by the House of Representatives does not adequately address global warming, fails to encourage true economic

economy back on track – by investing in a clean energy future. It's time for our leaders to act, and we won't stop until they do.

Thank you for your hard work.

Sincerely,

Pam Solo, The CLEAN

The CLEAN – Citizens Leading For Energy Action Now

CLEAN grew from a meeting of 45 organizations from across the United States, including OVEC, to more than 130 organizations today.

At its initial meeting, the organizers decided to embark on policies that would assist the transition from a coal/oil-based energy economy to one that is based on renewable energy. The word transition here is key. Everyone at the meeting recognized that it was impossible to say "CLEAN energy now," as if the energy economy could be moved in one swoop!

But with the progress made in clean energy technology and a timetable based on transition we have a credible platform around which to organize. Join THECLEAN.ORG.



and energy security for Americans, and continues the transfer of wealth from taxpayers to the coal -, nuclear-, and fossil-fuel industries - a result of those industries' immense power and influence.

☎ Eliminate subsidies for the coal industry by eliminating all federal funding for carbon capture and sequestration (CCS) research. If the coal industry wants to see if CCS can work, the coal industry should make the investment.

☎ Eliminate the cap and trade system proposed in the House of Representatives ACES bill.

☎ Vigorously fund renewable energy programs.

☎ If ACES isn't changed along these lines, vote against the bill and start over!

Learn more at THECLEAN.ORG/ACES.HTML and call the OVEC office at (304) 522-0246 to get involved in our work with The CLEAN.

"The idea that wind energy has the potential to replace most of our coal-burning power today is a very real possibility. It is not technology that is pie-in-the sky; it is here and now." — Ken Salazar, US Secretary of the Interior, speaking at an April public meeting on the future of offshore energy development.

Good Gosh, We Could Have Used That Money to Jump Start the Clean Energy Future in America!

A Center for Public Integrity analysis of Senate lobbying disclosure forms shows that more than 770 companies and interest groups hired an estimated 2,340 lobbyists to influence federal policy on climate change in the past year, as the issue gathered momentum and came to a vote on Capitol Hill.

That's an increase of more than 300 percent in the number of lobbyists on climate change in just five years, and means that Washington can now boast more than four climate lobbyists for every member of Congress.

It also means that 15 percent of all Washington lobbyists spent at least some of their time on global warming in 2008, based on a tally of the total number of influence-peddlers on Capitol Hill by the Center for Responsive Politics.

Based on the data, the Center estimates that lobbying expenditures on climate change last year topped \$90 million. About 130 businesses and interest groups spent more than \$23.5 million on lobbying teams solely focused on climate, but that vastly understates the money devoted to the effort.

More than 95 percent of climate lobbyists work on other issues such as tax and health care for their clients as well, and they don't have to report how much they're being paid on global warming specifically.

But even if just 10 percent of their time last year was spent on climate, that would add nearly \$70 million to the grand total spent lobbying on climate in 2008 and push expenditures past \$90 million. 🍄

Mountains Aided With First-Ever Fundraising Concert in North Carolina

The first Mountain Aid concert, held June 19 and 20 at Shakori Hills in Chatham County, N.C., was great fun for the crowds of folks who came out to hear some fabulous music and learn more about mountaintop removal.

The concert was a fund and awareness raiser for OVEC, Coal River Mountain Watch and the Pennies of Promise campaign, which aims to build a new school for the

Slurry Lawsuit Settlers Frustrated With Wait for Money



by Julia Roberts Goad, excerpted from June 13, 2009, Williamson Daily News

Plaintiffs who have settled in a case against Massey Energy say they have been promised they would receive their money four times, but are yet to receive a check.

The case involves over 400 cases, which were consolidated into one class action lawsuit weeks ago by Mingo County Circuit Judge Michael Thornsby. The plaintiffs are suing Rawl Sales, a subsidiary of Massey Energy, for polluting water in the Rawl area (via underground coal slurry injection). The suit claims there have been major, lasting medical problems caused by the contamination.

In May, Thornsby ordered all the plaintiffs in the case to report to the Mingo County Courthouse, where each received a separate settlement offer.

Although most of the plaintiffs did not accept offers by Massey to settle out of court, approximately 200 did, and say they were told they would receive payment within 30 days.

"But we still haven't gotten a check," one of the plaintiffs, speaking on the condition of anonymity, told the *Daily News*.

"It ain't nothing but the runaround," another plaintiff said. "On April 24, they told us we would have our money within 30 days. But we still don't have it."

The plaintiffs say they have not been told the reason for the delay in releasing the checks.

"We have been told four times to come and get our money, but we still haven't gotten it."

Some of the plaintiffs do not live nearby, and say that traveling back and forth to Mingo County is difficult.

"I can't afford to keep getting a room," a woman said. "I know a woman who has a baby, and she has been sleeping in her car in order to be here. We don't have any money. We can't keep doing this."

(Ed. Note: For those plaintiffs who have not settled, the trial is now set for Oct. 20, 2009.) 🍄

students of Marsh Fork Elementary in Raleigh County, WV, where a 2.8 billion-gallon toxic coal sludge impoundment perches precariously above the classrooms.

Thanks so much to all the musicians who performed at the event, including Kathy Mattea, Donna the Buffalo, Ben Sollee, Andrew McKnight, Those Darlins, Si Kahn and more. And thanks to concert organizer Michael O'Connell. 🍄

Sludge Safety Project Legislative Session Wrap-Up



by Natalie Vanderpool, SSP Legislative Coordinator Intern

The 2009 Legislative Session was a hopeful time for the Sludge Safety Project (SSP). We made significant strides to further legislation and to raise awareness about the threat of coal sludge to our drinking water supplies and our communities.

Legislators introduced two bills pertinent to SSP. One, introduced by Sen. Randy White, would have placed a moratorium on underground coal slurry injection until it was proven safe. Sen. Mike Green, chairman of the Energy, Industry and Mining committee refused to bring the bill up for discussion, so it died in committee.

Delegate Mike Manypenny introduced the House bill, which would have banned production of all coal slurry and required dry processing methods. This bill was unfortunately introduced too late to have a fair chance.

The fact that two bills were introduced to ban coal slurry in West Virginia (one on each side of the Legislature) is important because it put our issue back in the legislative and public spotlights. Just a few years ago legislators didn't even want to talk about coal slurry; now they are taking a stand against contaminated water and for public health – because of the organizing of SSP supporters!

When Sen. White introduced his bill,

he gave a moving speech and drank a bottle of brown, tainted water.

White told his fellow senators that if people in southern West Virginia have to drink water that looks and smells awful, then legislators at the capitol should, too! He gained public attention and helped to educate legislators on the importance of the issue.

We also succeeded in keeping the heat on the state
continued on page 10



SSP supporters at one of several press conferences and hearings held the past few months.

DEP's Sludge Study Results: Agency Still Don't Know Nuthin'

On June 17 (about two years behind schedule) Randy Huffman, Secretary of the WV Department of Environmental Protection, finally reported to the state Legislature on his agency's study of underground coal slurry injection.

He told lawmakers that 13 underground injection permits would continue to operate, but no new permits would be issued for now. He also told lawmakers that **his agency still doesn't know whether underground injection of coal slurry is safe.**

The *Charleston Gazette* reported, "Huffman acknowledged a lack of tough regulation of slurry injection and conceded that a study mandated by lawmakers did not get to the bottom of the issue." (*Ed. Note: This study happened because of Sludge Safety Project's efforts!*)

"We are glad the DEP has issued a moratorium on new sludge injections, but we still need the facts, so we can deal with the waste that is stored near homes and protect people from the current injections going on right now, and we need to make the temporary moratorium a permanent ban," said Maria Lambert, a member of the Sludge Safety Project, a citizens' organization.

In his *Coal Tattoo* blog entry, "WVDEP's 'Don't ask, don't tell' policy on coal slurry," Ken Ward Jr. noted that the DEP doesn't have enough information on what water quality was like before companies started underground injection to say for sure if the slurry negatively affected that water quality. He asks why the DEP didn't make coal operators supply that information, because the agency clearly

continued on page 10

Legislative Wrap-Up

continued from page 9

Department of Environmental Protection (DEP). Due to our lobbying efforts, DEP Secretary Randy Huffman gave a “preliminary report” on the SCR-15, the study of coal slurry injection SSP won in 2007. DEP had missed three deadlines to conclude the study, so Huffman was grilled by legislators on the Judiciary Committee.

At this meeting, Dr. Ben Stout from Wheeling Jesuit University was able to show the committee his own findings and a scientific, rather than political, side of the story.

