



Huntington, WV

Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

OVEC

www.ohvec.org



Photo by Chad Cordell

Above, on November 15: Appalachia Stands with Standing Rock #NoDAPL Solidarity Action in Huntington, WV.

Story page 12.

Also, on November 15, WV Supreme Court Says No Pipeline Surveys for Private Gain.

Story page 4.

Inside This *Winds of Change*

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Veteran Reporter and TV News Anchor Dan Rather Calls Americans to Action

Now is a time when none of us can afford to remain seated or silent. We must all stand up to be counted.

History will demand to know which side were you on. This is not a question of politics or party or even policy. This is a question about the very fundamentals of our beautiful experiment in a pluralistic democracy ruled by law.

When I see neo-Nazis raise their hands in terrifying salute, in public, in our nation's capital, I shudder in horror. When I see that action mildly rebuked by a boilerplate statement from the president-elect, whom these bigots have praised, the anger in me grows. And when I see some in a pliant press turn that mild statement into what they call a denunciation I cannot hold back any longer.

Our Declaration of Independence bequeaths us our cherished foundational principle: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

These truths may be self-evident, but they are not self-replicating. Each generation has to renew these vows. This nation was founded as an opposite pole to the capriciousness of an authoritarian monarch. We set up institutions like a free press and an independent court system to protect our fragile rights. We have survived through bloody spasms of a Civil War and a civil rights movement to extend more of these rights to more of our citizens. But the direction of our ship of state has not always been one of progress. We interned Japanese Americans, red-baited during the McCarthy era, and more. I feel the riptide of regression once again swelling under my feet. But I intend to remain standing.

In normal times of a transition in our presidency between an incoming and outgoing administration of differing political parties, there is a certain amount

of fretting on one side and gloating on the other. And the press usually takes a stance that the new administration at least deserves to have a chance to get started—a honeymoon period. But these are not normal times. This is not about tax policy, health care, or education—even though all those and more are so important. This is about racism, bigotry, intimidation, and the specter of corruption.

But as I stand I do not despair, because I believe the vast majority of Americans stand with me. To all those in Congress of both political parties, to all those in the press, to religious and civic leaders around the

Power + Prejudice = Racism

Racism is different from racial prejudice, hatred, or discrimination. Racism involves having the power to carry out systematic discriminatory practices through the major institutions of our society.

— Dr. Delmo Della-Dora

country, your voices must be heard. I hope that the president-elect can learn to rise above this and see the dangers that are brewing. If he does, and speaks forcibly and with action, we should be ready to welcome his

voice. But, of course, I am deeply worried that his selections of advisors and cabinet posts suggest otherwise.

To all of you I say, stay vigilant. The great Martin Luther King, Jr., knew that even as a minority, there was strength in numbers in fighting tyranny. Holding hands and marching forward and raising your voice above the din of complacency, can move mountains [Editor's note: Or in our case, keep mountains in place and intact.] And in this case, I believe there is a vast majority that wants to see this nation continue in tolerance and freedom. But it will require speaking. Engage in your civic government. Flood newsrooms or TV networks with your calls if you feel they are slipping into the normalization of extremism. Donate your time and money to causes that will fight to protect our liberties.

We are a great nation. We have survived deep challenges in our past. We can and will do so again. But we cannot be afraid to speak and act to ensure the future we want for our children and grandchildren.

Are you listening journalists? Activists? Citizens? The time is now. —from a Dan Rather Facebook post 🍌



What Do You Want to Do? Let's Get to It!

by Keena Mullins

After many years of living in a city and complaining about how there were no “jobs” back home, I realized what mattered more to me is that there is much work to be done in central Appalachia. I moved back to join my community and neighbors in this important work, and I am so fortunate to be able to do it as OVEC’s membership and outreach coordinator. I’ll be full-time starting in January!

Although you know us as OVEC, the Ohio Valley Environmental Coalition, I must stress that there’s power in the fact that many of us throughout Appalachia are fighting battles that intersect with one another. Social justice and environmental justice go hand in hand.

