

March 2010



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Coalfield Residents and Scientists Meet with Governor

Bo Webb, a resident of Rock Creek, WV, a Vietnam war veteran and someone whose home is adversely affected by mountaintop removal, doesn't take no for an answer.

In December when Governor Joe Manchin met with representatives from the coal industry, county commissioners from southern West Virginia, state agency representatives and other politicians, Webb knew the governor was only hearing half the story. He contacted the governor's office to ask that the governor meet with those living in the shadow of mountaintop removal.

After a lot of wrangling over the governor's proposed agenda, the meeting was finally set for late January.

Bo and others hoped that the governor's attendees would be there to listen to the many different concerns regarding mountaintop removal/steep-slope strip-mining of coal.

Invitees of the governor included Congressman Nick J. Rahall, Congresswoman Shelly Moore Capito, and staff members from Congressman Mollohan's and Senators Byrd and Rockefeller's offices.

State Senate President Earl Ray Tomblin was there briefly; House Speaker Richard Thompson and several

A Victory in Fayette County

On February 4, U.S. District Judge John T. Copenhaver issued a significant ruling in a water pollution case against Powellton Coal, a CONSOL subsidiary that had been doing mountaintop removal in Fayette County.

Powellton logging roads and other obvious traces of this mining are already visible from West Virginia's iconic New River Gorge Bridge.

Although the mountaintop removal machines have not been operating on Gauley Mountain for approximately six months, Powellton has been aggressively seeking permit
continued on page 5



OVEC organizer Maria Gunnoe talks with a reporter during a Jan. 25 press conference after the meeting with WV Gov. Joe Manchin in Charleston.

southern West Virginia county commissioners stayed for the entire meeting. People seated around the edges included Randy Huffman, Secretary of the West Virginia Department of Environmental Protection.

Speakers outside the coalfield delegation, including the governor, spoke about the need to balance energy demands and job growth with safeguards for the environment, drinking water and streams, cultural heritage and our communities.

Webb thanked the governor and others who had
continued on page 4

Inside This *Winds of Change*

Living the Dreampage 2
Water - Our Greatest Resourcepage 9
Coal-to-Liquids - Boondoggle?page 14
Going Off the Grid Is Goodpage 21
Family Cemeteries Endangeredpage 25

Carol Warren: Living the Dream of World Peace

by Janet Keating

OVEC has some truly amazing people on staff; they are all winners in one way or another.

But we were delighted to learn during the Christmas break that Carol Warren, OVEC's faith-based liaison and point person on election reform, would receive the Martin Luther King, Jr. Living the Dream award as an Advocate of Peace (one who has advocated for non-violent social change) in January.

This award is presented by the Martin Luther King, Jr. West Virginia Holiday Commission as part of the national Martin Luther King, Jr. Day observance.

OVEC's executive director nominated Carol for her lifelong commitment to peace, which began for Carol during the Vietnam war.

Her efforts continued in the late 1980s and early 1990s, when Carol participated in two peaceful non-violent protests at the infamous School of Americas (now dubbed the "Western Hemisphere Institute for Security

Cooperation") at Fort Benning, Georgia.

Additionally, Carol's work for peace extended beyond U.S. boundaries. Her experience with Witness For Peace began with the 1989 Via Crucis (Way of the Cross) walk across Kentucky to call attention to the war in Nicaragua. Carol traveled twice to Nicaragua and Guatemala as part of a Witness For Peace delegation.

Her experiences speaking with Contras and Sandinistas after the war brought Carol to the realization that many issues experienced in the mountains of Nicaragua were similar to issues we face in Appalachia.

The news of Hurricane Katrina's destruction was wrenching to Carol. Twenty years earlier, she had spent a summer in the Gulf Coast as part of Walk

Together Children, an anti-racism program. During the aftermath of Katrina, Carol returned to New Orleans, and in 2006, she helped Operation Helping Hands gut their 1,000th house.

Carol has taken countless groups of people of faith and others to witness the destruction of mountaintop removal and to speak with people who suffer from its effects. She works side-by-side with leaders of the United Mine Workers of America, advocating for their right to organize.

Her work on the Government Concerns Committee of the West Virginia Council of Churches resulted in a powerful statement that not only addressed concerns about the effects of mountaintop removal on the land, the communities and the people, but also the need for justice for miners and care for their families. We at OVEC are so fortunate to have Carol as a part of our team! 🍓



From left to right: Deacon Todd Garland (Carol's husband), Carol Warren (OVEC staff) and Larry Starcher, former Justice of the WV Supreme Court and member on the West Virginia Martin Luther King, Jr. Holiday Commission, who presented the Living the Dream Advocate for Peace award on Jan. 16, 2010, at the WV Culture Center, Charleston, WV. We are so proud of Carol for her work for peace.

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EPA Approves Hobet 45 Mine

Last year the U.S. Environmental Protection Agency announced that it would more thoroughly scrutinize permits for 79 large-scale surface mines and mountaintop removal mines.

In January, EPA let the first of these 79 permits move forward – EPA approved Hobet 45 in Lincoln County, part of Patriot Coal’s 25-square-mile Hobet mountaintop removal operation.

This decision highlights the urgent need for the EPA to protect streams from mining waste by revising Clean Water Act regulations gutted by the Bush administration. West Virginia groups and national environmental groups are encouraging the Obama administration to begin a rulemaking to exclude mining waste from the definition of “fill” as material that can be dumped in waters of the United States.

“Sadly, the coal industry’s undue influence over decision-makers has traded people’s health, communities,



Mountaintop removal at the Hobet complex looms over a home in Lincoln County. Photo by Vivian Stockman

and water for profit,” said Janet Keating, executive director of OVEC. “We’re shooting ourselves in the future. After all the coal has been mined, what kind of economic development can happen when the water is unfit to drink and people have been driven away?”

The permit would allow Patriot to mine through more than three miles of streams, and to add millions of cubic yards of fill to existing valley fills offsite.

“We, the affected citizens that are living with the impacts of this destructive mining practice, pray that this decision is not a preview of other destructive mining permits being approved,” said Judy Bonds with Coal River Mountain Watch. “We certainly hope this is the last destructive permit approved that will allow the coal industry to continue to blast our homes and pollute our streams.”

“Allowing this newest addition to the over 25 square miles of devastation at the Hobet complex to proceed makes one seriously question if EPA is truly interested in making a real difference,” said Cindy Rank, chair of the mining committee at West Virginia Highlands Conservancy.

“The Obama administration rings in the new year by allowing coal companies to bury more miles of streams,” said Joan Mulhern, senior legislative counsel for Earthjustice. “There is no excuse for approving this permit when the science is clear that mountaintop removal coal mining permanently destroys streams. The administration claims to be making progress on mountaintop removal, but in reality they are still following the flawed policies put in place by the Bush administration. It is time for them to make a commitment to ending this abominable practice.” 🍌

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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!

Meeting With Governor

continued from page 1

gathered and wisely spoke about the common bond of everyone in the room – a love for West Virginia. He acknowledged that coal will play a role in our economy and energy future for a while.

He then turned the microphone over to Dr. Ben Stout, a scientist from Wheeling Jesuit University who tests streams and drinking water wells throughout the southern coalfields. Ben said people there ask, “What is wrong with my water?” The answer: arsenic, lead and other toxic heavy metals.

The next speaker was Dr. Michael Hendryx, a health researcher from West Virginia University who has for the past three and a half years been studying the effects of coal mining on people’s health. He noted that the more he looks, the more he sees that people living near mining operations have “significantly higher death rates,” even after adjusting for other factors like age, lifestyle, etc.

He acknowledged that poverty plays a role and is part of the problem and said that there is a direct correlation between coal mining and poverty. He finished with a plea for greater investment in diversifying the economy and for investing in public education.

Rory McIlmoil, an analyst and researcher for Downstream Strategies and the author of the study that shows the excellent wind resources on an intact Coal River Mountain, alerted the attendees to a report just released by his consulting firm that details the decline of coal in the Central Appalachian region.

Judy Bonds, 2003 Goldman Environmental Prize winner and co-director of Coal River Mountain Watch, had several questions for the governor and others, “What are you going to do to stop the impacts to communities and people?” “What are you going to do about the blasting and water pollution?” She pleaded that the impacts to people be stopped and noted that the issue is not a choice between mayflies and jobs, but between lives and livelihoods.

The next speaker was Maria Gunnoe, OVEC’s community outreach organizer in Boone County, who won the 2009 Goldman Environmental Prize. She indicated that she organizes in communities where UMWA miners live. She has seen mountaintop removal depopulating communities like Lindytown.

She emphasized that many people are standing together. She said that we are running short on coal, patience and mountains, but that we have an opportunity to save the mountains and communities that are left.

Vernon Haltom, co-director of Coal River Mountain

Watch, spoke about balance, and questioned whether someone’s job was worth the same as another person’s life. He suggested that enforcing current state and federal mining laws would go a long way toward helping to protect people, communities and the environment.

He stated that the DEP should be the people’s first line of defense against coal dust and blackwater (coal sludge) spills. Instead, citizens are forced to go to federal agencies for relief because the DEP turns a deaf ear to our pleas.

West Virginia Environmental Council’s lead lobbyist Don Garvin implored those present to take a look at the WVEC legislative agenda and said that our nation needs to be serious about creating a post-fossil-fuel economy “if we are going to save the planet.”

Bob Kincaid spoke passionately of his granddaughter’s reaction to blasting caused by mountaintop removal, and of how he refused to tell her that everything would be all right. The truth is, he wasn’t sure when or if things would be all right.

OVEC’s executive director Janet Keating said the notion that our state needs to “balance” jobs with environmental concerns is ludicrous. When we are blasting ancient mountain peaks to recover coal, poisoning water supplies with toxic coal sludge waste, destroying streams and forests, annihilating entire communities and harming human health the need is to **restore** the balance.

Beloved native-daughter country singer Kathy Mattea ended the meeting with a heartfelt song by Jean Ritchie. Gov. Manchin gave final remarks, adjourned the meeting and opened a press conference. In his blog *Coal Tattoo*, Ken Ward Jr. reported:

Manchin emerged from a long meeting with coalfield citizens and issued a call for an end to threats and intimidation against West Virginians who are fighting to stop mountaintop removal:

“We will not in any way, shape or form in this state of West Virginia tolerate any violence against anyone on any side. If you’re going to have the dialogue, have respect for each other.”

Manchin also promised he would look into citizen complaints about lax enforcement of strip-mining rules by the West Virginia Department of Environmental Protection, but he certainly wasn’t persuaded to drop his strong support for mountaintop removal. He said he told the citizens they would have to agree to disagree about that one.

The day after the meeting, the governor asked the Legislature to approve resolutions “affirming that coal is still king in West Virginia,” according to the Associated Press. 🍌

Sludge Safety Project Legislative Update



During the 2010 Legislative Session, the Sludge Safety Project continued to push the West Virginia legislators to protect clean water and ban toxic coal slurry.

