

Fall 2016



Winds of Change

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Huntington, WV

OVEC

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Meet OVEC's New Executive Director

by Janet Keating, OVEC's retiring executive director

OVEC's board of directors, with the help of a dedicated Leadership Transition Committee, has selected Natalie Thompson as OVEC's next executive director. Congratulations, Natalie! And thanks to the committee, for a job well done!

Natalie, a former Beckley native who has lived in Huntington, WV, for the past 13 years, will take up the reins of OVEC's leadership on October 1, 2016. As a Raleigh County native, Natalie's love for our people and iconic mountains drives her passion for justice and a better quality of life for everyone—traits that are essential for OVEC's executive director. Her undergraduate degree in environmental policy and assessment from Marshall University is also a plus.

During September, I will transfer as much as I can of my 24 years of working knowledge about OVEC to her. I already know that she's a quick study and eager to develop and apply her previous management skills to her role as a non-profit leader. Also, I will be introducing her to our program officers from foundations that help to fund OVEC's work. This year, she's already met several in New York City and a couple more in West Virginia. It's my aim to make this transition as seamless as possible for Natalie and all of OVEC.

I've worked closely with her nearly two years, and



Natalie Thompson, OVEC's new executive director. Photo by Debra McDanald.

Natalie has proven herself capable of turning a plan on paper into something tangible. For example, she and Maryanne Graham, OVEC's administrative director, led the charge on OVEC's office renovation last summer—from the time we moved out last June and even to this day as we add finishing touches, this space has been transformed from "ho hum" into an enviable and pleasant working environment. If the beautiful office space is any indicator of Natalie's talent as a "get 'er done" kind of person, OVEC's future will only grow brighter!

As OVEC's project coordinator on election reform (public financing of elections) and energy efficiency policy, Natalie is one of those

rare people who is comfortable at the state Capitol speaking with legislators about our issues (something I rarely did or wanted to do), as well as working closely with OVEC's many allied groups. It's clear that she values teamwork and a positive attitude.

When Natalie was first hired at OVEC, I was impressed with all her many and diverse relationships in Huntington. She is extremely active and involved locally, which will help to grow and strengthen support for OVEC in our hometown.

I hope you will welcome and support Natalie with open hearts, as she embarks on a life-changing journey as OVEC's new executive director! 🍌

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Kids Enjoy Fruits (and Veggies) of Their Labors

by Tonya Adkins

Looking across the street from the OVEC office, I see corn tassels and the nodding heads of bright yellow sunflowers peeking over the brick wall of the Boys and Girls Club. I'm delighted to see our joint Gardening and Healthy Eating Project is flourishing. Brandon Walls, the new project coordinator at the 14th Street location, has done an amazing job this year. In addition to planting and caring for the crops, he has the kids keep a weekly gardening journal and conduct research on various plants to learn about planting times, growing needs, etc.

Not only do the kids snack on vegetables fresh from the vines (they love the cherry tomatoes), but Brandon is also teaching them how to make some simple dishes, such as fresh salsa. "I love working on this project with the kids," he says. "The joy and fulfillment these children get from growing something from a seed and being able to eat the final product is just fantastic!"

With funding from our Try This WV mini-grant, the kids at the 14th Street West location also turned a weedy eyesore on the edge of the playground into a pleasing garden by building a low retaining wall, which they filled with compost and planted with annual and perennial flowers.

Since the latter part of May, kids at the Guyandotte Boys and Girls Club have been harvesting lettuce and peas; more recently, they are enjoying a wide variety of vegetables such as tomatoes, peppers, and carrots. Jessica Lucas, our other outstanding project coordinator, says the



kids love "salad party" days. "It's amazing to see a project that started in our art room on Earth Day two years ago grow into such a successful program," Jessica says. "The excitement in our little gardeners' voices when they are harvesting veggies from the garden and in their eyes as they sample their very own produce is powerful and so very rewarding."

In June, we took a group of 12 kids to the Huntington Kitchen for another cooking class. The

menu included fresh guacamole, chicken quesadillas, and an easy dessert made with Cheerios and chocolate melted in a microwave oven.

On July 20, kids from the Gardening and Healthy Eating Project visited Refresh Appalachia, the agricultural program of the Coalfield Development Corporation. Twenty-six of our young gardeners learned about worm farming in a barrel and toured a high tunnel built out of recycled items. They also learned about growing micro-greens and helped harvest (and sample) organic tomatoes and peppers.

Inside West Edge, the former Corbin factory building that now houses the Coalfield Development Corporation (Coalfield), the kids learned how mushrooms are grown and listened to the farmers' plans to grow them in a warm, humid room inside the building. We are very grateful to Brandon Dennison, Coalfield's executive director, and Ben Gilmer, president of Refresh Appalachia, for their help in organizing this field trip. 🍄



Top: The view of the Boys and Girls Club from the OVEC office. Photo by Natalie Thompson. Middle and bottom: Mmm, kid-grown, kid-made salsa! Photos by Brandon Walls.

New Face in the OVEC Neighborhood

OVEC members care deeply about the work we do. Many of you have experience in dealing with the impacts of the issues we work on, and pretty much all of you want to do something to improve the quality of life in your communities. No doubt, many of you have untapped skills you are just waiting to share!

That's why we are so pleased to announce the hiring of Keena Mullins, who will serve as our new part-time membership and outreach coordinator.

Keena grew up in the coalfields of VA, in the town of Clintwood. Her educational background is in biology. She has experience in Appalachia as an environmental activist, rallying and retaining volunteers for environmental causes. While attending Berea College, she worked as the core organizer for the ONE campaign, organizing outreach and awareness events focused on the need for better healthcare access for HIV+ individuals around the world. She has most recently worked as an AmeriCorps volunteer for the Friends of the Lower Greenbrier, a watershed protection group, where she managed membership outreach and coordinated community events to raise awareness of water quality issues.



OVEC is confident that Keena's experience in volunteer recruitment and retention will enhance our volunteer organizing efforts as well as our membership recruitment.

Once Keena settles into the office, she will begin reaching out to our members and friends to speak with you about your concerns and about volunteer opportunities. She'll be asking you to make certain you follow us on social media, too, because she'll be helping OVEC to keep you current on events and volunteer activities.

Welcome, Keena Mullins! 🍌

Another Victory in the Battle of Blair Mountain

As you likely recall, in April, we had good news regarding a lawsuit filed by a coalition of environmental and historic preservation groups, including OVEC, Friends of Blair Mountain, WV Highlands Conservancy, WV Labor History Association, Sierra Club, and the National Trust for Historic Preservation.

The U.S. District Court for the District of Columbia announced that the U.S. Department of Interior (DOI) failed to justify its 2009 decision to remove the site of the 1921 Battle of Blair Mountain labor conflict from the National Register of Historic Places.

The DOI objected and appealed the April ruling. But, in late July, we got more good news: The DOI announced it is voluntarily dismissing its appeal.

OVEC founder Dianne Bady says, "This is an important step in our fight for permanent protection of Blair Mountain, and we hope that DOI's action now means the mountain is protected. However, we've painfully learned that there are powerful people who want to let the coal industry blow up Blair Mountain, and we can't assume they will let this go without a fight.

"If needed, we will, of course, continue to fight to see that Blair Mountain is preserved. It would be a travesty if this important landmark to labor's fight for justice is another victim of more mountaintop removal mining." 🍌

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Ohio Valley Environmental Coalition

P.O. Box 6753, Huntington, WV 25773

phone: 304-522-0246 fax: 304-522-4079

www.ohvec.org

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

Two Years of Citizen Action Leads to Shutdown of MTR Mine Beside State Forest

August 23 was a day of celebration for the Kanawha Forest Coalition (KFC) and everyone working to end mountaintop removal coal mining.

That day, KFC held a press conference to announce that the WV Department of Environmental Protection (DEP) has ordered a permanent stop to mining on the controversial KD#2 MTR mine adjacent to Kanawha State Forest.

DEP's announcement comes after two years of action by KFC.

The KD#2 permit, approved by the DEP in May 2014 over strong community objections and warnings of likely impacts to water quality, allowed for strip mining and explosive blasting within 588 feet of Kanawha State Forest and 1,500 feet of homes in Loudendale, just outside Charleston city limits.

The Consent Order, signed by DEP's Director of Mining and Reclamation following a year of negotiations with the coalition and the permit holder, Keystone Industries, states: "No additional mineral removal activities may occur on this permit. Activity is exclusively restricted to actions necessary to achieve phased release of the permit." Active mining had been temporarily suspended since early 2015, leaving 3/4 of the permit area undisturbed. Approximately 100 acres of the original 413-acre permit area was mined.

"This is a victory for the people of WV and a powerful demonstration of the impact citizens can have when we take a stand, stay persistent, and don't back down," says KFC coordinator Chad Cordell. "Many people thought this strip mine was a done deal when the permit was issued over two years ago, however we doubled down in our determination to protect our streams, health, and mountains."

The order stems from a pattern of violations and temporary cessation orders at the mine site over the past two years for drainage and sediment control failures, off-site erosion, failure to monitor water quality at the mine and in an adjacent landowner's drinking water, and persistent acid mine drainage into tributaries of Davis Creek. The majority of violation



The MTR mine beside KSF. Though approximately one-fourth of the permit (100 acres of the total 413 acres) was mined between 2014 and 2015, the additional 300 acres has not been disturbed and will not be mined! Flyover courtesy SouthWings.org

notices were initiated based on citizen monitoring data submitted to the DEP by KFC.

The KD#2 mine was first proposed in 2009. The proposed permit went through several major changes before final approval in 2014, including removal of a proposed valley fill and the creation of buffer zones around streams to avoid the need for a federal "dredge and fill" permit under the Clean Water Act.

Even with these changes, the nearby streams have been adversely impacted.

"The lessons learned at the KD#2 mine should be a wake-up call to WV residents, regulators, and lawmakers that even the best engineering and the closest scrutiny can't make strip mining safe for our water, our health, or our communities," Cordell says. "We now have perpetual pollution, including acid mine drainage, into tributaries of Davis Creek. It should come as no surprise, to the DEP or anyone else, that strip mining pollutes water."

Under current law, a surface coal mine cannot adversely impact adjacent land or water outside of the permit boundary, nor can it contaminate the water leaving the permit in violation of water quality standards. Applications for surface mines must include information about how the operator will prevent toxic mine discharge. The KD#2 permit application stated that the mine was not anticipated to have the potential for generating acid mine drainage.

"The legality of strip mining is built on a mountain of false assumptions. To really look closely at the conditions on the ground, as we have, and not the fantasy assumptions on paper, means having to accept that mountaintop removal and other types of strip mining simply cannot be done without irreparable harm to our land, water, and health. It's up to us to tear down the coal industry's mountain of lies as effectively as they've torn down the mountains of our homeland," Cordell says.

"We sincerely commend the DEP for taking steps to address the many issues at the KD#2 mine, but these are not isolated problems. They are widespread problems inherent in strip mining." 🍌

Not Quite Ready to Dance

by OVEC board member Daile Rois

I live in a holler that borders Kanawha State Forest. Our holler is defined by the creek that separates us from the road: Middlelick Branch, which feeds into Davis Creek running through Loudendale.

I've spent a good part of the past two years learning what it is to live beside a surface coal, or mountaintop removal, mine. The noise, the dust, air and water quality concerns, the destruction of property values with no recompense—these are obvious “temporary inconveniences,” as the mining industry and the WV Department of Environmental Protection (WVDEP) terms them.