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

I was raised in central Appalachia, in the heart of the coalfields of southwest Virginia, and I’ve seen first-hand what happens to a community when it’s no longer profitable for the coal industry to keep the mines open. Regardless of what caused the decline of coal, I don’t think I’ve met anyone who thinks the practice of packing up shop while leaving behind messes and unemployment and retirees without benefits is anything but criminal.

All those years ago, our legislators let us down when they didn’t insist on a diversified economy and failed to prepare for the inevitable decline of the extraction of a limited natural resource from our mountains. Now we have crippling unemployment, water that has been contaminated, limited access to infrastructure to support those struggling with addiction or mental illness, and politicians who are still being bought and sold in the public blind-spot, leaving many of us disenfranchised and underrepresented.

What we’re left with is a shared set of struggles and the opportunity to join together, empower each other, and prevent the second wave of boom/bust, extraction-based economics in Appalachia.

It’s in this spirit that I’m asking you to reach out to me and become involved in our effort to improve the quality of life for Appalachians. Many of you reading *Winds of Change* are already OVEC members, and for that I thank you! I hope you will take a few minutes to check in with me, so we can meet one another.

If you are not already a member, please join! Although you can join OVEC in the traditional way by paying dues, you can also “pay” dues by volunteering through our sweat-equity program.

If you are ready to volunteer, as either a new or a seasoned member, let’s talk, so we can come up with a way you can be engaged in our efforts, while doing something that you find fulfilling and important.

I’m so excited to have joined OVEC on the cusp of our 30-year anniversary. Our roots were built in community empowerment, environmental stewardship, and promoting a sustainable economy in central Appalachia. We aren’t losing momentum now.

Contact me at keena@ohvec.org or 304-522-0246, or drop by the office. 🍌

Above: Bob Mertz checks stream water quality in Roane County. He’s volunteering with one of our stream teams (see story page 6). Contact Keena to discuss ways you can volunteer.

WV Supreme Court: No Pipeline Surveys for Private Gain

On November 15, WV property owners won an important case at the WV Supreme Court of Appeals. The court sided with Appalachian Mountain Advocates attorneys, ruling that the Mountain Valley Pipeline cannot survey for its proposed natural gas pipeline without landowner permission. The court held that such a survey would constitute an illegal “private taking for private use,” because the proposed pipeline would not benefit West Virginians.

The Supreme Court’s ruling came in a case brought by Appalachian Mountain Advocates on behalf of Bryan and Doris McCurdy. Mountain Valley Pipeline threatened to sue the McCurdys after they refused to allow the pipeline company to survey their homeplace in Monroe County, WV. Appalachian Mountain Advocates helped the McCurdys sue Mountain Valley Pipeline first to keep the company from trespassing on their property. They argued that state law prohibits the pipeline company from setting foot on McCurdy’s property without their permission, unless the pipeline company first showed that its pipeline would be for public use—a state requirement for private companies to use eminent domain.

Mountain Valley Pipeline could not make that showing because no West Virginians will use the gas transported through the pipeline.

Appalachian Mountain Advocates represented the McCurdys when they won in the trial court in 2015. The pipeline company later appealed this decision to the WV Supreme Court. On November 15, the Supreme Court ruled on the case, affirming the lower court’s ruling, and holding that the Mountain Valley Pipeline is not for public use by West Virginians.

“This is a great day for private property rights in West Virginia,” said Appalachian Mountain Advocates Senior Attorney Derek Teaney, who represented the McCurdys in their case against Mountain Valley Pipeline. “This ruling vindicates the rights of landowners in the path of this ill-advised pipeline and shows that *private companies cannot bully West Virginians into allowing them onto their property without their permission.*”



The Mountain Valley Pipeline would transport, under high pressure, fracked gas over 300 miles from northwestern WV to southern VA to connect to the Transco Pipeline, a mega-pipeline that ships gas to the Southeast. The pipeline would be 42 inches in diameter

(by comparison, Keystone XL would have been 36 inches).

Speaking with a VA reporter, VA resident Roberta Bondurant, a member of Preserve Roanoke County, says, “The West Virginia Supreme Court decision is encouraging for all those who have borne up for over two years under the threat and abuses of MVP and Coates [Field Service] surveying.”