Dozens of people attended our Legislative Kick-Off event and each Thursday, volunteers walked the halls of the State Capitol, asking for protection for communities living near coal sludge impoundments and underground slurry injection sites.

Delegate Mike Manypenny reintroduced a bill (HB 3279) to ban underground injections and shut down dangerous sludge impoundments. SSP also worked to get a bill banning slurry introduced in the Senate.

The Legislative Session only lasts 60 days. This short

We File A Petition:

MTR Disproportionately Impacting Low-Income Americans

Late last year, OVEC joined with other Appalachian groups in filing a petition to the U.S. Environmental Protection Agency.

In the petition, we charge that the agency has failed to address the environmental justice aspects – really human rights issues – of mountaintop removal / steep-slope mining.

In January, seven members of the assorted groups traveled to DC (six more joined by conference call) to discuss the petition in person with officials from EPA and other agencies.

In all there were 27 federal officials in the room, with more on the phone, including two assistant EPA administrators, a senior advisor to EPA chief Lisa Jackson,

Victory in Fayette County

continued from page 1

approval to expand their mining on Gauley Mountain near Ansted, WV.

Judge Copenhagen ruled that Powellton violated both the federal Clean Water Act and the federal Surface Mining Act regarding water emissions into a naturally reproducing trout stream. The judge ruled in our favor on many allegations of water pollution violations and wants to hear more evidence regarding other allegations.

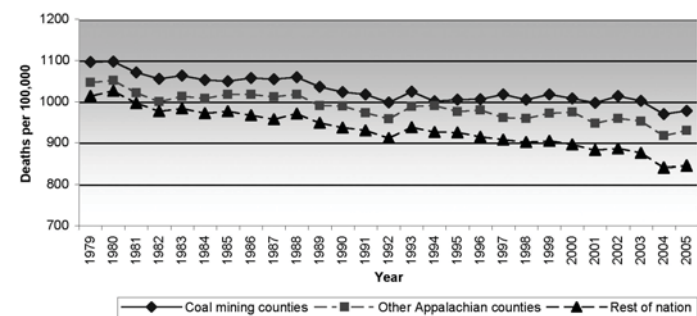
The federal case was brought by the Sierra Club and the Ansted Historic Preservation Council (several OVEC members and staff are active with the AHPC). AHPC president Katheryne Hoffman, Appalachian Center attorney Derek Teaney and the Sierra Club deserve our heartfelt thanks for persevering in this case!

timeframe in which to pass all the new laws for the entire state creates

a lot of competition for SSP to grab our representatives' attention and push them to act. We need your help to move our bills and demand our legislators act on behalf of impacted communities! While lobbying is only one part of the many activities SSP leads throughout the year, it is critical to stopping the continued poisoning of our communities.

By the time this newsletter comes out, the Session may be over. No matter – we still need your involvement, all year long.

Contact Stephanie at (304) 360-2110 or Stephanie@sludgesafety.org to find out how you can help.



OSM Deputy Director Glenda Owens and several from the Army Corps of Engineers.

OVEC organizer Stephanie Tyree said of the trip, *continued on page 6*

Judge Copenhagen's ruling supports citizens' rights to file federal Clean Water Act lawsuits to try to force companies to stop violating water-pollution limits, even when the WV DEP makes deals with coal companies to resolve water-pollution violations in a way that is unacceptable to citizens.

Plaintiffs alleged that Powellton has accrued more than 6,700 violations of the Clean Water Act and the Surface Mining Act at its Bridge Fork Surface Mine, Sugarcamp Loadout and Rich Creek Haulroad.

The plaintiff groups have also been challenging WV DEP for re-issuing mining permits for Powellton, even though the company had unresolved environmental violations.

For more details, see: TINYURL.COM/VIC-FAYETTE.

Before I Was Hungry

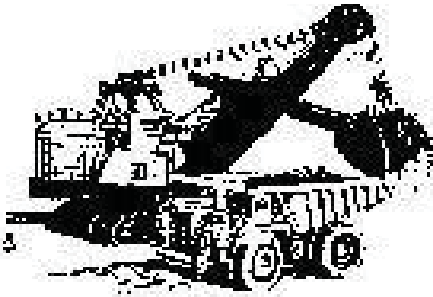
by Walter Lane, Raccoon, KY

Before I was poor
the fish from the creek
were supper
the water from our well,
spring and creek were
clear in a drinking glass.

Before I was poor
there were no air filters
on our furnace,
you couldn't see the
air in the road in front
of our house.

Before I was poor,
I was never hungry
for the past –

The time
before the bulldozers
stripped away the natural
rights of
fishermen,
farmers.



MTR Impacts Low-Income Citizens

CONTINUED FROM PAGE 5

“I’m continually stunned and inspired by how professional, impressive and amazing everyone we work with is. They’re some real mountain justice warriors.”

The petition urges EPA to incorporate environmental justice considerations into its review of pending applications for mountaintop removal coal mining permits, among other actions. The petition outlines how EPA has the responsibility under Executive Order 12898 to address the environmental justice impacts of mountaintop removal mining, and has the authority under the Clean Water Act, the Clean Air Act, the National Environmental Policy Act, and other laws, to do so.

“The worst polluters have always targeted the communities least able to resist their abuses and protect their homes and families,” said Vernon Haltom of Coal River Mountain Watch, one of the groups that also filed the petition. “In Appalachia, coal companies are oppressing residents while they suck the wealth out of communities.”

Our petition charges that permit applications should be scrutinized by EPA to identify and address any disparate impacts the proposed mining may have on vulnerable, economically disadvantaged communities.

The petition also asks EPA to create an environmental justice plan and strategy for the region, and to ensure a meaningful opportunity for public participation by the Appalachian coalfield communities in each individual permit review and in EPA’s overall permit review process.

Joining OVEC and CRMW in filing the petition are Southern Appalachian Mountain Stewards, Kentuckians For The Commonwealth, Statewide Organizing for Community eMpowerment, the Appalachian Center for the Economy and the Environment and Sierra Club’s Environmental Justice and Community Partnerships Program. Earthjustice is also providing immense help. The petition filing and meetings are only the first steps...

Read the petition and its appendix here (in .pdf form): [TINYURL.COM/EJ-EPA](https://tinyurl.com/EJ-EPA) and [TINYURL.COM/EJ-EPA-2](https://tinyurl.com/EJ-EPA-2). 🍌

Coal Going Down, Naturally

In January, Morgantown-based Downstream Strategies released a report that shows **Central Appalachian coal production could be cut in half before the end of this decade, even before any potential impacts of climate-change legislation or restrictions on mountaintop-removal mining are considered.**

The report indicates that the steep production decline will result from depletion of the best coal reserves here and competition from other coal-bearing regions.

So, it is resource depletion and market forces at work – not those wacky mountaintop removal opponents trying to get mining laws that protect human health enforced and strengthened.

The report maintains that diversification of Central Appalachian economies is now more critical than ever.

Read the 42-page report (in pdf form) here: [TINYURL.COM/CEN-APP-COAL](https://tinyurl.com/CEN-APP-COAL). 🍌

Lindytown Twilight-ed into Darkness



OVEC volunteer organizer Chuck Nelson walks among a knot of filmmakers in deserted, boarded-up Lindytown in November, 2009, after all but a handful of residents had abandoned the once-thriving community.

Lindytown is the latest Boone County town lost to mountaintop removal mining.

In November, the *Coal Valley News* ran an article, “85-year-old Holdout at Lindytown,” profiling World War II vet Lawrence Richmond and his wife Quinnie, who along with their two sons and grandchildren, are the last family remaining in what was, just months ago, the community of Lindytown.

Below are excerpts from the article. Read the entire article at: TINYURL.COM/YFSCBZS.

When all their neighbors packed up their belongings and moved out of town to make way for Massey Energy’s surface mining operation, the Richmonds chose to stay.

“I’ll tell ya, as far as I’m concerned, I’d as well stay here and endure whatever it is that it might be, you know? I’m 85 and I could see no benefit in moving into a strange place with strange neighbors, and what have you, you know?”

Richmond explains.

With active mountain top removal mining taking place within sight of their kitchen window, the Richmonds say they’re not overly concerned about their decision to stay. Rather, the couple says they’re aware of the dangers and have decided to endure what troubles may arise.

“One of the options, if we wanted to stay, was that they would give us \$25,000 and I told them it was nothing but hush money to keep your mouth shut from griping about dust and stuff.”

According to Richmond, his family was offered a large amount of money from the coal company to move out of holler that he and his family have called home for more than 63 years.

“They offered me a good price for this place; they offered me \$175,000 and free rent on a nice home further up the holler. But they’re interested in getting the people out

continued on page 8

Holding Government Accountable: Meetings, Meetings, Meetings

Over the last several months OVEC volunteer-members and staff have traveled to DC numerous times for meetings with members of other environmental groups and with officials from the U.S. Environmental Protection Agency, the Army Corps of Engineers and the Office of Surface Mining (Reclamation and Enforcement), as well as assorted members of Congress.

Many thanks to everyone who has taken part in these meetings, especially to Chuck Nelson and Joe Stanley who put in loads of effort in obtaining more meetings than those we already had scheduled – including one with the new head of the OSM(RE), Joseph Pizarchik, whose nomination we had opposed.

We also had meetings, organized by the Alliance

for Appalachia, with Pizarchik and other OSM officials in the coalfields.

Thanks to everyone who worked so hard to make certain OSM hears how the agency is failing us in Boone, Lincoln, Logan, Mingo, Raleigh and other West Virginia counties, as well as Kentucky, Virginia and Tennessee.

We will continue meeting with all these agencies and governmental officials as we continue to demand protection of coalfield communities.

If you want to join us, contact an OVEC organizer (leave a message for Maria, Robin or Stephanie at (304) 522-0246) and get active!

Next stop – Stop Mountaintop Removal Lobby Week in Washington, DC, March 6-10. 🍄

No CONSOL-A-Tion, Workers Misled About Possible Job Losses?

Late last year, we prevailed in litigation over the illegal permitting process used at mountaintop removal mines in Clay County.

As a result of lawsuits brought by OVEC, the Sierra Club, WV Highlands Conservancy and Coal River Mountain Watch, Federal Judge Robert C. Chambers ordered the Army Corps of Engineers to reissue an amended public notice for the permits, respond to public comments, and reconsider the issuance of the permits.

Why didn't the companies immediately start work on a new public notice, as the judge ordered?

Instead, CONSOL alerted their workers and state politicians that immediate job loss notices would be sent to almost 500 surface and underground miners. (Our litigation

did not mention the Little Eagle underground mine.)

The threatened job losses resulted in another of the now-familiar uproars from the coal industry and many state political leaders and the usual increase in threats and harassment of coalfields folks who oppose mountaintop removal. Why didn't the companies just do what the judge told them to do?