Other adjustments that are not so obvious include the constant concern about whether or not the well water will fail: Can the water testing be trusted? Wondering if the dust, or the water, is already making your loved ones sick. Will we be part of WV's high cancer rate statistics? Is that figured into the cost of surface mining? The fear of flooding every time it rains, because now the creek rises so quickly with all of the trees and dirt gone from the mountain. Knowing that the creek is the wrong color now and runs thick with sediment and that the DEP knows this and the mine owner and operator do nothing to correct the issues.

I've learned so much more about how our government works at both the state and federal levels. How, here in WV in particular, the federal government is painted as the bad guy creating unrealistic environmental standards that destroy businesses and lives. Yet, appeals to the federal government are futile because the states enforce (or don't enforce) those standards, and it's pretty much out of federal hands. Which boils down to this: Blaming the federal government is a lie, told by Friends of Coal and their ilk. What's happened to our state has been done by our own state officials.

Bottom line: We citizens are on our own. No one has our backs.

Except that, yes, there is help. It comes from individuals and volunteers and organizations that educate and offer emotional empathy and teach the skills and share the information that citizens need to work with their own local, county, state, and federal officials. In this regard, I have been very blessed. These fine folks have kept me sane, balanced, and hopeful.

It's been quite a ride—one of the biggest roller coasters of my life. And I hate roller coasters. So you would think that finding out that the DEP and the owner and operator of the Keystone Development #2 (KD#2) mine have signed a Consent Order that, in part, states that “No additional mineral removal activities may occur on this permit. Activity is exclusively restricted to actions necessary to achieve phased release of the permit” would have me doing a happy dance, a victory lap and shouting everywhere I can, “We won!”

But I'm not. I'm not, because I know things now. I know that the Friends of Coal will spin this as “jobs lost”—while needed repairs and reclamation at the mine site are left undone. There are plenty of opportunities for jobs in reclamation and necessary repairs to damaged waterways and sediment control structures at mine sites all over our state—not just at KD#2. There is work. It isn't being done.

I can't celebrate when I know that other families have dealt with this assault on their lives for so many more years than I have and will continue to do so unless our state officials start looking at the human cost of refusing to see any future for our state other than coal. When I started this journey, I didn't understand the apathy, the “you can't fight coal” attitude. Now I do. It's not apathy; it's weariness. It's survivor mode.

I'd love for this victory to be *our* victory. But that can only happen if people hear this:

You can fight for your rights.

You can fight for your families and your communities against these big companies and a non-responsive government.

You can determine your future.

You *can* win.

I did. I didn't do it alone, and you don't have to, either. I found help from the folks of the Kanawha Forest Coalition, OVEC, Sierra Club, Alliance for Appalachia, Appalachian Voices, Friends of the Mountains, Coal River Mountain Watch, and individuals within the DEP who still believe that “Department of Environmental Protection” means just that. I am so grateful that when I wanted to give up, they reached in. They helped me to find my voice and the courage to fight for my right to keep my home, my holler, safe for my family.

Maybe I *can* have that happy dance. The victory lap will wait until real change happens at the state and federal level. I'm not done. Hope you aren't either!



Daile Rois speaks at the August 23 press conference announcing the good news about the closure of the mountaintop removal mine near Kanawha State Forest. Photo by Chad Cordell.



During the last weekend of July, more than 50 leaders representing 26 organizations from 6 states gathered at the Southern Appalachian Labor School. We discussed ways to strengthen regional work around issues people face from fracked gas drilling, waste disposal and related infrastructure concerns, and we heard a keynote address from a member of a group that organized to defeat the Keystone XL pipeline.

“All the groups working on these issues know that we have greater power when we work together,” says Janet Keating, who has just retired as OVEC’s executive director. Janet was the lead organizer of the meeting. “Landowners face threats of eminent domain for the private gain of pipeline companies, and community members face grave threats to their health from land, air, noise, and water pollution from all aspects of fracking.”

Tom Genung, a landowner and president of Nebraska Easement Action Team, Inc., a division of Bold Nebraska, delivered the inspiring keynote address on how a coalition of unlikely allies, the Cowboy and Indian Alliance, worked together to defeat the Keystone XL pipeline project. Genung stayed for the entire meeting and, as it drew to a close, noted that the meeting was quite similar to early coalition-building meetings held in Nebraska.

“There is no doubt that this meeting was something uniquely powerful. Seeds of resistance are firmly planted in Appalachia and are growing

exponentially, providing immense strength,” Tom says. “The industry has powers to reckon with that have never existed before, because of unlikely coalitions now evolving. The willingness and planning that has taken place will create an uprising of folks, because they will be informed with the truth. Once people have the truth, along with, inevitably, untruth and short sightedness coming from the industry, people will make the right choices and stand up against the industry and its paid-for positions.”

“There’s a great need for more information on all the issues of pipelines and fracking,” says meeting attendee Cindy Ellis, president of the WV Highlands Conservancy. “One goal coming out of our meeting is to increase the groups’ abilities to provide individuals, families, and communities with the tools they need to make positive choices and to avoid regrets.”

One group of panelists addressed the status of the fracking gas industry and related pipelines in the region (16 major pipelines and hundreds of smaller gathering pipelines are proposed across WV alone); a second panel highlighted some of the successful strategies and lessons learned by groups working to protect their communities from the harms imposed by gas industry activities.

The latter panel included members of a local group, Headwaters Defense, which raises awareness of the severe health problems facing people living near fracking waste injection wells. The group’s organizing in Fayette County led to a county-wide ban

on the injection of fracking waste (now challenged in court).

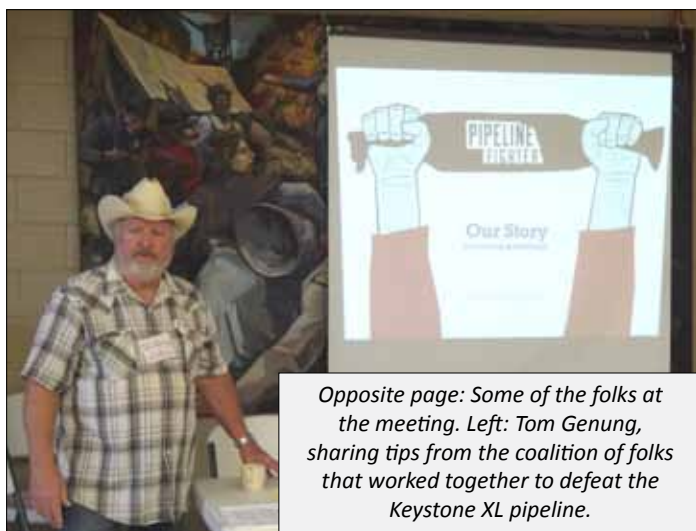
“There are far too many people in this region being put directly in harm’s way by the fracking industry. We have to join forces so that we can have a healthy future together in Appalachia and help those that are already harmed,” says Brandon Richardson from Headwaters Defense.

Joining Janet in organizing the event were Angie Rosser and Autumn Bryson from WV Rivers Coalition, Laurie Ardison from POWHR, Jim Kotcon from WV Sierra Club, Allen Johnson with Christians for the Mountain, Kirk Bowers with VA Sierra Club, and Kate Boyle with Appalachian Voices.

WV groups represented at the event included Christians for the Mountains, Concerned Citizens of Roane County, Eight Rivers Council, Greenbrier River Watershed Association, Headwaters Defense, Indian Creek Watershed Association, Keeper of the Mountains, Mountain Lakes Preservation Alliance, OVEC, Preserve Monroe, WV Citizen Action Group, WV Highlands Conservancy, WV Rivers Coalition, WV Environmental Council, and WV Sierra Club.

Also in attendance from KY were representatives of Friends for Environmental Justice; from PA, Friends of the Harmed, Juniata Watershed People Before Pipelines, and Energy Justice; from OH, Friends for Environmental Justice; from VA, VA Sierra Club; from Nebraska, Bold Nebraska. Multi-state coalitions represented included POWHR (Protect Our Water, Heritage, Rights) and ORCA (Ohio River Citizens’ Alliance).

This interstate meeting followed a similar gathering, dubbed “It’s A Gas,” of WV grassroots groups that convened in December 2015. Join the efforts. Contact OVEC at 304-522-0246. 🍷



Opposite page: Some of the folks at the meeting. Left: Tom Genung, sharing tips from the coalition of folks that worked together to defeat the Keystone XL pipeline.



Photo by Keely Kernan

Mountain Valley Pipeline Would Impose \$Billions in Costs

In May, the Charlottesville-based Key-Log Economics released a study: *Economic Costs of the Mountain Valley Pipeline: Effects on Property Value, Ecosystem Services, and Economic Development in Virginia and West Virginia*. The study (see [bit.ly/1TetOrc](#)) estimates the total cost to an eight-county region in southern WV and southwest VA at \$8 to \$8.9 billion.

The figure includes between \$65.1 million and \$135.5 million in the short term, as construction strips forest and other productive land bare and as private-property values take a hit due to the danger and inconvenience of living near the MVP route. It also includes \$119.1 million to \$130.8 million annually after construction, due to permanent changes in land cover, lost property tax revenues, and dampened economic growth in key sectors.

POWHR (Protect Our Water, Heritage, Rights), a coalition of community groups and organizations from eight counties (Greenbrier, Monroe, and Summers in WV and Giles, Craig, Montgomery, Roanoke, and Franklin in VA), commissioned the independent research.

The coalition wanted to ensure that the Federal Energy Regulatory Commission (FERC) would have comprehensive and robust estimates of economic effects that are typically discounted or ignored in pipeline approval processes. The coalition had previously debunked exaggerated claims that the MVP would provide benefits in the form of jobs and income in the region. This report provides at least a piece of the essential cost side of the benefit-cost evaluation.

The report finds that the purported financial benefits to local governments are based on exaggerated MVP economic benefits claims and that the “need” for the MVP is not supported by economic benefits for impacted communities. 🍷

Alpha Settlement Funds Stream, Forest Projects

In July, coal mine operator Alpha Natural Resources reached a settlement with OVEC, WV Highlands Conservancy, and Sierra Club that directs significant funds to stream restoration and reforestation projects at the company's mountaintop removal mines in WV. This settlement will provide many new restoration jobs at Alpha's mine sites.

Alpha must pay \$7.5 million to fund these land and stream restoration projects.

Alpha also must provide more than \$1 million of in-kind services by donating equipment time and employee time to help carry out the restoration projects. These projects will be implemented by Appalachian Headwaters, a new West Virginia non-profit created for this purpose.

Alpha will also give up 53 million tons of coal in Pennsylvania's Westmoreland and Fayette counties to a non-profit for the purpose of preventing that coal from ever being mined or burned.

In exchange, the groups agreed to provide Alpha with a three-year extension to the deadlines in an existing lawsuit settlement focusing on illegal water pollution at streams near two of Alpha's mountaintop removal mines.

One Reason We Are Ticked: "Self Bonding"

We believe that our legal settlements with Alpha and Virginia Conservation Legacy Fund (VCLF) will bring some good to devastated MTR areas. But we're also angry that the full amount of money needed to reclaim Alpha's and VCLF's mountaintop removal mines is just not there. For big companies that hold many permits, the total reclamation obligation is in the hundreds of millions of dollars.