SSP’s citizen lobbyists provided education and the political will to move this issue forward this legislative session. We made sure that all legislators knew of the dangers of sludge contamination and that there are alternatives! Many times, we heard legislators quoting our words when they spoke with DEP officials.

We held two successful press conferences during the 2009 Legislative Session, the first of which highlighted the release of our SSP Citizens’ Report on Underground Sludge Injection. You can find a copy of the report at www.sludgesafety.org. We compiled existing data, including the DEP’s own data from the SCR-15 study that the agency had yet to release. (*See related story, DEP’s Sludge Study*

DEP Knows Nuthin’

continued from page 9

had the authority to do so. Ward writes:

*“ And what’s more, the **existing regulations show that WVDEP has this whole thing backwards. The state doesn’t have to prove that slurry injection is damaging water in order to do something. Rather, the regs put the ball in the industry’s court. CSR 38-2-15.5.e.2 provides that discharges into underground mine works are prohibited ‘unless the operator demonstrates that such activities will not cause, result in, or contribute to a violation of water quality standards and effluent limitations both on or outside the permit area.’ ‘So, if WVDEP found in this study that it doesn’t have enough information to say if slurry is damaging water supplies, then how in the world***

Sludge Safety is a project of the Ohio Valley Environmental Coalition, Coal River Mountain Watch and West Virginia communities. We are working for clean water and community safety near toxic coal waste injections sites and coal sludge dams.

Results: Agency Still Don’t Know Nuthin’, page 9.)

As the 2009 Interims progress, we are working on gathering commitments so we have co-sponsors at the start of the 2010 Legislative Session. We have a fair number of legislators on our side already, but we must keep fighting the good fight and gain supporters.

Thanks so much to everyone who helped SSP make significant progress for the future health and safety of all West Virginians. Thank you to everyone who lobbied, made calls, wrote letters, forwarded e-mails, and offered encouragement.

We refuse to give up; we will not tolerate contaminated water. We will continue to stand up for our water and our health, and we will make sure we are heard.

TAKE ACTION!

Get active with SSP. Check our “Legislative Updates” at WWW.SLUDGESAFETY.ORG and e-mail info@sludgesafety.org, or call us at (304) 475-3873 to get involved.

could operators have made the showing required under that regulation?”

Ward also notes that the DEP study makes it clear that **coal slurry is migrating into underground water at several points. This appears to contradict some of Huffman’s statements to the Legislature.**

Nonetheless the DEP reports say, “Migration of the constituents from the mine pool to the surrounding groundwater was difficult to determine due to a lack of background information prior to injection and appropriate monitoring

of changes by the operator.”

Now, the study moves to another agency; the Bureau for Public Health is paying West Virginia University \$221,000 to determine by year’s end whether pumping coal slurry underground threatens human health.

The Sludge Safety Project will be working to make certain DEP’s Don’t Ask Don’t Tell policy does not carry over to part two of the study.



OVEC Organizer Testifies at Senate MTR Hearing

On June 25, OVEC organizer Maria Gunnoe and scientist Margaret Palmer were two of the people asked to testify before the Water and Wildlife subcommittee of the Senate Environment and Public Works Committee for a congressional hearing titled “The Impacts of Mountaintop Removal Mining on Water Quality in Appalachia.”

In announcing the hearing, Sen. Ben Cardin (D-MD), chairman of the subcommittee, said, “Mountaintop coal mining is a long-term assault on Appalachia’s environment, economy, culture and the health of its citizens. We must put an end to this mining method that has buried more than a thousand miles of streams and created untold threats to some of the most beautiful and ecologically significant regions of our country.”

Cardin and Sen. Lamar Alexander (R-TN) have introduced legislation, the Appalachia Restoration Act, which, along with the Clean Water Protection Act in the House, would prohibit the dumping of mine debris into streams.

“It’s not necessary to destroy our mountaintops in order to have enough coal,” Alexander said. “Saving our mountaintops is important to me.”

OVEC brought a van-load of folks to D.C. to attend the hearing. Other members of the groups that form the Alliance for Appalachia made the trip to D.C., too.

Our allies from Earthjustice in D.C., as well as other D.C.-based environmental groups, also turned out. Scores of mountaintop removal opponents stood in line for hours in order to secure seats in the hearing room.

Coal industry groups bussed in people for the hearing, too, but none arrived in time to be in line for seats in the main hearing room.



OVEC organizer Marie Gunnoe testifies at the Senate hearing about the impacts of MTR on water quality.

All had to watch the proceedings on TV screens in overflow rooms.

Many of us in line couldn’t help but be delighted at what unfolded when West Virginia Coal Association vice presidents Chris Hamilton and Jason Bostic and National Mining Association spokesman Luke Popovich attempted to jump to the front of the line. A Capitol Hill policeman sent them to the back of the line, despite their protestations that they were Friends of Coal (FOC), that they had reserved seats, etc.

The officer knew there were no reserved seats. The FOCers had to walk back down the long line, past all of us with our I Love Mountains and Stop Mountaintop Removal buttons. Sorry, boys, this isn’t the West Virginia State Capitol, where you can march in wherever you want.

Randy Pomponio, with the U.S. Environmental Protection Agency, was the first witness to testify at the hearing.

He talked about something OVEC staff and volunteers have been trying to get West Virginia legislators to grasp for years – the value of ecosystem services that intact

continued on page 12



Left, FOCers Popovich and Hamilton argue with a Capitol Hill police officer, and above, are sent to the back of the line, something that *never* would have happened in Charleston.

DC Senate Hearing

continued from page 11

forests provide, such as flood control, soil erosion protection, soil building, water purification and more.

“In addition to the popularly appreciated wildlife, recreational, and timber resources associated with forests systems, many ecological services can be attributed to forest systems. **We are just beginning to understand and assign value to these ecological services,**” Pomponio said.

Palmer, who is an environmental scientist at the University of Maryland, told lawmakers that the headwater streams destroyed by mountaintop removal – even ephemeral streams – perform vital tasks like water purification and nutrient cycling, processes essential to the health of food webs downstream.

She noted that contamination from mining travels great distances downstream, affecting the health of fish and other life that depend on the water. **She was also sharply critical of West Virginia’s attempts to mitigate the damage by building new streams, which she said were really nothing more than rocky ditches.**

“Headwater streams,” Palmer said, “are exponentially more important than their size would suggest. . . Is there evidence that mitigation (replacing natural streams with man-made ditches) is actually working? I’m very sorry to say that unfortunately it’s not working. Mountaintop removal mining causes permanent environmental impacts.”

Randy Huffman, secretary of the West Virginia Department of Environmental Protection, defended his agency and the coal industry and testified that state regulators have “gone above and beyond the EPA’s recommended water quality parameters.”

Thanks for All the Volunteers Who Helped After the Floods

I would like to thank all of the OVEC volunteers, all the Mountain Justice Summer volunteers, and everyone who came to Mingo County to give their time, resources and strength. Thank you for all of your assistance during the flooding that took place in Varney, upper Pigeon community and surrounding areas.

Your hard work and emotional support were greatly appreciated. Many people say, “What can we do, how can we help?” But you came in, rolled up your sleeves and worked side by side with our people.


Your hands-on attitude made a wonderful difference to our communities. Many of our people were stranded and could not get to supplies at the Bill Snodgrass Community Center in Varney, but you volunteers were willing to take

OVEC’s Gunnoe told the senators about the repeated flooding, the water contamination and the noise- and air- pollution horrors associated with living near a mountaintop removal operation.

“Mountaintop removal is absolutely not about jobs,” Gunnoe said. “Mountaintop removal is a human rights issue. My children and I have a right as U.S. citizens to clean water, and that right is being taken away from us.”

“There is neither sufficient social nor economic justification for such unalterable environmental and ecological insults,” Paul Sloan, deputy commissioner of the Tennessee Department of Environment and Conservation, testified. “In Appalachia, mountaintop removal and water quality are incompatible.”

Cardin plans to hold additional hearings on the topic. For now, the proposal remains under consideration.

To watch the hearing online, go to [HTTP://TINYURL.COM/L6EYWK](http://TINYURL.COM/L6EYWK). To read Gunnoe’s testimony, go to [HTTP://TINYURL.COM/N83ZDT](http://TINYURL.COM/N83ZDT). 

TAKE ACTION!

Call your congressperson and ask her/him to support the Clean Water Protection Act. Call your senators and ask them to support the Appalachia Restoration Act.

See WWW.ILOVEMOUNTAINS.ORG/CLEAN-WATER-PROTECTION-ACT/.