The VA newspaper noted, “Opponents of both the Mountain Valley Pipeline and the Atlantic Coast Pipeline, a separate but similar project, have adopted a slogan that helped unite opposition in Nebraska to the Keystone XL Pipeline: ‘No eminent domain for private gain.’”

Ten days after this ruling, a headline of a *Daily Mail* editorial in the *Charleston Gazette-Mail* screamed, “Legislature needs to urgently redefine ‘public use.’” The paper editorialized:

“The state needs more revenue and its residents need more job opportunities. Both will come from expansion of businesses and infrastructure.

“So one would think that a major investment project [i.e. MVP] by private funders—that would bring all of the above—could easily be considered a ‘public use.’”

That sure sounds like more of the same: mangling our laws to support the fossil fuel industry, so it can do whatever it wants to. Yeah, that’s the way we will save ourselves from the fossil fuel industry.

The editorial is a heads-up, folks. We will need to pay close attention during the 2017 Legislative Session. Fossil fuel lobbyists and the legislators they finance just can’t stand it when the citizens of this state win any court battle that might preserve our rights and health. Get involved with our lobby team! Call 304-522-0246 or e-mail info@ohvec.org. 🍌

Above: Orange or other colored plastic ribbon fluttering from tree branches or stakes, or attached to a steel pin pounded into the ground, as in this shot by Bill Hughes, are signs a surveyor has been on your property. Go to ohvec.org, click on our blog page, and search “surveyor” to learn more.

Multiple Fracked Gas Pipelines Could Cross Ohio River

To frack the hell out of our region, gas companies need to be able to get the fracked gas out of here and to markets, and for that they need pipelines—*big, high-pressure* pipelines. To build the pipelines, gas companies don't care if they have to seize your property, spoil our streams and rivers, and endanger communities, in our region or anywhere. We think there's proof of that in the fact that gas companies have proposed to run pipelines along and/or to cross under the Ohio River, the water source for millions of people.

Of all the pipelines planned for the Huntington area (see page 11 of the Fall issue of *Winds of Change*, which you can find on ohvec.org), Columbia's proposed Leach Xpress pipeline is farthest along in the approval process. It would originate near the OH/PA border, pass through OH's fracking region, and then go under the Ohio River near the Camden Amusement Park, near Huntington, WV. Once beyond the Marathon Petroleum refinery on the border of WV and KY, it would apparently be renamed the Gulf Xpress pipeline, and it would move gas to export facilities on the Gulf Coast. Some gas would go to U.S. markets as well.

Columbia's planned Mountaineer Xpress pipeline would originate in North Central WV's fracking region, go under the Kanawha River in Putnam County, join with the old SM 80 pipeline in Milton (Cabell County), join with a new SM 80 pipeline in

Wayne County, and end at an expanded compressor station near the Huntington Tri-State airport. At this Ceredo compressor station, it would apparently join with the Leach Xpress and then go underneath the Ohio River.

The more recently proposed Appalachian Storage Hub would consist of underground storage units and *six* pipelines to carry fracked gas *liquids*. It would originate in PA. Earlier this year, a spokesperson provided information and a map to media, which shows that these six pipelines would run adjacent to the Ohio River all along WV's Ohio River border, pass by Marathon Petroleum's Catlettsburg refinery, and go to the Gulf Coast. This is still in the planning phase. The promoters hope to make it a public-private partnership (your tax dollars at work?).

Marathon Petroleum is planning for a dramatic increase in activities related to fracked gas liquids production. Fracked gas (methane) is explosive, but fracked gas liquids are even more explosive. Big machines are now leveling the hills directly across Interstate 64 from the Marathon Petroleum refinery.

The Rover pipeline is proposed to go under the Ohio River in between WV and OH in Tyler County.

To learn more, or to get involved in citizen resistance, please contact us at 304-522-0246 or info@ohvec.org. Go to ohvec.org/pipelines-cross-under-ohio-river for more info on pipeline threats our region faces. 🍌

Dedicated Activists: The Next Big Threat For Oil

excerpt from an October 12 article by Nick Cunningham on Oilprice.com

Oil producers and pipeline developers are having a rough time trying to get their product to market, running into resistance from protesters and seeing projects fall by the wayside.