So, what does a mine operator do if it doesn't have hundreds of millions of dollars to pay for those bonds? It convinces state and federal regulators to let it off the hook by "self bonding."

Some mountaintop removal proponents have assured the public that reforestation at mountaintop removal sites is a straightforward matter of simply planting trees. In reality, growing native hardwood forests on heavily compacted land with the topsoil stripped off will be an extremely expensive process.

Cindy Rank, with WVHC says, "This settlement will at least create an opportunity for new

reforestation and stream restoration projects designed by reputable scientists to show what will be required to reverse the damage and start a new chapter for Appalachia."

According to Dianne Bady of OVEC, "While we're pleased that our Alpha settlement will put people to work

and hopefully provide models for adequate forest and stream restoration, we hold no illusions that this will stop all of the continuing illegal pollution now coming from former mountaintop removal sites."

"Remarkably, state and federal regulators allowed coal companies to blow up mountains with full knowledge of the long-term, irreparable consequences, including the fact that the region's streams will fail to meet water quality standards for decades," says attorney Joe Lovett. 🍌



We're pleased this settlement will put people to work and hopefully provide models for adequate forest and stream restoration, but we know MTR's harms continue.

Self bonding is an essentially unenforceable promise from the company to the regulators that the company will complete future reclamation. That means that if the company liquidates or abandons a mine site before it completes reclamation, there will be no money left to pay for the cleanup. Instead, taxpayers—you and me—will shoulder that cost. Or, if a state such as WV doesn't have tens of millions of taxpayer dollars to spend on reclamation, the potentially dangerous mining damages will be left unfixed.

All the more reason WV should finally and right now stop allowing MTR/strip mining. 🍌



Settlement = Pilot Reclamation Projects

In late August, OVEC, WV Highlands Conservancy, and the Sierra Club announced a \$6 million stream restoration and reforestation settlement with the Virginia Conservation Legacy Fund (VCLF). The settlement will support pilot restoration projects at the massive Hobet mountaintop removal mine in Lincoln and Boone counties (above).

Like July's Alpha settlement (story on opposite page), it will be administered by the new Appalachian Headwaters organization.

VCLF purchased the Hobet MTR mines from Patriot Coal during the company's bankruptcy last year. VCLF is still liable for millions of dollars in water contamination cleanup, but the money to do this may never be there. VCLF has agreed not to conduct any further surface coal mining in WV, other than coal removal associated with reclamation work.

As part of the \$6 million settlement, VCLF received a three-and-a-half year extension to the selenium water pollution treatment deadlines in an existing lawsuit settlement reached between the groups and Patriot Coal and was given a reprieve from a Clean Water Act conductivity pollution enforcement case brought by the environmental groups, though we can refile that case again in the future.

The pilot reforestation and restoration projects to be funded under the settlement will go far beyond any previous efforts to grow forests on mountaintop removal land. Appalachian Headwaters will work with leading researchers to develop new reclamation methods to restore native hardwood forests and healthy streams.

The groups were represented in the settlement by Appalachian Mountain Advocates, a non-profit law firm based in Lewisburg, WV. 🍌

NAS Will Hear From You on MTR and Health

In early August, as the *Charleston Gazette* reported, the Obama administration announced that an “expert team being appointed by the National Academy of Sciences (NAS) will examine a ‘growing amount of academic research’ that suggests ‘possible correlations’ between increased public health risks for Appalachian residents and living near mountaintop removal coal mining.”

As soon as we started working to end mountaintop removal, back in the late 1990s, people living near these operations told us that this extreme form of coal mining was making them sick. In 2004, when we were compiling comments for the draft environmental impact statement on MTR, we documented some of people's health concerns. (See bit.ly/2bGueFy.)

As the movement to end mountaintop removal grew, demands that the health concerns be addressed grew, too. While politicians kept their heads in the sand, research accumulated, corroborating what residents were (and still are) saying.

Citizens have pushed copies of all the studies into politicians' hands in Charleston and in D.C. Legislation (the ACHE Act) has been drafted. Rallies have been held, and the latest one, The People's Foot, finally struck a chord; as the August *Gazette* article notes, “The federal scientific effort also comes after WV DEP Secretary Randy Huffman surprised citizen groups in March 2015—on the eve of a protest planned at his agency's headquarters—by publicly saying that the health studies needed to be more closely examined by regulators and the commitment less than a week later by Huffman and state Public Health Commissioner Dr. Rahul Gupta for a review of the issue.” This NAS study comes at the request of the DEP.

Carry on folks, with endless pressure, endlessly applied. The committee of experts undertaking this NAS study will hold four town hall meetings to gather information from folks like us about mountaintop removal's health impacts. The locations and dates for these meetings have not yet been announced; check ohvec.org for updates. 🍌

Courts: Procedural Issues Allow Corps to Avoid Considering MTR's Health Impacts

by Dianne Bady

In 2013, OVEC and other groups sued the U.S. Army Corps of Engineers for granting a permit for the Raven Crest mountaintop removal mine in Boone County. We argued the Corps failed to follow federal environmental laws when the permit was issued.

Our case claimed that the Corps should have considered a body of literature, containing nearly twenty peer-reviewed studies, demonstrating a strong link between living near mountaintop removal mines and high illness and death rates. The judge denied our claim that the Corps should consider human health impacts before granting a permit. We filed an appeal of this decision to the 4th District U.S. Court of Appeals.

This past July, the circuit court affirmed the lower court ruling and held that the Army Corps is not required to consider the human health studies showing a correlation between MTR mining and negative human health impacts. It reasoned that the WDEP has exclusive jurisdiction to regulate coal mining and, therefore, consideration of health impacts is outside the Corps' own jurisdiction.

Earlier, a 2012 federal court decision denied



another of our requests to add human health impacts, this time to our lawsuit challenging the permit for Alpha's Reylas MTR mine. The Judge ruled that since the health studies appeared so recently in peer-reviewed scientific journals, the Corps had not had a reasonable opportunity to consider them before the permit decision was made,

so they could not be included in our litigation against the permit. At that time there were nearly 20 scientific studies linking mountaintop removal to birth defects, cancer and other illnesses in people living near the mines.

This Corps permit approval statement was allowed to stand: "No human health effects are anticipated as a result of the proposed project... It has been determined that the proposal would not result in any adverse impacts to the quality of the human environment." There are no peer reviewed scientific studies that support this outrageous claim.

The courts have not examined the health studies themselves in any of the proceedings where they have been at issue. In each case, the Corps was allowed to avoid considering the health impacts of mountaintop mining because of procedural legal issues. 🍌

130+ Groups Ask EPA to Consider Prisoners in Environmental Justice Plan

In July, the Human Rights Defense Center (HRDC) submitted a public comment to the Environmental Protection Agency that provides input on the agency's final draft of the EJ 2020 Action Agenda, (see bit.ly/2aPGQbT) highlighting the lack of consideration for environmental justice among the millions of prisoners in the United States. The comment was cosigned by 138 social justice, environmental, and prisoners' rights organizations from across the country including OVEC. Read the comment here: bit.ly/2axfeGZ.

The comment details problems nationwide that illustrate a clear need to protect prisoners as a population that faces extreme environmental justice impacts. For example, prisons and jails built on or near landfills, toxic waste dumps, Superfund cleanup sites, and coal-mining sites, or that are vulnerable to natural disasters such as flooding and environmental hazards like contaminated water.

"It's encouraging to see the EPA attempting to increase the effectiveness of protecting vulnerable communities that have been overburdened by industrial pollution, but a significant component is missing when impacts on millions of prisoners and their families are ignored," said Panagioti Tsolkas, coordinator of HRDC's Prison Ecology Project.

We became involved in this issue when Panagioti reached out to OVEC and other groups fighting mountaintop removal. The Bureau of Prisons (BOP) plans to allocate \$444 million in federal money to construct a new maximum-security prison at a 700-acre site in Letcher County, on a location that includes a former mountaintop-removal coal mine, as well as habitat for endangered species.

Members of the Letcher Governance Project (LGP) are among the groups that have been working with HRDC's Prison Ecology to challenge the construction of the Letcher County prison on economic, racial, and environmental justice grounds.

Truthout reported, "Prison construction has been presented as a supposed pathway to economic growth and innovation in eastern Kentucky, but activists say this portrayal is false and damaging... To challenge the idea that the prison will spur economic growth and create jobs in Letcher county, the LGP launched a social media campaign and hashtag #our444million for eastern Kentuckians to share their ideas for projects and enterprises they would want to invest \$444 million in, other than a prison."

Thanks to all the folks doing this important work!

Pipelines and Eminent Domain Threats in the Huntington Area

In May, Columbia Gulf Transmission notified residents near Grayson, KY, (near the WV border) that if they did not agree to lease their property for a proposed pipeline, the company could then use eminent domain to obtain the use of their land.

Columbia Gulf's outreach packet to Grayson-area homeowners included information about state and federal eminent domain (condemnation) proceedings, explaining that these laws give the company a method to secure the land they "need" in case a compensation package can't be negotiated with landowners.

Columbia Gulf has already purchased land for a new compression station, needed for the proposed pipeline, about 12 miles from Grayson Lake State Park.

In WV, this proposed pipeline is called the Leach Xpress. If built, the pipeline would pass underneath the Ohio River near Camden Amusement Park, just a few miles from Huntington. That could make Camden Park's historic wooden roller coaster ride even more thrilling—if Camden Park is still allowed to exist.

Once into KY, the Leach Xpress Pipeline would apparently be renamed the Gulf Xpress Pipeline, and it would move fracked gas (methane) from Leach, KY, to markets in Texas and/or Louisiana. Notice these are coastal states; fracked gas from Appalachia is already being exported via ship to other countries.

Fracked gas pipeline projects are currently allowed to use eminent domain after a pipeline receives its certificate (permit) from the Federal Energy Regulatory Commission (FERC).

Both the proposed Leach Xpress and Mountaineer Xpress pipelines (MXP, which would move fracked gas from Marshall County through Wayne County, and then past the Marathon Oil refinery near Huntington), do not yet have FERC certificates. This makes us wonder whether Columbia Gulf isn't jumping the gun in sending eminent domain threats to landowners.

Both Leach and MXP would be 36 inches in diameter, at least in some stretches, and both would be so highly pressurized that a tiny fissure could cause a deadly explosion. Hence, the legal need for



evacuation plans one and a half miles wide on either side of the pipelines' path. Unless these evacuation plans are submitted by the Cabell-Wayne Office of Emergency Services (and by equivalent agencies in other counties the pipelines would pass through), FEMA is not required to provide disaster aid in the event of an explosion or spill.

As if two mammoth and potentially explosive pipelines passing through the Huntington area are not enough, the more recently proposed "Appalachian Storage Hub" would add even more pipelines. The Appalachian Storage Hub would consist of underground storage units and pipelines to move natural gas liquids, such as ethane, from Shell Chemical Company's proposed ethane cracker plant in southwest PA to Marathon Petroleum Corp's refinery in Catlettsburg, KY. This large oil refinery sits on the border of KY and WV, about nine miles west of Huntington.

Speaking in favor of the Hub project, Steve Hedrick, president of the Mid-Atlantic-Technology, Research and Innovation Center (MATRIC) stated that "We cannot take advantage of the Utica, Rogersville, and Marcellus Shale opportunities without infrastructure to support the demands and needs of the associated industries."

