



Winds of Change

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Huntington, WV

OVEC

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Family Files Lawsuit to Protect Cemetery from MTR Mine



The Jarrell Family Cemetery is an island in the sky in the midst of the Twilight mountaintop removal operation in Boone County. Photo by Maria Gunnoe; flyover courtesy SouthWings.org.

Perhaps those buried in the Jarrell Family Cemetery can rest a little easier now. In August, family members of the deceased filed a lawsuit in Boone County Court aimed at repairing and protecting the cemetery from further desecration.

For years, the family members have been attempting to preserve access to the cemetery and protect the graves of their loved ones as a nearby mountaintop removal (MTR) operation grew ever closer. They worked with the WV Department of Environmental Protection (DEP) and coal companies to try to obtain the protections the Surface Mining Control and Reclamation Act (SMCRA) affords.

The operation, known as the Twilight Surface Mine complex, once owned by Massey Energy and now owned by Alpha Natural Resources, is thought to be one of the largest surface mines east of the Mississippi River.

As the Twilight operation grew bigger, the

community of Lindytown vanished. Today, Lindytown exists only as overgrown flower gardens lining steps and sidewalks to nowhere along a crumbling road.

“This mountaintop removal mine forced people away from their beloved town in the hollers of Boone County,” said Nada Cook-White. “This cemetery is some of the only remaining evidence that Lindytown ever existed. This is a place of vital importance to our cultural heritage. The people buried there tell the history of the town and its families.”

The buried represent hundreds of years of local history, from the woman who donated the land that became Lindytown, World War II veterans, young sisters who died in a house fire in 1978, to graves that are only a few years old.

Despite the years of efforts to protect the cemetery, damage continues. In midsummer, several family members made official arrangements with

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We Can Shape Our Future

by Dianne Bady

It's no secret that southern West Virginia coal production is dropping, and this trend will continue. Instead of accepting this reality and beginning to work toward a diversified economic future, our state's most vocal politicians are still publicly acting as if the only thing stopping high coal production is the Obama administration's so-called war on coal.



Instead of facing a future with fewer coal jobs and actually preparing for it, our politicians pass state laws they hope will make it easier for companies to get new permits for mountaintop removal, such as the selenium law passed earlier this year (see page four of the June 2013 *Winds of Change*) and the permit shield law passed last year (see page four for more info).

Citizens' organizations, however, are taking steps toward a more sustainable future for West Virginia. The WV Center for Budget and Policy is pushing for a "future fund," which would follow the example of other states by taxing natural gas extraction to create a fund that would build up over time. The interest would be used for economic benefit after the current gas boom has ended.

In Eastern Kentucky, the Mountain Association for Community Economic Development is suggesting a plan to set aside 25 percent of the money the state collects from a tax on mined coal. Some of that

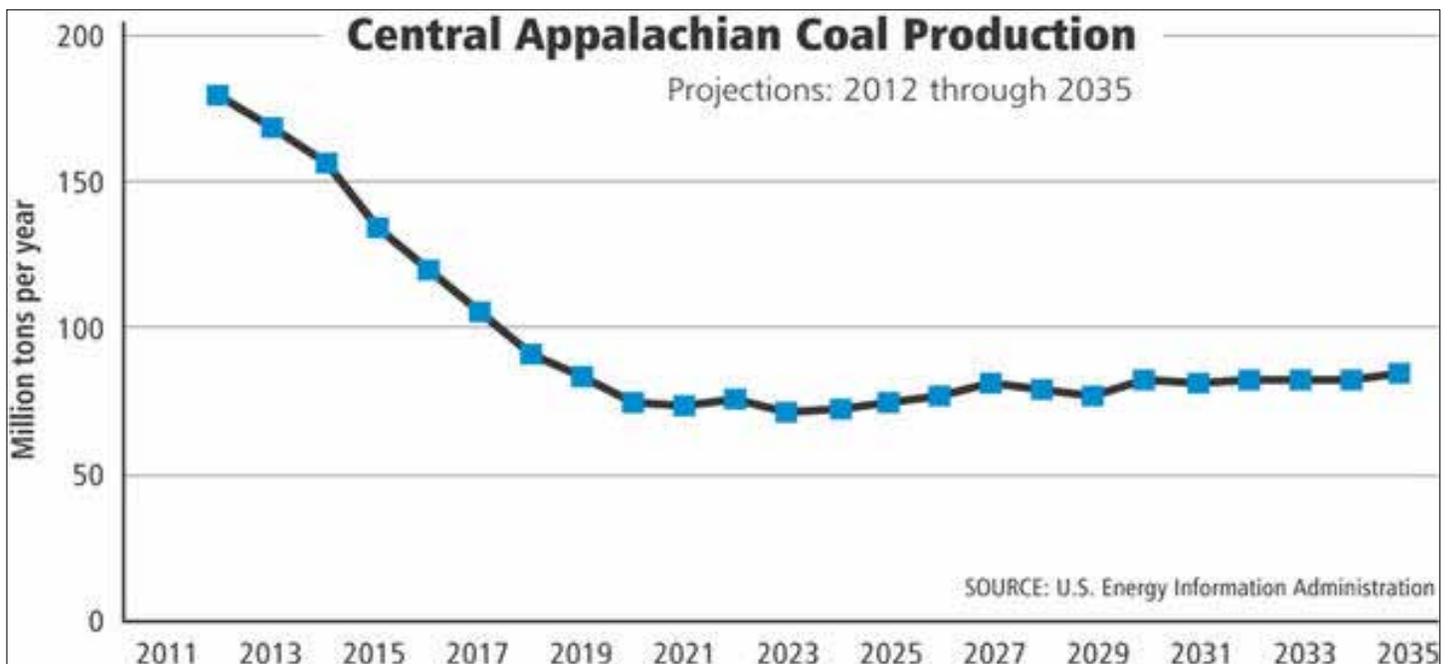
money could be used right away to develop an economic diversification plan, and some could be set aside in a permanent endowment that could grow and be used for economic development going forward.

At the September WV's Bright Future conference, organized by Jeremy Richardson of the Union of Concerned Scientists, Senator Jeff Kessler was a strong proponent of a WV future fund, and he spoke of his trip to North Dakota with other legislators, where they saw that such a fund is working well.

Rev. Jeff Allen, director of the WV Council of Churches and an OVEC board member, noted that the fact that this conference was being held, with the involvement of many economic development officials and without the involvement of the coal industry, was an unprecedented step in discussing economic diversification.

Matt Ballard of the Charleston Area Alliance said that (according to some projections) by the year 2025, two-thirds of the world's population could be facing potential water scarcity. Clean abundant water could be an important economic resource for West Virginia in the future.

The Southern Appalachian Labor School (SALS) hosted a fascinating fall conference about coal and changing communities. Tom Hansell of Appalachian





State University has spent the past several years studying the economy of the former coal-mining region in southern Wales, and he presented film clips from his documentary in progress, *After Coal: Welsh and Appalachian Mining Communities*, describing how the economy has changed after thousands of coal jobs were lost in the 1980s. There was no magic bullet, the population dropped, but conditions are better now than they were in the immediate post-coal period.

The first step was reclamation and greening the coalfields; government had a central role in this. It seems that the massive miners' strikes and demonstrations and actions by grassroots groups helped force the government to take positive action.

Women played a crucial role in forming voluntary organizations that stimulated training for young people and created other projects such as community gardens. People systematically planned for and developed tourism potential, building ponds and lakes, bike paths and trails, hotels and bike shops.

Massive tax breaks for corporate wind resulted in a boom in wind energy. Although many in the former coal-mining areas view this as a positive development, others wonder who benefits from corporate control of wind farms and ask, "How do we control our own destinies?"

SALS and the Appalachian Center at Appalachian State University continue to look at the lessons the Welsh experience has for us in West Virginia. But one thing is obvious — although government funding was crucial, bottom up citizen involvement determined many of the new paths.

We know that most West Virginia politicians are too busy fighting the imaginary war on coal to be bothered with planning for economic transition in the southern mining areas. So, working together with others and building new alliances, let's collectively roll up our sleeves and get to it. 🍌

Some state legislators are trying to apply lessons from coal to the gas boom. They want to establish an investment fund financed with natural resource revenue that would help buoy the state budget when the coal and gas eventually run out. Most of their colleagues have rejected efforts to draw more out of the companies that extract the state's riches.

"For the last 100 years, coal has been king in this state," said Jeff Kessler, a Democrat who is president of West Virginia's Senate and a sponsor of the so-called future fund. "But it's a king that hasn't always been good to its subjects. Just because it's all we've known as a state doesn't mean that's all there is."

- From a September 17 LA Times article by Neela Banerjee. Read it: lat.ms/17GqXMG.

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

True Colors: Legislators and DEP Try to Shield Polluters

by Dianne Bady

Public opinion polls show that solid majorities of West Virginians oppose mountaintop removal mining. But our state legislators apparently value the coal industry's political campaign contributions more than they value the will of their constituents; they continue to pass new laws in hopes of making it easier for companies to get new MTR permits and to protect companies from MTR related water quality violations.

Our collective legal victories on illegal selenium pollution from valley fills stimulated the new selenium law passed during this year's state legislative session (see our June *Winds of Change*). The "permit shield" law was passed in the 2012 legislative session.

Fortunately, the Federal Court for the Southern District of WV has recently ruled that this new permit shield law does not give coal companies the right to violate water quality standards. Here's the story:

Earlier, OVEC, WV Highlands Conservancy, Coal River Mountain Watch and the Sierra Club sued Marfork Coal because the company's water pollution discharges caused violations of the selenium water quality standards in the receiving stream. These selenium standards are imposed by the federal Clean Water Act.

But, here is where it gets tricky. The DEP had granted Marfork a NPDES permit (National Pollution Discharge Elimination System) which set limits on how much iron, manganese and aluminum the operation could discharge into the stream, but the permit set *no limits* for how much selenium could be discharged.

According to the new 2012 permit shield law passed by our coal-friendly legislators, because Marfork was complying with its discharge limits on those pollutants covered by its DEP permit, Marfork could not be held liable for the violations of water quality standards for selenium in the stream into

which it was discharging its pollution. DEP did not set a limit for how much selenium Marfork could dump into streams, even though there was evidence that the company was, in fact, discharging selenium into the stream.

We're grateful that the federal court saw through this ruse and did the right thing by ruling that Marfork is still responsible for the Clean Water Act's selenium water quality standards in the stream itself. But the court still has to rule on what penalties will be imposed. It's not over yet.

This case underscores the apparent reasoning behind DEP's continuing practice of issuing NPDES water pollution permits with no selenium limits. It also illustrates the apparent collusion of DEP and the MTR industry.

Thanks to the diligence and competence of our legal team at Appalachian Mountain Advocates, OVEC and partner groups continue to challenge new or reissued permits with no selenium limits.