Perhaps the mountaintop mining industry saw an opportunity to raise the jobs issue in a dramatic way – a way to garner more political support for continued large-scale mountaintop strip mining.

An issue was CONSOL subsidiary Fola's mitigation plan, which outlines how the company will compensate for the burial of six miles of stream.

There is no scientific evidence indicating that current legally required mitigation practices actually work. Judge Chambers ruled in January that the Clay County mines could continue operations in streams that the company has already destroyed. 🍄

Lindytown Holdouts

continued from page 7

of here in case something serious happens.”

“What we signed, a waiver for the dust and the noise, is entirely different than what the damages would be. They can't force me to move. I own this property; they don't own it. They can't force us to move,” Richmond says, and pauses before saying, “Now, they may kill us...” and lets the thought trail off.

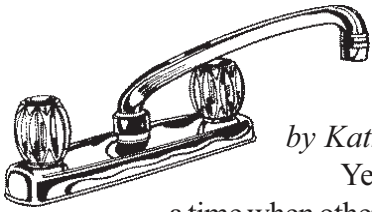
“But, anyhow, that is what we've decided to do. We've decided to endure the noise and dust and stuff,” he says.

According to Richmond, upon being given a written letter that outlined five options for area residents from Massey Coal Corp., a family meeting was called to discuss what decision the Richmond family would take. 🍄

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 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!



West Virginia's Greatest Resource: Water

by *Katheryne Hoffman*

Yes, I said water, not coal. At a time when other states have to ration water, and the water wars are beginning, our state is blessed with untold amounts of water – streams, creeks, lakes, rivers, waterfalls – a seemingly never-ending supply of this life-giving resource.

Yet, something ugly is happening here. An out-of-control industry, with no regard for the people or the environment of this beautiful state, is wreaking havoc on our water sources.

It violates the Clean Water Act recklessly, burying hundreds of headwaters, poisoning our creeks, rivers and lakes with the byproducts of coal: arsenic, selenium, mercury, sludge, and many other contaminants.

All this in the name of electric power, coal, and jobs. Yet, all the electricity in the world and all the jobs in the world will be absolutely worthless without clean safe water with which to drink, cook and bathe.

The mountaintop removal method of mining coal is one of the main reasons why our water sources are being devastated.

If the industry really cared about jobs and the miners, it would go back to underground mining until the coal is gone.

It could provide many, many more jobs by going underground, for in mountaintop removal mining, the machines do all the work. The industry could use the money it spends on its misleading commercials to provide more

safety for the men underground. Just maybe, it could be persuaded to enforce the laws in place to protect the people and the environment.

If our governor and legislators were not so totally cowed by the coal industry, they would be putting into place legislation to protect our water.

If we had a Department of Environmental Protection that was allowed to enforce the laws already in place, companies would not have to worry about permits, miners could work, and the citizens would have some faith in the system.

Unfortunately, what we have is an industry that has for generations controlled the politicians; polluted the environment, killing the citizens; and that acts like a schoolyard bully when it is expected to obey the law.

The extraction of coal has always been perceived as an energy issue. However, the problems caused by the mountaintop-removal method of mining coal are human rights issues: burying and polluting our water sources; polluting the air we breathe; destroying our forests and the animal and bird habitat; desecrating our cemeteries and destroying or moving entire towns, thereby eradicating our culture and history; and removing entire mountaintops for which our state is renowned, and with which most West Virginians are spiritually entwined.

Perhaps, one day, the companies and the politicians can be tried for crimes against humanity.

Hoffman is president of the Ansted Historic Preservation Council and is active with OVEC. 🍷

Alert Residents Contact DEP About Spill in Area Creek

by *James Tawney*

On Saturday, January 16, my wife and I were returning home after the Sludge Safety Project's Legislative Kickoff event. Near Gauley Bridge, we noticed that the Gauley River had a grayish-brown streak of sediment flowing 20-30 feet out into the river.

We found the sediment flowing into the river from the Right Fork of Big Creek – it was the only creek that was flowing this muddy, like mud soup. We pulled off at the road that followed the creek and took some photos. We knew Appalachian Fuels had a surface mine up the hollow.

I called the **DEP's spill hotline: 1-800-642-3074**. The DEP Abandoned Mine Lands office returned the call, saying someone would be out the following morning.

continued on page 10



Sediment comes pouring down Big Creek.

WV Council of Churches Sets Legislative Agenda

At the annual Martin Luther King, Jr. Day Breakfast on January 18, the West Virginia Council of Churches took the opportunity to present its 2010 Legislative Agenda.

The breakfast is well attended by local social advocates and members of the Legislature.

House Speaker Richard Thompson was the keynote speaker and promised to work with those present in moving toward justice and equality for everyone in our state.

Gary Zuckett of West Virginia Citizen Action and



West Virginians United outlined their top shared issues, including health reform and public campaign financing.

Carol Warren, who chairs the Council of Churches, discussed the public financing pilot project for the Supreme Court and cemetery

protection issues, both of which are likely to see additional legislative action in the current session.

Rev. Matthew Watts presented a report on the state of African-Americans in Kanawha County and asked for cooperation in improving the community's lives. 🍌

Blair Mountain's Historical Status Revoked, Group Will Appeal

Last spring we celebrated as the site of the 1921 Battle of Blair Mountain was added to the National Register of Historic Places. The listing came about thanks to diligent work by Harvard Ayers, Kenny King, Regina Hendrix and



many others in Friends of Blair Mountain, a group which includes members of OVEC and the Sierra Club.

Sadly, in December the Interim Keeper of the National

Miners surrender their weapons after the battle.

Register, Carol Shull, de-listed the site.

In January, Gordon Simmons, president of the West Virginia Labor History Association, said his group is appealing Shull's decision.

The Battle of Blair Mountain was the largest armed confrontation in U.S. labor history. More than 10,000 union coal miners marched from Marmet in Kanawha County to Blair Mountain on the border of Boone and Logan counties. "In memory of the thousands of union mine workers who waged an insurrectionary struggle on behalf of themselves, their families and communities, their oppressed fellow workers and posterity, Blair Mountain must be preserved as hallowed ground," said a letter written to officials by the labor history group.

Lee White, executive director of the National Coalition for History, told the *Charleston Gazette*, "It seems mind-boggling that a place of such historical significance would be delisted."

But, guess what – coal companies want to blow the peaks off Blair to get at the underlying coal. So, not so mind-boggling to us here – we see the coal industry's tentacles at work.

To update yourself on the whole sordid de-listing saga, surf over to WWW.FRIENDSOFBLAIRMOUNTAIN.ORG to take new action on behalf of Blair Mountain. 🍌

Residents Contact DEP

continued from page 9

Long story short, they found out that there was a relatively new valley fill and sediment pond farther up the hollow and that the sediment pond had overflowed and had washed out the road. By dark Sunday, nothing had been done to try to fix the pond and stop the flow. So much for the biodiversity of Big Creek.

Monday, news media reported that DEP inspectors blamed the sediment on a logging operation, and the state Division of Forestry cited Russell Trucking of Charleston for muddy water and for being out of compliance with West Virginia's Logging Sediment Control Act.

We again contacted the DEP to understand why there were two different reports on what was happening to Big Creek. On February 2, after water tests came back, DEP did issue two Notice of Violations to Appalachian Fuels, one for exceeding the permits effluent limits and one for conducting operations not specifically designated in the permit's conditions.

DEP hasn't always been that interested in following up NOV's by, say, collecting fines.

Nonetheless, the Tawney's actions illustrate why we all need to keep that hotline number handy and help DEP attempt to do its job. Again, the DEP spill hotline number is 1-800-642-3074. 🍌

Cemetery Protection Bills Introduced At Session

What a difference a few months can make! When we last reported on our Cemetery Protection Group's efforts to protect the state's rural cemeteries, we had been given the opportunity to speak before the Joint Interim Judiciary Subcommittee A during October Interims. Danny Cook, Carol Warren and Robin Blakeman spoke, as did faith community representatives. Since then, our small but mighty lobbying team has continued working with our allies in the religious community – the West Virginia Council of Churches and the Catholic Conference – to gain support for the issue and to shepherd legislation.

During January Interims, the subcommittee again invited speakers on the topics of cemetery access and protection.

Representatives of the coal, oil and gas industries told subcommittee members that they were not aware of many problems related to cemetery disturbance or access. Delegate Bonnie Brown confronted coal industry lobbyist Chris Hamilton on that, since he was present in October

when CPG members detailed the problems of cemetery access, buffer zones and desecration.

Delegate Brown then asked if there was anyone present who wanted to speak to the concerns mentioned, and Dustin White – nephew of Danny Cook – did an excellent job highlighting the details of his family's continued struggles to gain access to their Cook Mountain family cemeteries.

Chris Hamilton and other representatives of industry and regulatory agencies



So much for getting to the Berry Branch cemetery in Lincoln County - just one reason more protection is needed.

had little to say in rebuttal to Dustin's comments.

Soon after that meeting, WOWK-TV news interviewed Del. Bonnie Brown, White and Cook about the scope of cemetery problems in the state and the need for improved cemetery preservation.

Now that the 2010 Legislative Session is underway, our two bills that were successfully introduced during last year's Legislative Session have been reintroduced (HB2905 and HB2928).

However, we are most excited about the prospect of a new piece of legislation that resulted from our coalition work with Joint Interim Judiciary Subcommittee A.

The new bill, HB 4457, would require coal, oil and gas permit applications to include both the locations of all cemeteries present in the permit area and a plan to allow access to persons seeking to visit such cemeteries.

Buffer zones of 300 feet will be required, and there will be penalties for violating the zone restrictions. The measure suggests that a permit should not be issued if damage is likely to occur to publicly-owned lands or resources or public or private cemeteries.

While the code previously stated that reasonable access for certain specified purposes (genealogy research, visiting family graves, cleanup, etc.) should be granted, the new language makes a stronger statement that access for

continued on page 12

TAKE ACTION!

The dead have been interred with the rites of their faith, and the ground is consecrated.

All our honored dead – those who still have family in the area and those who do not – should be allowed the dignity of peaceful repose.

The Cemetery Protection Group will be working diligently with faith community allies to secure passage of the legislation, which will help ensure that our deceased loved ones will not be disturbed.

To get involved with CPG, contact Robin Blakeman at Robin@ohvec.org.

We care. We Count. WE VOTE!

Supreme Court Ruling Makes Clean Elections Work Even More Important

On January 21, the U.S. Supreme Court issued a decision in the Citizens United vs. Federal Election Commission case that has serious implications for our democracy.

The Court ruled that corporations now could spend unlimited amounts of money from their corporate treasuries for the purpose of influencing elections. The decision vacates a hundred years of precedent in which there have been limits on corporate expenditures for the purpose of electing or defeating a particular candidate.

