



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Congress Comes to Charleston; Dogs and Ponies Cringe

On September 26, the US House of Representatives Natural Resources Committee, Subcommittee on Energy and Mineral Resources, held an “oversight field hearing” in Charleston, WV.

The event, a preposterous display of posturing staged at the taxpayers’ expense by Big Coal’s friends in Congress, was titled “Jobs at Risk: Community Impacts of the Obama Administration’s Effort to Rewrite the Stream Buffer Zone Rule.”

The event was an apparent attempt to thwart important stream protections in Appalachia (protections that are at least on the books, if not enforced).

The list of 10 “witnesses” included members of the West Virginia and Ohio coal associations, a CONSOL executive, a spokesperson for the “Mountaintop Mining Coalition” and officials from the West Virginia, Virginia and Wyoming environmental protection agencies, agencies that do far more to protect the coal industry’s profits than to protect human health and the environment.

Of course, our state’s politicians couldn’t stay away: Acting Governor Earl Ray Tomblin, Representative Shelley Moore Capito and Senator Joe Manchin sank to the occasion by bashing oversight and regulation of the coal industry.

They each failed to even acknowledge the **growing body of scientific studies about the staggering human health impacts of mountaintop removal coal mining.**



Maria Gunnoe and Bo Webb (arrows) at the so-called hearing. Note where the committee members on the stage are looking - anywhere but at them!

Thanks to our good friends at Earthjustice and Sierra Club in Washington, DC, the “hearing” wasn’t a complete coal industry public relations show.

The DC groups worked with the staff of Rep. Ed Markey (D-Mass.), the ranking Democratic member of the House Natural Resources Committee, to add two people to the list of speakers: OVEC organizer Maria Gunnoe and Coal River Mountain Watch volunteer Bo Webb.

As the event began, a congressional aide tried to stop filmmaker Mari-Lyn Evans (*Coal Country* and *The Appalachians*) from filming, even though she had *prior approval*. Of course, Evans would not stop the filming of the public hearing in this public building. She knows her rights!

Gunnoe and Webb massively gummed up the subcommittee’s original intent for the event. Applause broke out after each testified. Webb spoke about the studies that show mountaintop removal is making people sick and killing

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The Dragon in the Mountains

by Dan Doyle

Dragons roam the hills of southern West Virginia. They ravish the land and devour the people.

Breathing the fire of dynamite, they hurl boulders into the valleys below, damming up streams and poisoning the water. Jean Ritchie of Perry County Kentucky sang of their havoc: “Black waters, black waters, run down through my land.”



Dragon sighting, Berry Branch, Lincoln County, WV. photo by Vivian Stockman

The dragons have come to Fayette County. They roam and roar and devour the ridges above Loup Creek, especially along Taylor Branch, Open Fork, Glenco Hollow, and Beards Fork.

The “dragon” of course is man-made. The dragons are the giant dozers and loaders and rock trucks and serpentine conveyors and awesome explosions, far worse than any dragon imagined by the peasants of Europe or China in the Middle Ages. Our dragon is the operations of Frasure Creek Mining Company.

A growing series of scientific studies demonstrate the harmful health impacts of massive surface mining like what is going on here:

✱ In April 2010, Hitt and Hendryx demonstrated an association between cancer deaths and stream pollution caused by coal mining.

✱ In May 2011, Zulig and Hendryx demonstrated worse health-related quality of life for residents living in mountaintop mining communities.

✱ Also in May 2011, Ahern, Hendryx, and co-authors published evidence that birth defects are 26 percent higher in Appalachian counties with mountaintop mining than those with no mining.

Dr. Michael Hendryx is a researcher with the Department of Community Medicine at West Virginia University in Morgantown.

No surprise that the coal industry would like to discredit or silence his research. The *Charleston Gazette*

(October 8, 2011) ran a front-page story that the coal industry is pressuring WVU to distance itself from this research.

The evidence that massive surface mining has harmful health effects for surrounding communities is strong and compelling.

What we don’t know is who exactly is being affected, by what sickness, and where and when. And just like the working coal miner who knows his breathing is getting worse from the dust, community residents can’t just quit their jobs and move away.

Often, they have no other job and nowhere else to go. They resign themselves to work on and live and die where they are.

The Southern Appalachia Labor School (SALS) has launched an environmental health project to identify actual and potential sicknesses in our region caused by massive surface mining.

Andrew Munn, with the Ohio Valley Environmental Coalition and Doctor Dan Doyle of Fayetteville are working together on this project.

What is needed is a facility that combines medical care with legal advice for community residents who believe they are suffering ill effects from the blasting, dust, water pollution, and noise of surface mining.

If you suspect that you or a family member has such a problem call Andrew Munn at (304) 574-1684 or Jane Doe at (304) 779-2280. 🍌

Groups File Suit to Block Reylas Mountaintop Removal Mine

We Ask Court to Consider Health Impact Studies of WVU Researcher Dr. Michael Hendryx

On October 13, OVEC, West Virginia Highlands Conservancy and the Sierra Club filed a motion with US Southern District Court of West Virginia to halt the proposed Highland Reylas mountaintop removal mine in Logan County, WV.

The legal challenge states that the US Army Corps of Engineers failed to consider recent scientific studies demonstrating that mountaintop removal mining operations pose a serious health threat to Appalachian residents.

West Virginia University researcher Michael Hendryx has found startling health and economic effects linked to the practice of MTR mining over the course of

multiple studies. Folks living in counties where MTR is practiced have a higher mortality rate, are more likely to contract some forms of cancer, or suffer from chronic heart and lung ailments. Hendryx has estimated that the health costs attributed to MTR top \$42 billion.

“The human costs are simply too high,” said Jim Sconyers, Executive Director of the West Virginia Chapter of the Sierra Club. “The Army Corps of Engineers must acknowledge that harm to the residents of coal country must be taken into account when granting permits. Dr. Hendryx has made groundbreaking progress in his research and the

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Lawsuit Filed Demanding Argus Energy Treat Water Pollution

Company's Own Monitoring Shows Violations of Selenium Limits in Local Waterways

On October 4, OVEC, the West Virginia Highlands Conservancy, and the Sierra Club filed suit in the US District Court for the Southern District of West Virginia to enforce

selenium limits on the Copley Trace No. 2 surface mine owned and operated by Argus Energy.

The mine is located partially in Mingo County and partially in Lincoln County, WV. According to the company's own monitoring, Argus continues to violate legal limits on its selenium discharge into local waterways. We filed suit in order to protect West Virginia waterways.

We also filed suit because several of our members are angry and worried about the selenium pollution and have had to reluctantly change their relationship with the impacted area including one member, who, according to legal complaint, “grew up in the area directly affected by this mine's discharges. She recreated in and around the (pollution) receiving streams and in East Lynn Lake (Wayne County), into which the receiving streams flow. Although she has moved away, she returns to the area to visit family and friends and has continued to fish in East Lynn Lake, into which the discharges ultimately drain. She has concerns about the effects of selenium on the communities she was raised in and the family and friends who still live in the area. She is an avid fisher, has fished in East Lynn Lake and plans to return there. She will not, however, eat fish from East Lynn Lake since learning about selenium, even though she frequently eats fish she or her family have caught.”

Another reason we filed suit was due to the DEP's failure to pursue a suit against Argus that it filed earlier this year. The selenium limits in Argus' permit first became effective in June 2009, though the DEP later extended that deadline to April 2010. Since filing its own enforcement suit

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

Dogs and Ponies

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them prematurely.

“The very title of this hearing indicates a bias from this committee against those that are living and dying in mountaintop removal mining communities.

“The title suggests that jobs are at risk if the SBZ rule is corrected. The SBZ rule must be corrected in order to protect the people’s health. It was rewritten by George W. Bush at the cost of people’s health and it needs fixed,” Webb said.

Gunnoe told the subcommittee, “We are poisoning our water and our air for electricity. Jobs in surface mining are dependent on blowing up the next mountain and burying the next stream. When will we say, ‘enough is enough’?”

Gunnoe later asked the subcommittee, “How could anyone say that these temporary jobs is worth the permanent displacement of our people and the destruction of their waters, mountains and culture?”

Shouts of “shame on you” and “sham” rang out when the presiding congressmen, Subcommittee Chairman Doug Lamborn (R-CO) and Representative Bill Johnson (R-Ohio), refused to ask questions of Gunnoe and Webb, but lobbed obviously rehearsed softball questions at some of the other panelists.

On the day of the event, Representative Markey asked the Office of Surface Mining (OSM) for more information about the practice of mountaintop removal mining and OSM’s failure to update its environmental safeguards, many of which have been unchanged since the early 1980s.

“The failure of OSM to address these troublesome programmatic issues is particularly alarming,” Markey wrote in a letter to OSM Director Joseph Pizarchik, “given recent scientific studies that have documented the scale of the impacts to air and water quality, and the link between these impacts and human health problems throughout Appalachia.”

In the letter, Markey noted that the OSM has failed to establish national standards to protect offsite areas from

TAKE ACTION!

Go to WWW.HOUSE.GOV/ to find your Congressperson’s contact information. Call to say that Appalachians deserve stream protections and ask that s/he direct the Office of Surface Mining to reinstate the Stream Buffer Zone Rule and enforce it.

the impacts of MTR mining despite a clear statutory mandate to do so.

Because of the large scale impacts of MTR mining, the air quality of neighboring areas are often impacted by the spread of coal dust, which can cause serious respiratory ailments.

MTR mining can cause increased levels of selenium, other heavy metals, salinity, and suspended solids in nearby streams.

This pollution often spreads downstream, degrading water quality and threatening drinking water supplies.

The day after the “hearing,” the subcommittee issued a press release about the event, listing each speaker and summarizing their testimony—*every speaker, that is, except for Gunnoe and Webb.*

No mention of them whatsoever. Angry citizens alerted one another and the committee’s staff received a barrage of criticism about the censorship.

The subcommittee’s odious press release underscored Gunnoe’s final words to them at the “hearing”:

“My nephew reminds me of what surface mining looks like from a child’s eyes.