And WWW.ILOVEMOUNTAINS.ORG/APPALACHIA-RESTORATION-ACT/.

the water and supplies to them, even though it often meant walking hollers while making repairs, delivering hot food, and most of all delivering heartfelt encouragement. You made our burdens lighter – and many times your smiles brought us a ray of sunshine on an otherwise rainy day.

God bless you for everything you did to assist us. It’s great to know Americans still see a need to help one another through crisis. It has been said the greatest things in life are free. I believe the greatest things in life happen when people give of themselves to help others.

Thank you for giving the greatest things in life to our people.

Sincerely,

Patricia Bragg, Pie, WV 

Fighting For Our Ancestors' Resting Places

Who would have thought at the beginning of this year's legislative session that there would be at least seven bills dealing with cemetery-related issues? In a reflection of the number of citizens having difficulty protecting their family cemeteries, related pieces of legislation continued to pop up weeks into the legislative process.

OVEC was directly responsible for two of the proposals: H2905 to extend the buffer zone around cemeteries from 100 feet to 300 feet, and H2928 to clarify certain access and desecration issues.

Del. Don Perdue and his capable staff person, Nancy Tyler, helped us in getting the bills introduced, while OVEC member D.L. Hamilton offered invaluable assistance. We also offered support to Lincoln County resident Versie Sims, whose work resulted in the reintroduction of a bill originally introduced in the House last year. She received some Senate attention toward her concerns.

H2905 was referred to the Energy, Industry, Labor and Small Business Committee, where it was not taken up. H2928 was sent to Judiciary, where Chair Carrie Webster placed the bill on the agenda. However, there was some concern about the language possibly having unintended effects on farmers and others who accidentally discover human remains or other artifacts.

A problem also arose with our intent to allow magistrates to mediate access problems, rather than the current avenue of circuit court. The Chair's legal staff felt that would be giving magistrates an injunctive authority they do not currently have. As the deletions would have gutted our intent for the bill, we decided to withdraw it from consideration.

OVEC staff Robin Blakeman and Carol Warren met with Chairwoman Webster and Del. Harold Michael, along with representatives from the State Historic Preservation Office, state Funeral Directors, and religious community allies from the WV Council of Churches and Catholic Conference.

Chad Robinson told the delegates that the funeral directors receive calls from people "every week" with complaints about being denied access to family cemeteries,

but the organization can't help them. Delegates Webster and Michael began to see how complex the issue is, and that many West Virginians are experiencing problems visiting and protecting their family cemeteries.

Everyone agreed that the various aspects need further study to arrive at solutions that will satisfy all parties. We will continue working with interested parties so that appropriate legislation can be introduced next year.

If you are interested in this issue and haven't yet been involved in our cemetery protection work, **please contact Carol or Robin at (304) 522-0246.**

This issue will continue to be of high priority as we seek to honor and preserve our cultural

heritage in the mountains we all love. 🍄

Lobbying for Green Jobs in DC



On June 19, 20 coalfield residents and other West Virginians met with Van Jones, President Obama's Special Advisor on Green Jobs and Innovation, at the White House Council on Environmental Quality. Pictured before the meeting in D.C. are Eric Mathis, organizer of the meeting, and four staff with FRIenergy, a renewable energy development company that's interested in community wind projects: Mark Wilson, Holly Duff, Carolyn Pinson Nielsen, Amanda Nielsen. OVEC co-director Dianne Bady also participated. Van Jones promised this meeting was just the first step, and he will be working with us towards a green energy economy in WV. 🍄



A cemetery in sight of the State Capitol. Is it safe from mountaintop removal mining? Right now, the answer is - Maybe.

CIVIL DISOBEDIENCE

Growing Movement Demands Protection

As you may recall from the March Winds of Change, February 3 marked an escalation in the movement to end mountaintop-removal mining. On that day, several people chained themselves to mountaintop removal equipment and dozens more converged on the gates of a mountaintop-removal operation. Here's an update on some aspects of the civil disobedience campaign unfolding within the coalfields and beyond:



**June
23**

Winnie Fox (white hat, foreground) and Bill Price just moments before they were arrested at the June 23 protest.

FEBRUARY 25 - James McGuinness and Mike Roselle of Climate Ground Zero were arrested on Performance Coal's Edwight mountaintop-removal site as they unfurled a banner and blocked a road. The protesters chose to focus on the active mountaintop-removal site above Marsh Fork Elementary School in Sundial, West Virginia on the eve of the 37th anniversary of the Buffalo Creek disaster. Photojournalist Antrim Caskey was also arrested. See CLIMATEGROUNDZERO.ORG/2009/02/.

MARCH 2 - Capital Climate Action: A national coalition of more than 40 environmental, public health, labor, social justice, faith-based and other advocacy groups staged the

largest mass mobilization on global warming in the country's history. Mountaintop-removal opponents were front and center during the civil disobedience at the Capitol Power Plant. Board members and volunteers and staff of OVEC, Coal River Mountain Watch and other Alliance for Appalachia groups joined climate scientist James Hansen, Robert Kennedy Jr., country music superstar Kathy Mattea, authors Wendell Berry and Bill McKibben, human rights activist Vandana Shiva, actress Daryl Hannah, Rainforest Action Network members,

students and

thousands of people from all walks of life and from all across the nation in drawing attention to the climate crisis.

WWW.CAPITOLCLIMATEACTION.ORG.

APRIL 20 - Hundreds of activists protested Duke Energy's expansion of the Cliffside coal-fired power plant in Western North Carolina. Half the coal Duke burns in the Carolinas comes from mountaintop-removal mines, the company says. During the protest, 42 people were arrested for trespassing, among them OVEC board member Larry Gibson. The Charlotte Observer quoted Gibson: "It's all right for (Duke) to desecrate



**MAR
2**

For Mountains, Climate, Humanity



**June
23**

Winnie Fox being released from custody on June 23.

my place for coal,” Gibson said, glancing around the sunny uptown. “But I don’t see no desecration here.”
WWW.STOPCLIFFSIDE.ORG/.

MAY 23 - On Kayford Mountain, eight environmental activists with the groups Mountain Justice and Climate Ground Zero locked themselves to huge trucks, used in mountaintop removal, to prevent further destruction.



CH

Blocking the entrance to the Capitol Power Plant on March 2.

Photo by Mark Schmerling

Simultaneously, two activists in hazmat suits floated a kayak with a banner reading “No More Sludge” out onto the massive toxic Brushy Fork coal slurry impoundment. A third group of nearly 100 protesters converged at the gate to the Brushy Fork operation, and some people walked onto



**June
23**

Climate scientist James Hansen being interviewed at Marsh Fork Elementary School before the march to the Goal’s Coal Processing plant. A coal silo at the plant looms over the school.

mine property. These non-violent, peaceful protests and the 17 arrests that day came on the heels of the Mountain Justice Summer Camp, held May 17- 23.

WWW.MOUNTAINJUSTICE.ORG

Participating in the protest but not among those arrested was Ken Hechler, who represented West Virginia in Congress from 1959 to 1977. The only member of Congress to march with Dr. Martin Luther King at Selma, Alabama, Hechler went on to become the lead architect of the Coal Mine Safety and Health Act of 1969, which created tough safety regulations to protect mine workers from coal dust and other dangers. He

continued on page 16

Civil Disobedience

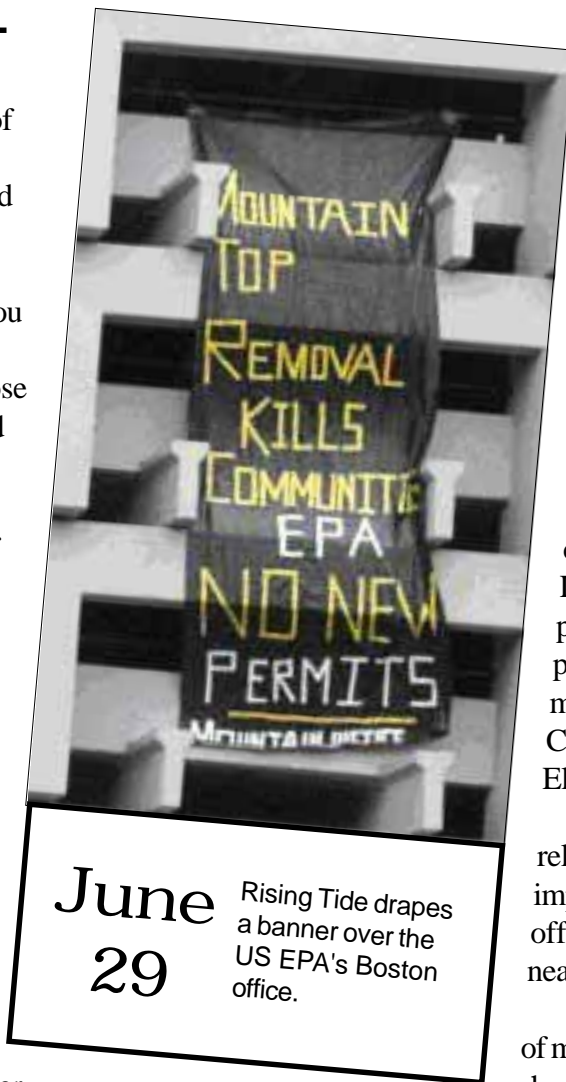
continued from page 15

served as West Virginia's Secretary of State from 1985 to 2001.