Multiple pipelines associated with the Appalachian Storage Hub would run along WV's northern border, beside the entire length of WV's portion of the Ohio River. This proposed project would also include a new pipeline connecting Charleston-area petrochemical plants to the Appalachian Storage Hub pipelines at Point Pleasant, WV.

Folks in WV living along the paths of these proposed pipelines are advised: If landmen come looking for you, know your rights! Contact OVEC at info@ohvec.org or 304-522-0246. 🍷



EPA to FERC: Leach Xpress DEIS Needs Work

In June, U.S. EPA described concerns about the Leach Xpress Pipeline in comments to FERC (Federal Energy Regulatory Commission), which must approve a fracked gas pipeline before it can be built. EPA said that the Draft Environmental Impact Statement (DEIS) is insufficient and needs to include more information. Also, EPA said that other pipelines planned for our region may make the Leach unnecessary.

According to Ben Lockett, an attorney with Appalachian Mountain Advocates, "If the objections are not addressed in the final Environmental Impact Statement, EPA can refer the issue to the U.S. Council on Environmental Quality, but that is very rare. Significant objections do often slow down the review process, however, as agencies often at least try to produce some additional information or analysis in response to the objections."

Get Your Pipeline Out of My Yard

Homeowners, enviros, and economics getting in the way of pipeline dreams

Excerpt from a June 23 Bloomberg article by Matthew Phillips. Read the full text here: bloom.bg/293xR5s

It's time to consider whether there is both a need for more pipelines and enough political and popular will to go on building them.

Since 2009, federal authorities have approved some 5,000 miles of natural gas pipelines. Companies are seeking approval for an additional 3,500 miles, representing an investment of about \$35 billion.

But environmental and property-rights activists have formed a considerable front against the industry. Emboldened by their win against the Keystone XL crude pipeline, activists have mounted environmental challenges that have slowed or led to the withdrawal of 8 out of 14 major pipelines proposed to take gas out of the Marcellus Shale region. The average time for a pipeline to get approved and built has grown from three years to four, according to the Interstate Natural Gas Association of America (INGAA). For an industry sitting on \$35 billion in investments, those delays add up to billions in lost profits.

Gas pipelines have also become a focal point in the bigger public debate over climate change and fracking, which recently has turned against the industry. A March Gallup poll showed 51 percent of Americans oppose fracking... That's up from 40 percent opposition in 2015. The biggest loss of support came among Republicans, 55 percent of whom say they favor fracking, down from 66 percent in 2015.

More worrying for the pipeline industry, and

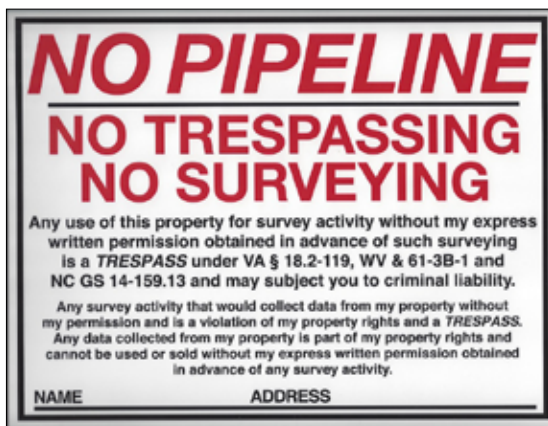
the natural gas producers they serve, is that the economics of pipelines are becoming less favorable. Building a pipeline requires customers to sign long-term contracts that lock them into buying gas sometimes for as long as 20 years. With wind and solar getting cheaper by the day, those commitments

no longer make as much sense as they once did. Natural gas pipeline companies, in testimony to federal electricity regulators, have acknowledged as much and that the trend toward renewable energy limits the economic viability of their pipelines.

Once seen as a hot investment and a way to get in on the U.S. shale revolution,

the pipeline business has turned sour for some major players...

While the industry still claims the U.S. is desperately short of natural gas pipelines and needs hundreds of billions of dollars in new projects, there's a growing case to be made that we may be on the verge of building too many in some regions. In a June 7 report, energy analyst Rusty Braziel suggests that by next year there will be enough new capacity to meet growing gas production in the Marcellus and Utica shale regions of PA, WV, and OH. If all 24 pipeline projects that are proposed for those regions get built, Braziel's analysis suggests, by 2019 new pipeline capacity will be three times greater than new gas production... Even the Department of Energy says the country's existing 1.5 million miles of natural gas pipelines can be more efficiently used. 🍌



Rogersville Shale Update

As regular readers of *Winds of Change* know, the Rogersville Shale is a deep oil and gas deposit located beneath eastern Kentucky and parts of southern and west-central West Virginia. (Google “ohvec.org Rogersville” to find info we’ve published.)

If the Rogersville Shale is extensively developed, the Huntington/Wayne County area could be harmed by unprecedented deep fracking, with much of the oil and gas slated for export.

In June, *Natural Gas Intelligence* reported that there had been no new permitting activity reported in the Rogersville Shale since late 2015, but in August, Cimirex/Bruin Energy announced a town hall meeting in Louisa, KY (next to Wayne County, WV), to discuss drilling its next Rogersville Shale deep well.

Fracking industry interest in the Rogersville Shale heightened after a 2014 KY Geological Survey report on a Rogersville Shale test well in Wayne County, WV. KY geologists concluded that a “**viable petroleum system exists in the Rogersville.**” Results from the test well also showed methane, ethane, and propane.

Executives at Marathon Petroleum, which runs a large oil refinery at Catlettsburg KY, on the border with WV near Huntington, have spoken about the long-term potential of the Rogersville. Earlier this year, when Marathon Petroleum bought MarkWest, a pipeline and fracking services company, we found an online report indicating that Marathon and MarkWest had budgeted *\$1 billion* to develop infrastructure for the Rogersville.

In late 2015, Marathon’s CEO told Marathon Petroleum Corporation employees, “The Rogersville

Shale happens to sit right underneath the Catlettsburg refinery. So just think about the synergy long-term to get those liquids and we think condensate. Unlike Utica and Marcellus that is in maybe the five- to seven-thousand-foot level, this is twelve to fourteen thousand feet that you’re going to go down with horizontal wells. Much more expensive to build and develop, but the Rogersville sits right underneath Catlettsburg refinery. So we think a lot of opportunity down the road.”

A January 2016 Marathon Petroleum presentation to investors indicated that Marathon is well positioned to “capture export possibilities,” and that Marathon’s refineries are in “advantaged regions.”

In WV, there is currently one Rogersville natural gas vertical production well, operated by Cabot Oil and Gas in Putnam County at 14,000 feet deep. Also in Putnam, Hard Rock Exploration was granted a permit for a 15,000-foot vertical test well in November.

In eastern KY, bordering Wayne County, WV, permits have been granted for two Rogersville horizontal oil wells to EQT and Chesapeake. 18 oil and gas companies have leased land in eastern KY’s Rogersville area. We’ve not found a similar list for WV, but Cabot Oil and Gas is known to have close to a million acres leased in southwest WV.

You can help monitor what’s happening with the development of Rogersville Shale. Is activity going on in your area? Have you been approached by land men seeking your mineral rights or access to your property? Contact OVEC at info@ohvec.org or 304-522-0246. 🍷

Violations Routine for Pipeline Companies

In late August, inspectors for the Pennsylvania DEP fined two natural gas pipeline companies for violating their permits at a total of 27 gathering pipelines.

A month earlier, PA DEP fined a third pipeline company \$1.5 million for a landslide caused by pipeline construction activities and for a series of illegal sediment discharges during the construction of natural gas gathering pipelines.

WV DEP recently conducted a series of inspections in Ritchie, Tyler, Doddridge, and Pleasants counties. The agency cited Antero on numerous occasions for allowing solids to escape the pipeline right-of-way and settle into nearby creeks and tributaries. Antero reported that the company also had spills of drilling mud that flowed into waterways.

In March, U.S. EPA collected \$14,440 in fines from Williams Ohio Valley Midstream after a four-inch-diameter pipeline ruptured in its natural gas gathering and processing system in Marshall County, WV.

With so many major pipelines proposed to pass through WV, we are extremely concerned that our state’s serious budget situation, and the state’s history of inadequately enforcing laws at fossil fuel sites, would make it impossible for enough oil and gas inspectors to be hired.

Just like people who live near mountaintop removal mines, pipeline neighbors could suffer as a result of pollution laws not being enforced.

Annual Membership Picnic Honors Awardees



Despite the sweltering heat, on July 23 around forty folks (above; photo by Debra McDanald) came out to Coonskin Park to enjoy some good food, entertainment, and camaraderie at OVEC’s annual membership picnic.

OVEC board member Karen Scalf lent her beautiful voice to the occasion and serenaded the crowd with several songs. Adam Bieniek, a Wheeling native singer/songwriter who now lives in Charleston, also performed for the gathering. Adam, who spent time as a working regular in Nashville’s Lower Broadway tourist pubs, now plays in the Americana duo Wood and Wine, as well as with his full band The Rusty Souls. We want to give a big thanks to board member Dave Lavender for organizing the entertainment.

Our membership picnic serves as a way to not only thank our members for their support, but also to recognize their hard work to protect the environment and push for a more just and sustainable world.

This year’s award recipients:

Laura Forman
Passion for Justice Award: Longtime OVEC member **Donna Branham** (left; photo by



Debra McDanald), who has fought for years to protect her home from the ravages of mountaintop removal coal mining, all the while educating and inspiring others to join the movement to end MTR.

Fractivist of the Year: Marijana Beram, with the Doddridge County Watershed Association, who helps OVEC and other groups by providing educational and eye-opening tours of the “frack fields.” (Marijana is pictured at left, with DCWA member Wayne Woods, outside a hearing about a massive Antero fracking



waste landfill in Doddridge County. Photo by Robin Blakeman.)



Awardees received a plaque commemorating their awards, a ceramic bowl made by potter Kathleen Kneafsy, and our extreme gratitude for all they do to make our part of the world a better place.

Photo by Debra McDanald.



Volunteer of the Year: Reverend Rose Edington, former OVEC board chair and member of OVEC’s Finance Committee (left, with husband Reverend Mel Hoover; photo by Debra McDanald). Since 1999, Rose has been an outstanding active volunteer and “ambassador” for OVEC. That year she participated in the “Walk

for the Mountains” with Larry Gibson and Julian Martin to raise awareness about the harmful impacts of MTR. She’s been going strong ever since!

Sustainable Community Initiative: Jessica Lucas (below, left; photo by Debra McDanald) and **Brandon Walls** (below, right with OVEC’s Tonya Adkins; photo by Natalie Thompson), with the Boys and Girls Club of Huntington, who received our award for their work with OVEC on the Gardening and Healthy Eating Project. 🍷



Below, left, Karen Scalf (photo by Natalie Thompson) and right, Adam Bieniek (photo by Debra McDanald) provided music at the picnic. Bottom: At the picnic, OVEC’s Dustin White reveals his brand new, post-flood “Mountain Strong” tattoo (the artist donated tattoo fees to flood relief; photo by Debra McDanald), which has striking similarities to graphic artist Jimbo Valentine’s sticker-image, “As the waters go down, we’ll pull each other up,” designed for a flood relief concert. See stories about the flood on pages 20 and 21. Information on other photos here are in the body of the story.



Outstanding Ally: Longtime OVEC ally **Cindy Ellis**, president of the WV Highlands Conservancy. In the past year, she has joined with us more closely in opposition to the proposed Mountaineer Xpress Pipeline proposal and is assisting in efforts to get water testing established in Putnam, Roane, Cabell, and Wayne counties.