“As we were driving through our community, he looks up and says, ‘Aunt Sissy, what is wrong with these people? Don’t they know we live down here?’ I had to be honest with him and say, ‘Yes, they know. They just simply don’t care.’”

To see the Mari-Lyn Evans and Jordan Freeman footage of Gunnoe and Webb’s testimonies go to:

<http://vimeo.com/29794663> and <http://vimeo.com/29796184>. 🍌

“With their powerful and courageous testimonies, Maria Gunnoe and Bo Webb put the whole issue of water protections and surface mining in Appalachia into perspective. Bo’s and Maria’s striking testimonies made it indisputable: Any attempt to block clean water protections in Appalachia is unconscionable. Lives are depending on stronger stream protections. Our nation’s leaders must not let the tragedy of mountaintop removal mining go on.”
— Liz Judge, Earthjustice

What's Up With the Stream Buffer Zone Rule?

by Earthjustice

The original stream protections were put into place in 1983 by President Reagan in a rule called the “stream buffer zone rule.”

That rule, which prohibited surface coal mining activities from disturbing areas within 100 feet of streams, promised Appalachians that their vital waters would be protected from industry destruction. But the responsible agencies failed to enforce this rule and instead allowed coal mining companies to bury streams in violation of the rule for many years.

After citizens attempted to enforce the rule, President George W. Bush, in a final favor to the coal industry in his outgoing moments as president, repealed it in a midnight regulation.

For three years, while calling on President Obama to reinstate the rule and fix this Bush-era injustice, Appalachians have continued to endure waste-dumping into their streams, without any protective buffer from extremely harmful mountaintop removal mining operations.

The Obama administration has promised to restore the longstanding stream protections to Appalachia and improve upon this longstanding rule by proposing a new rule, which will be called the “Stream Protection Rule,” by 2011, finalizing it in 2012.

A subcommittee of the House Natural Resources



A typical West Virginia stream, and one that doesn't need a buffer zone - for now.

Committee called for the Charleston “hearing” to criticize the Obama administration’s not-yet-proposed Stream Protection Rule.

The real issues that must be addressed by our nation’s leaders are the disastrous and grave health effects and community impacts of mountaintop removal mining and the coal industry’s rampant destruction of Appalachian streams.

Protecting streams with a bright-line buffer is common-sense policy that is supported by sound science. Americans deserve real safeguards from harmful mining waste – and the Office of Surface Mining should do much more to protect local communities. 🍌

Really, People ... Haven't We Been There, Done That?

In a column on the “hearing” (see story page 1) Jeff Biggers wrote:

Forty years ago, the venerable West Virginia Congressman Ken Hechler foretold the economic ruin of strip-mining and mountaintop removal, which had already “left a trail of utter despair for many honest and hard-working people,” in a similar congressional hearing:

“What about the jobs that will be lost if the strippers continue to ruin the tourist industry, wash away priceless topsoil, fill people’s yards with the black muck, which runs off from a strip mine, rip open the bellies of the hills and spill



Hechler’s poster is part of EarthJustice’s MTR awareness ad campaign, now with billboards in West Virginia.

their guts in spoil-banks? This brutal and hideous contempt for valuable land is a far more serious threat to the economy than a few thousand jobs which are easily transferable into the construction industry, or to fill the sharp demand for workers in underground mines.”

At the age of 97, Hechler is still trying to get the President and Congress to recognize the 40-year rap sheet of mountaintop removal operations.

In truth, thanks to the heavy mechanization of strip-mining and shift to Powder River Basin operations in the West, Appalachian coalfield states like West Virginia and Kentucky have lost

more than 65 percent of their jobs since Hechler took over nearly a half century ago. 🍌

Reylas MTR Permit

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toll on coalfield citizens is truly alarming. We are extremely disappointed that the Obama administration would allow such a devastating mine to go forward without looking at the facts. We simply cannot rely on mountaintop removal operations to look after the health and safety of West Virginia residents.”

In March 2009, the Environmental Protection Agency announced that it would increase its scrutiny of proposed MTR permits, and EPA administrator Lisa Jackson promised at the time that “EPA will use the best science and follow the letter of the law in ensuring we are protecting our environment.”

Studies such as those done by Hendryx clearly show that MTR mining places a significant health burden on the people of Appalachia. The plaintiffs argue that now is the time to discuss those public health effects.

“Nineteen peer reviewed studies by Dr. Michael Hendryx and his colleagues can’t be wrong,” OVEC’s Executive Director Janet Keating said. “Mountaintop

Argus Energy Pollution

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in June 2010, however, DEP has not taken any action to move the case forward or otherwise protect the streams from these discharges.

Another Type of Bail-Out: Fossil Fuel Subsidies Foolish, Wasteful

In early October, the news service Reuters reported that the International Energy Agency is warning that global subsidies for fossil fuel consumption are set to reach \$660 billion in 2020 unless reforms are passed to effectively eliminate this form of state aid.

“Governments and taxpayers spent about half a trillion dollars last year supporting the production and consumption of fossil fuels,” the IEA said at a press conference.

Reuters noted that, “Leaders of the Group of 20 (G20) major economies committed in Pittsburgh in 2009 to phase out, over the medium-term, inefficient fossil fuel subsidies that encourage wasteful consumption.”

Organization for Economic Co-operation and Development Secretary General Angel Gurría said, “As they (nations) look for policy responses to the worst economic crisis of our lifetimes, phasing out subsidies is an obvious way to help governments meet their economic, environmental and social goals.” 

removal causes serious health problems such as birth defects, cancer, respiratory problems and heart disease. Neither this, nor any other mountaintop removal permit should be issued. The Corps and mining companies cannot ignore this important science at the expense of human lives.”

When considering a permit for the Highland Reylas mine the EPA stated that “(after) careful consideration, we find that the extensive cumulative and other impacts give this proposed project high potential as a candidate for a 404(c) (veto) action.”

Despite this threat, and despite the absence of evidence of any significant changes to the mining plan, EPA has not yet blocked the permit.

Highland Reylas is owned and operated by Highland Mining Company, a subsidiary of Alpha Natural Resources, which recently bought out Massey Energy, a company notorious for its dangerous coal mining operations.

Derek Teaney and Joe Lovett from Appalachian Mountain Advocates and Jim Hecker from Public Justice are representing the groups in this lawsuit. 


For these reasons, we filed suit in federal court under the citizen suit provisions of both the Clean Water Act and the Surface Mining Control and Reclamation Act to enforce the permit limits.

Selenium, a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life, is discharged from many surface coal-mining operations across Appalachia. At very high levels, selenium can pose a risk to human health, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems.

We are represented by Derek Teaney, Mike Becher and Joe Lovett with the Appalachian Mountain Advocates. 

Help Create One Heck of a Party

OVEC will be 25 years old in the fall of 2012. We are looking for a few energetic and creative OVEC members to serve on OVEC’s 25th Anniversary Committee.

This committee will meet either in person or by phone to come up with a memorable occasion(s) to celebrate OVEC’s amazing life and work. **Contact OVEC at (304) 522-0246.** 



Our Struggle is the Same

Fayette County Activists Continue the Fight Against Frasure Creek Mining, Meet With Activists from India

The eruption of citizen action against strip mining continues to grow in Fayette County. On August 17, 30 Fayette County residents held the DEP and Frasure Creek Mining accountable to the Surface Mine Board during the second stage of an appeal against the Open Fork No. 2 permit.

On behalf of hundreds in Fayette County, lawyer Tom Rist argued that the Open Fork No. 2 permit would jeopardize drinking water for thousands of people served by the Paige Kincaid Public Service District Water System. The Paige Kincaid PSD draws its water from a well drilled within 1,000 feet of the proposed strip mine.

On September 13, about 40 Fayette County residents opposed to strip mining turned out for a public hearing for Frasure Creek's Open Fork No. 3 permit. They registered their complaints with the DEP. (*DEP Public hearings are set up differently now. See "Alert: New DEP Public Hearing Format" on page 10.*)

Frasure Creek's parent company is Essar, an India-based multinational.

Those opposing the company's permits received a boost to their activism, when, in late September, five Indian activists – who work with communities impacted by Essar and similar companies – visited Fayette County in a cultural exchange made possible by the Sierra Club.

The five are part of the international climate justice movement and Indian social movements working to end the energy industry's attack on India's land and communities.

Before their visit to Fayette County, the Indian activists attended the annual meetings of the World Bank and International Monetary Fund, held in Washington, DC. They called on the World Bank to follow through with its proposal to dramatically cut funding for coal-burning power stations.



Soumya Dutta has written several booklets and contributed to many guidebooks, magazines and other publications on the climate change crisis, energy, nuclear energy, physics applications and bio-diversity.

As the activists left DC for Fayette County, one of them told a journalist, "I am looking forward to seeing what the civil society advocacy strategies are here. I want to learn from them, to share our struggle for community rights,

for the right to natural resources, to save the land and sea - we feel this struggle is for our survival."

In Oak Hill, on September 23, three of the activists spoke on a panel with three Fayette County residents. Before an audience of 35 people, they connected the local challenges in Appalachia to the global environmental



Katheryne Hoffman, a Fayette County resident and member of the Ansted Historic Preservation Council and OVEC, discusses the potential impacts on the area.

and economic crisis brought about by our over-consumption of energy.

Debi Goenke, head of the Conservation Action Trust in Mumbai, India, told the crowd that Enron, an American corporation, came into India 15 years ago with a controversial power project. "Now we find an Indian company coming to America and destroying your environment. I find that very interesting."

He noted, "It's not going to be easy to take on a
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Our Struggle Is The Same

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company like Essar. They are big and powerful. They make sure they buy the political support they need.”

Goenke caused the crowd to laugh when he recounted his reaction to the “Friends of Coal” signs he saw in Fayette County. “Who actually is the friends of coal – is it those (public relations) guys or is it me? Because as far as I’m concerned, I’d like to leave the coal where it is. Friends don’t burn friends.”

“After meeting and listening to you all, we feel we are very much in the same boat,” said Vaishali Patil, a leader in the Indian movement to fight mining and coal-fired power projects. “The standard of living is totally different, but we are victims of the same system. We are very hopeful after having met you. We feel we are not all alone fighting.”