"We live in a free country, and you can go up and down the street swinging your arms as a free person. But if somebody comes along, and you hit that person in the nose, your freedom ends where that person's nose begins," the 94-year-old Hechler told the gathering at the mine gate. "So I say to you here, the freedom of Massey is a clear and present danger to everyone that lives below Brushy Fork. Their freedom ends because they have put thousands of people at risk."

JUNE 18 - At 5 a.m., 14 concerned citizens entered a Massey Energy's mountaintop removal mine site near Twilight, West Virginia. Four of them scaled a 150-foot dragline and attempted to unfurl a 15 × 150 foot "Stop Mountaintop Removal Mining" banner. Meanwhile, nine others deployed a 20 × 40 foot banner on the ground at the site which read, "Stop Mountaintop Removal: Clean Energy Now."

Police arrested David Hollister, Melissa O'Neil, Chelsea Ritter Soronen, Lynn Stone, Charles Suggs,



June
29

Rising Tide drapes a banner over the US EPA's Boston office.

Rodney Webb, Jeanne Kirshon, John Johnson, Greg Yost, Jessica Sue Eley, Lisa Ramsden, David Pike, and journalists Paul Brown and Kurt Delano Mann.

MOUNTAINACTION.ORG/WORDPRESS/

JUNE 23 - Former Congressman Ken Hechler, NASA climate scientist James Hansen, actress Daryl Hannah, former OVEC board member Winnie Fox and current OVEC board member Larry Gibson were among 31 people arrested as hundreds protested mountaintop removal coal mining at Massey Energy's Goal's Coal prep plant near Marsh Fork Elementary School.

State police said all were released after being cited for impeding traffic and obstructing an officer after they blocked the road near the coal processing plant.

Ruth Tucker, one of a crowd of mining industry supporters, was charged with misdemeanor battery after

she struck Coal River Mountain Watch's Judy Bonds in the face. Bonds and hundreds more had peacefully assembled to focus the nation's attention on the disgraceful, destructive and unnecessary form of coal mining.

"Treehugger" was one of the gentler names counter-protesters yelled at the mountaintop removal opponents. The day was quite hot, and many of those yelling "treehugger" as an insult were doing so from the shade of trees. Perhaps they should have attempted to make it through that hot day on a treeless mountaintop-removal site.

JUNE 29 - In Boston, Massachusetts, activists with Rising Tide draped a 25-foot banner reading, "Mountain Top Removal Kills Communities: EPA No New Permits. MountainJustice.org" on the Environmental Protection Agency building. The group is urging the agency to block over 150 pending permits for mountaintop removal coal mining in West Virginia, Kentucky and Virginia. 🍓

TAKE ACTION!

Many protesters arrested in these actions face assorted charges, and trials are ongoing. Legal funds are desperately needed. Please donate today. Contributions may be sent to Protesters Legal Fund c/o OVEC, P.O. Box 6753 Huntington, WV 25773-6753. You may also donate via PayPal. Click on the "Donate" button on our website at WWW.OHVEC.ORG. Do be sure to mark your donations as being for "Protesters Legal Fund."

Environmental Groups Ask EPA to Take Over WV Pollution Permitting

by Ken Ward Jr., excerpted from June 17, 2009, Coal Tattoo blog

A few weeks ago, when he went off on EPA, West Virginia Environmental Protection Secretary Randy Huffman said this: “We are the environmental regulators here in West Virginia. We are the ones on the front line here. We are the ones responsible for protecting the environment. We have a very rigorous and robust regulatory program that is basically being challenged.”

Well ... we may find out now if the Obama administration thinks Randy’s right. Because this morning, a coalition of environmental groups filed a formal petition that demands the U.S. Environmental Protection Agency take over administration of the Clean Water Act’s water pollution permitting and enforcement program (the National Pollution Discharge Elimination System, or NPDES) from the WV Department of Environmental Protection.

The petition alleges a “complete breakdown of West Virginia’s maintenance and enforcement of its NPDES program,” and goes on to say: “The state’s capitulation to the industries it is obligated to regulate under the Clean Water Act and its resulting failure to enforce or maintain its NPDES program leave EPA no choice but to withdraw its approval of that program.”

The petition says that WVDEP’s failures are “greatly

harming the state” and have led to the impairment of more than one-third of its rivers, streams and lakes. Examples of the impairment (many related to coal mining or the burning of coal) include: 5,153 miles of biologically impaired waterways; 3,958 miles of waterways with iron violations; 1,376 miles of waterways with pH problems; 937 miles with aluminum exceedences; 669 miles with mercury problems; and 160 miles with too much selenium.

The petition to EPA was filed by the Sierra Club, the West Virginia Highlands Conservancy, Coal River Mountain Watch and the Ohio Valley Environmental Coalition.

The groups are represented by lawyers Joe Lovett and Derek Teaney from the Appalachian Center for the Economy and the Environment, and by Aaron Isherwood from the Sierra Club’s Environmental Law Program. The petition was also researched and written by Margaret Janes from the Appalachian Center.

The 26-page document outlines a variety of long-standing problems with the state’s water pollution regulatory program, as well as some more recent developments:

⚠ During the 2009 session, West Virginia lawmakers passed a bill that gives coal operators yet another three years to come into compliance with a water pollution limit for selenium that’s been on the books for years.

⚠ WVDEP has refused to obtain permits and set permit limits for abandoned mine sites where it treats water pollution discharges, a move that means the treatment isn’t always up to standards and a practice that has been condemned by a federal judge.

⚠ Agency officials for years ignored water pollution permit violations by coal companies, until EPA came in and did its own enforcement case against Massey Energy. And now, WVDEP’s response has been to enter into a series of “egregious and inadequate” settlements with other mining companies, to avoid similar EPA lawsuits or citizen legal actions.

The petition also targets failings of the state Environmental Quality Board, which takes part in the NPDES program by hearing appeals and deciding legal disputes regarding water pollution permits and enforcement actions. Citizen groups say that the EQB has violated EPA rules by interpreting state laws to allow WVDEP permit writers to consider “the economic feasibility of compliance.”

Under the law, EPA is obligated to respond in some manner ... so stay tuned. (*Ed. Note: follow developments at BLOGS.WVGAZETTE.COM/COALTATTOO/*). 🍄

**Recurring
Donations
Help Keep
OVEC’s
Work Going**



If you agree that OVEC’s work is critical to protecting West Virginia, please consider joining our recurring donors program. Go to www.OHVEC.ORG, click on the “Donate” button, then click on the blue “Donate Now” button.

Recurring donations help build OVEC’s sustainability and help us with our long-term planning.

Remember, donations to OVEC, a 501 (c)(3) organization, are tax deductible.

Byrd's Eye View: Staffers Get Close-Up Views of Mountain Range Removal

On June 17, Senator Robert C. Byrd (D-WV) announced that several staff members from his Charleston and Washington, D.C. offices were on a three-day fact-finding tour to view mountaintop-removal mining operations firsthand.

The staff met with OVEC members from Mingo, Lincoln, Raleigh and Boone counties, all of whom have generations of ties to the coal industry and all of whom abhor what mountaintop removal is doing to their people and the land.

Thanks so much to the OVEC folks and others who led Byrd's staff on eye-opening tours!

If the staff members accurately process what they saw and heard, they will have a greater understanding of



More irreversible damage to the Coal River watershed: At the Bull Creek mine, a double valley fill with what used to be a “natural” ridge in between.

Photo by Teresa Perdue

the huge hidden costs associated with mountaintop removal coal mining – from flooding to lost communities, from lost economic potential of the mountains to the huge costs of poisoned streams and drinking water.

The staff also met with coal industry representatives. A flyover of several mountaintop removal sites was arranged through SouthWings.

In a statement, Byrd said the staff would “discuss concerns expressed to my office

about the impact of mountaintop mining and the severity of damage from the recent floods ...