[T]he fate of the much higher-profile Dakota Access Pipeline [see related story page 12] is up in the air... The problem of infrastructure is not just one for North Dakota producers. Environmental opposition to oil pipelines and other infrastructure became a national issue with Keystone XL, but the fight did not end there. Projects around the country are facing setbacks. For energy executives, the trend should be alarming, because protests are only swelling and spreading.

...The environmental-protest movement has grown more sophisticated and widespread, and only shows signs of expanding. Their effect is clearly reaching all the way to Washington. Instead of waiting years, as it did with the Keystone XL fight, the Obama administration moved to nip the problem of the Dakota Access pipeline in the bud, when it asked its developers to voluntarily stop construction.

With so much fossil-fuel development—coal, gas, oil—going on, there is no shortage of targets. Energy companies and their investors should be on notice. 🍌





Above: Activity associated with the 30-inch-diameter Ohio Valley Connector Pipeline going under Little Fishing Creek in Wetzel County. No wonder we need to monitor streams before, during, and after construction of pipeline stream crossings. These photos are by Bill Hughes.

Be sure to read Bill's photo essay, "Pipeline at My Mailbox," on the blog at ohvec.org.

Proposed Mountaineer Xpress Pipeline Faces Dream Stream Teams

Streams across the state are at risk from the development of fracked gas pipelines. In the west-central part of the state, the proposed Mountaineer Xpress Pipeline (MXP) would cross streams in Putnam, Wayne, Jackson, Cabell, Roane, and other counties.

That's why, on October 16, in partnership with WV Highlands Conservancy, we hosted a fracked gas pipeline volunteer water quality monitoring training at Coonskin Park in Charleston, WV.

This training is part of the WV-VA Water Quality Monitoring Program developed by Trout Unlimited (TU). The program, implemented by TU and WV Rivers Coalition, trains volunteers to monitor streams for impacts from shale gas and pipeline-related development and other sources of non-point source pollution.

Streams and the Life That Depends on Them (This Means You!) Beware:

The Mountaineer Xpress pipeline would stretch 167 miles from Marshall County, WV, to Wayne County, WV, transporting gas from the Marcellus and Utica shales to markets on the Columbia Gas Transmission system. The pipeline would include 24- and 36-inch-diameter pipeline, three compressor stations, three regulator stations, and modifications at three existing compressor stations.

Fifteen people took our Sunday-afternoon training. It began with an introduction to fracked gas pipelines and an overview of concerns related to the construction of high-pressure, large-diameter (in this case, mostly 36-inch) pipelines. As you can imagine, when pipeline this large crosses streams, there's significant disruption to water quality and habitat.

We learned about techniques used to monitor water quality, specifically turbidity, conductivity, temperature, stream stage (depth), pH, and pebble counts. It might sound quite technical, but the trainer, WV Rivers' Autumn Bryson, explained it all clearly, making sure we had time for hands-on training with all the simple instruments that make up the water-monitoring kits.

We also learned how to conduct visual assessments, how to collect and handle samples for lab testing, how to enter data from each stream visit into an online database, and how to take safety precautions in the field. Autumn provided us with information to share with landowners when asking their permission to access their property to reach streams.

Teams from each county received maps to help identify the best sampling spots, which are both upstream and downstream of sites where the pipeline is proposed to cross streams.

Teams headed home with the monitoring kits, which include equipment such as a conductivity pen and ph strips, as well as data sheets to fill out and a notebook with training notes to refresh one's memory.

Of course, ground truth-ing is the next step—some locations might be too difficult to reach, or a landowner might not give permission. Once the monitoring locations are established, the teams visit their selected streams once a month. Each team has enough members so that not every person has to go out every single month.

At the moment, the data collected builds a baseline understanding of the particular stream's water quality, before any MXP construction is underway. If it does come to pass (no! resist!) that MXP is built, then the teams may monitor more often during the construction stage. The teams are to contact TU and Rivers Coalition if violations are occurring, so that a decision can be made on whether to call DEP. Monitoring would go back to monthly post-construction, but our aim is no construction!