“No struggle can succeed in isolation,” said Soumya Dutta, of Delhi, who works to connect rural populations in

New River Gorge in Top 10 College Student Destinations in the World

Cheapflights.com recently ranked the New River Gorge area as the second-best vacation destination for college students around the world.

The New River Gorge and Niagara Falls were listed as the most affordable destinations for college students over a long weekend.

“Weekend packages at local resorts typically include a deluxe cabin with a hot tub, kitchen, Wi-Fi, ski passes, breakfast, and a canopy tour. The area offers great group rates, so grab some friends and head out for the weekend,” according to the list.

But even if the great deals are pricey for college students, there’s plenty of free camping along the river and loads of hiking and biking trails. There’s also whitewater rafting, the new Civil War trails and Bridge Day. 🍓

OVEC WORKS!

Thanks to everyone near and far taking action to end mountaintop removal, with an extra special thanks to all the residents of the southern mountain communities who speak out courageously. We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

India trying to protect their resources.

Fayette County resident Kathryn Hoffman, with the Ansted Historic Preservation Council and a member of OVEC, reminded the crowd that we all need clean air and clean water. “These are human rights issues, and in the future, water is going to be seen as our greatest resource, not coal.”

Ginger Danz, who helped organize the Mountain Health and Heritage Association in Fayette County to fight strip mining, told the crowd that OVEC staffer Maria Gunnoe inspired her to action.

“My main concern is how to get people energized about this without losing them to feelings of being overwhelmed by the enormity of the problems.” She said we can work together and make a difference.

Another Fayette County resident, Paul Brown, urged the crowd to ask West Virginia’s politicians: “Do you want mountaintop removal, or do you want tourism? People are not going to come spend their money to see what’s left of our mountains.”

With a nod at his fellow panelists from India, Brown added, “They don’t belong to us as West Virginians. They belong to the world.” 🍓

BOONE COUNTY

Correction On Size of Land Purchase

The September *Winds of Change* article, “Renovations Underway on OVEC’s Community Center Project in Twilight,” contains an incorrect statement. Your newsletter editor lost a decimal point: Copy submitted with “.5 acres” became “five acres.” The correct statement is: “Last November, OVEC purchased nearly a half acre of property formerly belonging to the Mooney family.” Apologies for the confusion. 🍓

Poll Shows Widespread Support for Existing Clean Water Regulations

A poll of likely voters in West Virginia, Kentucky, Virginia and Tennessee, released August 16, shows widespread opposition to mountaintop removal mining and overwhelming support for the full enforcement and strengthening of the Clean Water Act to better protect streams, rivers and lakes from the impact of mountaintop removal mining.

The poll was conducted by Lake Research Partners and Bellwether Research & Consulting and commissioned by Appalachian Mountain Advocates, Earthjustice and the Sierra Club. Read more: WWW.APPALMAD.ORG/?PAGE_ID=307. 🍓

Legal Settlements Fund Sustainable Land-Use Development

by Chris Shepherd

A brighter future for West Virginia is on the way! In two recent Clean Water Act settlements, OVEC, along with other groups represented by the Appalachian Mountain Advocates (formerly Appalachian Center for the Economy & the Environment), helped to win direct funding to promote sustainable land use in the New and Gauley river watersheds.

The first settlement, between Powellton Coal Company (a subsidiary of Consol Energy), Sierra Club, and the Ansted Historic Protection Council, truly makes lemonade out of lemons for southern West Virginia.

Instead of going to trial for aluminum and other metal discharge violations in Fayette County, Powellton agreed to settle out of court; in that settlement, \$1.2 million will be given to the WVU College of Law for the express purpose of improving water quality in West Virginia.

As stipulated by the “Powellton Decree,” the settlement money will directly fund a sustainable land use legal clinic at the law college, which is the state’s only law school. The settlement also required Powellton Coal Company to implement a series of steps to eliminate its unlawful discharges of aluminum into Rich Creek and its tributaries.

Under West Virginia state law, a “legal clinic” allows a law student to practice law as a lawyer in the field, under the supervision of a professor. The settlement will directly fund the hiring of a new full-time professor to oversee the legal clinic.

In this case, the land use legal clinic law student, starting in January 2012, will assist in various land use protections in the New and Gauley River watersheds. Law students will assist in drafting land use plans and ordinances that protect water quality and in resolving residential wastewater issues in the area as well, all with the aim of improving surface and groundwater quality.

The legal clinic will enact conservation easements, which are a legal means of protecting land in perpetuity.



A valley fill from below. This is not “sustainable use” in any way, shape or form.

million selenium pollution settlement with Arch Coal would expand the clinic’s work to include the Kanawha River watershed as well.

That settlement is between Arch Coal and OVEC, WV Highlands Conservancy, Coal River Mountain Watch, and Sierra Club. (It is important to note that, although the settlement is agreed upon by Arch Coal and the plaintiff groups, and is expected to be approved, as of press time it has not yet received final clearance by the relevant legal authorities.)

Under the Arch Coal settlement, the clinic may go beyond conservation easements to work on even more proactive land use planning as well, to include a comprehensive approach to urban and suburban planning that ensures the most efficient long-term use of resources and protection of water quality. The settlement also requires Arch to clean up toxic selenium runoff from several of its surface mines.

The clinic’s work in the Kanawha Valley will include outreach and education to assist in training local officials to

Toward this end, the WV Land Trust has already secured \$400,000 to fund the land conservation easements.

To strengthen this collaboration even further, the Nature Conservancy has identified which particular lands in the watersheds are most essential for promoting long-term sustainable land use. All that remains is for law students to roll up their sleeves and place the binding easements on those sites.

Together, the WVU College of Law, the WV Land Trust and the Nature Conservancy are in a position to forge a new blueprint of long-term land development in southern West Virginia, further capitalizing on the region’s outsized potential for permanent economic viability.

Although this sustainable land use facility at the law school will clearly begin a new era of land use practices in southern West Virginia, a second settlement will enlarge the scope of the legal clinic even further; a pending \$1.8

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WV Pollution Board Begins Rewrite of Mine Ruling

by Ken Ward Jr. excerpted from an October 14, 2011, Charleston Gazette article

Members of the WV Environmental Quality Board on Friday began the process of rewriting a major decision that for the first time requires limits on conductivity pollution that scientists say is causing widespread water quality damage downstream from coal-mining operations.

Board members are taking another look at the matter after a circuit judge said they did not provide enough detail to explain their earlier decision concerning an Arch Coal Inc. mountaintop removal operation in Monongalia County.

The case focuses on efforts by environmental groups to force the state Department of Environmental Protection to apply new US Environmental Protection Agency water quality guidance on conductivity to state permits.

Scientists used electrical conductivity as a key indicator of stream health and the presence of other important pollutants such as chlorides, sulfides and dissolved solids. Recent research has found increased conductivity

downstream from mining operations in Appalachia, and scientists have linked impaired aquatic life to those increased conductivity levels.

Legal wrangling over the water pollution permit for Arch Coal subsidiary Patriot Mining's New Hill West Mine is one of two significant permit challenges that have flowed, at least in part, from the Obama administration's strip-mining crackdown.

In the other case, environmental group lawyers are trying to force the US Army Corps of Engineers to apply EPA's water quality guidance to an Alpha Natural Resources permit in Logan County.

Citizen groups have also used the Alpha case to, for the first time, insert into a permit challenge a series of West Virginia University studies that found high rates of birth defects, cancer and other illnesses among residents living near mountaintop-removal mines.

(See related story on page 3, *Groups File Suit to Block Reylas Mountaintop Removal Mine*, and read this entire article at <http://bit.ly/nscVGh>.) 🍌

ALERT: New DEP Public Hearing Format Stifles Input

by Andrew Munn

The WV Department of Environmental Protection has changed the format of public hearings. Here is a brief summary of the new format for those of you trying to use the state's regulatory system:

🍌 There is **no public speaking** in the hearing. Instead, DEP employees sit behind a microphone and tape recorder in the corner of the room, where citizens quietly read or say their statements into the microphone, with no audience but the DEP employee.

🍌 Three or more DEP officials stand behind a table with maps and the proposed permit to answer questions and "explain" things to citizens.

🍌 The digital version of the permit is displayed on a large screen, projected off of a laptop. One or two DEP employees are there to answer questions and address concerns.

🍌 There is no focal point of the hearing, so there are chairs lining the walls, and people mill around the room.

This new hearing format limits the public exchange of ideas.

I wrote up this summary in an effort to support y'all in thinking creatively about how to use this new format to your advantage, not to explain how to jump through the DEP's hoops. If you'd like to bounce ideas about how to make

effective use of the DEP's new format, please email me at anromu@gmail.com. 🍌

Sustainable Land Use

continued from page 9

build capacity in better land-use and water planning. Accordingly, the settlement will likely include hiring a land-use planner experienced in these issues, and could lead to fellowships for recent law school graduates that will work full-time on implementing these policies in West Virginia communities.

Taken together, these two settlements present an exciting and first-of-its-kind opportunity to increase West Virginia's capacity for sustainable, long-term development.

Although vast challenges still remain in putting West Virginia's economy on stronger footing, there is cause for celebration as West Virginia's only law school pitches in to help build long-term viability for our state.

OVEC and eBay

If you are a seller on eBay, please check out our new OVEC page with e-Bay Giving Works. Sellers can donate to OVEC via this set-up. Go to www.OHVEC.ORG and click on the e-Bay button in the right column. 🍌



Sludge Safety Project Needs YOU



The Sludge Safety Project is coming out of a year-long process of strategizing and restructuring to increase our efforts to protect community and home water supplies from the impacts of coal sludge and slurry. Below is an outline of our new team structure, with information on how to get involved.

Leadership Team

The leadership team is composed of community organizers and people from communities affected by sludge.

The leadership team makes decisions for SSP's

SSP – Sludge Safety is a project of OVEC, Coal River Mountain Watch and West Virginia communities working for clean water and community safety near toxic coal waste injections and impoundments.

overall strategy and delegates tasks to working teams. Each member of the leadership team is responsible for a specific piece of work and is a part

of a working team.

Media and Communications

The media and communications team is responsible for SSP's external communications, ensuring that the issue

of sludge and water contamination stays in the public spotlight.