The Court did uphold the disclosure provision, requiring corporations making independent expenditures to identify themselves. But that can easily be subverted by pooling contributions through another known entity like the Chamber of Commerce. Office holders may well fear that if they make a “false move” or act independently, there will be

a corporation just waiting to spend millions to defeat them.

Following the Supreme Court’s decision, many democracy-promoting groups like Public Campaign have renewed their call for public financing at all levels.

It is hoped that this decision will lead to increased interest in the Fair Elections Now Act (FENA), a national public campaign financing proposal based on the successful programs in states like Maine and Arizona. FENA already has 126 co-sponsors in the House.

Our work on public campaign financing has never been more important. You can find links to our West Virginia legislation and updates on our local and national progress at the WV Citizens for Clean Elections website: WWW.WVOTER-OWNED.ORG.

If you’d like to be on our e-mail update list, contact Carol Warren at peacelovemom@gmail.com. 🍌

The More Things Change ... Granny D on Campaign Finance Reform

Ten years ago, when she was only 90 years old, Doris “Granny D” Haddock walked from California to Washington, D.C. to help gather support for campaign finance reform.

OVEC hosted her while she was passing through West Virginia. On January 21, Granny D had this to say, “The Supreme Court now opens the floodgates to usher in a new tsunami of corporate money into politics.”

Granny D says, if we are to retain our democracy, we must keep at the Clean Elections work we are doing and we need to dramatically expand the definition of what constitutes an illegal conflict of interest in politics. See GRANNYD.COM.

The upcoming months will be very interesting as we

20 - 30 Years of Surface Mining Left

There may only be 20 to 30 years of surface mining left in West Virginia, according to an International Coal Group executive. On January 2, the *Beckley Register-Herald* article reported on a coal forum at Mountain State University.

An MSU student asked what the coal industry was doing to ensure jobs for the future and Kitts said West Virginia needs to look into the future and ask what happens when coal mining is finished.

“In terms of surface mining, it could be 20 to 30 years,” (Eugene Kitts of ICG) said. “Going forward, coal will be mined out.” 🍌

see the fallout from and backlash to this abysmal Supreme Court ruling.

Already, we have a proposal for a constitutional amendment specifying that for-profit corporations are not entitled to First Amendment protections. Learn more and take action: WWW.DONTGETROLLED.ORG.

Cemetery Protection

continued from page 11

reasonable purposes will be granted.

The legislation makes clear that access should accommodate a typical automobile safely, if that is the type of access that had been available in the past.

A time period is also set for responding to requests for access. Within ten days of receiving the request, the individual landowner or industrial company must arrange for access by authorized individuals. If for some reason the request cannot be accommodated, an alternate date must be set within five days. The bill also states that a judge can issue a preliminary injunction regarding access without the posting of bond.

Another helpful addition is the stipulation that if a government entity (such as a county commission, a mayor, etc.) is notified by a citizen of the existence of a cemetery or marked grave, the government entity is to inform the current landowner. Landowners are to be told of the existence and location of the cemetery and receive an explanation of their responsibility to allow access. 🍌

We care. We Count. WE VOTE!

Clean Elections Advance in West Virginia

The West Virginia Citizens for Clean Elections coalition was delighted when the Independent Commission on Judicial Reform included a pilot project for public financing for the Supreme Court in its Nov. 15, 2009 recommendations.

Coalition members Carol Warren (OVEC), Larry Matheney (AFL-CIO), Julie Archer (CAG), Gary Zuckett (CAG), Kathy Stoltz (League of Women Voters), and Dennis Sparks (WV Council of Churches) met in December with the Governor's Chief Counsel Jonathan Deem and his Policy Advisor Jim Pitrolo to discuss the legislation and assure them of our support.

The Commission's initial recommendation was to have a pilot project for one of the two state Supreme Court seats being contested in 2012.

We informed the Governor's representatives that we believed that having the pilot for both seats would provide a better picture of how a public financing program would work.

We pointed out that having one seat with public financing while the other did not offer that option could result in a "big money contest" and a "small money contest," which they agreed was undesirable.

It appears they got our message, because Gov.

OVEC Files Notice of Intent to Sue Massey Energy Over Water Violations

In 2008, the U.S. Environmental Protection Agency filed suit against Massey Energy regarding Massey's violations of the Clean Water Act in West Virginia.

The EPA cited the company for more than 60,000 violations over a six-year period and ordered the company to pay a record \$20 million in fines to settle these violations.

Remarkably, since that settlement, Massey's violations have grown more frequent than they were before the EPA brought its enforcement action. Between April 1, 2008, and March 31, 2009, Massey accrued 12,977 Clean Water Act violations.

In January, we filed a notice of intent to sue Massey for these recent violations. Parties in the suit are the Sierra Club, the Ohio Valley Environmental Coalition, Coal River Mountain Watch, and the West Virginia Highlands Conservancy. We're represented by attorneys from the Sierra Club, Appalachian Center for the Economy and the

Manchin announced in his State of the State address that he would be introducing legislation to establish a pilot project for both Supreme Court seats. And such legislation has indeed been introduced: Senate bill 233 and House bill 4130.

The bills are similar to last year's Supreme Court Pilot Project (SB311), sponsored by Senator Jeff Kessler (D-Marshall), which the coalition also supported.

Our bill to establish a public campaign financing program for the House of Delegates and Senate has been reintroduced as well: HB2764.

The Supreme Court pilot project requires candidates to collect at least 500 qualifying contributions of between \$10 and \$100. Ten percent of these must come from each Congressional district to show statewide support.

These qualifying contributions must total at least \$35,000 but no more than \$50,000. Once qualified, the candidate will be eligible for an initial grant of \$200,000 in the primary, and, if successful there, an initial grant of \$350,000 for the general election.

Matching funds are available in both primary and general elections if the clean elections candidate is outspent by a non-participating opponent. 🍌

Environment, and Public Justice.

If Massey does not bring itself into full compliance with its permits and the Clean Water Act by the end of the 60-day notice period, we intend to file a citizens' suit, seeking civil penalties for Massey's ongoing and continuing violations and for an injunction compelling it to come into compliance with the Act.

During the January public debate between Massey Energy CEO Don Blankenship and Robert Kennedy Jr., Blankenship outright denied that Massey has over 12,000 new water violations.

Kennedy pointed out that Massey's rate of water pollution violations is increasing, but Blankenship responded that Massey's violation numbers are actually getting better. Blankenship also said that if it's possible to do mountaintop removal mining without violating the law, then Massey is the company which can achieve that. 🍌



Coal-to-Liquid Plant: *Jobs Over Health*

by Dianne Bady

The West Virginia Department of Environmental Protection's Division of Air Quality received hundreds of comments on their draft Air Pollution Permit for the proposed TransGas coal-to-liquids plant in Mingo County, which would be the first such plant in the United States.

Most comments went beyond the potential effects of air pollution. The coal industry astro-turf group Friends of Coal organized among people in the hollows adjacent to the proposed site, and many site neighbors, using comments suggested by Friends of Coal, signed several different form letters supporting the plant.

Because of increasing threats and intimidation of mountaintop removal critics, we did not identify the individuals whose comments are excerpted below. People who live closest to the site did not express concerns about air and water pollution, perhaps because they believed the Friends of Coal's claim that the plant won't cause environmental problems.

Or, perhaps many people in the poverty-stricken heart of the "trillion-dollar coalfields" are so desperate for *any* jobs that pollution just isn't an issue.

The Friends of Coal widely circulated a request for public comments in favor of TransGas. A few excerpts:

This project will provide the anchor for the evolution of the regional economy from one of resource extraction into resource transformation... This critical first step for America's energy security and reducing our dependence on imported oil needs to be made in West Virginia, the nation's energy state... Developers have done an excellent job designing a project that respects and protects the region's environmental assets.

The national Sierra Club submitted a two-inch-thick document with detailed technical comments

explaining in what ways the draft permit is faulty. According to the Sierra Club:

TransGas has stated they will use "locally mined" coal — which is primarily mountaintop removal coal. Approving the plant will contribute to further destruction of mountains, streams, and communities...

The plant will consume more than 3 million tons of coal every year. The Air Division's designation of the plant as a "minor source" should be reevaluated and all potential emissions included. As a "minor source," TransGas is not required to analyze how its emissions will impact air quality in the region and the public is left in the dark on this important issue. The "minor source" status also exempts TransGas from applying the best available pollution control technology... The Division has vastly underestimated the amount of pollution — including particulate matter that worsens asthma and other respiratory disease...

Topics addressed in other comments included:

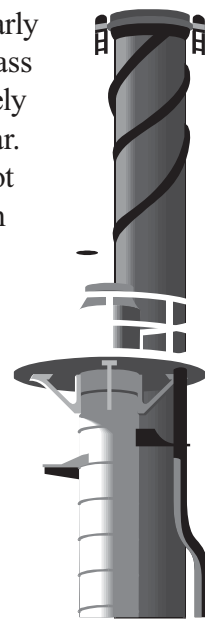
Severe problems at the South Africa coal-to-liquid plant: In December 2009, people living near the Sasol coal-to-liquid plant wrote to their government officials: "(We ask) that the government develop an independent intensive health study process in Zamdela investigating the pollution from Sasol and the health of the people..."

Extensive water use and contamination: "This plant will use five barrels of water for every barrel of fuel produced. Sixty percent of Mingo residents use well water. What impacts will the plant have on water quality?"

Enormous amounts of poisonous waste produced: "This plant will produce nearly three times as much solid waste by mass than it does useful product — approximately 665,760 tons of ash produced each year. Where is this ash going? There does not seem to be much mention of it other than it will be trucked somewhere."

With the impending increased regulation of coal ash by the federal EPA in the wake of the Kingston, TN, disaster, this is a serious issue that needs to be taken into account when considering the overall feasibility of this plant."

Information Gaps: "I have asked the



Health and Water?

Mingo County Redevelopment Authority and the DEP whether construction and engineering maps have been created and are available for public review. They are not... Without access to those kinds of maps, the public cannot adequately comment on the potential impact of the project.”

“What are the company and the agency doing to ensure the structural stability of the project site? Structural problems... have made large-scale development on mountaintop removal sites hugely expensive. Will the TranGas plant experience the same sinking and settling problems that have plagued the federal prison site in Martin County, KY? What assurance do you have that these problems will not cause the price of the plant’s construction to rise to \$4 billion, \$6 billion or even more?”

Wasteful use of coal: Using gasoline produced from coal, “the energy in the outgoing gasoline is equal to about 11% of the energy in the incoming coal.” (Note: *In a coal power plant about 40 to 45% of the energy is turned into electricity. In both cases, the rest of the energy is turned into heat, which is wasted.*)

Greenhouse gas emissions: “Coal-to-liquid produces nearly twice the carbon dioxide as regular gasoline... With federal carbon dioxide legislation and EPA regulations looming, who will be investing in this type of fuel?”