In another example, OVEC and the Sierra Club filed a legal appeal to the WV Environmental Quality Board over a permit granted by DEP to Hillside Mining Company, because no selenium limits were included in the permit. In August, the WV Environmental Quality Board ruled in our favor, ordering DEP to add specific numeric selenium limits to the permit.

It is outrageous that our taxpayer dollars continue to fund the DEP as it helps the coal industry operate as cheaply as possible, without regard for the impact on our waters. It is troubling to think of what DEP and the coal industry would be getting away with if not for the efforts of citizen groups and our attorneys. 🍌



We at OVEC and, indeed, the people, mountains, forests, streams, air and critters of West Virginia owe a big debt of gratitude to Appalachian Mountain Advocates, Earthjustice, Sierra Club and Public Justice for their magnificent watchdogging of the government regulators and their work on our litigation.

Independence Held Responsible for Illegal Discharges of Toxic Selenium

In August, a federal court ruled that Independence Coal Company is responsible for illegally discharging toxic selenium pollution above permitted levels into Petry Fork of Matts Creek of the West Fork of Pond Fork of the Little Coal River in Boone County.

The ruling was issued in a case brought by OVEC, WV Highlands Conservancy, Coal River Mountain Watch and the Sierra Club.

The ruling comes as West Virginia's regulators are under increasing scrutiny for their failure to adequately protect the state's waterways from selenium and other harmful pollutants resulting from mountaintop removal mining operations.

The court will conduct additional proceedings to determine the appropriate remedy for the mining company's violations. The groups were represented in this case by Derek Teaney and Joe Lovett of Appalachian Mountain Advocates. 🍌



Clear-looking, yet mining impacted West Fork flows into spill-impacted Pond Fork. We all live downstream.

Tourists Don't Flock to This Kind of White Water

by Vivian Stockman

OVEC organizer and Boone County resident Maria Gunnoe was escorting a child to the school bus one fine early September morning, when they both saw Pond Fork running white. The children waiting for the bus were agitated, worrying about what this meant for the river. Maria worried about what this would mean for the children. What does this latest incident mean for everyone who lives nearby, in light of all the coal-related pollution already coursing through the streams and air?

Maria called DEP, the media and me. WOWK reported:

2,400 gallons of DT-50-D leaked into a river off Pond Fork Road from the Eastern Associated Coal prep plant, a Patriot subsidiary in Wharton.

The substance is generally used as a suppressant to cover coal and rail cars to cut down on the dust they can spread. Its consistency has the appearance of milky latex.

The material is not toxic, but the DEP has advised

people not to swim in the water or drink it.

Maria tried to get the Material Data Safety Sheet on this gunk from DEP, but no luck. She found it online and noted this tidbit: "No toxicity studies have been conducted on this product." That's a tad different from saying the material is not toxic.

By the time I got there, the blue-tinged white stream of contaminated water had reached the town of Van. As I stood in Van Community Park, a great blue heron flew along the stream. I hope that bird got the memo and decided to skip fishing for food in Pond Fork for a while. Farther downstream, the white water flowed past the playground at the Van Elementary School. Another memo for the kids: No playing and wading at the river's edges.

The coal industry's assault on our streams continues daily, as the DEP fails to protect us from the industry's excesses. Take action to end this kind of disregard for our streams and communities by getting involved in the CARE campaign — see page 12 for details. 🍌



Summit for the Mountains



On October 4–6, OVEC and other groups working to end mountaintop removal held a WV Summit for the Mountains.

For many years, OVEC organized these summits annually as an opportunity for coal-impacted residents, activists and organizations in West Virginia working to end mountaintop removal mining to develop coordinated strategies, strengthen relationships, receive various trainings and find inspiration and empowerment to challenge the entrenched power of the coal industry.

An outcome of these summits has always been a highly visible and well-attended event that created a media buzz, educated the public and fired up our volunteers; for example, some of you may remember (or have taken part in) the Funeral for the Mountains, which received major media attention and attracted hundreds of participants.

Many of the participating organizations have been working to stop mountaintop removal for nearly 15 years. When the issue was new, there were lots of volunteers and people were energized. Now, many of the folks who began the fight have “burned out” or are sick from living in the toxic coalfields, and, sadly, some strong leaders, like Larry Gibson and Judy Bonds, have died.

People who are fighting this battle often feel isolated. We have found that our summits provide a great vehicle to energize people and build morale, get volunteers more involved and attract new people to



this important work.

In years past, we held regular Friends of the Mountains meetings in West Virginia. Various groups met to discuss what each was doing (together and separately) and to check in on state issues. Since the Alliance for Appalachia was formed in 2007, our WV groups refocused with representatives from Kentucky, Virginia and Tennessee (regionally) to garner national attention on the issue of MTR. This has been highly successful in raising greater awareness nationally.

Representatives from 11 different groups attended the October meeting, which was facilitated by Heartwood’s Andy Mahler. Althea Middleton-Detzner led workshops focused on “pillars of support” and “spectrum of allies.”

Dr. Michael McCawley from the WVU School of Public Health presented findings on his research on ultra-fine particles and their impacts on human health in communities near mountaintop removal sites — health effects such as significantly greater incidences of asthma, cardiovascular disease and various cancers.

Attendees left with basic plans for increasing and strengthening inter-group communication/collaboration around a range of issues that affect people’s lives and for working together to resurrect Friends of the Mountains (or some other name) meetings that would rotate throughout coal-impacted communities (with the hope of deepening relationships between people who are impacted by MTR) to provide them with vital information, such as how human health is being negatively affected by this extreme form of mining.

Some creative ideas to end MTR surfaced, so stay tuned. Our great hope is that we will work together on tactics that are “audacious, strategic and visionary,” to quote Joe Soloman, to end MTR and fracking. 🍌

Please pass this newsletter along once you’ve read it.

Solar Arrays Increasing in Mountain State

The Mountain Institute, which has operated an educational center on Spruce Knob in Pendleton County since 1972, recently installed a solar array as an educational project to teach students more about renewable energy.

To inaugurate the array, the institute hosted a Solar Day in August. OVEC staff members



Dan Taylor and Dianne Bady attended the event. The 3.055 kilowatt photovoltaic (PV) array is housed on the center's earth-sheltered office building and will supply 100 percent of the power needed for the caretaker's cottage.

The array includes 13 American-made solar PV panels, capable of producing 235 watts of power, and it ties directly into the power grid. It also features real-time monitoring, allowing access to data quantifying daily energy production and associated environmental benefits. Mountain View Solar donated and installed the solar panels and the Appalachian Stewardship Foundation funded the project.

Costly Coal Giving Way to Healthier Renewables

The National Renewable Energy Laboratory recently released "Beyond Renewable Portfolio Standards: An Assessment of Regional Supply and Demand Conditions Affecting the Future of Renewable Energy in the West," a study that predicts that wind and solar electricity generation installations will become cost-competitive without the help of federal subsidies by 2025.

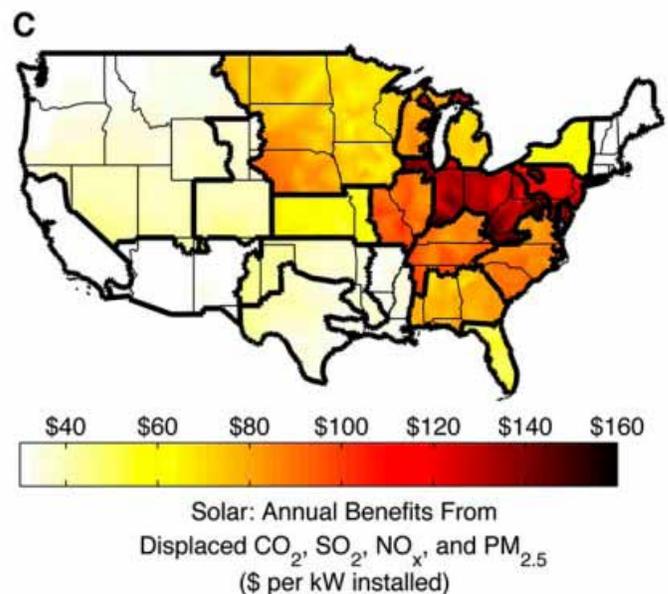
We note that when you factor in the full, hidden costs of coal mining, transportation, burning and waste "disposal" on human and ecological health, infrastructure and government programs, renewables already are cost-competitive. 🍌

Facility Director Dave Martin told reporter Pam Casey (formerly with the *State Journal*) that the array will help save the center thousands of dollars in energy costs over its lifetime. "Solar helps us save on energy costs and fits naturally within our mission to empower visitors with a sense of respect for all the resources mountain areas

provide."

The solar installation follows the recent completion of a 3.12-kilowatt solar array atop the Morgantown Farmers Market and is part of a series of projects The Mountain Institute is working on to mitigate rising energy costs, empower local economic development and help protect natural resources. OVEC is looking to partner with the institute in the near future on a variety of potential solar projects in southern West Virginia.

The Solar Day event also featured a hands-on solar workshop by New Vision Renewables, based in Philippi, WV. 🍌



A recent Carnegie Mellon paper, "Regional Variations in the Health, Environmental, and Climate Benefits of Wind and Solar Generation" includes this map (above, right), showing the areas of the country where investment in solar power provides the most benefit reducing health harming chemicals from electric power generation. The paper states, "Solar panels in Indiana, Ohio, or West Virginia achieve significant health and environmental benefits by displacing coal-fired generators. Despite a poor solar resource, a 1-kW PV panel in Ohio provides \$105 in health and environmental benefits per year (\$75/MWh) — 15 times more than the same panel in Arizona."

News of Cemetery Desecration Travels Far

Newspapers around the country, from the *Washington Post* to the *Kansas City Star*, carried an Associated Press story on the West Virginia family members suing to protect their family mountaintop cemetery from further desecration wrought by mountaintop removal coal mining activities. (See our story on page one.)

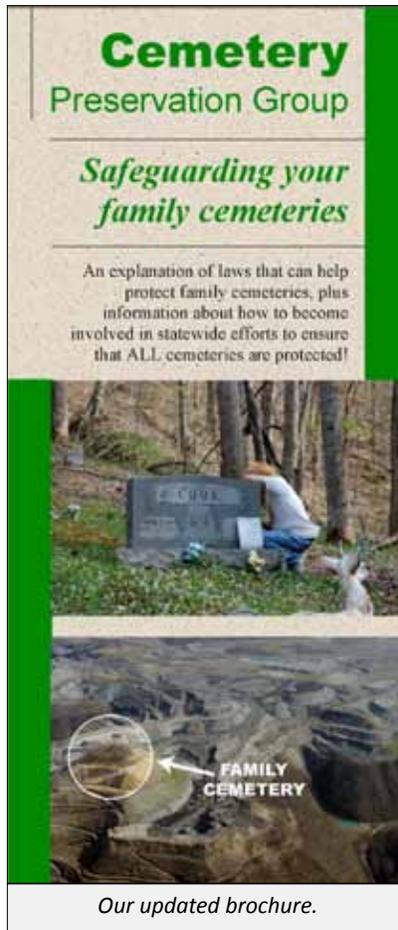
The story stirred outrage. Comments posted online included:

All of us who live — and lived — in that part of West Virginia understand the need for energy, and our friends' and neighbors' need for jobs, but it is impossible to overstate the coal companies' greed, but more importantly the utter disdain that they — AT Massey in particular — have for the people of West Virginia. Or their utter disregard for any sort of decency.