“I believe it is imperative for my staff and me to hear from all interested parties in West Virginia as we move forward on this debate.”

A Good Win in A Critical Federal Court Case Against MTR

On March 31, OVEC, Coal River Mountain Watch and the Natural Resources Defense Council won a critical case in the federal court for the Southern District of West Virginia.

We had challenged an Army Corps of Engineers “nationwide” permit, which would have authorized waste material disposal from surface coal mining into United States waters. We were represented by the Appalachian Center for the Economy & the Environment and Public Justice.

The court's decision involved a nationwide permit issued by the Army Corps of Engineers under the Clean Water Act Section 404, which gave coal mining operations such as mountaintop removal mines the ability to dump their waste in streams. The judge's decision blocks the Corps from authorizing further mountaintop removal permits through the Clean Water Act Section 404.

The court found that the Corps had acted unreasonably in two main respects. First, it ignored the past impacts of similar mining in deciding not to prepare an environmental impact statement under the National Environmental Policy Act (NEPA). Second, the Corps assumed – without justification – that the effects on streams and other water bodies would be adequately offset by “mitigation” measures, such as building man-made drainage

ditches as replacements for destroyed natural streams.

The court found that the Corps did not have an adequate plan to monitor mitigation efforts and require corrective action, an obvious problem considering that mitigation commonly fails to replace the lost resources.

“Mitigation is the centerpiece of the Corps' claim that mountaintop removal and valley fills have cumulatively insignificant environmental effects,” said Jim Hecker, Environmental Enforcement Director for Public Justice. “The Corps claims that it can achieve 100 percent success in mitigating the burial of streams by creating new streams elsewhere. The court correctly found that this claim is an ‘unsupported belief’ and a ‘mere promise’ that has no factual or scientific basis.”

The coal industry is expected to appeal this decision to the Fourth Circuit Court of Appeals.

This case and decision differ from a win we had with an earlier ruling by U.S. District Judge Robert C. Chambers. In that case Judge Chambers was examining questions about the adequacy of the Corps' review of “individual” permits under Section 404.

Early this year, the Fourth Circuit Court of Appeals overturned that decision. We are considering whether to appeal the case to the U.S. Supreme Court.

We care, We Count, WE *VOTE!*

Judicial Bill Pulled by Governor

by Carol Warren

West Virginia legislative sessions are always strange, but WV Citizens for Clean Elections – of which OVEC is a lead partner – had quite the roller coaster ride this year! Our bill for public financing for the Legislature was introduced in both Chambers (H2764 and S241).

Our previous sponsors stayed with us, and Del. Dan Poling (D-Wood) was given the one open sponsorship slot, because he has been an enthusiastic supporter. We concentrated on working the bill in the House, where we felt the committees were friendlier.

Judiciary Chair Carrie Webster (D-Kanawha) put the bill into Subcommittee A, dealing with a number of other election issues, such as vote-by-mail pilot project for municipalities, lengthening the period for voter registration, designating additional polling places in counties, and others.

Oddly, some other legislation was assigned to the committee that was quite time-consuming, including the ever-controversial bottle bill. A bill for public financing for the Supreme Court was also included (more on that below).

The Subcommittee chair, Del. Barbara Fleischauer (D-Monongalia), told us fairly early that she thought there was more energy around the Supreme Court bill because of all the negative publicity West Virginia has received over our Supreme Court elections. We kept working the legislative bill, however, until it became clear the subcommittee would indeed not take it up.

The action on the bill for Supreme Court elections began in the Senate, with Judiciary Chair Jeff Kessler (D-Marshall), also our lead sponsor for many years on the legislative bill. He introduced S311, a pilot project for public financing for Supreme Court justices in 2012.

Julie Archer of WV Citizen Action devoted considerable time to working with Senator Kessler's staff attorney assigned to the bill, including arranging a call for Senator Kessler's and Delegate Webster's legal staffs with Angela Miggaly at the Brennan Center, which specializes in election reform issues.

All this took several weeks, and the bill in its more-or-less final form emerged just in time to be brought up in Senator Kessler's Judiciary Committee as its first reference.

Because of the unexpected death of Supreme Court Justice Joseph Albright, there will be a special election in 2010 to fill his term. Senator Evan Jenkins (D-Cabell) amended the bill to begin the pilot project with that election,



Chief FOCer Gov. Joe Manchin makes it clear where his heart is at a recent coal conference.

instead of in 2012. An amendment to make the elections non-partisan failed. The bill's passage from Judiciary put us in the position of having to convince Senator Walt Helmick (D-Pocahontas), the Finance Chair and our nemesis on the legislative bill, to take the judicial bill up immediately, because there were only a few days remaining for bills to move from their chamber of origin.

On Tuesday March 31, we were elated to find S311 on the Finance Committee agenda!

Julie and I had done our work with the Finance Committee and entered the committee room feeling relatively confident.

The meeting was already well underway when Delegate Tim Manchin came into the room, approached us and whispered, "It's dead," and walked back out.

We scrambled out after him, and **he informed us that Governor Joe Manchin had told Sen. Helmick to pull the bill.** The governor is evidently appointing his own commission to deal with judicial elections and did not want any legislation passed that would "interfere" with that

continued on page 20

We care, We Count, WE VOTE!

Supreme Court Case Makes WV A National Laughingstock

Excerpted from a June 18 editorial in the Charleston Gazette

Around America, scornful reactions followed the U.S. Supreme Court ruling that West Virginia Justice Brent Benjamin shouldn't have voted to save Massey Energy from an \$82 million fraud judgment, after Massey's CEO spent \$3 million to put Benjamin on the bench.

The *Los Angeles Times* called it "the case of a grandiosely unethical West Virginia justice," adding: "Benjamin's participation in the case assured him a place in the judiciary's annals of shame."

Syndicated columnist Tom Teepen called it "an especially egregious case of big money at play in what is supposed to be justice."

The *Youngstown Vindicator* said of the West Virginia case: "It would seem obvious that most people would not feel they were getting a fair hearing under the circumstances, and when most people have reason to wonder whether justice is for sale, the judiciary suffers."

Bill Pulled

continued from page 19

commission's work. A number of our allies were quite angry, among them Senator Kessler, who was apparently not consulted although he was the bill's lead sponsor. Even some senators who were not necessarily strong supporters of the legislation approached us to say they were sorry about what happened. People are still asking me, "How does the governor have the authority to do that?"

To that I have to say, "I don't know." 🗳️

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!

Now that Benjamin has been knocked off the Massey case, West Virginia's Supreme Court is proceeding to rehear it, without him. But fallout from this affair goes farther. Gov. Manchin has appointed an Independent Commission on Judicial Reform – nominally headed by retired U.S. Supreme Court Justice Sandra Day O'Connor, who once said of the Massey case: "It does not look good, does it? Why would a state want to subject itself to an influx of money into its courtroom?"

We hope a real cleanup arises from the Massey mess that blemished West Virginia. 🗳️

Eating For OVEC Keeps Raising \$\$\$

The Eat for OVEC fund-raiser continues to be a success. Thanks to everyone who has enrolled in the program for OVEC! Please keep using those gift cards when you purchase your groceries and gas at Kroger.

If you need refreshed on how to use the card, don't have a card yet, or don't know what the program is about, contact Maryanne at (304) 522-0246 or maryanne@ohvec.org, or send in the coupon below. The program doesn't cost you a penny, and it sure helps support OVEC's work.

YES! I want OVEC to receive 5 % of my purchases from Kroger! Please enroll me in the EAT FOR OVEC Kroger gift card program.



Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

E-mail _____ @ _____

My \$20 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$20 balance so OVEC can start benefitting from my purchases today. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.

Photovoice Participants Capture their Communities in Images

by Sara Busse, excerpted from April 12, 2009, Charleston Gazette

Maryland native Shannon Bell worked in the Mountain State for several years before heading to Oregon for graduate school. The images of Southern West Virginia stayed in her mind and tugged at her heart, urging her to come back to West Virginia to capture these images in some form.

That form is Photovoice. In September 2008, Bell gave digital cameras to 40 women from five communities in Southern West Virginia and asked them to take pictures to tell the story of their communities.

Each group met monthly for eight months to share their photographs, discuss common themes, create “photo stories” (photographs with written narratives), and develop project ideas to address problems they identified. Bell participated in the meetings, giving the women guidelines to organize their photographs and stories.