Use of taxpayer-funded subsidies: This plant is eligible for state tax credits and other subsidies totaling hundreds of millions of dollars. The state could offer the company (depending on which company estimate of the possible number of jobs we accept as factual) up to \$3 million in tax credits per job promised. Surely, with that kind of tax incentive... Mingo County residents could come up with sustainable, long-term jobs that benefit the community rather than another corporate giveaway at the expense of human health.”



Artist's conception of the proposed coal-to-liquids plant.

“The agency might examine this permit in terms of benefits to society versus costs (and honestly examine all usually-hidden costs, such as health care and the value of ecosystem services destroyed by the mountaintop-removal mined coal that would feed this proposed plant).”

The WV Affiliated Construction Trades Foundation comments include detailed technical air assessments by Carpenter Environmental Associates. Among Carpenter’s conclusions:

Potential emissions of NOx (nitrogen oxides) would exceed that estimated in the permit application... Significant new sources of NOx in proximity to (adjacent) Wayne and Cabell Counties may exacerbate a known problem... The greater Huntington area historically has exceeded the national and state ambient air quality standard for ozone. (Note: NOx is a major precursor to ozone.)

Further, it is widely anticipated that the current ambient air quality standard for ozone will be deemed inadequate to protect human health. In this event, the standard will be lowered with additional requirements to reduce emissions.

The Carpenter assessment also indicated that TranGas would be a major source of air pollution, not a minor source as stated by the proposed permit.

Carpenter documented that the proposed permit underestimates the emissions of air pollutants including particulates, carbon monoxide and sulfur dioxide, as well as hazardous air pollutants such as mercury and hydrogen cyanide.

Carpenter says that hydrogen sulfide, cancer-causing benzene and other hazardous air pollutants need additional technologies to ensure human safety. These technologies are not included in the proposed permit. 🍌



End DC-Style Business As Usual – Join Us in A New Campaign

Fossil fuel lobbyists writing senators' legislation... legislation being written that misses the most cost effective way to arrive at clean energy sources ... hundreds of millions of dollars from the fossil fuel industries going into Congress' campaign coffers, influencing legislation ... These are just a few of the antics used by the fossil fuel industry to keep us dependent on dirty energy sources.

Congress and many of the national “green” groups are tied up in debating a “pollution control” model to combat global warming.

As a result, the current bills before the House and Senate not only fail to adequately set goals to combat pollution and global warming, they also introduce a financial scheme that is dangerous to the economic well-being of most Americans – cap and trade, a financial mechanism that can be gamed by the same Wall Street crowd that brought us the economic collapse of 2008.

There is one way to change this dynamic: Grassroots voices like yours telling members of Congress that business as usual must end in Washington if clean energy policies are to be created!

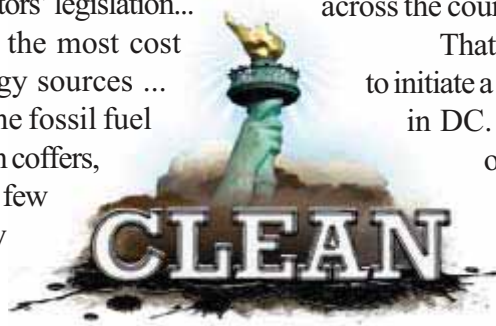
There is a better way to meet our energy challenge, create jobs, improve the economy, and combat global warming. Energy efficiency can help provide the transition our nation needs from a fossil-fuel energy economy to a clean energy economy.

Mature renewable energy technologies such as wind and solar power can be phased in to meet the energy provided by aging and inefficient coal-fired plants that are health hazards to nearby communities. And we can direct serious national resources into critical new energy research for the breakthroughs of tomorrow.

Further investments in coal through the expensive and speculative carbon capture and sequestration research (a prospect that, if it could work, is decades away) and nuclear power are not productive uses of taxpayer dollars.

And that's what investment in these programs is: politicians investing our money in energy choices that are unhealthy for our communities, instead of investment in the most productive sources of jobs that will return the manufacturing base to the United States economy.

We can produce more jobs and combat global warming through practical technologies that are readily available. But Congress won't move the United States into a new clean energy future unless they hear from citizens



across the country.

That's why we're joining with The CLEAN to initiate a new campaign that gets our voices heard in DC. Our vision: Congress will hear from organizations, city and town councils and citizens groups of all kinds articulating support – in the form of a resolution – for clean energy policy.

What to do:

Step 1. Make this resolution yours

For a copy of the resolution, visit WWW.THECLEAN.ORG/RESOLVED.HTML or contact Janet or Vivian at the OVEC office at (304) 522-0246.

Make edits specific to your organization – the resolution is written so you can edit and change the “whereas” section to include points particularly relevant to your community/state. We ask that we all keep the “Resolved” section uniform around the country in order to demonstrate support for a very clear and decisive position for our growing movement.

Step 2. Get it passed

Take the resolution to your church group/ organizations/city/town councils and get it on the agenda so that a real energy debate can begin!

Step 3. Spread the word

Once you have gotten any group to adopt or endorse the resolution, let Alex@theclean.org know. Send the resolution to your local Congressional delegation. Send a press release to your local media.

Call Janet or Vivian at (304) 522-0246 if you need help getting this going. Get active and hereby resolve to make a difference! 🍌

Ken Do! Hechler Honored

Congratulations to former Congressman and Secretary of State Ken Hechler for receiving West Virginia University's Dr. Martin Luther King Jr. Achievement Award for 2010. The yearly honor is bestowed on a West Virginian who works to fulfill the commitment of Dr. Martin Luther King Jr. by making a substantial contribution in the advancement of civil rights and human rights.

Hechler, now retired at 95, is a longtime OVEC member and reform activist. Last summer, he was arrested – along with movie actress Daryl Hannah, NASA scientist James Hansen and about 30 others – during a protest over Massey Energy's mining activities around Marsh Fork Elementary School. 🍌

Faith in Action

We Hereby Resolve to Make a Difference



No matter where you live, no matter your numbers, you can make a difference if you organize!

Consider this story of how a few faith community folks in Georgia are organizing their communities to stop mountaintop removal. They've moved the entire Greater Atlanta Presbytery – a network of 110 churches – to endorse a resolution that makes the following bold statement:

...*THEREFORE, BE IT RESOLVED,*

That the Presbytery of Greater Atlanta urges the Georgia General Assembly to enact legislation - House Bill 276 - prohibiting, over a timed phase, the purchase or use of mountaintop removal coal for use in Georgia power plants, or in any other energy-producing process and that there be a moratorium imposed on the issuance of permits for the construction of any new coal-fired electrical generating facilities in Georgia until July, 2014... (To read the entire resolution, visit: TINYURL.COM/PRESB-ATL-MTR)

This is significant because Georgia is one of the leading consumers of coal-fired power in this country.

Via e-mails with OVEC's Robin Blakeman, Karen Turney, one of the faithful folk at the forefront of this inspiring venture, explained the process that led to approval of the Greater Atlanta Presbytery resolution.

Rev. Alan Jenkins, founding executive director of Earth Covenant Ministry (ECM), initiated the Greater Atlanta Presbytery effort. Last spring, ECM sponsored a program that featured a film about mountaintop removal.

After discussion, the Presbytery's political policy advocacy committee decided to work with ECM. A group

of folks wrote up a resolution, patterned on the Salem Presbytery (North Carolina) Commissioner's Resolution that was presented and affirmed by the 2006 National Presbyterian (PCUSA) General Assembly.

The working group sent the resolution through the appropriate channels of the Greater Atlanta Presbytery's governing bodies and onto the docket of the Dec. 1, 2009, Presbytery meeting. With good support from the ECM member congregations, five congregations affirmed the resolution prior to the Presbytery meeting.

Prior to the Presbytery meeting, several committee members voted against the resolution because of their concern for jobs in Appalachia. The working group was prepared with information about the decline in jobs as mining companies switched from underground mining to mountaintop removal. They also presented a study which shows more jobs and more revenue would come from building a wind farm on the studied mountain instead of blowing it up for coal.

Turney wrote, "I think one of the pictures I had was particularly persuasive to ministers – it was the site at Kayford Mountain in West Virginia, where the Stover Cemetery sits as a tiny green space in the midst of this awful wreck of a mountainside.

"The pictures were most helpful. During the presentation, Rev. Jenkins had a silent loop of slides running continuously while speakers were talking."

Turney assembled packets for the presentation which included copies of the resolution and the supporting Georgia House Bill 276, a compilation sheet called 'Voices from the Mountains,' which she gleaned from websites and blogs, and a resolution from the Medical Association of Georgia regarding the licensing of any new coal-fired power plants.

The upshot of all the preparation: Resolution approved! Follow-up to the approval of the Greater Atlanta Presbytery resolution includes:

- The Presbytery public policy advocate will alert state legislators who serve on the Industrial Relations Committee and all Presbyterian legislators;
- In mid-February, the resolution will "officially" be presented to the state bill's main sponsors;
- Turney is notifying other Georgia presbyteries about the resolution, in hopes that they might do something similar. 🍌

TAKE ACTION!

We, the undersigned West Virginia faith community leaders, challenge and encourage all WOC readers who are also people of faith to take a bold stance like these courageous souls in the Greater Atlanta Presbytery.

Signed:

Rev. Robin Blakeman; Rev. Denise Giardina; Rev. Jim Lewis; Rev. Esber N. Tweel; Rev. Susan J. Latimer; Rev. Roy Gene Crist; Rev. Mel Hoover; Rev. Rose Edington; Marcia Leitch, person of faith; Allen Johnson, Christians For The Mountains.

Meeting with the Governor and Kathy Mattea

Singer and Grammy-winner Kathy Mattea has been working with several parties to arrange a meeting aimed at diffusing tensions in the coalfields.

On Sunday, January 24, she came to the Governor's Mansion, along with professional mediator John Kinyon, who practices under the tutelage of world-renowned non-violence and de-escalation communications expert Marshall Rosenberg.

They met with OVEC organizer Maria Gunnoe and Coal River Mountain Watch co-director Vernon Haltom, Governor Joe Manchin and his policy advisor Jim Pitrolo, First Lady Gayle Manchin, Ted Hapney with the UMWA, Dennis Sparks, executive director of the West Virginia Council of Churches, and legendary organizer and musician Si Kahn. Bill Raney, President of the West Virginia Coal Association, was invited, but was unable to attend.

"We are the people who are, in the face of dangerous attacks, voicing our open opposition to the impacts of mountaintop removal on our streams, land, people and future." Gunnoe said. "We are the local UMWA underground miners and retirees and their families who are being pushed out of our native homes by the unlivable conditions that out-of-state, non-union MTR coal mining has wreaked upon our communities.

"We have been working for years to get the people

in DC to hear us. While we have worked, communities have disappeared because of the encroaching MTR. The decision makers in DC are finally hearing us. We won't accept anything less than a ban on mountaintop removal coal mining, and we made this fact very clear at the meeting.