On September 6, *National Geographic Daily News* (online) ran an article titled “Inside the Battle Over a Strip-Mine Cemetery.”

The article — which quotes OVEC staff members Maria Gunnoe and Dustin White, both of whom have ancestors buried in the cemetery — begins:

Walk to the edge of the Jarrell family cemetery in the mountains of southern West Virginia, a plot of land the size of a tennis court where locals have been laid to rest for



more than 200 years, and you'll come to a cliff that drops hundreds of feet.

Stretching out before you will be a strip mine so large you could hide the island of Manhattan in it.

To your rear will be 40 graves — old men and women, small children, veterans of conflicts from the Civil War to World War II— surrounded by a white, split-rail fence and a thin ring of trees. Underfoot: approximately four billion dollars' worth of coal.

It's a surreal scene, this “island in the sky,” as Debbie Jarrell put it in a lawsuit she and five others filed two weeks ago against Alpha Natural Resources, which operates the mine surrounding the cemetery. This place that was once intensely private has now become the center of a very public fight, between the people who treasure the top of the mountain and those who yearn to get at what's beneath it.

Tom Clarke, mining and reclamation division director for the WV DEP, told the *National Geographic*, “Cemeteries are strewn throughout mines all over the state.” (Read the entire article: bit.ly/17dRfWn.)

To learn steps you can take to try to protect your family cemetery, see our updated cemetery protection brochure, available from organizers and online at ohvec.org/issues/cemetery. Also, contact the OVEC office at 304-522-0246 to speak with volunteers and staff working on this issue. 🍌



Blakeman at the WV Rainbow Pride Picnic. Photo by Connie Mayle.

OVEC Outreach Ongoing

Thanks to OVEC's membership committee for tabling in September at the 2013 Chilifest in downtown Huntington.

29 people signed up right there for our e-mail action alerts and the electronic version of our newsletter; dozens more took information home with them, including the new version of our brochure. The tablers collected four pages of signatures for the CARE campaign (see page 16) and handed out Kroger card information (see page 27), as well as fliers about upcoming events.

Thanks also to OVEC organizers Robin Blakeman and Dustin White for tabling at the WV Rainbow Pride Picnic, held in July in Charleston's Coonskin Park. OVEC is proud to support equality for all.

You can help grow OVEC and our power by joining our membership committee. Contact Robin Blakeman at robin@ohvec.org or 304-522-0246. 🍌

Engaged in Action: People of Faith

People of faith are engaging! In addition to the United Church of Christ's (UCC) successful efforts to divest from fossil fuel entities, at least 10 other faith-based divestment initiatives are now on the 350.org Go Fossil Free site.

One such initiative that OVEC, via Organizer Robin Blakeman, is involved in is the Presbyterian Church, USA's divestment campaign. The operational premise in this effort is an attempt to win back the moral high ground in the struggle against fossil fuel and extractive industry pollution. It involves the recognition that a Christian institution's financial documents represent moral decisions that should be based on respect for human life and sustainable creation stewardship — two Biblical principles.

Blakeman's involvement in the divestment campaign has primarily involved awareness-raising on the effects of MTR on the environment and nearby communities. To that end, she authored an article that recently appeared in *Horizons*, a nationwide publication for Presbyterian Women (See bit.ly/1hIfgHO). Blakeman calls on people of faith to conscientiously consider where their investments are held and to divest from fossil fuel entities — especially if they are connected to MTR.

In mid-October, Blakeman also co-led a workshop in Arkansas on mountaintop removal coal mining at the biennial national gathering of Presbyterians for Earth Care.

The Presbyterian Church, USA will have a

Quakers Act to Stop Mountains' Quaking

In early October, Quakers in Britain announced that they are taking steps to disinvest from companies engaged in extracting fossil fuels. A news report noted, "Quakers in Britain say that investing in companies which are engaged in fossil fuel extraction is incompatible with their commitment made in 2011 to become a sustainable low-carbon community. Since then they have been speaking out to create pressure in the UK for an energy system and economy that does not rely on fossil fuels."

On October 21, the Earth Quaker Action Team (EQAT) staged a wave of actions (complete with posters sporting OVEC photos of MTR) across Pittsburgh, PA to show PNC Bank that EQAT is committed to divestment pressure on the bank. EQAT said: "We mean what we say: 'No more business as usual.' PNC must do the right thing and stop funding extreme extraction, which poisons communities and fuels climate destruction." 🍌



biennial General Assembly in Detroit in the summer of 2014; there will be a number of environmental/Creation Stewardship based overtures heading to that governing body for debates and votes. One that OVEC is watching closely calls for divestment of the denomination's stock holdings from all fossil fuel entities and encourages reinvestment in truly renewable and sustainable entities.

If you are connected to a faith community and would like more information about faith-based divestment work, please contact Blakeman at 304-522-0246 or robin@ohvec.org. 🍌

Divestment = Stigma

In October, the *Guardian* reported on a University of Oxford study that found that "a campaign to persuade investors to take their money out of the fossil fuel sector is growing faster than any previous divestment campaign and could cause significant damage to coal, oil and gas companies."

Recalling divestment campaigns over tobacco, apartheid and others, the study notes that "the direct financial impact of such campaigns on share prices or the ability to raise funds is small, but the reputational damage can still have major financial consequences," according to the *Guardian*.

"Stigmatization poses a far-reaching threat to fossil fuel companies — any direct impacts of divestment pale in comparison," said Ben Caldecott, a research fellow at the University of Oxford's Smith School of Enterprise and the Environment.

Bill McKibben leads the 350.org divestment campaign. He says, "This divestment campaign is just one front in the climate fight, but of all the actions people can take to bring about structural change, it's probably the easiest. Severing our ties with the guys digging up the carbon won't bankrupt them — but it will start to politically bankrupt them and make their job of dominating the planet's politics that much harder."

Calculating the True Cost of a Ton of MTR Coal

To meet current United States coal demand through surface mining, an area of the Central Appalachians the size of Washington, D.C., would need to be mined every 81 days.

That's about 68 square miles — or, roughly, an area equal to 10 city blocks mined every hour.

A one-year supply of coal would require converting about 310 square miles of the

region's mountains into surface mines, according to a new analysis by scientists at Duke University, Kent State University and the Cary Institute for Ecosystem Studies.

Creating 310 square miles of mountaintop mine would pollute about 2,300 kilometers of Appalachian streams and cause the loss of carbon sequestration by trees and soils equal to the greenhouse gases produced in a year by 33,600 average single-family homes in the United States, the study found.

The study, published today in the peer-reviewed online journal *PLOS ONE*, is “the first to put an environmental price tag on mountaintop removal coal,” said Brian D. Lutz, assistant professor of biogeochemistry at Kent State.

Although many studies have documented the severity of surface mining's effects on local ecosystems, few have quantified the region-wide extent of the damage and provided the metrics needed to weigh the environmental costs of mountaintop mining against its economic benefits, Lutz said.

“This is a critical shortcoming,” Lutz said, “since even the most severe impacts may be tolerated if we believe they are sufficiently limited in extent.”

To help fill the data gap, the study's authors used satellite images and historical county-by-county coal production data to measure the total area of land mined and coal removed in the Central Appalachian coalfields between 1985 and 2005.

They found that cumulative coal production during the 20-year period totaled 1.93 billion tons, or



about two years' worth of current United States coal demand. To access the coal, nearly 2,000 square kilometers of land was mined — an area similar in size to the Great Smoky Mountains National Park.

The team calculated the average per-ton environmental costs of this activity by using previously reported assessments of the extent of stream impairment and loss of carbon

sequestration potential associated with every hectare of land mined.

“Given 11,500 tons of coal was produced for every hectare of land disturbed, we estimate 0.25 centimeters of stream length was impaired and 193 grams of potential carbon sequestration was lost for every ton of coal extracted,” said Emily S. Bernhardt, associate professor of biogeochemistry at Duke's Nicholas School of the Environment. That doesn't sound like much until you put it in perspective, she stressed.

“Based on the average carbon sequestration potential of formerly forested mine sites that have been reclaimed into predominantly grassland ecosystems, we calculate it would take around 5,000 years for any given hectare of reclaimed mine land to capture the same amount of carbon that is released when the coal extracted from it is burned for energy,” she said.

“Even on those rare former surface mines where forest regrowth is achieved, it would still take about 2,150 years for the carbon sequestration deficit to be erased,” said Lutz.

“This analysis shows that the extent of environmental impacts of surface mining practices is staggering, particularly in terms of the relatively small amount of coal that is produced,” said William H. Schlesinger, president of the Cary Institute of Ecosystem Studies in Millbrook, N.Y. “Tremendous environmental capital costs are being incurred for only modest energy gains.” 🍌

Clean Energy Least Costly

Excerpted from a Sept 13 Phys.org article:

It's less costly to get electricity from wind turbines and solar panels than coal-fired power plants when climate change costs and other health impacts are factored in, according to a recent study published in Springer's *Journal of Environmental Studies and Sciences*.

In fact — using the official U.S. government estimates of health and environmental costs from burning fossil fuels — the study shows it's cheaper to replace a typical existing coal-fired power plant with a wind turbine than to keep the old plant running. And new electricity generation from wind could be more economically efficient than natural gas.

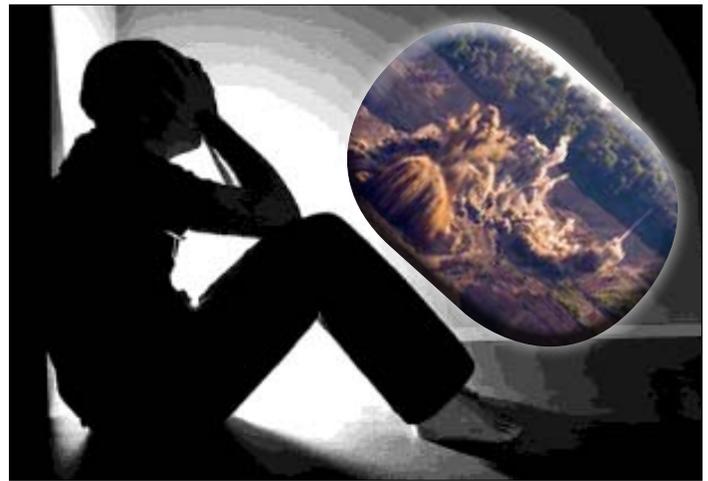
The findings show the nation can cut carbon pollution from power plants in a cost-effective way, by replacing coal-fired generation with cleaner options like wind, solar, and natural gas.