Research and Education

The research and education team keeps track of and contributes to the growing body of science about sludge and slurry. Additionally, they translate the hard, technical language of reports and scientific papers into terms understood by most people.

Outreach

The outreach team's work is twofold: reconnecting with communities SSP has supported over the past decade and connecting with new allies. They also do outreach for public events and trainings.

Clearly, there are projects on which these teams overlap, and there are areas that they do not cover.

We welcome new volunteers to help expand our work by joining an existing team or starting a new one.

If there is work you would like to take on as a part of the Sludge Safety Project, get in touch with our intake bottom-liner by e-mailing Delta at lorax@riseup.net, or call (304) 574-1684. 🍌

Triumph - New Marsh Fork Elementary School Underway

In early October, Raleigh County Schools officially broke ground on the new Marsh Fork Elementary School. Unlike the old school, the new school will be safely away from a coal prep plant, a coal slurry dam holding 2.8 billion gallons of coal sludge and a coal silo. *The Beckley Register-Herald* reported:

The groundbreaking brings to fruition the vision to which some citizens and groups, such as Pennies of Promise and Coal River Mountain Watch, have dedicated more than seven years of work.

Discussion of a new school first began in March 2004, when grassroots group Coal River Mountain Watch organized a mountaintop removal educational day at Marsh Fork Elementary School. One teacher expressed concerns about many students' respiratory problems.

Since then, Coal River Mountain Watch and other concerned residents and groups have worked to bring awareness to the school's proximity to a coal silo (235 feet away) and a slurry impoundment (400 yards away) formerly owned by Massey Energy and currently by Alpha. The campaign for a new school kicked off

with civil disobedience and the arrests of many local residents. Citizens called for health studies of the school and repeatedly petitioned then-Gov. Joe Manchin and the Raleigh County BOE to support building a new school upstream from the impoundment.

One student's grandfather, Ed Wiley, even walked to Washington, DC, to raise funds and awareness for a new school. The group he helped found, Pennies of Promise, ultimately raised \$12,227 – much of it donated by other schoolchildren from across the country.

Just some of the history of the work that went into what has become the victory of the new Marsh Fork Elementary School is documented here: WWW.SLUDGESAFETY.ORG/GALLERY/, <http://bit.ly/YopdB> and WWW.OHVEC.ORG/WHERE_IS_ED.HTM. 🍌



The old school, with coal silo.

Massey Coal Slurry Pollution Case: Settlement Disclosed



In early August, the Associated Press reported that the settlement in the Rawl Sales lawsuit was \$35 million.

Between 1978 and 1987, the Rawl Sales coal prep plant, a subsidiary of Massey Energy, which is now owned by Alpha Natural Resources, pumped about **1.4 billion gallons of prep plant waste polluted fluids into abandoned underground mines** near several communities in Mingo County.

After the pumping began, residents' well water became tainted and many residents became ill. Some began dying from illnesses they blamed on the contaminated water.

Hundreds of people joined in a lawsuit that claimed the toxic slurry made its way into their wells, causing chronic gastrointestinal disorders, assorted cancers, developmental

Procedural Ruling

continued from page 13

permits that were backlogged have either been issued, or have had applications withdrawn by the mine operators. And in other instances, mine operators or the Corps haven't really started the process of coordinating and consulting with EPA to try to figure out how to reduce potential impacts of mining proposals.

"Perhaps mine operators who have withdrawn applications or not moved forward with projects on the backlog list will now try to get those operations moving forward. But if they do, they'll still have to face the EPA water quality guidance, at least for now."

Hearing the news, DEP Chief Randy Huffman at first gushed, "We won. This was a 100 percent victory." (We guess he was clarifying things for anyone who still wondered whether or not he cares about the communities he is supposed to protect.) Later, he back-pedaled a bit, noting that the "ruling is only half the battle. The other major piece of the suit won't be heard until next spring."

Ward blogged: "EPA's effort to reduce the impacts of Appalachian coal mines on the local environment and the region's residents is certainly far from over. In fact, most observers I talk to think the next round (in this case) – legal arguments over EPA's landmark water quality guidance – is far more significant in the long run. And US District Judge Reggie Walton has put off briefing on that matter until next spring, with a motions hearing not scheduled until June."

In a statement released on the ruling, EPA officials also noted that this ruling only pertains to part of the case. The agency sought to assure Appalachian families that the ruling "was a procedural decision that does not affect our Clean Water Act authority to protect them from public health

disorders and learning disabilities.

The lawsuit took years to wend its way through court, ending in July with the settlement.

Massey Energy had earlier paid \$5 million to finance a medical monitoring fund for many of the residents of Rawl, Lick Creek, Merrimac and Sprigg in Mingo County.

Speaking to the AP in July about the settlement, Rawl resident Donetta Blankenship said, "I want everybody all over the country to find out they don't have to do that. They can fight and stick together. ... They can fight and win."

Blankenship and many of her neighbors have been active with SSP over the years. 🍌

and environmental impacts caused by poor coal mining practices."

"While the coal industry may have succeeded in part of one lawsuit against government agencies, we will continue to support the EPA in their role protecting US families, waters and local communities, and ensure that those protections become stronger," said Ed Hopkins, Director of the Sierra Club's Environmental Quality Program. "We will continue working to protect mountains and streams, even as the coal industry tries to continue destroying them."

If you are in need of a good emetic, be sure to check out all the comments "Appalachian political leaders – meaning friends of the coal industry" made on this ruling by reading Ward's blog "What next for Obama permit crackdown?" at <http://bit.ly/rcKIFS>. You'll also learn a lot more about the ruling and the history of the case.

Ward's blog ends: "So now what? Well, of course, missing in general from all of this is – once again – any real discussion from anyone in West Virginia in any position of political power about what could or should be done to address the 'pervasive and irreversible' impacts that mountaintop removal is having on the environment and on coalfield communities. And not for nothing, ***but there's still that troublesome forecast that, no matter what EPA does about mountaintop removal, coal production in Central Appalachia is getting ready to plummet.***"

At this critical time, please join us in asking EPA to stand firm and exercise its full legal authority in regard to all pending section 404 permit applications for mountaintop removal mining, while we also try to persuade the Corps not to issue any more harmful permits. 🍌

The Industry Wins a Procedural Ruling, We Carry On...

In July 2010, a coal industry coalition led by the National Mining Association (NMA) filed a lawsuit against the US Environmental Protection Agency (EPA) and the US Army Corps of Engineers (Corps).

In April that year, the EPA had released staff guidelines (that led to the Final Guidance on Appalachian Surface Mining Coal Mining under the Clean Water Act, National Environmental Policy Act, and Environmental Justice Executive Order). The NMA claimed that the guidelines unlawfully obstruct permitting of surface mining operations.

According to OMB Watch, the “EPA issued the new guidance after extensive scientific research showed that (the) ‘valley fill’ method causes pollution in downstream drinking water sources and endangers the health and safety of surrounding communities.”

In the same lawsuit, filed in the US District Court for the District of Columbia, the NMA also sued over memoranda issued in 2009 by the Corps and EPA. In these memoranda, the agencies had agreed to a joint review process, where the agencies would coordinate their review of 108 then-backlogged permit applications for mountaintop removal mine waste disposal; the 108 had raised serious environmental concerns.

In October 2010, OVEC and several other groups intervened in the case in support of the EPA and the Corps. We are represented by Earthjustice and Appalachian Mountain Advocates, and are joined by Coal River Mountain Watch, West Virginia Highlands Conservancy, Kentuckians For The Commonwealth, Southern Appalachian Mountain Stewards, Statewide Organizing for Community eMPowerment, and Sierra Club as intervenors in this action.

This October, the NMA received a partial judgment in the case, a ruling in its favor on the matter of the memoranda on the joint review process.

The court found that the process violated notice

and comment, and that EPA’s involvement in the 2009 coordinated review process was unlawful, as the Corps is the lead permitting agency under Section 404 of the Clean



James Tawney and Julian Martin test streams for conductivity, a key indicator of water quality.
photo by Vivian Stockman

possible next steps, in communication with our counsel and fellow intervenors.

At the time of the court’s ruling, there were 21 permit applications covered by the 2009 memoranda, including 13 in Kentucky and 8 in West Virginia that remained pending under enhanced coordinated review, and the coordinated review had begun on 4 of these 21.

More than 50 miles of mountain streams are threatened with destruction by these pending permit applications if the Corps and EPA do not exercise their legal authority and responsibility to ensure compliance with the Clean Water Act and prevent unacceptable harm to our waters and local communities.

The court’s October ruling has no effect on any other pending permit applications, which are not subject to the 2009 memoranda. It also has no effect on EPA’s historic decision to withdraw the Spruce No. 1 Mine permit in regard to Oldhouse and Pigeonroost Branches, although industry is claiming otherwise in a separate lawsuit to overturn that veto determination.

In the Spruce case, OVEC is participating as an Amicus Curiae (or “friend of the court”) in support of EPA, along with WVHC, CRMW and Sierra Club, and is also jointly represented by Appalachian Mountain Advocates and Earthjustice in this case.

Charleston Gazette journalist Ken Ward Jr. blogged in his *Coal Tattoo*: “Keep in mind that most of the

continued on page 12, left

Getting *THE WORD*



photos by Connie Mayle

**OVEC and
Sludge
Safety
Project
folks at
Bridge Day.**



Out About OVEC



Marilyn Howells at OVEC's table at the KVSE.



The Membership Committee and OVEC staff have made their presence known at some recent community events. The Kanawha Valley Sustainability Fair and the Fayette County Bridge Day festival provided us with an opportunity to meet lots of new friends, as well as provide educational materials on our issues to the public.

Perhaps you will soon see an OVEC table, with enthusiastic Membership Committee members and staff, near you. If you know of a festival or event that would be a good venue for an OVEC table, please let us know.

If you want to volunteer to help at a tabling event, we would welcome that, too. Contact Robin Blakeman at rbrobinjh@gmail.com or (304) 522-0246. 🍁



Marilyn Howells, Michael Morrison and Kathryn Stone at the OVEC table at the third annual Kanawha Valley Sustainability Fair.