Outstanding Regional Networker: Elaine Tanner, who is with Friends for Environmental Justice and Kentuckians For The Commonwealth and who is co-coordinator (along with OVEC’s Robin Blakeman) of the Ohio River Citizens’ Alliance.

(In the photo above, Cindy, left, and Elaine, right, pick out their award bowls, as OVEC’s Dianne Bady looks on. The pair received their awards at the It’s a Gas II meeting; see story page 6.)



Resist: Plant Sacred Seeds!

We were thrilled to join part of the Seeds of Resistance Tour, which took place from June 6–9, along the paths of the proposed Atlantic Coast and Mountain Valley fracked gas pipelines in VA and WV.

Ponca Nation member and Bold Oklahoma coordinator Mekasi Horinek Camp, Nebraska farmer Art Tanderup, and Bold Nebraska’s Jane Kleeb arrived here to lead ceremonies to plant Ponca corn as “Seeds of Resistance.” They were all part of a coalition that worked to defeat the proposed Keystone XL pipeline.

The first Seeds of Resistance were planted in 2014 by the Cowboy and Indian Alliance, when sacred Ponca corn was returned to the tribe’s ancestral homeland in Nebraska for the first time in 137 years, since the tribe was forcibly removed from Nebraska.

The sacred Ponca corn was planted on land that lies both in the path of Keystone XL and on the historic Ponca Trail of Tears. With the land now protected from Keystone XL Pipeline, the ongoing corn harvests continue to help propagate more Seeds of Resistance.

“Together our families will plant sacred Ponca corn as Seeds of Resistance to these risky fracked gas pipelines. As the corn grows it will stand strong for us, to help us protect and keep Mother Earth safe for our children. We stand with the pipeline fighters,” Mekasi says.

“Actions like planting the Ponca corn show the strength and commitment of people standing up to Big Gas and their reckless pipelines,” says Jane. “Using eminent domain for private gain is something the Cowboy and Indian Alliance stands against. We plan on using actions, prayer, and all legal tools available to stop these risky pipelines.”

With these leaders from the West and local folks, we joined a ceremony on the land of Tom Berlin, who is active with the Mountain Lakes Preservation Alliance.

Tom says, “Among other things, I think this is a demonstration of our shared love and commitment to the land, nature, to each other. It recognizes that we are part of nature and part of each other, that what impacts one impacts all. I think it is a consciousness-raising event, as well as a statement of our concern



*Top, left: Ponca Nation member and Bold Oklahoma coordinator Mekasi Horinek Camp; middle: Nebraska farmer Art Tanderup with Ponca Corn; right: landowner Tom Berlin.
Bottom: A crew lines up, ready to plant the corn.*

for and opposition to an economy that is based on constant taking from the land and each other without giving back.”

“We are looking at six new high-pressure, large-diameter gas pipelines running through West Virginia. Not only are they not needed, but they would be disastrous for the region’s water, air, soil, and economy,” says April Keating, also with Mountain Lakes Preservation Alliance. “We are already seeing landowner rights trampled, property values threatened, and a general disregard for the rights and health of human beings. Methane leakage is contributing hugely to global warming. If these pipelines go in, we will be locked into the same approach we’ve been suffering from for over a century.” 🍌

Push for Pipelines = Increased Climate Chaos

Go Renewable Instead

Excerpt from *A Bridge Too Far: How Appalachian Basin Gas Pipeline Expansion Will Undermine U.S. Climate Goals*, a July 2016 report by Oil Change International, endorsed by 12 national and regional groups

The Appalachian basin is the key source of potential U.S. gas production growth

In the past decade, natural gas production in the Appalachian basin has experienced unprecedented growth—particularly in the Marcellus and Utica Shales of Pennsylvania, West Virginia, and Ohio. As a result of the use of hydraulic fracturing (fracking) and horizontal drilling to access previously inaccessible gas formations, gas production from the Appalachian Basin has grown 13-fold since 2009, reaching over 18 billion cubic feet per day (Bcf/d) in 2015.

It is widely expected that production in the Appalachian basin region will double over current levels by the early 2030s. In 2010, the Appalachian basin produced just 4 percent of U.S. gas production, but by 2030, it could provide about 50 percent.

The pipeline rush would unlock new gas

To support this huge planned expansion, the industry wants to build infrastructure, and in particular, pipelines. Dozens of proposed pipeline projects in the region are currently being considered for permitting by FERC. Of these, there are 19 key pending pipeline projects that would unlock at least 15.2 billion cubic feet per day (Bcf/d) of production. All together, these pending pipeline projects would enable 116 trillion cubic feet of additional gas production by 2050.

Gas growth out of sync with climate goals

The Paris Agreement on climate change, signed by 178 nations as of June, 2016, establishes the goal of “holding the increase in global average temperature well below 2 C above preindustrial levels and pursuing efforts to limit the temperature increases to



1.5 C above preindustrial levels.”

The current U.S. long-term climate target—which may not be enough to achieve the “well below 2 Celsius” goal set in Paris—is an emissions cut of 83 percent from 2005 levels by 2050.

The currently planned gas production expansion in Appalachia would make meeting U.S. climate goals impossible, even if the Obama administration’s newly proposed methane rules

are successful in reducing methane leakage by 45 percent.

New power plants and pipelines are designed to last at least 40 years. Once the initial capital has been spent on them, they will likely operate even at a loss, to the detriment of cleaner sources. It makes more sense to avoid these investments now and instead allow clean energy technologies to fulfill their maximum potential.

Not acting to constrain gas production and consumption to within science-based climate limits is a major risk. The planned gas pipelines in the Appalachian basin simply can’t be built if the U.S. is to achieve climate goals.

Renewable energy is ready

Renewable energy is already set to become the dominant source of new energy generation. In many parts of the U.S., renewable energy is today the lowest-cost and lowest-impact means to add generation capacity to our electricity system. Battery storage and grid management technology are ready to even out the intermittency of wind and solar. Widely held assumptions about the need for fossil fuel baseload power and limits to renewable energy penetration are unravelling fast. 🍌

More Excuses from D.C. on RECLAIM Act

by Dustin White

In June, we returned yet again to Washington, D.C., to participate in The Alliance for Appalachia's annual lobby. This year, the theme was "Protect Our Water, RECLAIM Our Future." We had folks from across the region join us on Capitol Hill to lobby on the RECLAIM Act and to again ask federal regulatory agencies to do their jobs to protect our waterways from egregious mining practices. Six of us represented West Virginia.

In our last edition of *Winds of Change (WOC)*, we explained how the RECLAIM Act could help fast-track Abandoned Mine Land (AML) funds for use in the cleanup and economic development of old abandoned mine sites across the nation. RECLAIM is a bipartisan bill introduced by Republican Congressman Hal Rogers from KY. The bill would help implement one of the tiers of the proposed Power+ plan to aid people in the wake of the collapse of the coal industry. Seems like something right up WV's alley, right?

Well, the fact is, WV's politicians on both sides of the aisle haven't been really responsive to the bill. Although Evan Jenkins (WV-3) was one of the original co-sponsors of RECLAIM, it took quite a while for McKinley (WV-1) to finally sign on. But at least they put their names on the bill, and in D.C. we had great meetings with both offices.

Right now, the bill is only in the House, so our primary focus has been on our state's representatives. The one WV representative whose name isn't on the bill sits on two of the committees it has to go through before it can be voted on. But for some reason, all we get from Alex Mooney's (WV-2) office is excuses.

At first, we heard from them that Congressman Mooney, the only representative of an eastern mining state on the Natural Resources Committee, didn't want to create tensions with the western mining states, especially not with the Wyoming representatives, who back in December of 2015 fast-tracked AML money to their state for economic projects (see last edition of *WOC*). Mooney's first priority should be the people of WV, not tensions with other state's representatives.

In a meeting with Mooney's office back in March, his staffer told us that Mooney was hesitant about RECLAIM at the time because of a misunderstanding on how RECLAIM and the Miners Protection Act (MPA) would work together. The MPA, which aids retired and current miners who lose their benefits as coal companies go under, uses a small fraction of the interest from AML funds. Mooney's office told us that once it was

clear that RECLAIM and MPA would not conflict, he would consider signing on. So, we worked to resolve the confusion; that work included a letter from the UMWA saying the two bills would not conflict.

In June, we heard yet another story from Mooney's office. After several attempts to schedule an appointment with no response, a group of us from WV visited his office anyway. We met with staffer Nick Butterfield, who told us that AML money can't be used for economic projects and is a misappropriation of federal funds. This is not true. As explained in the Summer edition of *WOC*, an amendment to the Surface Mine Control and Reclamation Act (SMCRA), in which the AML fund was created, allows AML funds to go to economic projects on AML sites. This is why Wyoming has used its AML money for economic projects, which Butterfield claimed to have no knowledge of—and he said it was "illegal" if Wyoming was using the funds in this way.

Either Mooney (or just Butterfield) seems to not understand how AML and RECLAIM work. Instead of listening to the West Virginians in the room who could clarify things, Butterfield seemed more interested in debating with us and cutting off citizens as they tried to speak. It's one excuse after another from Mooney's office. In any instance, Mooney seems to be a major hurdle in the allocation of money that

could help WV communities struggling in coal's aftermath. Which leads us to ask, "Where's the money, Mooney?"

Ongoing attempts have been made to get a companion for RECLAIM introduced on the Senate side. We've been urging senators Capito and Manchin to take the lead on this. We met with a staffer from Capito's office, who, although receptive, seemed to be a bit undereducated on the bill.

Manchin's office was another story. The office appears to acknowledge the RECLAIM Act as being beneficial, but we were told by staffers that Manchin's priority is getting the MPA passed, and they are concerned that if they try to introduce RECLAIM, it could possibly give Senate Majority Leader Mitch McConnell an excuse to back off the MPA.

As the regular congressional session comes to an end, we hope for RECLAIM to have traction in the lame duck session. Otherwise, we will have to wait another year for the aid that will come from this bill. With all the coal industry woes, can West Virginians afford to wait another year?

Join this work: dustin@ohvec.org or 304-522-0246. 🍌



The Alliance for Appalachia in D.C.
Courtesy photo.

Victory: Appeals Court Upholds EPA Veto of Spruce No. 1 MTR Mine Permit

On July 19, Appalachian communities and EPA won again in the long legal battle over the Spruce No. 1 MTR mine in Logan County, WV. The U.S. Court of Appeals for the District of Columbia Circuit upheld the 2011 decision by the head of the U.S. Environmental Protection Agency to block a permit for the mine, issued by the U.S. Army Corps of Engineers, due to the unacceptable environmental harm it would cause.

Attorneys at Earthjustice and Appalachian Mountain Advocates submitted an *amicus curiae* brief in support of EPA on behalf of OVEC, Coal River Mountain Watch, WV Highlands Conservancy, and Sierra Club defending the EPA's decision to veto the permit.

"This ruling closes the final chapter on the devastation that more mountaintop removal mining would cause at the Spruce site," said Emma Cheuse, attorney with Earthjustice. "The court's affirmation of EPA's expert scientific decision to prevent unacceptable environmental harm gives WV communities essential and much-needed protection for local waterways, mountains, and a sustainable way of life that doesn't depend on blowing up mountains, and we will continue calling on EPA to do more to protect communities."