“Burning coal is a very costly way to make electricity. There are more efficient and sustainable ways to get power,” said Dr. Laurie Johnson, chief economist in the Climate and Clean Air Program at the Natural Resources Defense Council. “We can reduce health and climate change costs while reducing the dangerous carbon pollution driving global warming.”

Johnson co-authored the study, “The Social Cost of Carbon: Implications for Modernizing our Electricity System,” with Chris Hope of the Judge Business School, University of Cambridge; and Starla Yeh in NRDC's Center for Market Innovation. Power plants are the nation's single largest source of such pollution, accounting for 40 percent of our national carbon footprint.

Carbon pollution imposes economic costs by damaging public health and driving destructive climate change. The study also included government damage estimates from sulfur dioxide, a pollutant released simultaneously with carbon. Every year, sulfur dioxide causes thousands of premature deaths, respiratory ailments, heart disease and a host of ecosystem damages.

“Already, climate change is contributing to record heat waves, floods, drought, wildfires and severe storms,” Johnson said. Such extreme weather caused more than \$140 billion in damages in 2012. American taxpayers picked up nearly \$100 billion of those costs. 🍌



Increased Risk of Depression Linked to MTR

In September, *Ecopsychology*, a peer-reviewed online journal, published “Increased Risk of Depression for People Living in Coal Mining Areas of Central Appalachia,” a study by Michael Hendryx, now at Indiana University and Kestrel Innes-Wimsatt, with WVU.

The study examines the relationship between depression symptoms and living in areas where MTR is practiced. **Results showed that diagnosable levels of major depression were present in almost 17% of respondents in mountaintop removal mining areas, compared with 10% of residents in non-mining areas.** The study notes:

The people of Appalachia have a strong sense of place, and MTR is antithetical to this sense. MTR deforests and destroys mountains within sight and sound of communities where families have lived for generations. Cemeteries have been surrounded or damaged, and entire communities have even been destroyed. In addition, jobs are in decline as machinery replaces labor, as coal reserves dwindle, and as other energy sources such as natural gas outperform coal in the marketplace. Social capital in the region has been depleted as a consequence of depopulation and the struggles between union workers and the coal industry. The prospects for alternative economic development remain largely unexplored and undeveloped as political and corporate interests disregard citizen concerns and cling to old ways. As a result, citizens are left disenfranchised, with little hope for economic advancement, while their surrounding environment, to which they have a profound attachment, is permanently defaced. 🍌

We C.A.R.E.

Citizen Action for Real Enforcement

As you may recall from the last issue of *Winds of Change*, OVEC, Coal River Mountain Watch (CRMW), WV Highlands Conservancy, WV Rivers Coalition and 14 other citizen groups are in the midst of the Citizen Action for Real Enforcement (CARE) Campaign.

To recap, the WV Department of Environmental Protection (DEP) has the authority and responsibility to enforce federal laws on mining, but is failing in that responsibility. Fortunately, Part 733 of the federal Surface Mine Control and Reclamation Act (SMCRA) allows for citizens to petition the federal Office of Surface Mining, Reclamation and Enforcement (OSM) to assume authority over a failed state agency.

In June we filed a 102-page petition with OSM. The petition documents extensive problems with DEP's enforcement of mining laws and demands federal intervention. The filing of this petition triggers an obligation on the part of OSM to investigate our claims and, if they are deemed valid, to order changes in the state program or assume enforcement itself.

From the day we formally submitted the petition, OSM had 60 days to determine whether to initiate a formal evaluation of DEP's mining regulatory program. That deadline passed on August 23. In a letter dated August 19, OSM stated, "Because of the detailed and comprehensive nature of the petition and the OSM's interest in conducting a thorough and complete evaluation of all of the data and issues presented, the response to your petition will not be completed within 60 days." OSM assured us that a team of experts was carefully reviewing the petition.

"We're glad that the OSM has taken us seriously



The entrenched political power of the coal industry in West Virginia gives citizens no choice but to appeal to the federal government for intervention.

*It will take a concerted and sustained campaign for this petition to force meaningful changes in mining regulation in West Virginia. We need you...
Get involved in the CARE campaign!*

enough to assemble a team to examine our detailed and comprehensive petition," said CRMW Executive Director Vernon Haltom. "However, each day that goes by means more environmental degradation and less accountability for the industry. We're determined that this not become an endless process. We urge the OSM to act with urgency, because our health, communities and mountains suffer every day that the WV DEP fails to do its job."

The filing of the formal petition is one part of the CARE campaign. And, the partial shutdown of the federal government delayed further follow-up with OSM. But CARE work continued during the shutdown. Your help can strengthen our efforts to demand accountability from state government. One way you can help is by collecting signatures on a citizens' CARE petition in support of our formal petition. Contact OVEC staff for copies of the petition or download it at bit.ly/1hWnSLb. You can also sign the petition online at bit.ly/19jdqIr. Be sure to share the link with friends.

Another way you can help is by sharing your own stories about the DEP's misdeeds. If you have stories, photos or video clips to share, contact an OVEC organizer at 304-522-0246. Let us know if your local civic, school or faith group might be interested in a presentation about the CARE campaign. If you are on Facebook, tap into CARE by searching for "WV CARE campaign." 🍌



*Stay up to date on
upcoming events.
See our online calendar:
ohvec.org.*



Next Legal Steps in 21st Century Battle for Blair Mountain

OVEC, along with other groups, continues to participate in legal efforts to get the Blair Mountain battlefield in Logan County re-listed on the National Register of Historic Places. This would offer some protection from mountaintop removal mining at the site of the nation's largest labor uprising.

Vigilant readers may remember that in 2009, after a long, hard campaign, OVEC joined with local residents, the Sierra Club, the National Historic Trust and other groups in finally celebrating the National Historic Register designation for the Blair Mountain Battlefield. But Arch Coal's Mingo Logan Coal and Aracoma Coal want to expand their MTR mining onto the battlefield, and the coal industry's lawyers were successful in getting the battlefield de-listed several months later.

In 2010, a coalition of groups filed a lawsuit asking that Blair Mountain be relisted in the National Register of Historic Places. That lawsuit is currently before the U.S. Court of Appeals for the District of Columbia Circuit.

In the latest legal skirmish, the WV Coal Association challenged our "legal standing" in this case and the Court agreed with the Coal Association. Then our lawyers filed a brief with the Court challenging this decision. In part, our August 26 brief reads:

"Contrary to the Government's assertions, the Coalition has established imminent injury based on permits that authorize mining on the Battlefield and on mining that has already occurred on nearby acreage. The 'certainly impending' standard is a longstanding feature of standing jurisprudence that is consistent with decisions cited by the Coalition...

"The Coalition has established injury in fact based on its members' observation and enjoyment of the Battlefield from adjacent land, and the brief of Amicus Coal Association fails to refute this evidence."

Many thanks to Sierra Club Managing Attorney Aaron Isherwood and to other attorneys working *pro bono* on this case: Peter Morgan, Dan Selmi, Andrea Ferster, Sharee Williamson and Betsy Merritt. 🍎

PSC Approves Harrison Sale Despite Objections

In October, the WV Public Service Commission issued its final order in the Harrison power plant case. We were disappointed, though not particularly surprised, to see the commission give Mon Power (MP) and Potomac Edison (PE) almost everything they had asked for.

The commission order allows Mon Power and Potomac Edison to purchase 80% of the Harrison coal plant from their affiliated company Allegheny Energy Supply. The utility will be allowed to purchase the plant at a price that includes a \$257 million mark-up.

The commission's decision does not reflect any consideration of the evidence showing that — according to Mon Power and Potomac Edison's own economic forecasts — purchasing the Harrison coal plant will be more expensive for West Virginia ratepayers!

The deal will force the MP/PE customers to bail out Mon Power's parent company, FirstEnergy. Spread over the 515,100 customers of the utility, the illegal \$257 million mark up in the inter-affiliate transaction will cost every Mon Power and Potomac Edison customer \$500.

However, Commissioner Palmer dissented from the majority opinion and issued an opinion arguing that the terms of the transaction are "not reasonable and would adversely affect the ratepayers of Mon Power and Potomac Edison."

WV Citizen Action Group plans to appeal the PSC's decision to the state Supreme Court of Appeals. Energy Efficient WV (of which OVEC is a part) will support that appeal. 🍎



The Great Ohio River Relay



The Great Ohio River Relay began September 14 at the confluence of the Monongahela and Allegheny rivers, which join to form the Ohio River in Pittsburgh, PA. Relayers, propelled by non-fossil-fueled means such as legs, roller skates and canoes, moved a hand-carved baton (right) along the river bank or on the river.

Organized by the Wheeling Water Warriors, the Great Ohio River Relay's purpose was to raise awareness about the environmental and human health impacts of deep shale gas fracking on the Ohio and its tributaries. A particular worry of the Wheeling group is the proposed barging of toxic, radioactive fracking wastewater on the Ohio.

The plan called for relayers to pass the baton along the entire 981-mile length of the Ohio, with local groups coordinating the baton's travel in their regions.

OVEC moved the baton by bicycle and canoe on a route between Point Pleasant, WV, and Franklin Furnace, OH. Thanks to all who made our 70-mile leg of the relay possible: Kevin Fooce, Assen and Nik Popoff (a father and son cycling team), Jeffrey Muth, Jr., Dan Taylor and Dennis Lambert. Team OVEC rocked!

Thanks, too, to the folks that helped us welcome the baton to Huntington with a rally. Local TV

stations, WV Public Radio and the *Huntington Herald Dispatch* all sent reporters to cover the event.

Wheeling Water Warrior Robin Mahonen, the main organizer for the relay, attended our rally, telling the *Herald Dispatch*, "Anything that happens to this river affects a great number of us, so we need to make sure that our drinking water in the Ohio stays as pure as possible. We have been overwhelmed by the response. We've already had more than 100 people volunteer to carry the baton, and every time that baton leaves again I feel like a mother sending a kindergartner off to school."

During the rally, cyclists brought the baton into Huntington, and across a bridge to the Ohio side of the river, handing it over to Lambert, who canoed the baton into Kentucky.

Lambert told the *Herald Dispatch* that he is an active hunter, canoeist and outdoorsman, who got involved in the relay because he is concerned about water and air quality along the river he loves.

"I've lived in Lawrence County off and on for 20 years, and I just believe that fracking affects us in so many ways. We are focusing today on the Ohio River, but so many other tributaries are also impacted by fracking," Lambert said. "... I just think there are so many better ways to get energy. Wind power has improved like 150 percent over the past five years, and solar power, the efficiency has improved over 50 percent in the past two years. Our country used to be innovators, and we need to get





back in being innovators in energy creation.”

Unfortunately, plans for another group to pick up the baton in Franklin Furnace, OH, fell through, so the relay organizers decided to stop the relay — for this year — at the end of Team OVEC’s route.