Since our October training, a few more folks have joined some of the stream teams. To assure we are getting quality data, any new members of the stream teams must accompany those who had the "official" training on site visits. If we get enough interested folks, then we will host another training. If you want to join the dream stream teams, contact OVEC at 304-522-0246 or info@ohvec.org. 🍌



Above: Autumn Bryson, center, talks with trainees.
Left: The water-monitoring kit. Right: Checking the maps.

Meanwhile, in Pennsylvania...

Three hundred delegates of the PA Medical Society voted unanimously in calling for a moratorium on drilling and fracking. Dr. Walter Tau, past president of the American Public Health Association, said "growing evidence has shown its increasingly deleterious effects outweigh any economic benefit."

Also, in PA, where Marcellus Shale fracking started several years earlier than it did in northern WV, landowners and the PA DEP disagree on how many private wells are contaminated. But even the PA DEP has written that 245 sites are potentially contaminated by fracking-related activities. 🍌



Rogersville Shale Update

During the 1970s, Exxon drilled an oil and gas test well into the deep Rogersville Shale layer beneath Wayne County, WV. In 2014, the KY Geological Services issued a report on this well, concluding that a "viable petroleum system exists in the Rogersville." Results also showed fracked gas (methane), and fracked gas liquids.

The KY Cimirex Bruin well near the Wayne County border has been fracked but is temporarily shut down. It was drilled with slickwater fracking (677,000 gallons of fluid, 600,000 pounds of sand) at 576-foot intervals and is permitted at 14,000 feet deep with a 4,800-foot horizontal well. It appears that five other Rogersville wells in KY now have permits for horizontal fracking.

At least 19 companies have leased land in KY and WV. Low prices for oil and gas have slowed down Rogersville development, but clearly, companies are betting on more demand now that more export markets have been developed. Fracking companies have also been working hard to find cheaper ways to operate.

Marathon Petroleum and MarkWest have budgeted \$1 billion to develop infrastructure for the Rogersville Shale. We have no indication of when this work is planned.

The Rogersville Shale lies deep (12,000 to 15,000 feet) under much of our region; it's right under Marathon's Catlettsburg, KY refinery, on the WV/KY border near Huntington. The Rogersville is about twice as deep as the Marcellus Shale, meaning that fracking operations would need more chemicals, more water, and many more large trucks clogging our roads.

Search ohvec.org for "Rogersville" for more info, or contact us at info@ohvec.org or 304-522-0246. 🍌

Fracking in Wayne National Forest?

The U.S. Forest Service has approved fracking for oil and gas on 40,000 acres of southern Ohio's Wayne National Forest, Marietta Unit. This portion of the forest is near the WV border. We've heard talk that fracking in the Wayne will be linked with fracking under the Ohio River and more fracking in WV.

The U.S. Bureau of Land Management (BLM) plans for a December 13 oil and gas lease sale of Wayne National Forest land. Many families live on private land near the forest.

OVEC has joined with other groups to protest this lease sale. We're grateful to Ohio's Fresh Water Accountability Project for taking the lead on writing a protest letter to the BLM, which notes, "If BLM proceeds with the sale of leases... its actions will constitute significant substantive and procedural violations of federal law."

Federal law requires that an Environmental Impact Statement (EIS) be prepared for "any major Federal actions significantly affecting the quality of the human environment." BLM's Environmental Assessment has concluded that fracking development of 40,000 acres of the Forest will not significantly affect the quality of the human environment.

BLM suggests that the existence of environmental regulations would reduce any impact of the proposed sale to an insignificant amount. Anyone who believes that should take a look at our long history of successfully suing many mountaintop removal companies for illegal pollution that violates laws—laws that are not enforced by government agencies.

It's ironic that Monroe County, OH, one of the counties which would have forest land included in the 40,000 acres approved for fracking development, has had two significant drilling accidents on private land in the past year and a half. In one incident, a blast at a Statoil well pad contributed to the deaths of 70,000 fish, frogs, crayfish, salamanders, and other aquatic life, according to the U.S. EPA. In the other case, an unknown amount of methane leaked into the atmosphere over a 10-day period.

The letter protesting BLM's lease sale details numerous ways that fracking activities in the Wayne could cause major negative impacts on the human environment. Find the letter by searching for "Wayne" at ohvec.org. 🌲

DOI Cancels 65 Oil & Gas Leases in CO



As fracking companies line up to drill in southern Ohio's Wayne National Forest, a struggle in Colorado to cancel oil and gas leases in a national forest has met with resounding success.