History

The legal battle to stop this huge 2,000-acre mine—one of the largest ever proposed in Appalachia—has been ongoing since 1999. It was the first major challenge to mountaintop removal mining brought by individuals and community groups, represented by Appalachian Mountain Advocates and Public Justice.

After a 1999 injunction was issued against the first permit authorization, and after the Corps reissued the permit in 2007 despite EPA concerns, EPA completed an extensive review of new scientific information and 50,000 written public comment letters. Based on that up-to-date scientific understanding of the permanent harm that would result from the destruction and burial of six miles of vital headwater streams, the downstream contamination and resulting ecological damage, and the leveling of 2,000 acres of natural mountaintop, EPA issued a final veto determination in January 2011.

The coal industry and the state of WV challenged the veto, asserting that EPA could only block a permit before issuance—even though the law specifically gives the EPA the authority to veto a mining waste discharge "whenever" it would have adverse environmental impact. A federal district judge sided with the industry, but was overturned by the U.S. Court of Appeals for the D.C. Circuit in 2013. The U.S. Supreme Court declined to take industry's appeal, making the D.C. Circuit's decision the last word affirming EPA's ability to protect clean water, wildlife, and communities.

The case was sent back to the district judge to determine if the EPA's decision was arbitrary and capricious or unlawful in any other way. The judge ruled the decision was lawful, reasonable, and supported by the scientific findings presented in the agency's 2011 Final Determination. Now, the D.C. Circuit has affirmed the district court and rejected another appeal by the coal company. That's a major victory, finally, ya'll! 🍷

International Report Confirms Earth is Hot and Getting Hotter

2015 topped 2014 as warmest year on record with help from El Niño

On August 2, scientists from around the world confirmed that 2015 was the hottest year on record, as they released the annual State of the Climate Report.

Last year's record heat resulted from a combination of long-term global warming and one of the strongest El Niños experienced since at least 1950, according to the more than 450 scientists that contributed to the report. They found that most indicators of climate change continued to reflect trends consistent with global warming.

Notable findings from the report include:

Greenhouse gases were the highest on record. Major greenhouse gas concentrations, including carbon dioxide (CO₂), methane, and nitrous oxide, rose to new record high values during 2015. The 2015 average global CO₂ concentration was 399.4 parts per million (ppm), an increase of 2.2 ppm compared with 2014.

Global surface temperature was the highest on record. Aided by the strong El Niño, the 2015 annual global surface temperature was 0.76–0.83 degrees F (0.42°–0.46°C) above the 1981–2010 average, surpassing the previous record set in 2014.

Sea surface temperature was the highest on record. The globally averaged sea surface temperature was 0.59–0.70 degrees F (0.33°–0.39°C) above average, breaking the previous mark set in 2014.

Global upper-ocean heat content was the highest on record. Upper-ocean heat content exceeded the record set in 2014, reflecting the continuing accumulation of heat in the ocean's top layers.

Global sea level rose to a new record high in 2015. It measured about 2.75 inches (70mm) higher than that observed in 1993, when satellite record keeping for global sea-level rise began.

Tropical cyclones were well above average, overall.

Read the full report: bit.ly/1X60rag.

Huntington Responds to WV Floods

by Natalie Thompson

On June 23, torrential rainfall began in much of WV and parts of VA. Two storms collided over one of the most ravaged areas, Greenbrier County, where, over 13 hours, 10 inches of rain fell. Across the state, 23 people were swept away and homes and businesses were destroyed. With cell phones, people recorded scenes of devastation, including a houses on fire, rolling down what once was a river but had quickly become a death trap. Folks were in danger, in fear, in loss, in panic.

The next morning, Janet Keating suggested that the OVEC office could be a donation location for Cabell County. Thinking about the logistics and what to do with the donations after collection, I started looking around the city of Huntington and the county. Where are the other drop-off locations? What are others doing so that we may be able to join efforts? Is Ohio across the river doing anything? What about down the road in Kentucky? Nothing turned up in my online search. Cabell County was one of the eleven counties in all of WV that was not affected. I knew we had to do something.

That afternoon, I called Bryan Chambers, the communications director for the City of Huntington. Bryan suggested that I call the Facing Hunger Food Bank here in town, because it is also a food distribution center for emergencies. I spoke with Bethany Freeman, director of network and program relations. Bethany had not yet been notified about food relief efforts.

Next, I called the local branch of a relief agency with the question, "What does one do with donations for flood relief?" They hung up on me because I was not interested in making a monetary donation online. Perplexed, I called Bryan back. He too had tried to contact the agency, to no avail. As we discussed the situation, we realized that we must work as a team to ask the most giving city I know to come out and serve—to give, work, and sweat. That's exactly what happened.

We identified location drop-off sites—the Facing Hunger Food Bank, Blacksheep Burritos and Brews, Fat Patty's, Hampton Inn (Kinetic Park location), Mancini's Pizza—and began coordinating logistics. Bryan sent out a press release from the City of Huntington with my email as the contact. It went viral! I began to receive what became hundreds of emails from folks wanting to help.

With Bryan's help, I was coordinating folks coming to the area with supplies or wanting to donate money from Washington State, Wisconsin, Florida... a family that made two trips with two trucks and a trailer from Atlanta, GA, a man from Charlotte, NC that had over 1,000 girls



Some of the Huntington-area volunteers who loaded the trailer with flood relief supplies. Courtesy photo.

and women's rain boots to donate... the list goes on.

Wow, the caring and concern and kindness were overwhelming. Soccer moms emailed me because Huntington had a huge soccer tournament in town that weekend, with visitors coming in from all over the U.S., wanting to bring supplies and offering their strong young players eager to help. They did, and it was great. At the MU stadium during the tournament, soccer volunteers

collected \$21,000 in donations for flood victims!

The local Allied Transportation Services Company offered a 53-foot trailer for storage and transport of all manner of donated items, including storage totes, brooms, water hoses, baby supplies, cleaning supplies, first aid supplies, water, and canned goods.

We coordinated volunteers from all over the area who used their own cars and trucks to pick up and haul donations from the drop-off sites to the trailer. They loaded the trailer, too.

Sonia Chambers helped to coordinate the men of Recovery Point, an addiction recovery center, who made two trips to Clay County with two vans and a truck loaded with supplies. These courageous men in recovery also stayed to do manual labor for folks in Clay County.

By July 1, in just under a week, we filled the 53-foot trailer and sent it to a distribution center in central WV. Items were divided up by need and sent out on trucks that could navigate the roads into devastated locations.

The employees of St. Mary's Medical Center also collected supplies, sending them along in a 30-foot box truck joining our convoy to the distribution center.

Throughout the week, many gracious others picked up supplies at the drop-off sites and drove them down accessible hollers, to lend a hand.

In Cabell County, it was a whirlwind of giving and an amazing experience. I am grateful that, although OVEC is not a service organization, our staff and partnering organizations allowed me the space and time to do what we felt was necessary for the people of our mountains.

Beyond Cabell County, OVEC members were out in force, as were members of many WV citizen groups, volunteering to help muck out flooded homes. Several staff members took personal or vacation days to help muck out homes, too, or to help out at outdoor clinics. So many people from across the state and nation have offered assistance in all forms.

Check wvflood.com for updates on how you can help even now, because the tragedy is not over. Folks are still struggling and still in need of our help. 🍓

Floods, Climate and the Future

excerpt from a blog by Reverend Susan Hendershot Guy, executive director of Iowa Interfaith Power & Light

Having attended college in WV, my heart breaks for those who are now dealing with the aftermath of severe flooding affecting that region. The National Weather Service is calling this a “once-in-a-1,000-year event.”

But nationally and globally these events are on the rise. Now extreme weather events that are not “once-in-a-1,000-years,” but rather a pattern of a changing climate that is impacting people right now in tangible ways.

For too long in our society, we have acted as if “the environment” is somewhere else and that the ways that we treat our environment don’t have economic consequences. The truth is, we cannot separate the environment from the economy any more than we can separate our hearts from our bodies and expect to live.

Climate change is not some distant threat to people 20 or 50 years from now — though I would argue that, even if it were, we are still called upon to act on behalf of our children and future generations. Climate change is here; we are experiencing a “new normal” in terms of

its effects, including extreme weather events, changing patterns in our growing seasons, mass migrations of the global population, an increase in refugees, and a rise in political instability as a result. All of these impacts have economic consequences.

As people of faith, we believe that we are mandated to act on behalf of the most vulnerable in our society and in our world. The most vulnerable among us are being

affected first and hardest— those who can’t just pack up and move to higher ground, who have limited resources, or who suffer from adverse health impacts exacerbated by environmental degradation.

But we are not powerless to act. Clean energy solutions can have quite positive economic impacts.

As people of faith, we believe in hope. We believe that there is room to act to create a future in which all of us can thrive. Let’s work together to be a part of the solution and urge our elected

officials at the local, state, and federal levels to do the same, for the sake of our common good. 🍌



For weeks after the June 23 floods, at highway intersections near the ravaged areas, mountains of debris from flood-damaged homes and businesses grew, were hauled off to landfills and grew again. Recovering is ongoing and we can expect more such tragedies unless we drastically increase our efforts to curb human-induced climate chaos.

Climate Change Refugees Here in the US of A... And You Are Helping to Pay for Relocation

For years, there’s been talk of moving Alaskan coastal villages inland as rising seas erode land. But the first U.S. climate refugees to receive government funding to relocate inland hail from Louisiana.

PBS NewsHour reported that Isle de Jean Charles is disappearing into the Gulf of Mexico. The island, 80 miles southwest of New Orleans, is home to a Native American community of about 60 folks. Both rising seas and increased storm surges, the result of a warming climate, and sinking land due to oil and gas exploration, are eroding the island.

NewsHour reports:

In January, the Department of Housing and Urban Development awarded \$1 billion to projects across the country to become resilient to natural disasters. Louisiana was given \$48 million dollars for the resettlement of the Isle de Jean Charles community, marking the first time that federal tax dollars are being allocated for community relocation in response to climate change.

It’s a model that communities across the United States may need soon, says Alex Kolker, a coastal geologist at Tulane University. “The rate that we see in Louisiana in terms of overall sea level rise are the kinds of rates that we might experience in the rest of the country in the middle part of the century as global warming accelerates... Coastal restoration is not simply about ecosystem restoration... it’s about protecting places for people to live.”

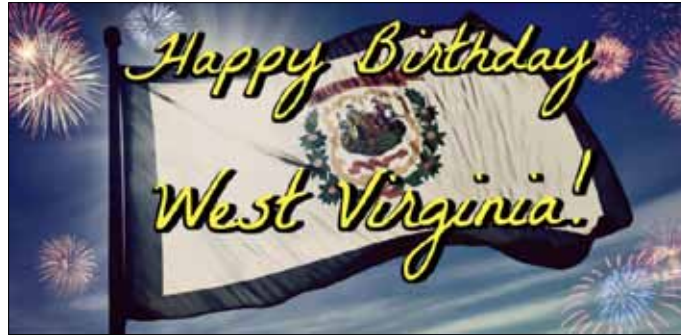
Far away coastal communities hope to benefit from that blueprint as well. Due to land erosion, the residents of Newtok, Alaska, have been planning for years to move nine miles inland. But that hasn’t happened due to lack of funds; HUD rejected Alaska’s proposal. (*Editor’s note:* In May, Newtok received an almost million-dollar federal grant to begin to help with its move.)