Nonetheless, we’re excited that the baton moved along the river through four states, over 341 miles, sparking media coverage and local discussions. The Water Warriors posted on their Facebook page:

We think that is quite a commendable feat, and we couldn’t do it without the help of our friends. We want to thank all of our co-sponsors who have stepped up and really supported this incredible joint effort: Marcellus of Butler, Marcellus Protest, Tour de Frack, Appalachia Resist, and the Ohio Valley Environmental Coalition. Thanks also to all of our amazing relayers: walkers, bikers, kayakers, canoeists, and roller skaters.

We’ve vowed to try again next year. After all, it took Diana Nyad quite a few tries to complete her marathon dream; it may be the same with the Great Ohio River Relay. 🍌

Photos page 14: Top, left; center and bottom right: *Marchers accompany the baton in Wheeling, WV, even as trucks with fracking waste pass them.* Top, right: *The baton, symbolizing water, mountains and life itself, was created by Wheeling artist Orion Stephan. It’s 24 inches long and made of light-weight water maple. Stephen retained the natural curves in the wood to represent the mountains that surround the river in some places, and in others, the islands which emerge from its waters. Blue lines carved into the wood represent the Ohio and its tributaries. A water droplet at the end of the baton points the way to lead the relay on.* Bottom left: *Ralliers welcome the baton into Huntington, WV.*

Photos page 15: Top, left: *The baton moves from roller blade transit to kayaks on the Ohio River near Wheeling.* Photo courtesy Wheeling Water Warriors. Top, middle: *Left to right, OVEC staff member and baton relayer Dan Taylor, relay organizer Robin Mahonen and baton relayer Jeffery Muth Jr. in Huntington.* Right, top 1: *Dennis Lambert canoed the baton from Huntington to Franklin Furnace, OH.* Photo by Robin Blakeman. Right, top 2: *Huntington ralliers.* Bottom, left: *A crew of folks kicked off the relay in Pittsburgh, PA.* Bottom, right: *Depictions of our land, air and water before and after deep shale gas fracking.*



Enough Bridges — The Future is Now

A speech written by Mary Wildfire for the Great Ohio River Relay rally in Huntington

I'm not going to talk today about the impact of shale gas drilling and fracking on water quality in the Ohio River — others are doing that. Instead, I want to point out the many other impacts — on air quality, on stress levels caused by 24/7 noise and lights, and heavy traffic and ugly industrial development in formerly quiet, pretty, rural areas; and the impact on once-harmonious communities when those who benefit via jobs or royalties are pitted against those who suffer the harms without any benefit. There are risks from radiation or earthquakes.

But perhaps the greatest harm of all is the one least mentioned — the impact on our climate from methane, a greenhouse gas variously 20 to 100 times more potent than carbon dioxide, depending on the time frame. Many journalists and politicians, not to mention industry spokespeople, still refer to natural gas as the “bridge to a clean energy future”— but a Cornell study suggests that if methane leakage rates are any higher than 2 to 3%, then gas isn't any better for the climate than coal. And two recent federal studies found rates of 4% and 9%. An industry-funded study, on the other hand, found less than half a percent, which probably shows what they *can* do if they're motivated.

I also want to point out that fracked gas is not the only extreme energy form threatening us. There is also mountaintop removal coal mining — also impacting the Ohio River — and deep sea drilling, and the tar sands both in Alberta and now expanding into Utah and Colorado. What's going on in Alberta is a horror, and the resulting vile goo they call bitumen is dirtier, as well as much less efficient, than conventional oil. But the world is beginning to run low on the easy oil, so now it's expensive enough to justify risky, costly, environmentally dangerous sources like these. Of course the industry blows its own horn, carrying on about these supposedly “new” technologies, to cover the fact that they're now shooting up with the hard stuff. This weekend, people all over the United States attended events intended to “draw the line” against the XL pipeline, which would ship this nasty stuff across the entire U.S. Great Plains to Gulf Coast refineries and onward to China...or whoever bids the highest. What we get is a few jobs, toxic spills into the Ogallala reservoir, confiscated rangeland and exacerbated climate change.

But it doesn't have to be this way!

In Germany, they're up to 25% of electricity produced by renewable energy, as well as 370,000 jobs. There may be problems with intermittency at some point, but clearly the United States can go a long way in replacing



dirty energy with sun or wind before we have to worry about this. In the long run, there's a question of whether green energy can meet all our needs, because it's less energy dense than fossil fuel. Likely, full replacement of fossil fuels and nukes with green energy will also require that we cut back on our profligate use: Our appliances must be more efficient, our homes and other buildings better insulated and more intelligently situated, and we need to be more conscientious in our habits. It's the Germans who invented the Passivhaus, a double-walled house so good at holding heat that many can get by with no heater at all, just the little bit produced by body heat and appliances. Not needing a heating unit allows Passivhouses to be constructed for only 7% higher costs than conventional buildings.

So yes, there are things we can and should do to reduce demand as well as to replace dirty energy with clean energy. The good news is that moving in this direction will mean hundreds of thousands of new jobs — more than will be lost when we stop mining and drilling and burning. But those raking in the profits from fossil fuels have no interest in this transition, and they still have a great deal of power. So it will take a united effort from all of us to force this through. What we'll get if we succeed is a world protected from the ravages of climate change and protected from the local ill effects of extreme energy extraction (like water pollution from drilling and fracking) as well as a lot of badly needed jobs.

But here's the catch. If we don't get started on this transition now, we may lose the chance. There's a dirty secret about shale gas, one spelled out in great detail in Richard Heinberg's new book *Snake Oil*. When journalists, politicians and the industry tell us with great fanfare about “100 years of cheap natural gas” or how we've become “Saudi America”— they're lying. Or in some cases they've been hoodwinked. They're not taking into account how rapidly these wells deplete, and they use the best wells in the sweet spots as though they were indicative of the whole shale play. We don't have a century's worth even if we don't export it — and the first export terminal has already been approved, with more in the works. Nor is it likely to remain cheap long. Heinberg's book suggests that a lot of the hype is coming from Wall Street, using shale gas as their latest bubble.

So what if he's right and we only have a decade of cheap gas? If we wait until the bridge to a clean energy future *collapses*, and then finally, at long last, get serious about scaling up the renewable energy infrastructure to replace fossil fuels... we may find that it's too late, that

producing solar panels and windmills and batteries and water turbines requires a lot of energy — and the few existing windmills and solar power systems are already maxed out trying to replace the fossil fuels, with less than nothing left over for making new ones.

If we're not to ban horizontal drilling and fracking altogether, we at least should impose strict regulation so that

- methane emissions are in line with the industry-funded study that found leakage rates of .42%, and so that
- all nearby water wells are tested for every possible contaminant at industry expense before and after drilling, and so that
- surface owners are able to say no, even if they don't own the mineral rights.

And, finally, we should be diverting a hefty percentage of the energy derived into constructing the "clean energy future" we've been talking about since the 1970s. Enough bridges — the time for that future is now! 🍌

Economic Transition Summit

Active members of OVEC or any other groups who belong to the Alliance for Appalachia are invited to the Alliance's Economic Transition Summit, to be held in southern West Virginia from December 13 – 15.

Leaders from the Alliance for Appalachia member groups are interested in exploring the potential for regional-level transition efforts that Appalachian organizations could work toward collectively. This year, with the support of the Mary Reynolds Babcock Foundation, the Alliance conducted a regional listening tour, which will culminate in this summit to:

- 1) create an opportunity to network and share success stories regionally;
- 2) support relationship building between local Appalachian organizations, labor organizations, and federal agencies; and
- 3) assess the potential and value of federal-level transition opportunities.

Contact Dan Taylor at dan@ohvec.org or 304-522-0246 for information on attending this event. 🍌



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Find our blog at ohvec.org



Water Connects Us

During the Great Ohio River Relay rally in Huntington (see page 14) an OVEC staffer delivered this message:

OVEC, as part of our Sludge Safety Project (SSP), is currently working with people in a mountaintop-removal affected area of Wyoming County, WV. There, many homes' wells have tested positive for unsafe levels of arsenic.

SSP also found that one family's water also contains lead and notified them of the test results immediately. The family members contacted their physician for blood screenings. The parents tested negative, but their child was beginning to show trace amounts. Thankfully, the elevated levels of lead were caught in time and no treatments were necessary.

Wyoming County might seem like a very distant place from where we stand today, but let me draw the connection.

These folks live along Cedar Creek Road. This creek is a headwater stream for the Guyandotte River, which as we Huntingtonians know all too well, empties into the Ohio just a short distance upstream from our city water intake.

The effects from MTR-contaminated streams like Cedar Creek on the tributaries of the Ohio are a big concern. There are many other sources of pollution already affecting the Ohio River, such as plastics and chemical plants, oil refineries and pulp mills. The Ohio River is listed in some indices as having some of the highest levels of pollution in the country.

Do we want to add waste-water from gas fracking operations to this mix, too? 🍌

Citizens United 2: Justices Could Open Individual Donor Floodgates

Excerpted from an October 8 Public News Service-WV article by Dan Heyman:

Described as a sequel to *Citizens United*, another case before the U.S. Supreme Court today could end one of the last big restrictions on the political influence of wealthy individuals. *McCutcheon* vs. Federal Election Commission* challenges the overall limits for how much an individual donor can give in an election to federal candidates, parties, committees and PACs.

According to Common Cause staff counsel Steve Spaulding, the court could allow multimillion-dollar donations that he calls corrosive to the democracy.

“Make no mistake about it, anyone willing to pump millions of dollars into a political campaign and write a multimillion-dollar check almost certainly expects something more in return than a rubber-chicken dinner and a photo with the candidate,” said Spaulding.

In *McCutcheon* filings, the Republican National Committee has argued that limits on total individual campaign contributions are a kind of limit on free speech. Spaulding argues that ending them would open the election process to a kind of legalized bribery.

In West Virginia, after Massey CEO Don Blankenship funded a state Supreme Court race, state lawmakers put in place a public financing system for judicial campaigns. That system rewards candidates who accept spending limits and demonstrate an ability to raise small donations. Spaulding believes federal elections need similar rules.

“We need a system that empowers small donors, so that their campaign contributions matter, so that our candidates are talking to their constituents and not inside-the-Beltway lobbyists and those with the deepest pockets.”

Read the full article: bit.ly/197A7CA

* Shaun McCutcheon is the owner of an Alabama electrical engineering company that provides services to coal companies. 🍌

Judge Axes WV PAC Contribution

In August, the Associated Press reported that a federal judge ruled that West Virginia’s cap on contributions to political action committees (PACs) is unconstitutional. The ruling was the result of a lawsuit filed against Secretary of State Natalie Tennant by a PAC calling itself Stay the Course West Virginia.

The lawsuit challenged West Virginia’s \$1,000-per-election cap on contributions to PACs that spend independently of candidates.