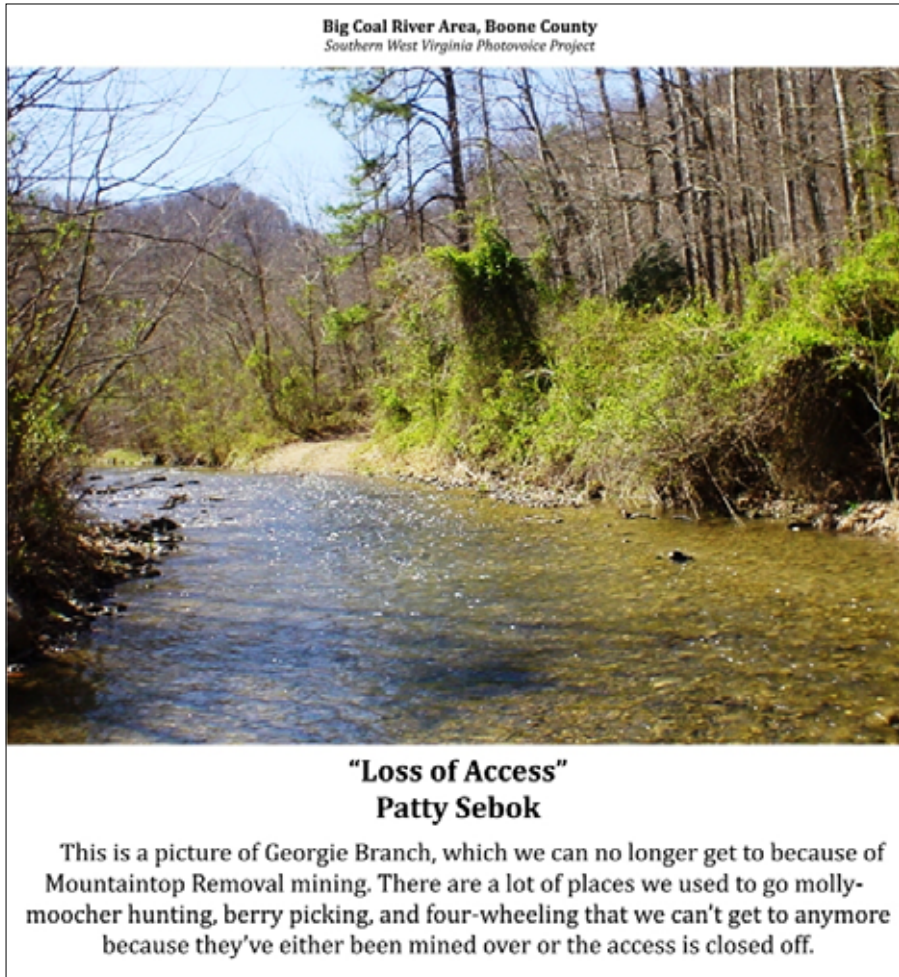
A selection of 100 photos and accompanying stories

Photovoice Sponsors

Photovoice was made possible through generous support from Cabin Creek Health Systems, The Greater Kanawha Valley Foundation, West Virginia Development Office/Appalachian Regional Commission Flex-E-Grant Program, the Ohio Valley Environmental Coalition, University of Oregon Sociology Department, Photographic Production Services and the Clay Center.

was presented in an exhibit at the Clay Center in Charleston from April 15 – 19.

Many of the women identified problems within their communities, and the project empowered them to visit their lawmakers to discuss the problems as well as to offer solutions and suggestions for community development.



“It’s a neat way to communicate with policymakers,” Bell explained of the Photovoice project. “It’s empowering to the local people, as they got to say what their problems are instead of some outsider coming in and telling them.”

“Photographs elicit a visceral reaction,” Bell said. “The pictures impressed the legislators more than just facts and figures.”

Joanne Frame, 59, and her daughter-in-law Tammy learned that firsthand. They took

photographs of the deteriorating roads in Boone County.

“I was always so backward and all, but this encouraged me to speak up. I wanted to show the beauty of Boone County but wanted to show things that weren’t so pretty, like the roads,” Frame said.

The Frames set up appointments with Delegate Ralph Rodighiero and Sen. Ron Stollings.

“These photo stories and Joanne and Tammy’s visit made quite an impression on these two legislators,” Bell said. “The roads in that area had not been paved in over 25 years. The next day, as a temporary fix, the crews started patching the roads that Tammy, Joanne and others had photographed.” More permanent work is planned.

continued on page 22

Photovoice

continued from page 21

“I felt that we really accomplished something that day,” Frame said. “I thought, ‘Well, they’ll just forget us,’ but they’ve kept in contact, and they’ve called me several times.” Stollings called Frame last week to let her know a six mile stretch of WV. 85, one of the worst roads the women photographed, was to be totally repaved this summer.

Many of the participants voiced concerns about the environment.

Kathy Stout expressed her fears about a coal mine’s slurry injection site behind her house in Cabin Creek.

Jane Linville took photos of fish she believes are toxic, caught in a stream near her home in Pond Fork.

Women from all five community groups took photos of litter along the roadsides and in popular dumping spots in their areas.

“They would like to see the Legislature pass a bottle deposit law because they feel that it would help clean up their communities,” Bell said.

“Every time a participant created a photo story dealing with their desire for a bottle deposit, I printed it off

Photovoice Exhibitions Well Covered By Local and Statewide Media

After eight months of work, Photovoice exhibitions were held in the Clay Center in Charleston and in or near the participants’ homeplaces – the Boone County communities of Bim and the Big Coal River area (around Seth and Prenter), the Lincoln County community of Harts, Lenore in Mingo County, and the Cabin Creek area of Kanawha County.

Local and statewide media covered many of the exhibitions.

An April 2, a *Coal Valley News* article by Joanie Newman noted that Prenter (Boone County) resident Maria Lambert had taken several photographs on exhibit, including “The Changing of the Water Filter,” which shows two filters – one sparkling white and the other a deep black in contrast.

An April 4 *Williamson Daily News* article by Julia Roberts Goad reported that Lenore (Mingo County) resident Donna Branham is a community activist who hopes

Upper Kanawha Valley, Kanawha County
Southern West Virginia Photovoice Project



“Coal Slurry Injection Site”

Kathy Stout

This pipe is where the coal companies injected coal slurry (waste) into an old underground coal mine for storage. There are many sites like this throughout the mountains, and no one knows they are there unless they happen upon them while four-wheeling. This site is directly above my home. If it ever breaks loose, the damage will be devastating. No one has ever contacted us to inform us that this slurry injection was taking place so close to our house.

and gave it to them so that they could mail it to the governor and to their legislators,” she said.

“Many of them also called or e-mailed their legislators about the need for a bottle deposit.” 🗳️

her photo story will bring people together.

“I am glad the community did this,” she said. “I think this collection is magnificent. Maybe other people will get involved when they see these pictures.”

Martha Sparks with the *Logan Banner* reported on the Harts area exhibit on April 30. She wrote that Kay Tomblin took photographs of a “mine blowout” on her property, where orange mud and water flooded down her hillside.

West Virginia Public Radio broadcasted a story about Photovoice on May 1. Reporter Erica Peterson noted that Brenda Farris has protested mountaintop removal operations, but found that her photographs work just as well in raising awareness.

“I wasn’t going to do this project,” Farris said over the airwaves. “Through my photos maybe I could get some of the message out – what’s going on around us.” 🗳️



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



You Don't Have to Go to Copenhagen to Make a Difference

by Mel Tyree

On Dec. 7 – 18, 2009, the United Nations' Climate Change Conference will convene in Copenhagen to discuss a global climate treaty.

According to Yvo de Boer, executive secretary of the UN's Framework Convention on Climate Change (UNFCCC), not every detail of a comprehensive global treaty will be finalized, but "hopefully it will close with agreements on four political essentials." Those four political essentials, absolutely critical for a viable world agreement to prevent catastrophic climate change, include the following:

- ▣ How much are the industrialized countries willing to reduce their emissions of greenhouse gases?
- ▣ How much are major developing countries such as China and India willing to do to limit the growth of their emissions?
- ▣ How is the help needed by developing countries to engage in reducing their emissions and adapting to the impacts of climate change going to be financed?
- ▣ How is the money going to be managed?

Yvo de Boer notes that the United States has refused to sign the Kyoto Agreement to reduce greenhouse gas emissions because of fears the treaty would harm the U.S. economy, because it didn't involve enough action from developing nations and because of the failure of the U.S. Senate to support it.

De Boer feels that the Copenhagen conference will be successful because the Senate's Foreign Relations Committee, through John Kerry, will add support, and

President Obama may be able to convince China and India to sign the next treaty.

It's clear that Obama understands the seriousness of human-caused climate change more than any president before him did. Plus, he has already committed more tax dollars for energy efficiency and renewable energy than any president in U.S. history.