HUD administrator Marion McFadden says her program received seven billion dollars in requests for the one billion dollars it could grant. She says, “Our money that we made available is a drop in the bucket against the need.”

With Eye Toward Our Future, OVEC Celebrates 153 Years of the Mountain State

by Dustin White

On June 23, we marked the 153rd anniversary of WV's statehood with a get-together at our Huntington office. About two-dozen folks came by to celebrate our state's birthday with cupcakes and other refreshments and a film about the Mountain State.



amazing photography of the place we called home. After the film, we had a group discussion on the current situation the coal industry is in and the threat of fracking, but, even more important, we discussed economic transition and

Anyone familiar with our state's 153-year history knows that it's filled with hard times, struggle, exploitation, and disaster. But our history is also a story of resilience and survival. And with the recent instability of the mono-economy that the coal industry has created, it looks like the state is entering a new chapter, with people coming together to stimulate ideas for moving into the state's future.

We decided to celebrate that history of resilience while spending time with people from the community, and having great conversations about the environmental and economic future of the state. The film we showed, the Smithsonian Channel's *Aerial America: West Virginia*, highlighted some of the history and challenges WV has faced, along with

diversification.

And what's a birthday party without candles? OVEC organizer and Presbyterian Minister Robin Blakeman helped us with a candle-lighting ceremony as part of a nationwide Vigil for Creation.

We hope to have more events like this in the future at our office. We encourage people to stop in and see us if you're in the Huntington area. We want to hear more from community members on their thoughts and ideas about our work, especially around economic diversification and transition. Feel free to email me at dustin@ohvec.org with any ideas you may have.

We'd love to hear from you. We believe community members are the most important part of these discussions about our future. 🍌

Lawsuit: EPA Failing to Meet Deadlines for Emissions Review

In June, OVEC joined with Community In-Power (Port Arthur, TX), the Utah Physicians for a Health Environment, Hoosier Environmental Council, and Sierra Club to ask a federal court to order EPA to fulfill certain duties under the Clean Air Act. We are represented in this case by Earthjustice.

The Clean Air Act requires EPA to update health and environmental protection standards every eight years for sources that emit pollutants that are classified as possible human carcinogens. But the EPA has not evaluated its standards for nine categories of toxic air pollutants since 2002 or 2003.



"For years we have been fighting, but the EPA has been sitting on its hands and is not doing enough to protect people living around refineries," says Hilton Kelley, with Community In-Power. "One in five homes in Port Arthur has a child with respiratory issues, and whenever someone dies around here, it's usually cancer."

We've taken this action because we need stronger emission pollution standards and better air monitoring for healthier communities. We shouldn't have to bring a lawsuit just to get EPA to do its job. But EPA isn't above the law, and we have the basic right as citizens to hold EPA accountable. 🍌

Attention Kroger Shoppers: Re-Enroll Now to Continue Supporting OVEC

When you enroll or re-enroll in the Kroger Community Rewards Program, OVEC receives a donation when you use your Kroger Rewards card to shop at a Kroger in our region. Each August, Kroger requires you to re-enroll; see ohvec.org/Kroger for details.

If you missed re-enrolling (or enrolling) in August, it's not too late. Please take a few minutes to do so today. If you have any problems, call 800-576-4377 for help.



Write Your Letter to Don Blankenship Before His Prison Term is Up

Three hundred and sixty-five days. That’s the current duration of coal baron Don Blankenship’s prison sentence, which began May 12. He is serving one year for conspiring to willfully violate mine safety standards at the Upper Big Branch coal mine in Raleigh County, WV. The mine exploded on April 5, 2010, killing 29 men. He’s in a minimum-security prison in California.

What if Blankenship received a letter a day from people he has harmed? That idea led Ann Bybee-Finley, from Hurricane, to create Making One Year Count—a letter-writing campaign to Don Blankenship while he is in prison.

The goal is to send Don Blankenship one letter each day of his one-year sentence. The campaign has collected about 160 letters so far.

OVEC staffers are set on writing their own letters to Blankenship. If you haven’t already written your letter, will you join in? Remember the miners, and think about how you can shape the future of West Virginia. Help the campaign reach the goal of ensuring that Don gets a letter per day! Send your letters to makingoneyearcount@gmail.com.

Ann reports that Blankenship is reading the letters, which can be about anything and can also be made public if you grant permission for the campaign to share your letters.

Ann says, “We hope that writing a letter, long or short, will empower people to help hold our leaders more accountable in West Virginia. What would you say to Don Blankenship? We have his undivided attention!”

Get those letters in soon. The 4th U.S. Circuit Court of Appeals in Richmond, VA, will hear an appeal of his conviction on October 26. His lawyers have filed briefs saying, according to the *Charleston Gazette*, “the jury pool in Charleston was biased against him, the prosecution was politically motivated, and the trial was controlled by rulings unfair to the defense.” 🍌

Opportunity for Sunnier Outlook

The Charleston Gazette published this editorial on July 26

Americans pay around 12 cents per kilowatt-hour for electricity—but Dubai just received a bid for an 800-megawatt solar plant to generate power for less than three cents per kwh, with no government subsidy.

Michael Liebreich, chairman of Bloomberg New Energy Finance, says rapid advances in solar energy are a miracle.

“We’ve seen the costs come down by a factor of 150 since 1975,” he said in a speech. “We’ve seen volume up by 115,000. How much more miracle do you need your miracles to be?”

His Bloomberg agency predicts that the world will invest \$3.4 trillion in solar production by 2040—more than \$2.1 trillion for all fossil fuels, plus \$1.1 trillion for nuclear, combined.

Wind and solar will become “the cheapest ways of producing electricity in many countries during the 2020s and in most of the world in the 2030s,” Liebreich said.

The 29-nation International Energy Agency says renewables now account for half of all new generating capacity worldwide, and will “overtake coal around 2030 to become the largest power source.”

These reports have long-range significance for West Virginia’s coal industry, already contracting painfully in recent years. Relentlessly, the world economy is shifting toward pollution-free renewable energy, away from the fossil fuels that powered the Industrial Revolution two centuries ago.

Researcher Joe Romm says “the renewables revolution is now unstoppable.” The world is becoming “increasingly serious about replacing fossil fuels with low-carbon energy.”

The National Oceanic and Atmospheric Administration declared: “The sun is shining or winds are blowing somewhere across the U.S. all of the time... Our research shows a transition to a reliable, low-carbon electrical generation and transmission system can be accomplished with commercially available technology within 15 years.”

Does anyone else see opportunity here? 🍌



My Greatest Hope for Central Appalachia

by Robin Blakeman, OVEC organizer and ordained PCUSA teaching elder, and eighth-generation WV resident

There's a story in my family about my great-grandfather, Silas M. "Bud" Javins: Sometime in the late 1800s, after building his own sawmill and house on a piece of Boone County, WV, land he owned (which had been in the family since the late 1700s), he encountered "Rockefeller agents," who wanted to buy his mineral rights. He didn't want to sell and tried to tell them politely to leave, but they wouldn't listen, so the dialogue got rather heated. The legend goes that he had to chase those land grabbing agents off his property with a gun!

This story illustrates how hard-working entrepreneurial central Appalachians were challenged with increasing levels of force to give up their land and/or mineral rights. Many sold out for the much-needed cash they were offered, not really understanding what they were signing. Some shady dealings were happening, too—several county court houses in southern WV suffered mysterious fires during that era, and land records were destroyed or altered subsequently. I'm one of the lucky ones to still have my family land—the very farm where my great-grandfather built that house and sawmill—with some of our mineral rights intact. I am aware, however, that it was during that post-Civil-War early industrial period when West Virginia (a state forged out of the Civil War) and much of central Appalachia became essentially a resource colony for the rest of the nation, and it has been exploited ever since.

Fast forward to today, when current statistics tell us these facts: West Virginia has a county (McDowell) that is both a major exporter of coal and has the shortest lifespan in the nation for its adult male residents. A woman of childbearing age can anticipate that her unborn baby will have a 40% greater likelihood of developing a serious birth defect if she lives near a mountaintop removal coal mining operation. Many of our retired, disabled, and deceased miners and their families now struggle with the fact that their health, retirement, disability, and survivor benefits are being terminated due to bankruptcy agreements that allow corporate executives to retain their salaries and benefits, while the miners lose their promised benefits. Yet, our state's elected leaders continue to speak with near unanimous voice about the need to "protect coal."

What I can see, from my perspective as both an eighth-generation WV resident and a faith-filled, social-justice-informed reader of current events, is that this is at very least a foolish allegiance to an industry that is soon going to be just as bygone as the horse-drawn buggy makers of the past. At worst, there is a form of idolatry on the loose in the voices of those who claim that we must protect our "coal jobs" at all cost, when the coal industry has been in a labor reduction mode since the mid part of the 20th century, when mechanization of mining practices became widespread, increasing in size and capacity up to

the modern "dragline" that literally rips mountains apart at their seams in the process of mountaintop removal coal mining.

Now, there are much bigger things at stake than just my (or anyone else's) family farm. There is the fact that the headwaters of much of the East Coast's watersheds are at risk from mountaintop removal coal mining and gas fracking, which is becoming widespread in central Appalachia. This is the location of headwater streams for the Ohio, the Potomac, and the James rivers, and many others. There are reports of dramatic and increasing signs of climate change, which we must address as quickly as possible if we want to avoid our coastal cities going underwater due to sea-level rise. There are droughts and unbelievably high temperatures in India and other countries that are causing deaths and disease in catastrophic numbers. There are floods and wildfires on our own continent that we can no longer ignore. There is increasing melt of glaciers, permafrost, and polar ice caps.

The central question for me is: What kind of world do I want to leave to my daughter and her descendants?

In answering that question, I am aware of both the global problems of climate change and of shortfalls to my state's budget due to loss of coal revenues—all of which may impact her job prospects when she graduates next year from college. For her sake and for the sake of her yet-to-be-conceived or adopted children, we urgently need to develop alternative industries and truly renewable energy resources in order to fill in those budget gaps. (Some would say we need to focus on "preserving coal," but I strongly disagree.) To spur this kind of development, we need a message about the morality and justice of continued economic dependence on fossil fuel resources, and we need it loudly and rapidly delivered, even though there will be opposition to it.

What gives me the most hope is that there are some nearby job training programs that are actively training solar installers. This is a growing industry in West Virginia! If we can do this here, it can be done anywhere.

My hope is this: Instead of squashing entrepreneurial initiatives (as was done in the past in WV), that wisdom will prevail, and programs like those at the Coalfield Development Corporation and Solar Holler will become the model for increasing diversification of our workforce and energy generation. We need messages sent to our elected leaders and energy providers about the critical need to transition away from dependence on fossil fuels. To help this transition happen, I have supported the work of Fossil Free PCUSA for the past three years. The work being done on the divestment front is another bright and shining beacon of hope, not only for central Appalachia, but also for our entire world. 🍓

Janet Receives CAG Award

Congratulations to now-retired OVEC Executive Director Janet Keating, who received WV Citizen Action Group's Thomas A. Knight Excalibur Award. CAG's Julie Archer presented the award at the group's annual Spring Fling, held June 3.

Some of Julie's remarks before handing the award to Janet:

It is my honor, having worked the past 15 years with our recipient, to be able to present the Thomas A. Knight Excalibur Award to Janet Keating, executive director of the Ohio Valley Environmental Coalition.