In his ruling, U.S. District Judge Thomas Johnston cited *Citizens United*, the 2010 U.S. Supreme Court decision that unlimited direct spending by corporations and unions on elections.

Johnston wrote the Court “has recognized only one government interest sufficiently important to outweigh the First Amendment interests implicated by contributions for political speech: preventing corruption or the

appearance of corruption.”

Johnston noted that *Citizens United* “concluded that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.”

Tennant’s office contended that the \$1,000 cap limits the perceived influence of special-interest cash on political campaigns and thereby serves the public interest.

Tennant issued a statement on the ruling, saying it “follows the holding of the United States Supreme Court in *Citizens United*... To continue to press what is an unwinnable position will do nothing but run up the tab, for which the state will be responsible and which will not result in the overturning of *Citizens United*.”

“The Supreme Court has ruled that unlimited contributions to independent committees do not corrupt our elections. I strongly disagree. However, it is still the law of the land.” 🍌



Environmentalists say (the McCutcheon case could) open the door to oil and energy interests’ having a larger influence on elections.

McCutcheon, they claim, has given significantly to candidates who deny the existence of climate change.

- from an October 7 Greenwire article

New Film, Music, Art



The Roots To Resistance Art and Activism Project features 8-foot-high painted portraits of 12 international women activists doing “profoundly important, risky and earthshaking work on the planet,” according to the project’s website. Wangari Maathai, Vandana Shiva, Zapatista Women, Aung San Suu Kyi, Yvonne Margarula and our very own Maria Gunnoe are among them. A quick Internet search for the project will land you on a website where you can learn more and see images of the paintings.



Gene Bernofsky, a filmmaker based in Missoula, MT, came to West Virginia this summer to conduct interviews for his latest film, *Coal Cocked*. OVEC staff member Vivian Stockman escorted him to meet with WV Highlands Conservancy’s Cindy Rank and water expert L. Delta Merner.

“Women from West Virginia to Oregon will stop Arch and Their Coal Trains,” says the *Coal Cocked* cover. Bernofsky hopes the voices of the women in his film will inspire Montanans to stop Arch Coal strip mining in Montana. Watch the film online: worldwidefilmexpedition.org.



Folk Musicians Tim O’Brien and Darrell Scott released a new album in September, complete with a song about MTR titled “Keep Your Dirty Lights On.” The video features video footage from Mari-Lynn Evans and Jordan Freeman, film and photos from Paul Corbit Brown and photos from OVEC’s Vivian Stockman. Just search for the song title on You Tube.



Adam Booth is a renowned Appalachian storyteller and Shepherd University professor. His latest project is *The Mountain Came Alive*, an original album of storytelling and music. Drawing upon traditional music and story influences, it creates a contemporary picture of Appalachia and the last year in the life of one of its mountains, a mountain named “home,” in the crosshairs of mountaintop removal.

The website themountaincamealive.com features information about MTR, along with OVEC photos and traditional Appalachian culture and music.



Nate May of Huntington, WV, has written a miniature opera called *Dust in the Bottomland* specifically for Fayette County, WV, resident Andrew Munn, who many of you may know is an organizer with operatic training and an amazing bass voice. If the opera comes to your area, be sure to check it out.

Goodbye Gauley Mountain

by Robin Blakeman

This summer, the Charleston Unitarian Universalist congregation hosted the premier of *Goodbye Gauley Mountain*, a film by Fayette County native Beth Stephens, with her wife, Annie Sprinkle.

Goodbye Gauley Mountain was amazing — tastefully done and highly motivating; I was pleasantly surprised! The Charleston UU was *packed* with viewers, most of whom gave it a standing ovation at the end.

This is going to be a film that reaches a wider audience than any other documentary ever made about mountaintop removal (MTR). Focused on the problems of MTR, it also brings in themes of diverse expressions of human love, respect for ancestral ties to the land and community, and humor — lots of humor.

OVEC staffer Vivian Stockman’s part in the film is outstanding; she shows her mystic, earth mother side. Former OVEC employee Stephanie Tyree and her roommate — a writer — are also quoted extensively, in inspiring ways.

This film takes tree hugging and mountain hugging to a new level, for sure, all in inspirational ways. There is some brief nudity and some human affection scenes, but nothing that is grossly sexually explicit. It may not be a film that you want to bring young children to, but it is a great film for adults of all ages. This film is focused on *love* — between people, but also between families, communities and for the mountains. There are some quite poignant scenes with Larry Gibson, now deceased, in the film. It is a more hopeful, fun and upbeat film than any other documentary about MTR that I’ve ever seen. 🍌

Activate: Join OVEC’s Action Alert! e-mail list by going to www.ohvec.org and clicking the “Action Alert” button. This is not a discussion list, so you won’t be swamped.

What's the Story?

by Janet Keating

You have to hand it to the coal industry. They have the best public relations machine that money can buy.

Years ago, when OVEC first became involved in stopping mountain massacre, we found that it was people's stories about being impacted by mountaintop removal — their homes, communities, way of life, family cemeteries, lives and health — that really drew attention to the issue.

Carol Warren, a former OVEC staffer, collected verbatim stories from community members. We distributed two separate collections (read them online: bit.ly/180z9Ex.) We helped put a human face on the problem. The stories and faces of community leaders like Larry Gibson, Donetta Blankenship, Jim Foster, Chuck Nelson, Carm and Ernie Brown and B.I. Sammons have been in local, state, national and even international stories about mountaintop removal.

When folks from the Rawl, Merrimack and Sprigg area of Mingo County were suffering from ill health effects from exposure to coal waste that had contaminated their wells, OVEC organized meetings for these citizens, to bring water samples and to tell their own stories. When their story, along with a photo of Kenneth Stroud and his son standing next to a sink full of red water, appeared in National Geographic, State Senator Truman Chafin couldn't get down to Mingo County fast enough to provide community members with funds for replacement water until a municipal waterline could be installed. These community members had been asking for a waterline for more than a decade, to no avail.

The power of real stories about real people should never be underestimated. In that same vein, however, we shouldn't underestimate the coal industry's PR machine's ability to steal our messages and tactics and cast doubt or deflect attention from the real issues. They took a page from our playbook. And, unfortunately, they have millions of dollars to spread their propaganda and lies. (For example, the billboard blurb "Carbon neutral coal." Really?)

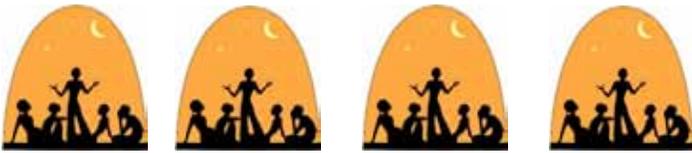
Remember when Vietnam War veteran and politician John Kerry fell from grace during his 2004 presidential campaign? As Americans, we've been programmed to love our heroes, and Kerry had been awarded both a Bronze Star and the Purple



OVEC's Vivian Stockman introduced the National Geographic photographer to Kenny Stroud and son. During one of their visits, Stockman snapped her own photograph of the Strouds' coal-slurry-polluted water, above. Images and words that tell our story spur people to action. Speak up!

Heart for his combat actions. Along came the Swift Boat Veterans for Truth (SBVT), a 527 independent campaign, out to deep-six Kerry's presidential bid. Their devious ads successfully cast doubt on his military service record and the details surrounding the award of his service medals. They didn't have to attack Kerry, but only to raise questions about his service and heroism in the minds of voters. Although their campaign was later completely discredited, the damage was done. The dark forces behind SBVT used John Kerry's strength (leadership and heroism) against him, and the rest is history.

So, what do the "swiftboaters" and coal industry PR people have in common? One of the most recent instances that comes to mind is when WCHS TV hosted a Town Hall Meeting in Charleston, WV, at the Clay Center. At one point, when faced with a question about the how mountaintop removal mining destroys access to and damages family cemeteries (generally located on the peaks of mountains), as slick as a silver-tongued devil, Bill Raney, president of the



West Virginia Coal Association, said: “Our miners are men and women of character who themselves have lost loved ones in the past and understand what these grave sites stand for and mean.” Huh? Now, let’s analyze this response.

What the heck does the fact that miners and their families have people buried on mountaintop family cemeteries have to do with the real issue, which is that coal companies have cut off access to some cemeteries, like the Jarrell Family Cemetery in Boone County, and desecrated others, like the Stover Family cemetery near Kayford Mountain (a worker ran a bulldozer through the center of it)? Raney didn’t answer the question, nor did he lie. He simply avoided the question, attempted to garner sympathy for miners and their families and deflected blame away from the coal industry’s mining practices. Instead of addressing the question, he simply referenced miners and their families. I can almost hear the PR guys whispering in his ear. “Whatever hard questions you are asked about the impacts of mountaintop removal, especially if it deals with a moral issue, just talk about the miners, their wives, their way of life, their culture, their history, *ad nauseum*.” *Voila!* We were “swiftboated” again!



Take action to counter coal’s PR. Write letters to the editor, take part in our CARE campaign by telling your DEP horror stories (see page 12), speak with OVEC organizers for more ideas on how to get your story out, and contact Vivian Stockman at 304-522-0246 or vivian@ohvec.org to see about setting up one of OVEC’s

media trainings for you and your neighbors. 🍌



Legal Action to Reinstate “Stream Buffer Zone”

In October, a broad coalition of citizen and environmental groups asked the U.S. District Court for the District of Columbia to reverse a Department of Interior rule that removed a key protection for streams against mountaintop removal and other large-scale surface coal mining: a 100-foot buffer zone around valuable streams in which harmful mining activities are not allowed.

The Bush administration removed this protection through a midnight rulemaking in 2008, and the Obama administration agreed the Bush administration’s action was unlawful. But the Interior Department has since failed to undo the Bush administration’s rulemaking by the deadline to which it agreed.

We filed suit to ask the Court to do what the Obama administration has not: strike down the illegal Bush rule and reinstate buffers to protect vital streams from surface mining. Based on EPA estimates, mountaintop removal mining has destroyed or harmed 2,400 miles of Appalachian streams to date.

Earthjustice attorney Jennifer Chavez stated: “We are coming up on the five-year anniversary of the removal of this key protection, and Appalachian communities and families continue to suffer from the extreme pollution and destruction of mountaintop removal mining. The disastrous 2008 Bush rule needs to be scrapped without further delay. Basic protections for waterways and families cannot continue to wait while the Obama administration drags its feet.”

In this case, Earthjustice, the Appalachian Citizens’ Law Center and Appalachian Mountain Advocates are representing OVEC, Coal River Mountain Watch, WV Highlands Conservancy, Kentucky Waterways Alliance, Southern Appalachian Mountain Stewards, Statewide Organizing for Community eMpowerment, the Sierra Club and the Waterkeeper Alliance. 🍌

The folks who were forced out of these Lincoln County hollows by MTR, left, surely have tales to tell. And the streams here sure could have used, at minimum, a buffer zone. A ban on mountaintop removal would have been the best story, the best buffer of all. We’ll keep working for that.