"Governor Joe Manchin proudly and strongly supports mountaintop removal, and we that live with it just can't understand that," Gunnoe continued. "As we are more successful in our struggle to stop this attack on Appalachia the very real threat of violence against us escalates."

At the Sunday meeting, the governor did agree to make a public statement the following day, after another meeting with coalfield residents (see page one). He said, "There is no place in West Virginia for violence. I won't tolerate violence and my West Virginia State Police won't tolerate it. We must have peaceful dialog about these passionate issues."

Both Gunnoe and Haltom spoke of the dangers coalfield citizens face on a daily basis – overweight coal trucks, coal impoundments looming over homes with no realistic emergency evacuation plans, mountains exploding a few thousand feet from homes and the associated dust and chemical clouds that come from constant blasting, the reoccurring floods from the runoff from strip mines, the buried and poisoned streams.

They spoke of entire communities forced into extinction and access to generations-old cemeteries now blocked. They reminded the governor of the failure of so-called regulatory agencies to enforce laws against scofflaw coal companies.

"The governor seemed to understand when we asked him to be quick to remind folks of the call for peaceful dialog when anyone in power says inciting things towards the environmental community," Gunnoe said. "No one should be reacting violently towards innocent, peaceful people that are being forced out of their homes by the practice of MTR."

"We cannot expect too much from this meeting as we are very aware of the fact that Joe Manchin supports MTR. However he doesn't support the violence towards the environmental community."

If you hear or see threatening or inciting behavior against anyone working to end mountaintop removal, contact Matt Turner at Governor Manchin's office at 1-888-438-2731. Hold Governor Manchin to his word. Also report any incidents to law enforcement.

**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.



Hundreds Rally at DEP For The Mountains

On Dec. 7, 2009, despite cold temperatures, hundreds of people rallied outside the West Virginia Department of Environmental Protection offices, calling for an end to mountaintop removal coal mining, starting with an end to the blasting of Coal River Mountain.

Robert Kennedy, Jr. spoke, alongside representatives from almost every local, regional and national group that is working to end mountaintop removal.



“Coal River Mountain stands today as a symbol of the choice we have to make for our energy future,” said Bo Webb of the Coal River Valley, a lead organizer of the rally. “We can preserve our abundant forested mountains, which offer clean drinking water and enough wind potential to provide permanent jobs for our families. Or, we can allow mountaintop

removal operations to blast our heritage into a pile of pulverized rock and poisoned water.”

“Using giant earthmovers and millions of tons of explosives, coal moguls have eviscerated communities, destroyed homes, and uprooted and sickened families with coal and rock dust, blasting, flooding and poisoned water, all while providing far fewer jobs than does traditional underground mining,” said Kennedy. 🌳



Organizing for the Mountains in Mercer County

by Wendy Moye Johnston

My fight to save the mountains of my home from mountaintop removal coal mining began in March 2009, when a local company tried to quietly gain approval for a surface mine site in the small Mercer County, WV, community of Weyanoke.

I soon found out that this company had been operating a strip mine several miles from Weyanoke on the Browning Lambert Mountain near Matoaka.

To my knowledge, there is no other current mining in Mercer County. Not knowing about such things or how to fight them, my family and I felt quite alone and bewildered as to what to do about this situation. I grew up in Matoaka and my parents still live in the area, approximately 1.5 aerial miles from the proposed mine site.

The community impact statement for Weyanoke Surface Mine S400409 stated that MET Resources, LLC had requested a permit for the surface disturbance of approximately 173 acres above the community of Weyanoke for the purpose of highwall, auger, steep slope and surface coal mining. After doing some amateur community organizing, with the help of folks from Mountain Justice, Coal River Mountain Watch, OVEC and others, we requested a public hearing to voice our concerns.

We were told to watch the paper for an advertisement for public comment. This began appearing in the *Princeton Times* in September of 2009. The *Princeton Times* is a small paper with minimal circulation, and it does

not reach the people of Weyanoke and Matoaka. The *Bluefield Daily Telegraph* is the Times' parent paper and does have countywide circulation. When I questioned the DEP in Welch about this practice, I was told that they knew that it wasn't really fair but that it was within the guidelines of the law. MET Resources, LLC stated later that the *Princeton Times* was a cheaper place to print the announcement.

I knew that the people of Weyanoke and Matoaka didn't know about this situation, so my father Sid Moye and I set out knocking on doors. We were met by people who were dismayed and terribly upset that they had not been notified of the permit request.

Only about half of the people who live in this community had been notified of impending work to be done on the mountain above their home. The number-one concern of these people was their water. The community of Weyanoke has always obtained its water from an abundant source on the mountain, which is now threatened with blasting.

We were granted our public hearing on November 17, 2009. When we arrived, there were approximately 100 people at the town hall of Matoaka. Some of them were owners, interest holders, and/or employees of MET Resources, LLC. The others were activists, concerned Mercer County citizens, and the people who live in Weyanoke.

The moderator from the Welch office of the WV DEP allowed everyone who wanted to speak both for and against the proposed site the opportunity to speak.

Over and over, we heard people asking to be reassured about their water source and about large machines and trucks traveling on their inadequate roads – and asking why the information about this was not made available to everyone who would be affected.

The mine owner spoke and assured folks that they would not be doing mountaintop removal*; they would only be ridding the area of dangerous high walls caused by illegal strip mining in the 1950s and it would in no way affect their water. As of early February 2010, this permit had not yet been approved.

We have also spoken out against proposed additions to the existing strip mine operation on Browning Lambert Mountain and were granted a hearing for this on Dec. 3, 2009.

*Note: Many coal mining companies now use other names for what we know as mountaintop removal mining. 🍌

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.

Going Solar in Roane County - Off-Grid is Good

by Mary Wildfire

The last issue of *Winds of Change* included a story about solar powered homes in Lincoln County; this time I'm focusing on two in Roane County, mainly the one I share with Don Alexander, OVEC's webmaster.

Our system began operating, fittingly, on Thanksgiving Day. It has four 220-watt panels for a total of 880 watts. Because we have had it only throughout the shortest, darkest days of the year, it's hard to say how it will perform in year-round operation.

So far, the most we've taken in is 5 kilowatt hours on a perfectly clear day. But even on the darkest days, we get some power, and snow cover amplifies weak light wonderfully: I've seen 140 watts coming in while it was snowing.

The panels are not on our roof, but rather in our yard, because we built the house up against the woods on the west side for afternoon shade. Solar panels are more efficient at lower temperatures, which is another advantage to placing them in the yard rather than on a roof where heat from the house will lower efficiency. Don decided not to spend nearly a thousand dollars on a mounting rack. He set three pressure-treated six-by-sixes into concrete, and onto these, he mounted two big racks made from lumber. Each holds two panels and can be adjusted to change the tilt seasonally (see photo).

Our system is off-grid, but we still have a line connected to the neighbors' house; so far, we have drawn a total of about 10 kilowatt-hours of dirty, dirty coal-fueled power over about 10 weeks.

The key to living well with off-grid power is to find ways to lower your energy use. We have a conventional refrigerator, but it's a modern one, much more efficient than older ones, and Don has plans to insulate it further. It uses about a kilowatt-hour a day, more in summer and less in winter. He has already modified some LED lights, so that we are able to read through these winter evenings, using a piddling 2 watts of energy each!

We also have some compact fluorescent lights for

cooking and other uses. We use laptop computers that use less energy than desktops, but here, too, he has plans to cut their appetites. The microwave, blender, well-pump and the recharger for the electric drill all use high power, but only for brief periods. Don modified his electric piano so it uses hardly any power; he's still trying to figure out how to do that with the cordless phone and answering machine.

The total cost was \$9,076. We will be able to take 30 percent of this off federal income tax, as well as the

maximum \$2,000 off state taxes. It's likely that we won't owe that much this year, but in both cases it's possible to roll the remaining credit over to future years.

So, our total cost for the off-grid system should be in the neighborhood of \$4,350 after tax credits.

The panels should be good for 30 years,

albeit with very slowly decreasing efficiency. I know people who are still using panels that are 30 or more years old. Most of the other components should also last many years. The exception is the batteries, expected to last five to seven years.

Does it make sense economically to go this route if you have access to grid power? Not in West Virginia, where 98 percent of the grid power comes from coal, which is "cheap." However, I estimate that 95 percent of the real costs of coal are externalized, meaning they're not covered in our power bills.

Readers of *WOC* will not need these costs spelled out. I must acknowledge, though, that spending the money to set up a solar energy system doesn't exempt me from paying the 95 percent of the costs of coal not billed directly. Don and my son have asthma, for example. But it feels better to stop contributing to the problems, and the independence

continued on page 22



The angle of the solar panels is changed by moving the horizontal boards pictured in this photo forward, tilting the bottom of the panels upward at an angle toward the higher spring and summer sun.
photo by Mary Wildfire

Going Solar

continued from page 21

is a plus when the grid goes down, as it did for the week before Christmas.

Rick and Ann Kent also live in Roane County and have two separate off-grid solar systems. One was purchased by a previous owner in the 1980s; it powers most of the appliances in their cabin, although it only totals perhaps 100 watts.

A newer one with 500 watts currently runs only a freezer, a 5.8 cubic foot SunDanzer. The Kents are the only people I've talked to so far using the bigger L-16 batteries rather than the "golf cart" T-105's.

They also have a super-efficient CFL light, using 5 watts to light the whole room. They run a laptop computer and sometimes watch DVDs on a small television. Being off-grid was not really a choice for the Kents – the power company wanted \$26,000 to run lines to them.

The things to avoid if you're contemplating getting your electric appetite down to a level that makes solar affordable are electric heating, air conditioning, water heating, freezers and big outdoor lights.

Also, avoid modern gas stoves with ovens that require electronic ignition for the oven, using 400 watts the whole time it's on!

A good first step is to get a Kill-a-Watt to measure exactly how much power you're using for each appliance.

Watch It, Read It, Groove To It – All to Protect It

2009 gave us more releases of books, films, plays and music about mountaintop removal.

The book *Coal Country: Rising Up Against Mountaintop Removal Mining* was officially released on Dec. 1, 2009. The book features the work of such prominent contributors as Ashley Judd, Wendell Berry, and Robert F. Kennedy, Jr. – as well as OVEC members and supporters.

The book is a companion volume to the *Coal Country* documentary. The other part of the package is the CD *Coal Country Music*, which includes performances by Willie Nelson, Ralph Stanley, Natalie Merchant and John Prine. Sales of the CD benefit the Alliance for Appalachia, of which OVEC is a member.

Remember another music CD that benefits groups working to end mountaintop removal – Aurora Lights' *Still Moving Mountains: The Journey Home*. Go to www.auroralights.org/journey/ to learn more.

A member of the group Heartwood, which is in the Alliance for Appalachia too, says that another new book, *Treespiker*, by Mike Roselle is "excellently written, succinct and interesting, recommended highly."