Countering Coal's PR With A Service of Our Own

by Robin Blakeman

Back in May, Debbie Graff, OVEC member and Keeper of the Mountains volunteer, contacted me with a really good idea. Inspired by Father Dan Pisano, she suggested that we counter Big Coal's PR move, the sixth annual Marshall University – West Virginia University "Friends of Coal Bowl" by having an event of our own.

Pisano, a Catholic priest and former WVU football team chaplain, objects to the close connection football programs at Marshall and WVU are forming with the coal industry's public relations machine.

Originally from southern West Virginia, Father Pisano mourns the loss of places he used to love to visit in that region, places now destroyed by surface mining.

When Graff contacted Pisano to explain her idea, he responded with enthusiasm. Having an event on the same day as the 2011 Coal Bowl would counter Marshall and WVU's coal industry husbandry.

I said I'd help in whatever way I could. Kayford



Mountain was the obvious choice for the event. And since the big game was slated for a Sunday, a service and gospel singing seemed like the best program for the day.

We joined in planning calls with Danny Chiotos and Larry Gibson. Other volunteers – notably Charlene Tincher – worked hard to get the word out to local faith communities. We recruited faith leaders to speak at the event. I volunteered to speak about the recent health study summaries that indicate mountaintop removal is contributing to strikingly elevated rates of birth defects and cancer in our region.

The event was well attended by a number of local faith community members, in addition to Larry's family members and friends.

Pisano, unable to attend due to a family emergency, prepared an inspirational statement, read by Graff, which served as the highlight of the service and brought many people to tears. The event was an excellent reminder of the power in gathering together in prayer.

Read Father Pisano's statement in the online version of the December 2011 *Winds of Change*; find it at WWW.OHVEC.ORG. 🌰

Hundreds Oppose Barge Proposal at Hearing in Huntington

On October 18, hundreds of people came out to a public hearing to once again say "No!" to a proposal to build a coal-barge-mooring facility along the Ohio River in the Huntington, WV, neighborhood of Westmoreland.

About 325 people packed the US Army Corps of

Engineers hearing, held at an arena in Huntington. The hearing is the latest step in a 17-year effort by Huntington Marine Services (HMS) to build the facility.

According to OVEC Membership Committee member Marilyn Howells, nearly 40 people spoke in opposition to the proposal; only an HMS employee spoke in favor. Those speaking against the facility included local councilmen, a state delegate and a state senator.

"One after another, residents from Huntington and various communities in Ohio stood in front of a microphone and voiced a wide range of concerns about the fleeting facility, which would hold up to 90 barges along a stretch of riverbank that is 0.8 miles long," the *Huntington Herald-Dispatch* reported.

Stay tuned for the Corps' decision and read more here: WWW.HUNTINGTONNEWS.NET/11618. 🌰

Thanks!

Thanks to Betsy Reeder for providing a cozy dinner and pleasant conversation to Membership Committee volunteers who were traveling to Bridge Day, at her beautiful home in Summers County on October 14. 🌰

OVEC Member Manual Available

If you are wondering how you can get more involved as an OVEC volunteer, or if you are curious about what staff members actually do, you may want a copy of our member manual.

The print version of the manual is beautifully designed by graphic artist and volunteer Sandra McVeigh. Leave a message for Robin at the office, (304) 522-0246, or e-mail her at rbrobinjh@gmail.com to get your copy.

The manual is also online. Go to WWW.OHVEC.ORG and in the left sidebar, click on "Member Manual." You'll also find a video about OVEC and a video about how to use OVEC's Kroger gift card to donate to OVEC whenever you purchase groceries, prescriptions and gasoline at Kroger. The donation goes to OVEC, but you don't pay a cent more than what you spend on the groceries, etc. 🌰

Groups Unite In Calling For Marcellus Shale Regulation

A coalition of environmental and public interest groups held press events on August 22 in both Morgantown and Charleston, demanding speedy action by the state's Legislature in providing citizens with strong protection from the effects of shale gas drilling operations.

"The Select Committee appointed in June has failed to reach any agreement on the issues, and therefore no special session has been called," said Jim Sconyers of the WV Sierra Club. "Yet, permits continue to be issued. Our air, land and water need immediate protection."

Participating organizations, including OVEC, WV Citizen Action Group, WV Highlands Conservancy, Upper Mon River Association and Mon Valley Clean Air Coalition, agree that the governor's executive order requiring the DEP to promulgate emergency rules does not address a majority of the critical issues.

Health concerns, trucks overturning on narrow roads, fears about the capacity of streams used for local water supplies, serious concern about declining property values and landowners being at the mercy of unilateral industry decisions are some of the urgent issues that must be addressed.

"The Legislature is the only body that can ensure the rights of surface owners and authorize adequate funding for the DEP," stated Julie Archer of WV Surface Owners Rights Organization. "We desperately need comprehensive regulations for this industry. Comprehensive regulations require enforcement if they are to be effective, and we don't have enough inspectors to do the job."

Candace Jordan of WV for a Moratorium on Marcellus commented, "We are no closer to having adequate regulations for Marcellus Shale gas drilling than we were last March at the end of the 2011 Session. If the Legislature is unable to agree upon and deliver broad regulation, DEP needs to stop issuing permits."

The organizations called upon the members of the Select Committee and the Legislature as a whole to devote immediate time and energy to passing a comprehensive package of regulations that will protect the environment, people's health, landowner rights and property values and ensure a strong DEP enforcement team.

Joining the environmental groups for the Charleston press event were Tammy and Dennis Hagy, who have been

forced out of their Jackson County home by health impacts from a nearby drilling operation.

Marcellus SHALE SHOCKED

They first suffered from headaches and fatigue and noticed that the water smelled foul. The couple and their children developed cysts and felt nauseated.

These symptoms are reported by scores of people who live close to drilling operations, both in the western states and, increasingly, in the Marcellus area.

The Hagys had lived in their home for over 20 years and raised their children there. They are now living in a small trailer on another part of the property, away from the drilling operation.

"We all miss living there – it was a big part of our life, our livelihood. To have that just ripped away has been really devastating. It's heartbreaking," Tammy reflected. "I can't even hardly go back to my homestead now because it just tears me to pieces. I still have things in the house, but we can't go in there but just a limited amount of time. Our eyes start running, you get lightheaded, get dizzy.

It affects your health just to go in there."

Leslee McCarty of the WV Environmental Council noted the lack of activity by the Senate members of the Select Committee and the fact that more than one of them has connections with the gas industry.

"Senator Doug Facemire has been quoted as saying he has a business to run and isn't available to meet with the Select Committee.

"I hope his constituents will consider his behavior at election time. For him to cite his own business needs and to neglect the business of the state on an issue of such tremendous importance to our citizens is inexcusable," McCarty says.

"It's very simple," said OVEC's Carol Warren. "We want the Legislature to do its job and give West Virginians the protection they deserve. Our health, our homes and our well-being should come first." 🍌



"Did I say \$10,000 for a permit? I meant \$5,000 - no, maybe \$1,000?"

cartoon by Joel Futrell

Natural Gas: What They Aren't Telling You

Marcellus SHALE SHOCKED

Many industry and government officials are touting natural gas as a “transition” fuel to wean the country off coal. They cite the fact that during normal plant operation less carbon dioxide is emitted than in coal plants. Because of this, they are labeling it “clean,” “reliable,” and “affordable.”

What they overlook, is that there are many related problems outside of combustion (often called “externalities”), that prove that none of these claims are true. Natural gas is:
Not So Clean


▲ According to a study by Worldwatch Institute, the greenhouse gas emissions for natural gas are more than half of those of coal over the entire lifecycle, meaning only minimal

Eat for OVEC and Raise \$\$\$ Too!

The **Eat for OVEC** fundraiser is an ongoing effort and has been a continued 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 a reminder 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 just send in the coupon below with your check. *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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Address _____

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My \$5 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$5 balance so OVEC can start benefitting from my purchases *today*. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.

improvements in GHG reductions.

▲ The method of natural gas extraction known as “fracking” is responsible for gas leaks and water pollution that are causing people and animals to get sick - and making it possible for some people to light their tap water on fire.

Not So Reliable

▲ Prices are far from stable – between 2002-2008, prices jumped 434 percent, and then dropped 58 percent since then.

▲ Estimates about the amount of natural gas vary enormously – in the last 10 years alone, various experts predicted that the Marcellus Shale contains anywhere from 2-410 trillion cubic ft – in other words, anywhere from 4 months to 55 years of supply at current consumption rates. Does that sound reliable to you?

▲ It's no question that natural gas will run out – it's only a question of when, and no one seems to know for sure. What we need to ask ourselves is how much we're willing to spend on increasing prices for a commodity that will ultimately run out, before we switch to a sustainable system.

Not So Affordable

▲ The so-called “externalities” that are caused by dirty fossil fuels add up quickly – hospital visits, costs to address water/air pollution all come out of our pocket one way or another. The costs to address and mitigate climate disasters and rising seas will only get worse the longer we maintain or increase our CO₂ emissions.

▲ Supply and demand dictate that as our natural gas supplies shrink, the cost will increase until it's so expensive that we have to switch to something else – but what if instead, we transition *now* to a sustainable and healthy future (which we're going to have to do eventually anyway) and not waste our money on gas?

Just because something is cleaner, doesn't make it clean. AND, there are better options! While it seems likely that we might need to keep limited natural gas plants available to meet all our future electricity demands, we can obtain this WITHOUT fracking and WITHOUT new gas plants.

Furthermore, with energy efficiency and renewable energy like wind and solar, we can and should completely eliminate coal from our energy mix as well as more than a quarter of nuclear power by 2050. The earlier we achieve this, the sooner we can achieve a truly sustainable, secure, and homegrown energy mix - WITHOUT FOSSIL FUELS.

The story above is from The CLEAN. Sign up for their action alerts: WWW.THECLEAN.ORG 🍌

WV Legislature Wrangles with Shale Gas Drilling

The Legislature's August special session, dealing with redistricting, was disappointing to groups following the Select Committee on Marcellus Shale gas drilling.