Water, Energy and the Future

by Melissa Whited and Frank Ackerman, researchers at Synapse Energy Economics. They authored *Water Constraints on Energy Production*, a report released by the Civil Society Institute. OVEC works with CSI and grassroots groups nationwide on the American Clean Energy Agenda.

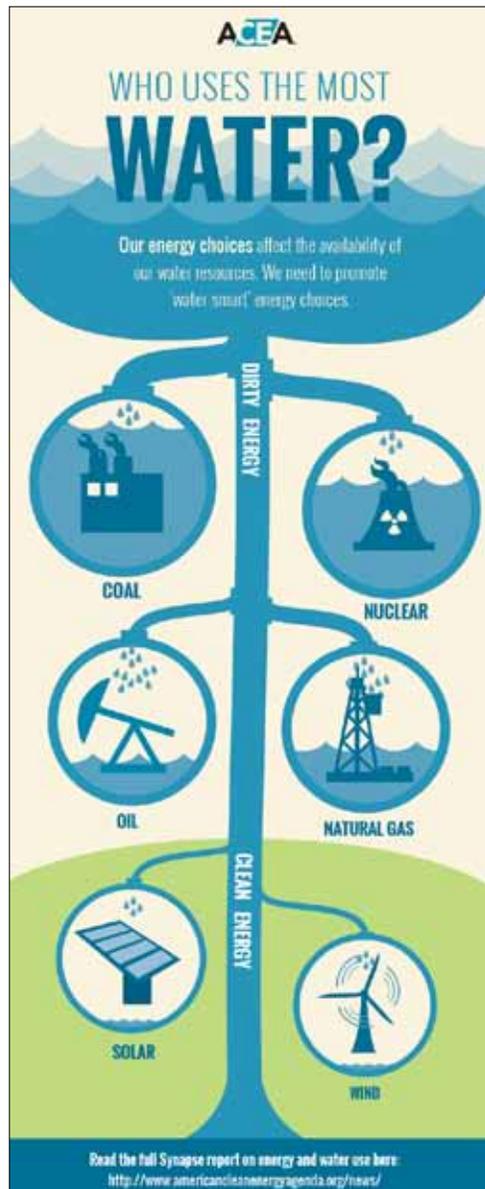
Turn the faucet on and water comes out: cool, clean and abundant. What if, one day, it instead runs hot, dirty or dry? As bad as this would be for you, it might be even worse for the biggest users of water, the power plants that guzzle millions, if not billions, of gallons of water every day.

It's a simple equation: Almost everywhere in the country today, no water = no electricity. Yet, the impending water problems that may soon threaten energy production are caused, in large part, by that same energy industry.

For decades we've built coal, nuclear and natural gas power plants with little thought to their water requirements for fuel production, cooling and pollution control. In doing so, we've created an electric infrastructure highly dependent on water; thermoelectric generators are responsible for 41 percent of the nation's freshwater withdrawals — more than any other sector — and mining, processing, storing and transporting fuels for thermoelectric generation requires even more water, some of which is contaminated in the process.

In the most arid parts of the country — think Texas, southern California and points in between — there is simply not enough water to support urban economies, agricultural output and electric generation. The shortfall is forcing water users to make painful tradeoffs: Farmers have begun to sell their water rights to power plants and utilities and cities are investing in costly, long-distance pipes and pumps to bring in water from far away. But even in wetter areas — think south by southeast — rapid growth and water-intensive development of power plants and other facilities have created shortages and regional conflicts over water.

Meanwhile, extracting our fuel supply creates additional water pollution. Coal mining can involve the extraordinarily damaging processes of mountaintop removal and valley fills, which destroy communities,



streams and ecosystems. Uranium mining, a once and future hazard, creates long-lasting radioactive risks and has caused extreme damages to miners' and nearby communities' health. Natural gas, with the explosive growth of fracking, has brought us flammable tap water and carcinogenic contamination of groundwater in the unlucky host communities.

And climate change makes a bad situation much worse. Droughts and heat waves have already forced some nuclear and coal plants to shut down or curtail their output for lack of cooling water; more extreme weather events like those are coming our way as the world grows warmer.

In short, our electric system is vulnerable to water shortages and our water supplies are vulnerable to contamination from mines and power plants. Yet, we continue to produce 90 percent of our nation's electricity from fossil fuels and uranium, and generation from these sources will only increase unless we adopt new energy policies.

Continued reliance on water-intensive energy technologies puts all of us at risk of interruptions in electricity supply or on the hook for

costly infrastructure investments. Future energy planning and regulation must include full accounting for water-related risks, together with the full range of other costs — ranging from pollution-related health impacts to climate change contributions. These costs are typically hidden during electric system planning, making traditional fuels appear cheaper than their cleaner counterparts, such as energy efficiency, wind and solar. On a full-cost accounting basis, clean energy alternatives would win out as the solution that is least costly and lowest risk and causes the fewest possible water impacts.

Turn the faucet on in a sustainable future, and the wind turbines, solar panels and efficiency programs that provide you with energy services won't be trying to drink your water. 🍷

Manchin's Actions Unconscionable

a version of this op-ed by Founder and President of the Civil Society Institute Pam Solo and OVEC Executive Director Janet Keating ran in the October 24 edition of The Charleston Gazette

The coal industry and its Senate spokesperson, Joe Manchin, claim that the EPA and the Obama administration are waging war on the coal industry. Actually, the EPA is just doing its job. It has a legal obligation to protect the environment. As evidence mounts with respect to the detrimental impacts of coal-fired power and its fuel cycle (including mining) on human health, environmental quality and the climate, the EPA responds. That's what the agency is supposed to do.

What we are actually seeing is a coal industry war on renewables, with Manchin as the standard-bearer in the Senate. The American Legislative Council (ALEC), essentially a fossil fuel industry front group led by the Koch brothers, Peabody Coal, Duke Energy, etc., attempted this year to roll back or eliminate state-level renewable energy standards across the country. ALEC failed miserably even in red states, because wind turbine and solar technology works and creates jobs.

Manchin, the only Democratic U.S. Senator belonging to ALEC, whose financial interests and campaign contributions make him a coal-industry insider with attendant conflicts of interest in the public policy arena, is working national policy on behalf of the industry.

Renewables and energy efficiency have essentially already won the energy war. Unlike coal-fired power, their costs continue to decline, they have little impact on public health or water availability or quality, improve the climate situation and are by far the less financially risky investment. What we're seeing now is rear-guard action by a dying industry whose destructive power on health and wealth spans the globe.

The utility industry calls wind and solar technologies "disruptive challenges" to its obsolete base load paradigm that generates its income. The coal industry is in lockstep with this perspective. A change in policy direction would also mean Manchin's coal-infested blind trust would lose money, too. In other words, the utility/coal complex isn't attacking renewables because they don't work. These old guard, outmoded industries are attacking renewables because they do work and are financially threatening to them.



Manchin, pledging his allegiance.
Photo source: Internet



Manchin began his Senate career by attacking the EPA's efforts to regulate the 130-million-ton annual generation of toxic sludge known as coal combustion waste. He's been an outspoken critic of regulating carbon dioxide emissions because coal is the main culprit. Now, on behalf of his own personal fortune and his colleagues in the coal industry, Manchin's successfully derailed the nomination of renewable-energy-friendly and highly qualified Ron Binz, who was nominated to run the Federal Energy Regulatory Commission (FERC).

Manchin's single-minded support of coal has also slowed attempts by the EPA to curb mountaintop removal mining, which is an ecological and human-health disaster in his home state of West Virginia. He has been willing to sacrifice communities, people and their property values on behalf of the coal industry and this mining method. The moonscape caused by mountaintop removal is unfathomable until you see it. To attest that these mining areas can be reclaimed is akin to dropping a 20-megaton nuclear

device on New York City and asserting that it's reclaimed when grass grows over Manhattan. It is the sociopathic mining practice of the industry, and anyone who finds a way to support it must certainly first distance themselves from any ethical standard or modicum of human compassion.

Manchin's actions continue to damage the nation. His advocacy on behalf of the coal industry has slowed progress to a true clean, affordable, modern and reliable electric grid. His obvious conflict of interest is a disgrace. He is running interference for early-20th-century technology tied to 19th-century jobs.

What Manchin is ultimately doing is contrary to his own belief: He is actually undermining the U.S. economy. Renewable power is now a global phenomenon and is expanding rapidly. Congress can either embrace it and make the United States a leader in renewable energy, building the necessary technological know-how and supply chain here at home, or we can import most of it. Meanwhile, Manchin is attempting to ensure that obsolete, destructive and costly technology remains the mainstay of the U.S. power sector. 🍌

We ♥ Gainesville ♥ s Mtns

Kudos to Gainesville Loves Mountains (GLM).

A Florida newspaper reports:

Following months of negotiations, the group will present a proposed ordinance to ban the use of mountaintop-removal coal to the City Commission on Sept. 12. The ordinance would prohibit Gainesville Regional Utilities from buying coal mined from mountaintops, which uses less manpower to harvest the resources.

Jason Fults, co-founder of Gainesville Loves Mountains, said because the commission acts as the board of directors for Gainesville Regional Utilities, its approval is crucial for banning mountaintop removal.

The group has been circulating a petition that has collected about 1,200 signatures. Commissioner Thomas Hawkins said he's supportive of the ordinance, but it has a long way to go before it could pass.

"Mountaintop removal mining is very destructive to environment and to communities to which it occurs," he said. "If we can stop ... we should do our best to investigate it fully. There needs to be more conversations and details that need to be worked out that affect how we would implement a policy."

GLM is also working to pressure the University of Florida to stop using MTR-mined coal.

On its Facebook page GLM says:

In an effort to take responsibility for the adverse impacts of our community's coal consumption, Gainesville Loves Mountains works in partnership with Appalachian communities to end mountaintop removal coal mining and create a prosperous economy and sustainable future for the region and its people. In addition to monitoring the companies that supply our coal and advocating for alternatives, we are currently pursuing local policies that will help our community achieve significant energy savings while also strengthening our economy.

GLM does check in with OVEC. We appreciate the contact and all the work with OVEC. Imagine groups like GLM all over the nation! 🍎



Donate to OVEC Via eBay, Cowboys

Do you sell items on eBay? If so, consider donating a percentage of your sales to OVEC. According to eBay, doing so is as easy as 1-2-3, and all you need to know to get started is explained at givingworks.ebay.com. Search for "OVEC."

Many thanks to Connie Mayle, who first alerted OVEC to this fundraising method and to eBay seller "collectthewest," who frequently donates a portion of her sales to OVEC. This seller, pictured here in jacket, standing beside Grammy-winner Kathy Mattea, also volunteers to run the non-profit National Day of the Cowboy. 🍎



I first learned about your astounding work and challenges from Kathy Mattea. A friend of mine took me to Kathy's fan club event during Fan Fair in Nashville in 2011. She showed a film and gave a very heartfelt presentation and just blew me away. I talked to her more about it when it was over and also got a chance to tell her about the National Day of the Cowboy crusade.