The Senate remains a major stumbling block to success. Nearly all Republican senators and

most Democrats from coal and oil states will oppose substantial U.S. commitment to greenhouse gas reductions without huge

compromises from India and China. Even then, the coal and oil lobby will fight to derail U.S. commitment to any international treaty.

The fact remains that despite Obama's enthusiasm, the United States can't follow through with an agreement without congressional approval. The Clinton administration never obtained congressional support to sign the Kyoto agreement.

The 350.org project, led by environmentalist Bill McKibben, is spearheading an international day of climate action on October 24. The goals are: 1) To promote awareness of the critical need to reduce atmospheric carbon dioxide levels back to 350 ppm to avoid catastrophic climate change and, 2) To create world-wide public momentum to encourage success at Copenhagen.

As of June 29, there were 1,078 actions planned in 67 countries. Information on the October 24 event and how to register an action is available at www.350.org. 



Obama and Mountaintop Removal Mining: The Roller Coaster Ride

Excerpted from Facing South, the Institute for Southern Studies' online magazine

During his presidential campaign, Barack Obama spoke critically of mountaintop removal. But since taking office this year, the Obama administration has sent mixed signals about its stance on mountaintop removal, troubling activists working to stop the destruction.

On the one hand, the Environmental Protection Agency announced in March that it was asking the U.S.

Army Corps of Engineers to take a closer look at mountaintop removal's "potential harmful impacts on water quality" through its permitting process.

But then in April, the Department of Justice filed a brief with the 4th U.S. Circuit court of Appeals opposing further review of a lower court ruling (*Ed. Note: The lower court ruling that had been in OVEC's favor*) that would have more strictly regulated mountaintop removal.

continued on page 24

New CD Celebrates Coalfield Resistance to Mountaintop Removal

On June 20, at the Mountain Aid concert, the non-profit organization Aurora Lights released its newest compilation CD, *Still Moving Mountains: The Journey Home*.

The CD and its accompanying multimedia website, JOURNEYUPCOALRIVER.ORG, use music, interactive mapping and visuals to produce an organizing tool created by and for the local people.

The CD combines interviews with local residents impacted by mountaintop removal with a mixture of local and well-known artists: Kathy Mattea, Del McCoury, Blue Highway, Everett Lilly and the Lilly Mountaineers, Great American Taxi, and Andrew McKnight. Interviews from Mattea and Robert Kennedy, Jr. are also on the CD.

An interview with Ed Wiley, who marched to Washington, D.C., to raise money for a new school, and the song “Shumate Dam,” specifically address the dangers the coal industry imposes upon the students at Marsh Fork Elementary.

All proceeds from the album will be used for grants and other educational and charitable purposes consistent with Aurora Lights’ mission to raise awareness of the impacts of mountaintop removal coal mining. The first CD, *Moving Mountains*, raised more than \$6,000 for local grassroots work.

“The first CD was birthed with the idea that music could help inspire people to stand together through the hard times. What surprised me was how often the music and

interviews were used in presentations and for outreach,” Jen Osha says. “I realized that *Still Moving Mountains* had to go further to provide people with a way to move from inspiration to education to action. The website is that jumping off point.”

On the website, people can use the map to pinpoint the setting of a song or issue, and find photographs, videos, interviews and stories to deepen their understanding of the issue, and even get involved themselves. The website was developed with financial support from the West Virginia Humanities Council.

“The multimedia website also serves as a classroom educational tool, providing lesson plans layered in six themes,” says the website’s designer, Charles Suggs. “Professors from both within West Virginia and out of state have already started developing unique curricula based upon the CD and website.”

Aurora Lights will hold a release concert featuring musicians and residents from the CD on August 23, on the State Capital grounds in Charleston. See WWW.AURORALIGHTS.ORG.

(Ed. note: OVEC contributed financially to the production of the CD - many thanks to Jen and to OVEC board member Jeff Bosley for his work on the CD.) 🍄

Roller Coaster

continued from page 23

Adding to the uncertainty, Interior Secretary Ken Salazar held a press conference recently to announce his agency plan’s to reverse Bush administration’s changes to a rule that allowed mountaintop removal operations to dump waste in streams. But at the same press conference, he reassured the coal industry that the President didn’t want to hamper production (*Ed. Note: And, he could not assure us that the rule would be enforced.*)

“Basically, we’re totally confused,” said Judy Bonds of Coal River Mountain Watch, a grassroots group fighting mountaintop removal in West Virginia. While the federal government dithers, coal companies appear to be stepping up operations, she added.

With the Obama administration vacillating on the issue, lawmakers in North Carolina, South Carolina and Georgia are trying to build momentum by introducing legislation to prohibit electric utilities from burning mountaintop removal coal. The legislation is running into stiff resistance from coal companies and electric utilities, which wield considerable power over legislatures. 🍄

GET ACTION ALERTS!

Stay Informed by E-mail: Join OVEC’s Action Alert! e-mail list by sending an e-mail with “join list” in the subject line to vivian@ohvec.org. This is not a discussion list, so you won’t be swamped with e-mails.

Stay Informed by Phone: If you don’t have or don’t like e-mail, call the OVEC office at (304) 522-0246 and ask to be put on our Call List. We’ll need your name and phone number. Don’t worry - we will only call to let you know about major events or actions.

Stay Informed by WWW: Visit WWW.OHVEC.ORG frequently for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.

Blair Mountain and the National Register of Historic Places

On March 30, the National Park Service placed Blair Mountain in Logan County, WV, on the National Register of Historic Places.

The announcement came after decades of campaigning by local residents, historians and conservationists, with help in recent years from OVEC, other groups affiliated with Friends of the Mountains and the Sierra Club.

Blair Mountain is one of the most important labor historic sites in the nation. In 1921, 10,000 people clashed on Blair Mountain as coal miners rose up against coal barons in defense of the right to unionize. The undeclared civil war that followed lasted 10 days and became known as the Battle of Blair Mountain.

This legendary event is now characterized as America's largest labor struggle. The shooting war pitted union and anti-union forces against one another in the mountains of Logan, WV, and culminated in the arrival of federal troops at the governor's request.

"National Register designation is a vitally important step in the preservation of Blair Mountain, a site we listed as one of America's 11 Most Endangered Historic Places in 2006," says Richard Moe, president of the National Trust for Historic Preservation. "Nevertheless, the threat of coal mining activity at Blair Mountain remains present and we will continue to vigorously oppose mining efforts at the site."

Local residents celebrated the announcement of the listing. "I'm so happy to see the culture and history of Logan County being honored," said Kenny King, a Logan County resident and long-time proponent of the historic listing for Blair Mountain. "The next step is to get local officials to



More than 70 people gathered to protest Gov. Manchin's request that Blair Mountain not be granted federal protection.

realize the value of putting a local tourism center on Blair Mountain."

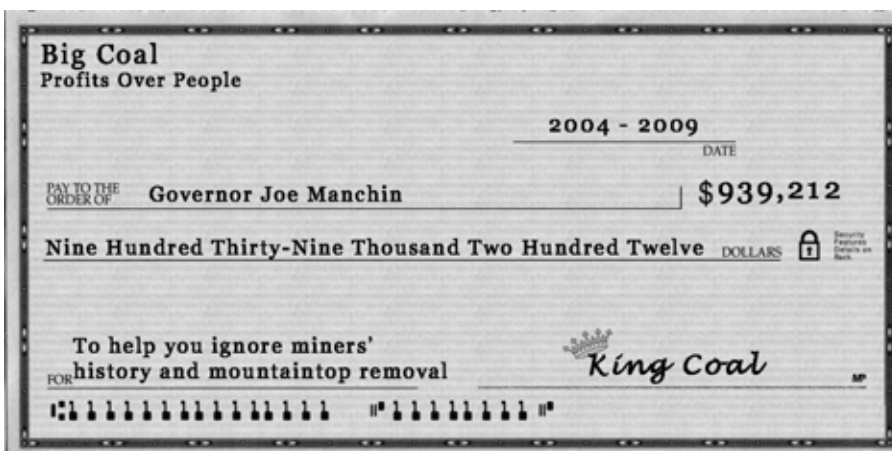
Archaeologist Dr. Harvard Ayers and historian Dr. Barbara Rasmussen collaborated on the most recent, successful nomination of Blair Mountain to the National Register of Historic Places. OVEC board member Regina Hendrix has been a leader on this issue for the past 8 years.

Just days after the designation, news reports said Governor Manchin's administration had written a letter petitioning the Keeper of National Register of Historic Places to delist Blair Mountain.