Look for more in 2010, which opened with *Dragline*,



The solar panels are actually more efficient at lower temperatures.

After finding ways to get your consumption down to a much lower level, you'll be ready to decide whether a grid-tied or off-grid system works best for your situation, and find advice on choosing components.

I'm starting Coal Free WV, a network of people already living with renewable power to advise others in their neighborhoods.

If you have a windmill, solar panels or a microhydro system and you're willing to talk to people interested in setting up their own, please contact me at wildfire@spectrumz.com. 🍂

a collection of striking photographs by photojournalist Antrim Caskey, and *Reckoning at Eagle Creek: The Secret Legacy of Coal in the Heartland* by award-winning journalist and cultural historian Jeff Biggers.

Another book hot off the presses is *The Southern West Virginia Photovoice Project*.

The book chronicles the efforts of 40 women, living in five different areas of Southern West Virginia, who participated in an eight-month "Photovoice" project, which was facilitated by Shannon Belle.

The women's "photostories" (photographs with written narratives) depict life in their region. Our Sludge Safety Project worked closely with the Photovoice Project. See www.wvphotovoice.org/ to get your copy.

Producer David Novack, who made the film *Burning the Future*, which features OVEC's Maria Gunnoe, is working on a new documentary, *Climate Chess*. He says this will be an "intense year following the human stories behind the carbon story."

Just Google the titles of any of these releases to find out more or to order your own copies, or contact the OVEC office at (304) 522-0246. 🍂



GLOBAL WARMING / CLIMATE INSTABILITY in the Mountain State



Landmark Shift: US DoD Formally Targets Climate Change

by Jerry Cope, excerpted from a Feb. 2, 2010, *Huffington Post*

The US Department of Defense has issued the 2010 Quadrennial Defense Review to Congress. The review specifically addresses climate change as a national security issue.

Assessments conducted by the intelligence community indicate that climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments. Climate change will contribute to food and water scarcity, will increase the spread of disease, and may spur or exacerbate mass migration.

Despite the media attention devoted to climate “skeptics” and the recent scandals regarding “climategate” and the exaggerated conclusions of the IPCC regarding the rapidity of Himalayan glacier melt, the DoD policy is unequivocally based on the conclusive evidence of a warming planet and the global consequences which follow.

The US Global Change Research Program, composed of 13 federal agencies, reported in 2009 that climate-related changes are already being observed in every region of the world including the United States and its coastal waters.

Among these physical changes are increases in heavy downpours, rising temperature and sea level, rapidly retreating glaciers, thawing permafrost, lengthening growing

seasons, lengthening ice-free seasons in the oceans and on lakes and rivers, earlier snowmelt, and alterations in river flows.

The National Intelligence Council determined that 30 DoD coastal facilities are facing increased risks due to rising sea levels.

Energy supplies are of critical importance to national security on both strategic and operational levels and are threatened by a changing global climate system and political instability. A significant portion of the report addresses energy issues.

The department is increasing its use of renewable energy supplies and reducing energy demand to improve operational effectiveness, reduce greenhouse gas emissions in support of US Climate change initiatives, and protect the department from energy price fluctuations.

The military departments have invested in non-carbon power sources such as solar, wind, geothermal, and biomass energy at domestic installations and in vehicles powered by alternative fuels, including hybrid power, electricity, hydrogen, and compressed natural gas.

The DOD Quadrennial Defense Review is a landmark document where the US Department of Defense for the first time brings climate change into formal policy and incorporates these considerations into all future national defense planning.

Read the full article at: TINYURL.COM/COPE-DOD. 🍌

GAO: Mining Permits Seldom Include Commercial Development

by Ken Ward, Jr., excerpted from Dec. 9, 2009, Charleston Gazette

While the area of Appalachia affected by surface coal mining has increased, it has also become more concentrated in a few coalfield counties, and mine operators still propose little in the way of post-mining development of land flattened by mountaintop removal, according to a new federal report issued (in December).

And since 2000 alone, new permits have been issued by the state Department of Environmental Protection that would allow mine operators to bury 177 miles of West Virginia streams with waste rock and dirt, according to the report by the U.S. Government Accountability Office.

GAO investigators found that despite the controversy over mountaintop removal there “is limited

public access to information on the size, location and life span” of mining operations. Findings include:

- 🍌 On the issue of post-mining development of flattened land, the GAO found that **only 12 of 212 permits** issued in West Virginia from 2000 to 2008 proposed a post-mining land use of industrial or commercial development.
- 🍌 The area under open permit – meaning an approved permit that has never been reclaimed – increased in West Virginia from 184,000 acres in January 1990 to 245,000 acres in July 2008, an annual increase of about 2.2 percent.
- 🍌 In West Virginia, Boone, Logan and Mingo counties accounted for nearly half of the open permits in July 2008, compared to 33 percent in 1990.
- 🍌 Nearly half of the permitted areas in West Virginia are concentrated in 28 contiguously permitted areas. 🍌

Study: Mountaintop Mining Damage ‘Pervasive and Irreversible’

by Ken Ward Jr., excerpted from Jan. 7, 2010 Charleston Gazette

Full story at www.wvGazette.com/news/201001070420

Mountaintop removal is causing “pervasive and irreversible damage” to Appalachia’s forests, streams and wildlife and new permits should not be granted unless a way is found to prevent such impacts, a group of leading scientists have concluded.


A dozen top scientists in varying fields reviewed existing research on mining impacts and examined a huge new set of water quality data to develop a broad-picture look at surface coal-mining effects on the region. Their

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.



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findings (were) published in (the January) issue of *Science*, a peer-reviewed publication of the American Association for the Advancement of Science and one of the top journals in the world.

“Mining permits are being issued despite the preponderance of scientific evidence that impacts are pervasive and irreversible and that mitigation cannot compensate for losses,” the scientists concluded.

In their paper, the authors outline severe environmental degradation taking place at mining sites and downstream: The practice destroys extensive tracts of forests and buries small streams that play essential roles in the overall health of entire watersheds. Waterborne contaminants enter streams that remain below valley fills, and can be carried downstream into larger bodies of water.

“The scientific evidence of the severe environmental and human impacts from mountaintop mining is strong and irrefutable,” said lead author Margaret Palmer of the University of Maryland’s Center for Environmental Science.

“Its impacts are pervasive and long lasting and there is no evidence that any mitigation practices successfully reverse the damage it causes.”

The paper called on the U.S. Environmental Protection Agency and the federal Army Corps of Engineers to not issue new mountaintop removal permits unless new mining and reclamation methods “can be subjected to rigorous peer review and shown to remedy these problems.”

...Palmer emphasized that federal regulators approve new valley fills based on their conclusion that mine operator “mitigation plans” to rebuild streams will properly replace waterways buried by mining.

But, Palmer said, **no scientific literature has been published to show such plans work.** Also, the paper said, corps officials have testified in court that they know of no such plan that worked.

Co-author Emily Bernhardt of Duke University explained that mining operations discharge a variety of metals and ions – from sulfates to selenium – that are toxic to aquatic life.

Studies have found decreased biodiversity downstream from valley fills, where these materials all mix to make water quality unsuitable for fish and aquatic insects.

“It is a death by many cuts,” Bernhardt said.

Another co-author, Michael Hendryx of West Virginia University, has published papers showing that Appalachians who live near coal mining operations suffer increased heart and lung disease and early mortality. 🌰

Coal Company Depredations Endanger WV Family Cemeteries, Part Two

In part one of his letter, which appeared in the December, 2009 issue of Winds of Change, Dustin White explained that he is a life-long resident of West Virginia. His family has long ties with the coal industry and recently has been working to protect their Boone County family cemeteries from mountaintop removal coal mining. Following are more excerpts from White's letter:

Often, when a community tries to stand up to, or is just in the way of these coal companies, their resistance is met with bullying or threats. Many are afraid to speak out for fear of retaliation by the companies.

Sometimes, entire communities are forced to relocate. Those who do not willingly move or refuse to be bought out find themselves victims of threats or sometimes feel alone in the struggle, abandoned by their fearful neighbors. Many people have had their tires slashed, homes shot up, and lives threatened.

When it comes to the mighty coal companies many people know nothing but fear. This is clearly a form of domestic terrorism. Coal companies have become land barons telling people how to live. They tell us to like it, "or else," and "if you don't like it, move."

It's understandable that many in my state are afraid to speak out on this issue. What happened to the Appalachian spirit that stood up to the British during the Revolution when they told us move, "or else?"

Members of my family have been threatened and cursed when they try to speak out against what is happening to our family cemetery. We have been called everything from "ignorant holler trash" to other vulgarities that I wish not to repeat. We need to remind these companies that coal miners are not the only ones living in this state. We are people with a Constitutional right of life, liberty, and the pursuit of happiness. They rob us of these rights as they rape the land. It's time we stand up, not as environmentalists or victims, but as Mountaineers. The bullying must stop.

So, too, must the poisoning of our water stop. Many miles of our headwaters streams have already been sacrificed under "valley fills" for the greed of coal companies. Downstream heavy metals pollute the water. Coal slurry, toxic coal waste, is another major problem, as is it injected underground to eventually poison water wells, or it is stored in dangerous dams.

For example, in 1972 along Buffalo Creek in Logan



The Hobet mountaintop removal mine in Lincoln County.

County, coal slurry dams burst after days of heavy rainfall. The resulting flood killed 125 people, some also members of my family, and injured thousands more. The coal company and the governor declared the disaster an "act of God."

Politicians dismiss the dangers and ignore our concerns, such as blasting dust from mountaintop removal.

Please, understand I do not wish to be an enemy of coal. To say I was against coal altogether would be a direct insult to my heritage. Coal is an important part of West Virginia's history and economy.

However, mountaintop removal must end. I believe mining should be done the traditional way of deep mining. It provides more job opportunities and does not drastically change the geography of my state.

In closing, I am reminded of a passage from the Book of Matthew in the Bible. I believe it can be applied to the current situation:

"Beware of false prophets, which come to you in sheep's clothing, but inwardly they are ravening wolves. Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit. A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit." – Matthew 7:15-18

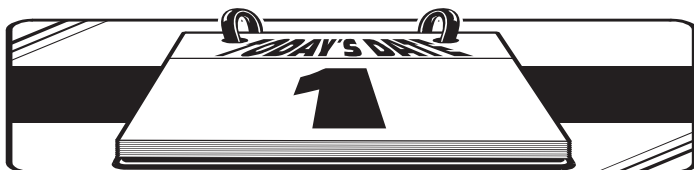
*Sincerely,
Dustin White*



Byrd's Words Rock the Coalfield Status Quo

In summer 2009, OVEC volunteer-members and staff gave some members of Senator Byrd's staff a tour of communities affected by mountaintop removal.