Unfortunately, I didn't have the pleasure of knowing Tom, but I understand from those who did that he shared many qualities with Janet. Tom was a reporter, a legislator, and a labor lobbyist. But he was also more than that. Like Janet, Tom was an agitator and a fighter for social justice.

Janet's accomplishments are too numerous to mention here, but one notable connection between Tom and Janet is that Tom was public relations consultant for the Affiliated Construction Trades Foundation, when organized labor and environmental allies including OVEC were fighting to keep what would have been the country's largest chlorine-based pulp mill out of WV. Tom coined the phrase "Cancer Creek" because of the mill's huge dioxin discharge. Janet led OVEC's organizing and coalition building efforts against the mill, and its ultimate defeat is just one of many battles OVEC has fought and won during Janet's 24 years with the organization.

I doubt Janet needs much more of an introduction, but for those of you who may not know her, she is a biologist and former educator, who has spent a lifetime as an activist, organizer, and defender of the environment. She's also a proud mom and ecstatic to be a new grandmother. Before joining OVEC in 1992, Janet, an avid birder, began her career as a volunteer in 1983 with a campaign to protect a threatened wetlands area just north of her hometown of Huntington. She organized and co-founded the Greenbottom Society, which is still in existence today.

Janet also organized and led our Clean Elections coalition in WV for 10 years, which is how I came to know, work with, and become friends with her. The coalition has gone on to have some important legislative wins in terms of requiring disclosure by entities that fund political campaigns and, most notably, efforts to curb special interest influence in the courtroom by establishing a public campaign financing program for candidates for our state Supreme Court.

It speaks volumes of Janet that she has already been recognized many times for her work and accomplishments. In 2001, Janet was part of the OVEC leadership team that received the Ford Foundation's Leadership for a Changing World award for outstanding grassroots leadership in

improving people's lives.

In 2004, Janet received the WV Environmental Council's highest award, the Mother Jones Award, given to one, who like Mother Jones, fights like hell for the living.

In 2011, Janet received the Human Rights Recognition Award from the Greater Church Women United, a national award that recognizes the commitment and contributions of women at the local level who have demonstrated dedication to the struggle for human rights.

In 2015, Janet was chosen as one of the Environmental Working Group's Women of Courage for her fearlessness and tenacity in fighting to protect her community from environmental threats big and small.

Most recently, under Janet's leadership, OVEC received the Jean and Leslie Douglas Pearl Award, which recognizes recipients' commitment and dedication to positive change and promoting the rights of individuals to live in a world with clean water, clean air, and sustainable land.

Although Janet will be retiring this year, she will continue to be an inspiration and a source of strength and wisdom to those she has worked with, mentored, and become friends with throughout her years at OVEC.

For her leadership and lifetime commitment to protecting the environment and working to improve the quality of life for all West Virginians, please join me in welcoming one of my personal heroes, my friend, and this year's Thomas A. Knight Excalibur Award recipient, Janet Keating. 🍓



Janet Keating (left) and Julie Archer with the Excalibur award.

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!

John Taylor, Former OVEC Board Member, Dies

by Janet Keating

John Taylor (1939-2016), an attorney who dedicated much of his life in WV to helping injured coal miners and their widows, died after an extended illness on May 7, 2016. He and his wife, Lynda Ann Ewen, moved from WV to Salem, VA, in 2008 to live with his daughter and family who could assist in his care.

From his obituary:

West Virginia lost a mountain of a man. H. John Taylor—union lawyer, black lung and disability attorney, community organizer, gardener, outdoorsman, and family man... John was raised in Arthurdale, WV, the community founded by Eleanor Roosevelt for unemployed miners. John was the grandson and son of coal miners. His grandfather was the secretary of the first UMWA local in that area. He was raised with the stories of strikes, picket lines, Klan harassment, and gun battles between company thugs and union men... On a more personal level, John was a prodigious gardener and his collards were willingly shared with the Rand community. He was the father of four children and a foster son. All his children, and then grandchildren, learned to love his precious mountain as they hiked and camped with John.

John was a fighter and quite vocal and active on behalf of OVEC's causes. I met John on the recommendation of Robin Godfrey (another good-guy attorney) when OVEC was focused on halting the construction of the proposed Apple Grove Pulp and Paper Mill. You can read about that unlikely victory in our archives. Soon after meeting John in the late 1990s, we asked him to join OVEC's board of directors, where he served for many years, including as OVEC's board chair.

He not only served faithfully, but he was also active on our issues. Because of John's commitment and perseverance, the first-ever resolution to ban mountaintop removal was passed at the annual meeting of the United Methodists in Buckhannon. Not long afterward, resolutions were passed from many other Christian denominations and other faiths, as well. His resolution eventually made it to the national United Methodist meetings, where it also was passed. As an active member of the Methodist Federation for Social Action, John was a trailblazer.

During one of the many rallies at the State Capitol to plead for the end of MTR mining, a standout moment occurred when, midway through the event, the MC



John Taylor in his natural habitat.

shouted, "Here come the Methodists!" All heads turned to see John with a banner hoisted high, leading many members of the WV Chapter of the Methodist Federation for Social Action in a march from Asbury United Methodist to join us at our rally. He shepherded the MTR resolution, as well as a resolution to support the public financing of elections of our state legislators, through the state Methodist gatherings. John asked me to attend one particular annual meeting of the Methodists with him and Lynda Ann. We spent an afternoon

handing out factsheets about the benefits of public financing of campaigns—a way for ordinary citizens to run for public office and serve the public good. John was a natural organizer. As with the MTR resolution, John made a passionate appeal on the floor to other conference attendees, and the resolution passed.

If you peruse OVEC's newsletter archives, you will see photos of John in action as well as articles that he wrote on issues that were important to him—dismantling racism was at the top of his list. He always encouraged OVEC to reach out more and stand with people of color. He knew that our work includes fighting oppression in the many forms that it takes. He was so solid in his values. He loved shaking up the status quo and was energized by protests and rallies.

His memorial service, held on June 4, was sweet and intimate, as you would expect to honor someone so humble and deeply spiritual. It included John's oral history recorded by Carrie and Michael Kline, words and prayers by Deacon Tom Tolliver, along with family members and friends sharing their memories of John.

The rain was pouring down that day; it was a deluge, in fact. I couldn't help but say aloud, "Even the Heavens weep," for John's passing. I felt honored to speak about his dedication and work with OVEC. He loved the earth, which was so apparent in his many actions to help defend our state and her people. We hope that his family will find peace and healing in the many good memories John left behind.

We will miss him. 🍌

Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference for WV's future? Consider making a planned gift to OVEC. Planned giving options include:

- Gifts of stocks and bonds;
- Including OVEC as a beneficiary in your life insurance policy;
- Including OVEC as a beneficiary in your will.

Tax benefits apply to each of these options. See an attorney or a financial advisor for more info, or go to lalwv.org.

Farewell to an Original Mountain Defender: Thursy Baker: 1930-2016

by Bill Ragette

We moved “back to the land” in Lincoln County in 1976. We learned how to plough with a horse, build log cabins, and garden from the locals, living like they did 50 years earlier. Before long, Delbert Burdette (Black Gold Mining) filed for a permit to open a strip mine in Lincoln County.

The WV Department of Energy dutifully held a meeting for public input. That’s when I first met Thursy and Cebern Baker. Both born and raised around McClarity Fork of Four Mile, descendants of families that had first settled those parts long ago. They were some of the many that left for the cities for good jobs and among the fewer that returned upon retirement to enjoy the land and culture they so missed.

Soon, they became regulars at our Friends of Lincoln County meetings. If truth be told, the group was mostly “outsiders,” focused on connecting lawyers with locals, commenting on the negative environmental effects of strip mining, organizing grassroots protests, and petitioning appointed and elected officials. Very early on, I sensed the division between us and the locals who were hoping for those good mining jobs to improve the quality of life for their families.

Looking back, I can see our arrogance and ignorance, but my belief in our righteousness was a bit blinding at that time. Not long after we met Cebern and Thursy, I remember testifying at another strip mine meeting. I got up and delivered my usual comments. Soon, Thursy got up and spoke about the environmental damage the strip mining caused and how it ruined the land for nature and for people.

But then she went on talking directly to the locals that came to support the new mines. I saw her transformed, as if illuminated by a spirit I had no notion of. She said she was sorry to say it, but coal was not the way out for them. That coal mining jobs were definitely going to get scarcer every year, that coal was going to be used less, and that their children—if they wanted to do better in the world—needed to focus on studying, going on in school, or learning new trades that would allow them to prosper in the new economy that WV would become part of.

That was the gist of it as far as I can report, but I know there was much more. I could have said those words, but they would have fallen on deaf ears. There

was something she had: a wisdom, a compassion, a connection to the inner lives of these people that I was totally lacking, because just after she finished four or five couples, who were normally our opponents, came up to Thursy hoping to learn more and exactly how they could help their kids do better.

I think it’s easy to spot people who are smarter than we are or who have more social skills, but sometimes we can’t recognize those that are more spiritually advanced than we are (they certainly would deny it). Listening to the stories her family told about her at her funeral, and remembering my interactions with her years ago, I know now that Thursy was one of those enlightened beings that walk among us too often unnoticed.

Our deepest condolences to the Baker family. Thursy and her husband have been longtime members of OVEC. The writer, Bill Ragette, was OVEC’s first treasurer. 🍷

Mae Ellen Wilson

OVEC extends our deepest condolences to longtime WV Highlands Conservancy volunteer Julian Martin on the loss of his wife Mae Ellen Wilson on May 27, just before her 82nd birthday. Our hearts break for her children.

Mae Ellen was a feminist who loved nature and native flower gardening. She was a certified WV Master Naturalist. She enjoyed hiking and visiting state and national parks and forests. She served as an officer or finance committee member for several groups, including WVHC.

Mae Ellen helped gather 5,000 signatures on the Save Blackwater Canyon petition, and she walked with Larry Gibson in his Walk for the Mountains, which was sponsored by OVEC. Mae Ellen was a driving force in getting legislation passed to protect Kanawha State Forest from more ravages of gas well drilling. 🍷

Nancy Sharon Leatherman

OVEC extends our deepest sympathies to the family of Nancy Sharon Leatherman, who died on July 8 in Hagerstown, MD. She was a long-time member of OVEC who was born in Circleville, WV. She served for 15 years as executive director of the United Methodist Appalachian Ministry Network. 🍷

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

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You Gotta Have Faith

On May 25, in Boston, 16 faith leaders were arrested as they led a multi-faith, non-violent occupation of a Spectra Energy fracked gas pipeline construction site.

When a reporter asked why she took action and risked arrest, Reverend Heather Concannon said:

“I chose to participate because my faith calls me to align my actions with my beliefs. I believe that it is immoral to be building new fossil fuel infrastructure when we know how devastating and deadly fossil fuels are for our planet and for the most vulnerable people on it. I chose to participate because there is moral power in faith-based resistance to oppressive structures, and because there is power in choosing to be a part of something greater than myself.”

*Stay up to date on
the latest events.
Check our online calendar
at ohvec.org.*



Visit ohvec.org/blog to read Robin Blakeman's blog *Resources for Info on #Fracking Health Effects*. And, watch for a special newspaper OVEC will publish on energy issues in WV. If you'd like to help us distribute this newspaper, contact us at 304-522-0246 or info@ohvec.org.