The organizations had hoped that the committee would meet to consider more of the many vital issues remaining before a piece of adequate legislation could be formulated. However, the senators, having finished their own redistricting plan, convened and then went home until the House completed its work.

Committee Co-Chair Sen. Doug Facemire (D-Braxton) was quoted as saying he had a business to run and was busy with it. This lack of action led to a press event featuring a number of environmental and social action groups. (See "Groups Unite" article on page 17.)

The September interim session provided better fare. The Select Committee met twice and took action on a number of positive amendments to the legislation it has been working on. After discussing the need for an Oil and Gas Examiners Board for two hours during the July interims, the committee had tabled that topic, and it was first on the agenda in September. It was evident that some of the senators felt they did not have all the information they needed, or had encountered some misinformation about the board.

Delegate Woody Ireland (R-Ritchie) pointed out that it is a responsibility of the Legislature to eliminate costly redundancies in state government, which the board appeared to be doing.

He noted that the failure of Governor Manchin and Acting Governor Tomblin to appoint the required citizen member to the board for a number of years had left only the two industry persons and one regulator on the board.

Mentioning his time in the chemical industry, Ireland stated that those companies would have been overjoyed to have a role in the hiring of inspectors for their own industry.

He compared the situation of having no citizen member appointed with letting foxes guard the henhouse.

Marcellus SHALE SHOCKED

A vote was taken, and the amendment to eliminate the Oil and Gas Examiners Board passed by a vote of 5 to 4 along House/Senate lines. (Senator Karen Facemyer (R-

Jackson) was not present at the meeting.) The closeness of this vote indicates that this issue may again be a bone of contention when the bill is brought to the full Legislature.

Several positive amendments followed, all on the subject of public and landowner notice, public comment periods, and the possibility of DEP approving some public hearings on Marcellus permit applications. The decision on whether the comments lead to holding a public

hearing rests with DEP. Nevertheless, industry lobbyist Phil Reale complained that he felt the amendment would lead to so many public hearings it could "cripple the industry."

Delegate Barbara Fleischauer (D-Monongalia) then asked if it wasn't possible that public comment could provide useful information that might actually benefit the DEP. Reale replied that might be possible if the comments were based on science and not ideology.

Clearly, industry considers the public to be an uneducated nuisance. Another related provision expanded the categories of people to receive written notice of a permit application to include owners of property adjacent to the chosen well site and persons known to have a water supply within 2,500 feet of the proposed operation. It was evident that industry thinks 2,500 feet is excessive. Fortunately, these amendments passed with more bipartisan support.

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Just in case anyone doubts the need for comprehensive drilling regulations AND constant oversight, this is a waste pit at a Waco (Ike Morris) operation in Doddridge County. Note the care taken with the liner.

photo courtesy Doddridge Co. Watershed Group

Legislature Wrangles

continued from page 19

At the second Select Committee meeting, several more seemingly non-contentious amendments were considered and passed. The first delegated DEP to set up a website with pertinent information about various permits, location of wells, etc. The second amendment required gas companies to include information about the intended direction of lateral horizontal drilling paths in the permit application.

Among other amendments, the blanket bond fee was increased from \$50,000 to \$250,000, reflecting the greater disturbance caused by Marcellus wells. A one-time payment of \$2,500 to surface owners was approved to cover property taxes on sites the surface owner is unable to use for a period of time.

After some discussion, permit fees were increased to \$10,000 for the first well on a pad, and \$5,000 for each subsequent well. DEP calculates that these fees would raise about \$2.5 million, which the agency will use to hire at least nine additional inspectors.

Senator Doug Facemire made a point of noting that industry had not opposed the fee hikes and were fine with them. The next day, industry officials (who had been in the committee meeting room) complained loudly that they had been “blindsided” by the fees, which would render West Virginia non-competitive.

DEP Secretary Randy Huffman immediately began to backtrack about the amount of money the agency really

needed for inspectors. The permit fee question can certainly not be considered resolved as yet.

The Select Committee also heard presentations by EQT about the casing process. Citizens have been calling for more oversight and inspection of the process to be sure that it is done properly. The cementing process is thought to be a time when the well is vulnerable to spills, leaks and other problems.

Amendments still pending concern surface-owner rights: how much input the surface owner should have into the location of the wells and whether the company must negotiate with the owner while planning the permit. There is also the thorny question of how far the well must be from an occupied dwelling or a structure in which farm animals are kept.

Citizens have demanded an increase in the current rule of 200 feet because of the size, explosion hazards, noise and lights from the drill rigs. Many surface owners also want increased distances from existing wells, springs or other water supplies. These are likely to be some of the most contentious topics to come before the Select Committee. 🍌

Pocahontas Ponders Marcellus Shale Gas Drilling Impacts

In mid-September, Pocahontas County commissioners and a couple of area reporters took a field trip to Wetzel County to learn about Marcellus Shale drilling. County resident Brynn Kusic arranged the trip. Wetzel County Action Group members Rose Baker and Bill Hughes led the tour of the Chesapeake Energy gas fields.

For more than five hours, the commissioners, David Fleming, Jamie Walker and Martin Saffer, spoke with landowners and viewed well sites and compressor stations. One of the sites is on the property of Dewey Teal, who owns only the surface rights to his 19 acres. The *Pocahontas Times* reported:

*Teal told commissioners he came home one day to find five acres of his land cleared and excavated, **without any prior word from Chesapeake or its subcontractors.** Those five acres, said Teal, included his family's garden and access to his woodlot.*

What commissioners saw Thursday on the site across the road from Teal's house was a five-acre, graveled well pad with two wellheads, four storage tanks and two large evaporators.

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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.

We care. We Count. WE VOTE!


Use Some *Hot Coffee* to Educate Yourself

“Tort reform.” We hear a lot about this in West Virginia, but what does it really mean?

To easily and shockingly understand what this phrase is, and what the politics surrounding it could mean for your life, watch the documentary *HOT COFFEE*.

HOT COFFEE examines the dangers of so-called “tort reform” and its growing threat to our civil justice system.

Using the now-infamous legal battle over a spilled cup of McDonald’s coffee as a springboard, the film follows four people, including McDonald’s plaintiff Stella Liebeck, whose lives have been affected by their inability to access the courts, and examines the role of corporations and a complicit media in promoting “tort reform.”

The movie is now available via Netflix. For more information, go to WWW.HOTCOFFEETHEMOVIE.COM/DEFAULT.ASP 



Amend the Constitution: Corporations are NOT People

On January 21, 2010, the US Supreme Court ruled, in Citizens United, that corporations are entitled to spend unlimited funds in our elections. The Constitution was never intended to protect corporations.

by Hedda Hanning

In 2010, the five concurring justices wrote in *Citizens United* that they based their decision that corporations have free speech rights on the 14th Amendment which in order to protect freed slaves begins: “Section 1. All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States.....”

It was supposedly cited in an 1886 case about taxing railroads and was used as precedent for last year’s decision. That argument has been well rebutted in Thom Hartmann’s 2007 *Unequal Protection* as I will paraphrase here:

- 1) Corporations cannot be born or naturalized or become citizens.
- 2) The reference to the 14th Amendment quoted by the justices occurred only in a brief commentary placed there by the court reporter. It has no legal standing whatsoever. Contrary to that brief note, the justices specifically ruled they were not considering constitutional issues, but only tax issues.
- 3) In all prior use of common law, starting in Britain and accepted here, corporations, churches and other legal entities are referred to as artificial persons, to give them a legal name to be able to tax and regulate them. From their beginning they were completely distinct from natural persons, which is what we are.
- 4) The East India Company, the villain in the Boston Tea

party, was a corporation. Our founding fathers were disgusted with corporations, and gave them no privileged treatment.

- 5) Our rights as enumerated in the Constitution are inherent in us as human beings. The Constitution doesn’t give us rights; it restrains governments from infringing on them.
- 6) The Constitution does not include even one mention of the word corporation.
- 7) Corporations only have the privileges given to them in their charters which can be, and in the past have been, revoked.

And here is why you should care about this a whole lot. The absolute only purpose, goal or value of a corporation is to make money. They are required to do so by law. If people are killed, environments ruined, workers impoverished, democracy destroyed in the process, corporations do not care.

Corporations tear down mountains and pollute your drinking water to make money. Corporations say they create jobs, but they lie. If they could make money without hiring a single worker, they would do so.

Corporations let workers be smashed or burned up to make money. Corporations promote war to make money. Corporations hold your health hostage to make money. Corporations corrupt our government to make money. Corporations have no loyalty – they readily go overseas to make money. Pay taxes? Ha-Ha. Corporations have no conscience. Corporations lie, cheat and steal, but they can’t go to jail. And if the government is corrupt enough

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Amend the Constitution

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even the management doesn't go to jail. What we have blooming here is fascism.

If you like war, pollution, environmental destruction, high-priced drugs, unaffordable health care, and big money owning our government, you're in the pink. Don't do anything.

But if we are ever going to have change, we must control corporations by passing a constitutional amendment

Pocahontas Impacts

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Drilling of the two wells was completed about a year and a half ago, said Teal.

"They said once they were through here I'd have homesites and all that, once they were done," Teal told the commissioners. "They said all I would see are these two wellheads. Well, you can see how much stuff you can see here now."

"They also told me I could have free gas," he added, "but that went out the door when they were done drilling. They said, No, you have to have a \$30,000 regulator."

But what seems to bother Teal even more than this is what happened to his water.

"They polluted my water and everything else,"

that says absolutely, clearly that corporations are a legal device only, and are not human persons and are not entitled to any of the rights guaranteed to people in the constitution and its amendments.

To learn more, read *Unequal Protection* by Thom Hartmann, visit MOVETOAMEND.ORG/ and FREESPEECHFORPEOPLE.ORG/. To get involved with local efforts, e-mail vivian@ohvec.org, who will pass along your info to Hanning. 🍌

he said. "My pony won't even drink water out of the well any more. I have to haul water from town. And we just buy our drinking water and haul water from town to wash."

The article goes on to detail many more effects of Marcellus Shale drilling in Wetzel County. Subscribers to the *Pocahontas Times* can read the entire article online.