Byrd's staff visited with people in Prenter and Bob White in Boone County, folks from the now-nonexistent community of Mud in Lincoln County, and people in Mingo County who experienced mountaintop-removal-related flooding in spring 2009.



CALENDAR

March 6-10: Annual Stop Mountaintop Removal Lobby Week in Washington, DC. Contact Robin or Carol at (304) 522-0246 for more info. **March 9** is **National Call-In Day**. E-mail vivian@ohvec.org for info.

March 12-20: Mountain Justice Spring Break, Natural Tunnel State Park, Va. See www.mjsb.org.

April 16: MU's Student Environmental Action Coalition and OVEC present the Return of Treehuggers' Ball! Watch our website or call the office for details.

April 17: OVEC's Annual Meeting open to members only. Look for a mailing or call the office at (304) 522-0246.

May 1: Deadline to register for US Social Forum; details below.

May 14 - 16: Sustainability Symposium – Food, Energy and Forests in Southeastern Kentucky. See www.pinemountainsettlementschool.com/.

May 22: 10 a.m. - 4 pm. Kanawha Valley Sustainability Fair at Habitat for Humanity ReStore, 301 Piedmont Road, Charleston, WV. Interested in volunteering at OVEC's table? Call Vivian at (304) 522-0246.

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.

Check www.OHVEC.ORG frequently for updates!



In Raleigh County, they met with Bo Webb and Ed Wiley to take a look around Marsh Fork Elementary School, where a prep plant, coal sludge dam and mountaintop removal operation loom over the school.

Byrd's staff also met with people who support mountaintop removal. They were obviously moved by what they saw and heard from our folks on the coalfields tour. Still, months went by, and we weren't sure what, if anything would be the outcome of the visit. In the meantime, people concerned about what mountaintop removal is doing to our water, communities and future continued to contact Senator Byrd.

After the failed Oct. 13 Army Corps of Engineers public hearing, where threats and acts of aggression by a pro-strip-mining mob kept many people from making their public comments, people stepped up their contact with Byrd's office.

Senator Byrd was obviously listening and still contemplating the summer tour, because, on December 3, he issued a statement titled "Coal Must Embrace the Future."

The statement flummoxed Governor Manchin and assorted other coal-hitched legislators. Media outlets near and far ran stories about the statement.

The headline in *Politico*, the largest circulation political newspaper in D.C., a must-read for decision makers and their staffs, pretty much summed things up: "Byrd's coal comments rock W.Va."

Some excerpts from what *Politico* reporter Alex Isenstadt wrote:

In an early December op-ed piece released by his office Byrd argued that resistance to constraints on mountaintop-removal coal mining and a failure to acknowledge that "the truth is that some form of climate legislation will likely become public policy" represent the real threat to the future of coal.

Change has been a constant throughout the history of our coal industry," Byrd said in the 1,161-word statement. "West Virginians can choose to anticipate change

continued on page 27

A Yell Out to Yale

Thank you to Yale School of Forestry and Environmental Studies for such a warm reception in December, 2009 when the school hosted OVEC's Maria Gunnoe.

She, scientist Ben Stout and filmmaker Chad Stephens were invited to speak on a panel about mountaintop removal. See Stephen's work at: TINYURL.COM/CHADMTR.



Byrd - Old Senator, New Tricks Has King Coal Confused

by Jesse Zwick, excerpts from Jan. 25, 2010, article in *The New Republic*

As a rule, politicians in West Virginia don't care for environmentalists. This is, after all, a state . . . that essentially depends on pollution for its survival. And West Virginia's most prominent coal champion has long been Robert Byrd.

So just about everyone was shocked when . . . Byrd did an about-face. . . The state's governor, Joe Manchin, chalked the whole thing up to a "misunderstanding." The local Chamber of Commerce president generously offered to "forgive" Byrd if he'd walk back his comments.

But . . . Byrd is finding it increasingly difficult to argue that the interests of coal companies and the interests of his state are one and the same.

Last May, a series of floods ripped through the southern coalfield counties of West Virginia, damaging some 3,000 buildings and requiring more than \$60 million in government assistance. Politicians and industry reps were quick to call the disaster an act of God, but Byrd wasn't convinced.

For the past few years, environmental groups had been quietly lobbying the senator's office about the destructive effects of mountaintop-removal mining. . . Not only does this form of mining destroy streams and pollute drinking water in the surrounding areas, but a host of studies have pointed out that the resulting degradation of forests and topsoil has left the region more vulnerable to severe flooding.

When local citizens pled their case that month, Byrd surprised many by agreeing to take a look.

Although Byrd himself was still recovering from a staph infection that kept him in the hospital, he sent several members of his staff to visit the affected areas. They toured

Byrd's Words

continued from page 26

and adapt to it or resist and be overrun by it. One thing is clear: The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose."

"To me, it was quite amazing. It was the first time that he had been at all critical of the coal industry," said Ken Hechler, a veteran West Virginia Democratic officeholder who served as congressman from 1959 to 1977. "It was truly unexpected."

(Byrd) pointedly criticized coal industry leaders and others for "stoking fear" over the EPA's efforts. And he

the countryside, where locals pointed out roads that had been washed out and homes literally swept away.

"The vast amount of damage is not something you can see from a TV camera," observed Howard Barnham, a resident of Mingo County who volunteered as a tour guide for Byrd's staff. "I think what they saw was the true extent of the damage."

. . . At a public hearing on mountaintop-removal mining last October, members of the front group Friends of Coal packed the meeting and shouted down West Virginians trying to lodge their complaints. (Many of the citizens in attendance were convinced that employers had encouraged or paid their miners to show up and disrupt the proceedings. "I've been in unions, I know how the companies fight, and these guys were being stoked," says retired miner Joe Stanley, who was at the meeting.)

A Byrd staff member was in attendance, and it appears that the industry's tactics grated. "I think those meetings did play a role [in Byrd's shift]," says one former mining official and close observer of state politics. "Everybody watched the debate and saw the vile nature of it."

. . . There's also the climate question. Byrd's not about to become an environmentalist; even in his op-ed, he insisted that coal was here to stay. But he seems to recognize that the realities of global warming will force the country to rethink how it uses coal sooner or later and that the state's companies aren't playing a constructive role.

. . . (Byrd) seems willing to spend what's likely his last term in Congress getting West Virginia to realize that, in the end, obstructionism won't serve the state very well.

Read the entire *New Republic* article here: TINYURL.COM/ZWICKMTR. 

excoriated a request from the West Virginia Chamber of Commerce for the congressional delegation to withhold their votes for health care reform until the Obama administration and Congress backed off its "war on coal/energy."

"I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible," Byrd said.

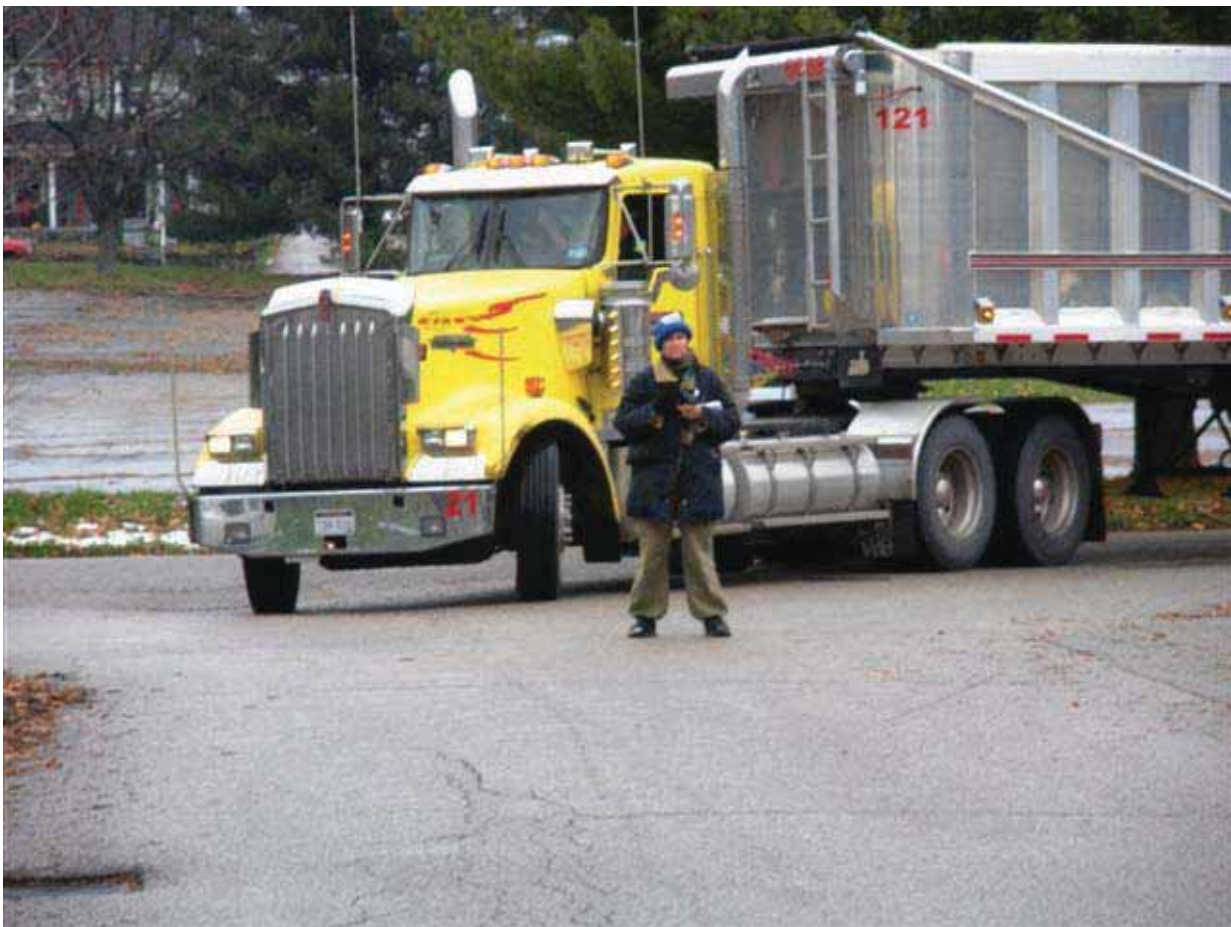
Read the entire *Politico* article here: TINYURL.COM/POLIMTR.

Read Senator Byrd's full statement here: TINYURL.COM/BYRDMTR. 

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Standing Our Ground



Attendees at the Dec. 7 Save Coal River Mountain rally outside DEP headquarters were “treated” to blaring coal truck horns throughout most of the event, despite noise ordinances in Kanawha City. When one coal truck driver decided to come down the alley just behind our speakers’ podium, OVEC’s Vivian Stockman saw what was about to happen, and stopped him. The driver laid on the horn, but Stockman stood her ground until police arrived and made the truck driver leave.

photo by Linda Frame