When you donate through eBay, actually part of your donation is taken out of your fees, rather than all out of your profits. I don't seem to be able to get the message through to people that it doesn't all come out of their profits, so it's a really painless way to donate to charities.

Y'all are doing amazing work. I am so impressed and proud of you and dream of coming there someday for two weeks to help in some way.

- eBay seller "collectthewest"

Hell-Raiser Hechler Hits 99



Ken Hechler arrives at his surprise 99th birthday party. Photo by Mark Schmerling.

Happy birthday to Ken Hechler, who turned 99 on September 20. OVEC was honored to be among those groups and individuals invited to a surprise birthday party for him.

Politicians sent their regards and many folks paid tribute to Congressman Hechler’s teaching and public service careers. People spoke in awe of several of Hechler’s acts of political courage,

including this event, recalled by author Jeff Biggers in his own tribute to Hechler’s 99th birthday:

While his colleagues attended a baseball game in Florida, West Virginia Rep. Ken Hechler drove to Selma, Alabama in 1965, defied Klan threats, and marched as the only member of Congress willing to join the “aroused conscience of the nation” in the historic civil rights event.

During the surprise party, Hechler, a long-time OVEC member, proudly labeled himself a treehugger and a hell-raiser. Hechler has championed miners’ health and safety laws and has been arrested in civil disobedience actions aimed at ending mountaintop removal.

Hechler looked spry and fabulous — it’s obvious that his August marriage to long-time companion Carol Kitzmiller has been good for both of them.

Congratulations, Ken, on your marriage and milestone birthday! We know planning is already underway for an even bigger bash to mark your 100th. See you then. 🍌

OVEC WORKS!

Thanks to everyone near and far for taking action to end environmental injustice, 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!

Stone Stands Stalwart



Congratulations to Kathryn Stone, the recipient of the 2013 Sid Bell Award, bestowed by the ACLU of West Virginia Foundation in recognition of a person who has “supported the ACLU in protecting and promoting civil liberties and equality in the Mountain State.”

We concur with the local government accountability group Seneca 2 in saying, “All who believe in justice,

equality and human dignity owe Kathryn Stone a debt of gratitude.” 🍌

Build-it-Up! Building Up

The 2013 Build-it-Up! West Virginia program had the largest impact in the program’s four-year history, with more than 20 projects, more than 20 partnerships (including a new partnership with WV State University, the state’s only historically black land-grant university), 12 participants (including seven full-time) and more than 50 volunteers for project build-outs and events.

From OVEC’s initial \$4,000 in seed money, Build-it-Up! WV leveraged at least another \$61,400 in time and materials. This year’s participants are excited to design and implement next year’s summer program, giving Build-it-Up’s current leadership additional capacity to create a year-round experience.

Near summer’s end, Build-it-Up! WV hosted Grand Aspirations’ August Gathering, where roughly 50 young people, leading and participating in sister programs around the country, came together for a week of teaching each other how to run more successful youth summer programs. 🍌



Build-it-Up! West Virginia in action this summer. Photo courtesy Build-it-Up!

Family Sues to Protect Cemetery

continued from page 1

Alpha Natural Resources and Independence Coal Company to be allowed access to the cemetery.

“We’ve spent years begging the companies to not destroy this place that is so important to our family history. Our most recent visit made us realize that we have no other recourse but to sue the company for the damages to the cemetery and access road,” said Danny Cook.

“Our visit was astounding, very emotionally impacting,” Cook said. “The 100-foot cemetery boundary for Jarrell Cemetery has been seriously violated.” By law, mining is not to be done within 100 feet of the cemetery’s boundaries. “In my opinion 100 feet isn’t far enough to ensure damage is prevented.”

Maria Gunnoe said, “The blasting from the MTR is shaking headstones loose and rocking them from their foundations, so that they tilt and sink and in some cases are cracked or broken by fallen trees. The blasting has ripped massive cracks in the land that supports this cemetery. The access roads have been blown up and hauled away and replaced by an extremely unsafe road that switches back about 10 times on a clear-cut mountainside.

“Once you get to the graves you are in the midst of blasting areas, likely to detonate at any time. There have been many times that the company has blasted while we visited. This is no way to treat people. These companies can do better than this. I and the others have put our lives in extreme danger just to travel up this road to visit our ancestors. No industry should ever be given this much control of our ancestral lands.”

Debbie Jarrell said, “West Virginians go through life knowing what mountain or hillside we’ll be buried on. With the lax enforcement our West Virginia DEP shows and the lack of compassion for our communities and history that Alpha and Independence Coal Company show, we have no other recourse but to sue. Not even after death are we able to rest in peace.

“DEP has never written any violations concerning the Jarrell Cemetery. SMCRA law says that coal companies must stay 100 feet away from the graves, and in some cases this boundary was pushed in to only 30 feet. The boundary of this cemetery is now a very dangerous highwall on all sides, and Alpha and Independence Coal Company are even mining underneath the graves, literally leaving the cemetery an island in the sky and not accessible by any normal means of transportation.”

To visit family cemeteries in the middle of mountaintop removal operations, family members must put in a request with the mine’s safety coordinator. The company has 10 days to respond by offering a date on which it will allow the visit. On that day, family members undergo safety training at the mine’s guard shack. In order



This cemetery in Lincoln County is another threatened by MTR.

to meet the qualifications listed on the safety training form, which people must sign, visitors are supposed to have steel-toed boots that meet Mine Safety and Health Administration standards, as well as a hard hat and safety-stripes vest. The company does not supply these items; those without the safety gear can be asked to leave.

Visitors must also show photo ID, which the company photocopies. Visitors are asked to fill in papers with personal information, such as address, phone number and even social security number.

“I believe this information can be used to single out and harass community and family members who care about and visit these graves,” said Leo Cook a 78-year-old family member who had his windshield punched and broken by a man driving a truck that had just left the Twilight mine site. The police, to date, have done nothing to the man who damaged Cook’s car. Yet, Cook noted, a company man paid him \$50 for the deductible on his first-ever insurance claim. “This is how I am treated because I continue to care about this cemetery and the people that I helped to bury here.”

Before anyone is allowed to access the cemetery, visitors are asked to give their cameras to the guards to hold, which family members believe is to prevent them from documenting any damages.

Once all the requirements are met, mine employees escort family members to the cemetery and keep them under surveillance while they visit, allowing them at most only two hours.

“For years we’ve endured their inhumane and dangerous processes to visit our loved ones’ graves. Yet, in our most recent visit, we have found that Alpha Natural Resources and Independence Coal Company have desecrated Jarrell Cemetery, completely ignoring the laws on the books written to protect cemeteries. As citizens, we’ve jumped through their hoops obeying these laws, but Alpha can’t even obey a 100-foot boundary on a cemetery,” Dustin White said. “This seems to be a common and growing issue in southern West Virginia.”

“After years of asking for laws to be enforced, we are fed up. DEP won’t enforce the laws on Alpha and

Independence Coal Company. Alpha Natural Resources and Independence Coal Company won't do the right and moral thing and let our loved ones rest in peace," Danny Cook added. "We've filed suit against Alpha and Independence Coal Company for the decimation, the simply astounding damages to the resting place of our loved ones."

Plaintiffs have each agreed that any proceeds that would come from a potential settlement will go into a fund to repair and maintain the Jarrell Cemetery.

Robin Blakeman, OVEC's faith-based liaison and

organizer said, "People living in communities where extractive industries have desecrated family cemeteries have reached out to OVEC for support and we have networked them with people and resources that can help."

"While OVEC is never involved in personal lawsuits, we are proud to see that these families are taking a firm stand."

Blakeman noted that people who have had desecration, boundary violation or access problems with family cemeteries are invited to contact OVEC's office at 304-522-0246. 🍌

Give Good Gifts

Tired of giving neck ties and bubble bath as gifts? Looking for something that carries meaning and can help a hard-working non-profit group keep on working? Consider some merchandise with the OVEC logo and artwork designed by WV potter, painter and sculptor Joe Lung. Check out OVEC's store at cafepress.com/ohvec.

You might also consider giving an OVEC-linked Kroger Gift Card as a gift. (And do keep yours charged if you have one for yourself. If you shop at Kroger and don't have one, please sign up now.)

You buy the cards from OVEC for \$5 — and those five dollars are loaded onto the card when you receive them. You can then add any amount of money you'd like to the card. Remember, you use the cards just like cash, and even though we get a donation from your use of these cards, you don't pay a penny extra for groceries, gasoline, or pharmaceuticals. Kroger



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

donates five percent of the amount loaded onto cards directly to us. In the first nine months of 2013, this program brought us \$6,538, all without costing any of our supporters a cent. (Any 501-c-3 may apply for Kroger's gift card program.) If you want an OVEC-linked card, contact Maryanne Graham at the OVEC office, 304-522-0246 or maryanne@ohvec.org.

Remember, your membership is a gift to OVEC that allows us to do the work we chronicle in *Winds of Change* and online. Please keep your membership current. You can pay up online by clicking the "donate" button at ohvec.org, sending in the envelope in this newsletter or contacting the office. Memberships in OVEC are nifty gifts, too. 🍌

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SEASON'S GREETINGS



Thank you for all your support in 2013, our 26th year of working for organized voices and empowered communities and a healthier environment in West Virginia.

We can all share the satisfaction of knowing that OVEC's presence in WV has had a significant positive effect on the quality of life and the environment.

Winds of Change readers may recall some of the highlights of our 2013 work published in the four issues this year:

- Our litigation forced Patriot Coal to agree to phase out mountaintop removal mining;
- the second Wellness and Water conference, which brought together folks working to end MTR and those working on Marcellus Shale gas fracking issues;
- the visit from two representatives from the Office of the United Nations High Commissioner for Human Rights, who met with nearly 20 MTR-affected residents;
- our faith-based work to protect cemeteries and promote institutional divestment from fossil-fuel investments;
- our filing of numerous lawsuits against MTR companies for violations of selenium and other water pollution;
- our lawsuits against corporate landholding companies where pollution continues after MTR mining has ceased;
- passage in the WV legislature of the public campaign financing option for WV Supreme Court candidates;
- our support of the ACHE Act, now before Congress, which would end MTR;
- and so much more.

We know that, with your continued support, we can forge a new vision for the state's future: a future in which all people are respected and valued and our mountain ecosystems and unique culture are preserved. We need to show other West Virginians that this kind of future is possible.

Not only must we continue to oppose projects that cause more harm than good to communities, but, at the same time, we need to actively promote clean, distributed, renewable energy and energy efficiency; and other businesses where the profits remain in the community.

We can't leave this important work to the politicians and profiteers — they benefit too much from the status quo. We will have to show up. We will have to make demands. We will have to raise our voices. See you in 2014!