"Drilling for gas is definitely an industrial activity," said Commissioner Martin Saffer. "There's just no other way to paint it. It's a big-scale, industrial enterprise, which looks to me to be growing in scale and intensity and seriousness."

"The decision the county has to make is that-is this the kind of life we want to have, or do we want to live in the environment that we presently have and that we all enjoy?" Saffer continued. "Or do we want to become an industrialized community. That's a choice of lifestyle and a choice of values that we as a community are going to have to make."

The *Charleston Gazette* reported that the commissioners wrote a letter to the DEP after their tour:

"The Pocahontas County Commission is gravely concerned about the impacts to our pristine environmental and rural culture from the impending possibility of hydrofracture drilling in the Marcellus Shale underlying our borders," the letter Tuesday to the West Virginia Department of Environmental Protection states. "As a governing body, we do not want our local rights on this very local issue usurped or diminished by state government. The commission views the present proposed rules as grossly inadequate and failing to speak to our county's unique needs and their heritage," Saffer said. 🍌

Recurring Donors 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 "Donate Now" button.

Recurring donations help build OVEC's sustainability and help us with our long-term planning, since we can better estimate our members' donations. Remember, donations to OVEC are tax deductible.

New Regular Column for OVEC

by Andrew Munn

The “Organizers’ Toolbox” is a new feature of OVEC’s *Winds of Change*. In this and upcoming newsletters, I’ll write about why we organize and how we do it, with the aim of supporting you in becoming a more active and confident organizer. This is one organizer’s take on organizing, and I’d love to hear from others. Please get in touch via anromu@gmail.com or (304) 924-1506.

I suppose it makes sense to start with the question, “What does an organizer do?” To paint with a broad brush, an organizer builds power by bringing people together to identify a common goal and work toward it.

And, too, “Why organize?” We organize to shift the balance of power away from a system that values profit for a few over the well being of many to a system that allows communities and people to make the decisions that impact them most. If organizing is about shifting and organizing power, what is power and how does it work?

It’s All About Power:

In September, Maria Gunnoe and Bo Webb spoke truth to power in front of a subcommittee of the House Committee on Natural Resources (see story on page 1). Each gave a scathing account of the effects strip mining has had in their community and across our state, citing 19 peer-reviewed scientific studies that correlate strip mining and increased health risks.

Following a parade of politician and industry insider testimonies that attributed the economic devastation caused by mechanization and strip mining to (weak) federal regulations of valley fills, Bo and Maria both pointed out the hypocrisy of their jobs rhetoric. Their statements received applause from the crowd.

However, when the subcommittee issued a press release after the event, there was not a single mention of Bo, Maria, or the dozens of supporters who packed the courtroom – rather, it was a reiteration of pro-strip mining propaganda!

Was it because of political corruption, coal money in politics, or censorship? If you’re thinking all of the above, you are right, but what’s underneath it all? What did the politicians and the coal industry have more of than the anti-strip mining movement?

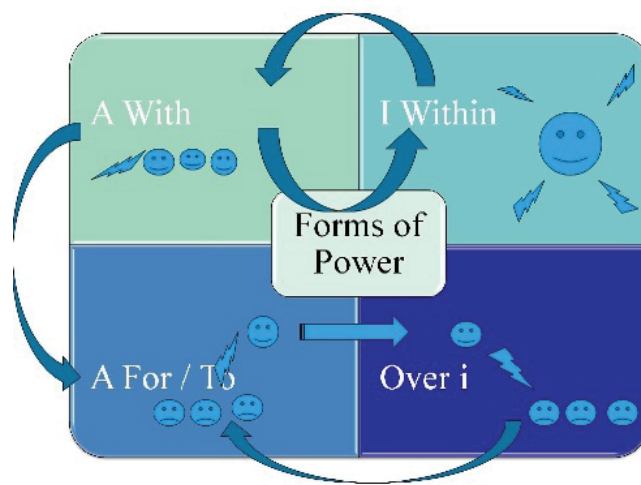
Power. It’s all about power. No matter how much truth was on our side, the industry and their politicians had the power to determine the outcome of the hearing.

Power is a word we hear often, and many people’s gut reaction is that power is bad. There’s good reason for

this – we see power abused every day, by banks, by the coal companies, by the government. But, that’s the use of power. What is power itself?

Most simply stated, power is the ability to do. Using this definition, we all have power. Regardless of your station in life, you have some ability to do, though there are real differences in power between people. As organizers, it is our work to build our movement’s ability to do, person by person, community by community.

I find the chart (see below) useful in thinking about types of power and their uses:



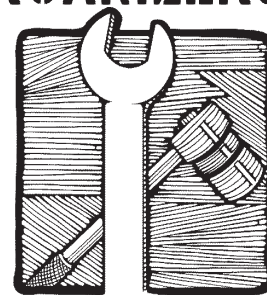
POWER WITHIN, on the top right of the chart, is the innate ability to do that all sentient beings have. Although there are differences in ability to do between people, all have some ability. *Examples:* you, me, and Don Blankenship.

POWER OVER, on the bottom right, is a hierarchical use of power in which a person or an institution uses power (within) to determine the experiences, or fate, of other people, communities, or species. *Example:* The Environmental Protection Agency, Army Corps of Engineers and Office of Surface Mining have the power to determine whether a coal company is permitted to destroy our mountains and communities.

POWER TO, on the bottom left, is a hierarchical use of power in which a person gives their power to another person or institution to make decisions for them. *Example:* We vote for politicians to decide whether we go to war and to what

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ORGANIZERS'



TOOLBOX

Organizers' Toolbox

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degree industry is permitted to pollute our communities and bodies.

POWER WITH, on the top left, is a use of power in which people share their individual power to achieve their common goals. *Example:* People pool their money to purchase a wind turbine to provide energy for their community.

Of course, there is overlap between categories. During the subcommittee “hearing”, Bo, Maria, and our movement presented their shared power (power with: working together) to the congressional committee in an appeal (power to: asking politicians) to reinstate the Stream Buffer Zone Rule (power over: state authority).

The coal industry presented their lobbyists and coal-state politicians (power over plus power with) to Congress in an appeal (power to/power with) to deregulate the coal

Lots of Congratulations Are in Order!

Congratulations to longtime OVEC member Congressman Ken Hechler. In an amazing proclamation detailing some of Hechler’s achievements over the years, the governor of New Hampshire declared September 23, 2011 as Ken Hechler Day in New Hampshire.

Read the entire proclamation at KENHECHLER.US/KENHECHLER/NEWS.HTML

Congratulations to Coal River Mountain Watch’s Junior Walk who was one of seven recipients of Earth Island Institute’s 2011 Brower Youth Awards. The winners were selected from among hundreds of applicants. The winners distinguished themselves with their creative and effective work tackling environmental problems.

Congratulations to singer/songwriter Kathy Mattea, who was among several musicians inducted into West Virginia Music Hall of Fame. For the past several years, two-time Grammy winner Mattea has spoken out against mountaintop removal coal mining.

Congratulations to photographer Paul Corbit Brown who was named one of the top 100 human rights

“You may think your actions are meaningless and that they won’t help, but that is no excuse, you must still act.”

– Mohandas Karamchand Gandhi

industry (using power over to give the industry more power).

What would a hearing look like if our movement had more power than the coal industry? What if, through organizing, we had more people and resources on our side than the industry?

A recent study showed that the majority of Appalachians oppose strip mining. Sentiment is on our side. We build power by organizing people to turn their sentiments into action, by sharing and directing their own power. The success, or failure, of movements all boil down to power.

The next few “Organizer Toolbox” columns will cover some of the “how to’s” of organizing, such as relationship building, whereby people identify each others’ interests and abilities in order to work together, and group building, in which people share and build their power to work towards a common goal. 🍌

御前在沢在AS KEN HECHLER has remained an outspoken, politically active member of the community. He was arrested at the age of 94 for trespassing, while protesting the practice of mountaintop removal mining. Having celebrated his 97th birthday on September 20th, 2011, his courageous spirit, health and happiness continue to inspire us all; NOW THEREFORE I, JOHN H. LYNCH, GOVERNOR of the State of New Hampshire, do hereby proclaim SEPTEMBER 23, 2011, as **KEN HECHLER DAY** in New Hampshire.

activists in 2011 by Frontline Human Rights Defenders. Paul has photographed humanitarian issues throughout the United States, Mexico, Kenya, Jamaica, Russia, Israel, Laos, Thailand, Rwanda, Indonesia, Haiti and Northern Iraq. Paul has generously donated many of his MTR photographs to OVEC; regular readers of WOC will have seen his photos. WWW.PAULCORBITBROWN.COM.

Congratulations to OVEC members Michael and Carrie Kline who received FOOTMAD’s (WV Friends of Old Time Music and Dance) 2011 FOOTbridge Award for their years of work to preserve traditional Appalachian music and stories. Check out their work at WWW.FOLKTALK.ORG/ABOUT.HTML. 🍌



CLIMATE CHAOS In the Mountain State



Links Between Climate Change and Increased Social Unrest Unacknowledged By World Leaders, Policy Makers

Below are excerpts from an October 14 *Truthout* article by Michael Busch about author Christian Parenti and his latest book. Parenti was the keynote speaker at OVEC's 2011 annual meeting, held in August:

In many respects, 2011 has been marked as much by the mayhem of nature as it has by the upheavals of men. Although challenges to political authority have captured the imaginations of millions and produced exciting tremors of revolution across the continents, Mother Nature's increasingly ferocious response to the heavy environmental footprint of industrial production will likely be judged the most profound source of social change around the world in the years to come.

From the Japanese tsunami, which triggered the worst nuclear crisis since Chernobyl, and the extreme drought that currently threatens the lives of millions in the Eastern Horn of Africa to the wildfires, hurricanes and periodic flooding that have decimated both coasts of the richest country in the world, anthropogenic climate change is increasingly – and undeniably – at the core of politics and society everywhere in the world.

Tropic of Chaos, Christian Parenti's excellent new book examining the intersections among climate change, neoliberal economic policy and the spread of political violence, argues that the convergence of these threats to international

security has set our world along a course that will result in a broken planet characterized by catastrophe, conflict and xenophobic distrust. That is, unless meaningful action is taken immediately to reorient international relations away from this disastrous trajectory.