Friends of the Mountains quickly organized a protest of this action. Moments before the noon protest began, the state issued a press release saying the Governor was not involved in the letter sent to the Keeper and the state did not mean to petition the Keeper for de-listing.

The *Charleston Gazette* reflected the views of many when the newspaper editorialized that it was hard to believe the Governor knew nothing about what was going on.

On July 6, news came that the Keeper was moving to delist Blair Mountain after reviewing the letter sent from the West Virginia Division of Culture and History. Watch the OVEC website for the latest information and contact the office at (304) 522-0246 to get involved. 🍄



Since his days as WV Secretary of State, Joe Manchin has received nearly 1 million dollars in campaign contributions from the coal industry.



Ashford Yesterday, Today and Maybe Tomorrow?

by Robin Blakeman

2 p.m. on the second Saturday of each month: JOBS / renewable energy project meetings in Mingo County at Southern West Virginia Community and Technical College, Williamson Campus. We are talking, planning, learning and taking action to bring renewable, safe jobs and clean energy alternatives to the southern coalfields of West Virginia.

August 23: Charleston, WV Capitol Building Stage. Aurora Lights Release Party for the second stop mountaintop removal benefit CD: *Still Moving Mountains: The Journey Home*. Performers will include Everett Lilly & the Lilly Mountaineers and The LoneTones.
WWW.AURORALIGHTS.ORG/JOURNEY

Sept. 12: *Coal Country* at the Civic Theatre in Akron, OH. Hosted by Nick Clooney.
WWW.COALCOUNTRYTHEMOVIE.COM

Sept. 21: 6 p.m. People Concerned About MIC meeting at the Davis Center at WV State University.
WWW.PEOPLECONCERNEDABOUTMIC.COM.

Sept. 25-27: WV Environmental Council's 20th annual Fall Convention. Holly Grey Park, Sutton, WV. Discussions and workshops on environmental issues, planning 2010 legislative priorities, a great keynote speaker, great music and an evening birthday party for the WV Environmental Council.
WWW.WVECOUNCIL.ORG

Oct. 18 -20: Create WV Conference, Big Sandy Arena, Huntington, WV. WWW.CREATEWV.COM

Oct. 24: The 350.org project, led by environmentalist Bill McKibben, is spearheading an international day of climate action. See page 23 of *Winds of Change*. WWW.350.ORG

June 22-26, 2010: US Social Forum II. Detroit, Michigan, USA - A Call to Participate in Building the Road to Detroit. Another World Is Possible! Another US is Necessary! Go to WWW.USSF2010.ORG

Be sure to check OVEC's online calendar at WWW.OHVEC.ORG for frequently updated information on events. 

In Ashford, WV (northern Boone County), the beauty of the place and the pride of people who have lived there for generations will astound you, as will the serious problems they are facing as radical strip mining operations come ever closer to their homes and communities. There are at least three mining companies operating here, seemingly intent on dismantling much of the community.

Daily, blasts from mining operations shake homes, cracking the foundations of old and new houses alike. One resident reported coming home one day to find shelf contents scattered and broken all over her floors; she thought a robber had been in the house! It turned out to be damage from a mine blast. Her large home is less than a decade old and now has cracks in the foundation and walls.

Other people recount their grief over the loss of beautiful community landmarks, such as large rock formations that used to frame the town and provide hiking destinations for school groups and families.

These folks are so connected to their surroundings that any change to the landscape in the area saddens them greatly. Many worry about water pollution and streams that are being buried. Some people think far enough ahead to worry about the long-term effects to the entire Coal River; the river runs through this community and has shaped its identity in many ways throughout history.

Despite the challenges they now face, Ashford residents are quite proud of their place; they want to remain there and are trying desperately to defend their land and heritage.

A couple of people, both relatively new to OVEC networks, have taken some arresting photographs of the Ashford area. The serene beauty of the place they call home and the challenges it faces are represented in these images.

Teresa Perdue's family has resided in the area for many generations; she has children and grandchildren who live nearby. Perdue has many jobs, and one of the most interesting is that of photographer. She's well known in the Ashford area for the high school senior pictures she provides for area youth, as well as for her flowers. She has constructed an award-winning landscape design consisting of phlox and other flowers on the bank of the creek near her home.

Gary Epling (father of Christians For the Mountains' Americorps volunteer Rebekah Epling) says that he rarely
continued on page 27

Come Home to West Virginia? Buyer Beware!

In 2007, Patsy Tomlin and Kelly Williams were living in Alaska, but looking to return to and retire in Kelly's home state of wild and wonderful West Virginia. They were excited about building their dream home and enjoying the serenity and beauty of the Mountain State.

In the spring of 2008, they found a beautiful 40-acre tract of land in Nicholas County, WV. The listing (Field and Stream Real Estate) noted that the land would be the "ideal place for a hunting club or camp or as your new address."

The real estate agent and the selling owners were well aware of the plans that Williams and Tomblin had in mind in making this property their retirement place, and they closed on the sale of the land that June.


Unbeknownst to the new owners, however, the property was located within 1,000 feet of a proposed mountaintop removal site that will be developed, leased, owned, mined, or operated by the coal companies (Peters

Louv-ley Day in Charleston

Rich Louv, author of *Last Child In the Woods: Saving our Children from Nature Deficit Disorder* (Algonquin Books 2005), spoke on Earth Day Sunday at the Unitarian Universalist Church in Charleston.

His topic was "Leave No Child Inside West Virginia." About 70 people attended the lecture and reception, sponsored by OVEC and the Unitarian Universalists Fellowship. Kathryn Stone had these reflections:

"As someone who grew up on a farm in semi-rural New England of the 1930s and 1940s, who roamed the woods picking lady slippers and the fields picking wildflower bouquets, who sat under a lone pine tree on a hill reading on a hot summer day, who defiantly sat on the sun porch while lightning flashed, loving the drama and excitement of it, who listened to the frogs croaking in the creek and picked wild blueberries in a nearby swamp, who played hopscotch, hide-and-seek and kick-the-can with neighborhood kids and cooled off with them in the local brook (really a mud hole) and who had a tree house for a refuge, I truly relate to Richard Louv's plea to restore to our children the joys and benefits of exposure to nature and the wonderful out-of-doors."

OVEC extends a big thanks to our co-sponsors: Appalachian Center for the Economy and the Environment, WV Sierra Club, WV Highlands Conservancy, WV Citizen Action Group and WV Environmental Education Association. 

Creek, Amvest, and/or Consol and/or their subsidiaries).

Also unbeknownst to Tomblin and Williams, the coal companies planned to construct a coal haul road directly beside the subject property. The proposed coal haul road sits within 20 feet of a residence constructed by the new owners.


After they discovered the disheartening truth about the proximity of the haul road to their dream home, Tomblin and Williams were led to believe by company representatives that the companies would buy their property from them or even trade them for "riverfront property," plus offer additional land leasing options in other areas of West Virginia.

The company has offered \$130,000 to purchase the property. When this offer was made, the new owners had already spent over \$300,000 in building materials, land and expenses.

The companies involved have not followed through with their promises to help rectify the situation, so Tomblin and Williams decided to file suit against the coal companies and the real estate agent in order to find some justice in their situation. They are being represented by Rist Law Offices of Beckley, WV.

Let's make it clear to our governor and our representatives: If we truly want people to "Come Home to West Virginia," we must preserve the peace, quiet, and beauty of the mountains that we promise them.


At the very least, let us alert our friends and relatives to the pitfalls and loopholes of buying land near potential mountaintop removal sites.

(Ed. Note: The factual information for this article was gathered from the complaint filed June 29, 2009, in Nicholas County Circuit Court.) 

Ashford

continued from page 26

leaves the house without a camera. Although he now lives in the Ripley area, he grew up around Ashford, and he has returned to take some striking pictures of the Coal River. He is also terribly concerned about the radical strip mining and mountaintop removal mining going on there that will inevitably alter the landscape of the place where he was raised.

These two folks represent the fierce pride of place that I've observed among Ashford residents. Their photographs remind us all of the beauty of this highly endangered place. 

Ohio Valley Environmental Coalition
P O Box 6753
Huntington WV 25773-6753

NON-PROFIT ORG
US POSTAGE
PAID
HUNTINGTON WV
PERMIT NO 370



Who Are They Kidding?

You can't have it both ways - the WV Dept. of Environmental PROTECTION is worried about trees along stream banks, overlooking the fact that mountaintop removal is burying those streams at a high rate of speed ... Meanwhile the WV state tourism folks are paying for billboards in DC and elsewhere, begging environmentalists to visit WV, as if the home of Mountain Range Removal Mining was friendly to environmentalists -- and to the environment.