In Busch's article, Parenti mentions the work that the Sierra Club under the leadership of Michael Brune and the work that Greenpeace, Rainforest Action Network, the direct action group Radical Action for Mountain Peoples Survival and long-struggling local groups like the Ohio Valley Environmental Coalition are doing to stop mountaintop removal coal mining and coal plant production . . . Using everything from direct action to lawsuits and lobbying, this array of groups has helped stop the construction of about 130 coal plants . . . So, there are campaigns like the fight against coal that people should get involved with.

There are also the actions taken in August and November to oppose the Keystone XL pipeline that would run Canadian tar sand slurry through the United States and down to the Gulf for final refining and export, where people committed acts of civil disobedience in Washington, DC.

If you can't read Parenti's book, at least read this entire article at <http://bit.ly/oLscEE>. See Parenti's speech to OVEC's Annual Meeting here: <http://bit.ly/ooNSQ9>. 🌰



Wild Weather, Weird Weather, Wacky Weather – And We're Making It

Think the weather is weird these days? Scientists concur. The 2011 blizzards, heat waves, crazy-intense rainfall events, droughts and the rest of the year's record-breaking extreme weather were made worse because of human-induced climate change.

A September report titled "Current Extreme Weather and Climate Change," released by the Climate Communication scientific group, details how industrial emissions of greenhouse gases are making extreme weather more likely.

Extreme weather events do not have a single cause but instead have various possible contributing factors – and human-induced climate change is now recognized as one of those factors. Weather variability can be extremely costly. As of August 30, the US had witnessed 10 weather disasters costing over \$1 billion each so far this year. This breaks the previous record for the number of such US weather disasters in an entire year.

Changes in extreme weather threaten human health as well as prosperity. 🌰



CLIMATE CHAOS In the Mountain State



Newsflash: Forests Good For Planet (Thus, MTR Not Good For Planet)

On October 1, the New York Times ran a front-page article by Justin Gillis, which reported that forests are key climate protectors, but are in trouble worldwide. Below are some excerpts from the article.

Across millions of acres, the pines of the northern and central Rockies are dying, just one among many types of forests that are showing signs of distress these days.

The devastation extends worldwide. The great euphorbia trees of southern Africa are succumbing to heat and water stress. So are the Atlas cedars of northern Algeria. Fires fed by hot, dry weather are killing enormous stretches of Siberian forest. Eucalyptus trees are succumbing on a large scale to a heat blast in Australia, and the Amazon recently suffered two “once a century” droughts just five years apart, killing many large trees.

Scientists say the future habitability of the Earth might well depend (on how serious the forest loss will be). For, while a majority of the world’s people now live in cities, they depend more than ever on forests, in a way that few of them understand.

Scientists have figured out – with the precise numbers deduced only recently – that forests have been absorbing more than a quarter of the carbon dioxide that people are putting into the air by burning fossil fuels and other activities.

It is an amount so large that trees are effectively absorbing the emissions from all the world’s cars and trucks.

Without that disposal service, the level of carbon

In Sympathy

OVEC extends its heartfelt sympathy to the family of Sandra Elledge of Knoxville, TN, who died October 14. As the executive coordinator of Episcopal Appalachian Ministries in Knoxville, Elledge was a longtime friend and avid supporter of OVEC’s work to end mountaintop removal. In Christian witness, she worked tirelessly for the people of the Appalachian region; her mantra was “we’re all teachers, we’re all learners.”

We will truly miss her kind and loving spirit. Condolences may be sent to her daughter, Jennifer Dillon, 104 Coolfont Lane, Winchester, VA 22601, and her son, John Elledge, 2024 Willow Hill Dr., Harrisonburg, VA, 22801. Memorial contributions in her honor may be made to Episcopal Appalachian Ministries, 161 E. Ravine Rd., Kingsport, TN 37660. 🍂

dioxide in the atmosphere would be rising faster. The gas traps heat from the sun, and human emissions are causing the planet to warm.

Yet the forests have only been able to restrain the increase, not halt it. And some scientists are increasingly worried that as the warming accelerates, trees themselves could become climate-change victims on a massive scale.

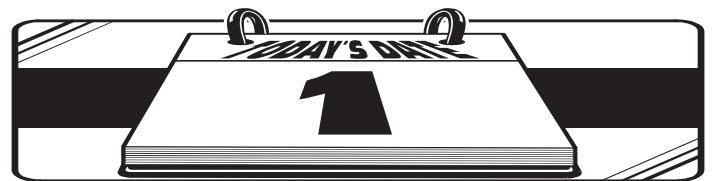
“At the same time that we’re recognizing the potential great value of trees and forests in helping us deal with the excess carbon we’re generating, we’re starting to lose forests,” said Thomas W. Swetnam, an expert on forest history at the University of Arizona.

It is clear that the point of no return has not been reached yet – and it may never be. Despite the troubles of recent years, forests continue to take up a large amount of carbon, **with some regions, including the Eastern United States, being especially important as global carbon absorbers.** (emphasis added)

To ensure that forests are preserved for future generations, (scientists) say, society needs to limit the fossil fuel burning that is altering the climate of the world.

You can read the entire article here: <http://nyti.ms/pdWDpC>.

So what can you do to save forests and slow climate change? One answer: Join the movement to end mountaintop removal! 🍂



CALENDAR

As we go to print, we are planning activities for December and January. Please check OVEC’s online calendar to see what’s up. Go to www.OHVEC.ORG and click on “Events Calendar” in the right column.

January 11, 2012: The West Virginia 2012 Legislative Session begins.

April 21, 2012: Save the Date! OVEC’s Victory Celebration Dance on the Eve of Earth Day. Join us at the Charleston Women’s Club. Watch our website and your mail for details. 🍂

Student Wins FFA State Fair Competition with Clean Energy Project

My name is Elijah Van Gelder Rose. I am a sophomore at Clay County High School and a member of the Future Farmers of America (FFA). Recently, I had the opportunity to represent my county in the FFA State Fair Competition.

Growing up in West Virginia on a farm with parents who are both environmental activists has taught me the importance of preserving nature. I wanted my project to represent something we need badly: “clean energy.”

I decided to build a model of a farm run by wind power. I built a farm house and horse barn completely from popsicle sticks both with metal roofs.

I used a milk jug to make a windmill. To complete the project I added stones to make roadways, a pond, popsicle-stick fencing and a variety of farm animals.

On Saturday August 13 I took my display to Lewisburg to compete in the FFA competition. I was honored to have the Ohio Valley Environmental Coalition as my sponsor. I took first place in both County and State.

Far too many young people like myself are unaware of the many environmental issues West Virginia faces. My mom is an environmental journalist and my dad is an activist and farmer. When I was younger I did not understand what they were fighting for.

When I got old enough to go to events and take

Occupy Wall Street Movements Across US Include Calls to End MTR

In 2010, Reverend Billy and The Stop Shopping Choir, dressed as angels, entered the public lobby of the UBS Bank building on Seventh Avenue in Manhattan. They sang songs highlighting the bank’s financial interests in mountaintop removal. Reverend Billy urged UBS to divest from MTR, which poses a grave threat to human health and the environment.

Reverend Billy was arrested shortly after the action and charged with criminal trespass in the third degree and faced up to three months in jail. That charge requires that the space in question be gated and enclosed to keep the public out.

The prosecution was unable to prove that the building was either closed to the public or gated and were also unable to provide police witnesses to the alleged crime. Talen, aka Reverend Billy, was found not guilty.

That verdict came as the Occupy Wall Street movement spread nationwide. Attorney Wylie Stecklow commented that, “Reverend Billy enjoyed support from Occupy Wall Street as the message remains the same,



Elijah and his award-winning clean energy FFA project, complete with an I ♥ Mountains bumper sticker.

water samples with them, I began to get the big picture.

However, it was not until I saw my first mountaintop removal site that it really hit me. West Virginia, its water and its people are being abused to keep the nation’s lights on.

It is time that our state move from coal to clean energy sources like wind power.

We must make the changes now and I hope in the future to be someone who helps lead the way.

(Ed. note: Well said, Elijah!) 🍓

corporate domination of our political elections and legislative branches, millions of dollars spent in lobbying to influence deregulation, must end. Living, breathing people must be given a voice in our participatory democracy.”

Reverend Billy said, “Mountaintop removal is killing people in Appalachia and destroying one of the most glorious and biodiverse regions in the world. Today I witnessed a judge do the right thing, he heard the arguments and honored his conscience. The spirit of the 99 percent is rising.”

Indeed, calls to end MTR have been a part of several of the Occupations going on across the US. Occupy Wall Street marched over to another big MTR funder, Bank of America and staged a die-in.

Another action was Move Your Money, where occupants, workers, families, students, and other concerned citizens marched to Chase Bank’s headquarters on Wall Street with a mission: To move their money (and encourage others to do the same) from big, irresponsible banks like Chase to a local credit union or other accounts. Chase continues to be one of the biggest funders of MTR. 🍓

EPA Region III Head Visits Lonely Lindytown



Above left, photo by Vivian Stockman: Left to right: Sierra Club's Bill Price; EPA's Jeff Lapp; EPA Region III Administrator Shawn Garvin (with papers in hand); OVEC volunteer Dustin White; OVEC's Maria Gunnoe; and EPA's Jessica Greathouse. Early on October 25 the group visited the remains of Lindytown in Boone County, WV. MTR operations surround the once-thriving hamlet, now a near ghost town.

In front of the EPA officials, our group sampled the conductivity of the West Fork. Conductivity is the measure of water's ability to conduct an electric current. Near MTR sites, high conductivity measurements indicate high levels of dissolved heavy metals such as selenium. Our reading that day was a frightening 1746 microsiemens per cubic centimeter. EPA recommends a reading below 300 to protect human health and the environment.

Above right, photo by Maria Gunnoe: Just down the deserted road from Lindytown, EPA officials saw the crazy-high conductivity reading from Matt's Creek: 1870.

Pollution levels like this are making us sick. Tell the EPA we don't want any more MTR mines - we are fed up with the coal industry's greed making us sick. Take action: <http://bit.ly/u9vesl>.