Organized citizens had long fought for protection of the Thompson Divide area in the White River National Forest. Twenty-five of the sixty-five cancelled leases are in the Thompson Divide.

In mid-November, Secretary of the U.S. Department of the Interior Sally Jewell and Colorado Governor John Hickenlooper jointly announced that 65 oil and gas leases are being cancelled in the White River National Forest. They said this is "an example of government, communities, and industry working together."

Jewell and Hickenlooper say that these cancellations "balance development and resource protection," but western Colorado oil and gas producers call it a legal travesty. Sportsmen, ranchers, and conservationists broadly support the decision.

ORCA Update

The Ohio River Citizens' Alliance (ORCA) is seeking new member groups. Interested representatives from new groups were recently invited to attend a meeting held in the historic Lafayette Hotel, in Marietta, OH, at the confluence of the Muskingum and Ohio rivers.

Representatives of three new groups attended the meeting; another four have expressed serious interest but were unable to attend this particular meeting.

The ORCA steering committee will be conducting two follow-up outreach calls this fall and winter to answer any questions potential new members have and to try to integrate them into the Alliance.

ORCA has also recently penned an official mission statement: *Our goal is to protect water quality for all in the 15-state region of the Ohio River Basin.* With all the pipelines proposed to cross the Ohio River, drilling waste and mountaintop-removal-related pollution threatening its tributaries, and so much more, we have plenty of angles to work from. Join in! Call Robin Blakeman at 304-522-0246 or e-mail robin@ohvec.org. 🌲

Pocahontas Land Corp Must Get Permit for Ongoing Pollution at Closed MTR Mine

In late November, corporate landowner Pocahontas Land Corporation agreed in a legal settlement to apply for a Clean Water Act permit for its ongoing pollution at the former White Flame mountaintop removal mine in Mingo County, WV. When the mine was shuttered, all of the permits pertaining to mining were released, meaning the company that profited from ownership of the mine was no longer held responsible for ongoing water pollution generated by three mine-waste disposal sites. Nevertheless, citizen monitoring revealed that the mine is discharging the mine pollutants selenium and conductivity at levels harmful to aquatic life.

“We’re thrilled that this settlement with Pocahontas will lead to a new clean water permit for the mine,” says Jim Kotcon, Chair of the WV Sierra Club. However, this lawsuit should also serve as a reminder of the harm caused by surface coal mines and the legacy of polluted sites that the industry threatens to leave for all West Virginians. We still want to know why West Virginia released this and other similar permits while the sites were still polluting our streams.”



“Step by step, mine site by mine site, it’s ever so important that industry step up to its responsibility to treat water that has been damaged by the disruption of the earth and the waste produced during coal production and use,” says Cindy Rank of the WV Highlands Conservancy. “Better by far would be that permits likely to result in water pollution not be granted or released in the first place.”

“Our lawsuit demonstrated that, once again, the state of West Virginia let a mountaintop removal company off the hook for illegal water contamination when it declared this former mountaintop removal site to be safe and returned the company’s bond money,” says OVEC’s Dianne Bady. “There will be more work to be done on this in the future, because even after the company receives a permit, we will need to be vigilant and watch for expected violations from excessive selenium and conductivity. No one else is going to do that work.”

The settlement resolves a lawsuit brought by Sierra Club, OVEC, and WV Highlands Conservancy. The groups are represented by attorneys with Appalachian Mountain Advocates. 🍁

Even if the Permit is Stopped, the Pollution is Not

by Daile Rois

In August, we won our battle to stop mining on Keystone Development #2, which borders Kanawha State Forest. This is a tremendous win, not only for those directly impacted by the mine, but also for all of us fighting to end mountaintop removal/surface mining.

So, the battle is over, right? I wish.

Keystone Development #2 has done damage to the water quality of Middlelick Branch Creek and Davis Creek, which it feeds into. How much damage? The conductivity is going up, and water testing coming off of the mine site into Middlelick Branch Creek has shown acid runoff to be a continuing issue. There have been nearly 20 violations relating to water quality in the past two years.

Knowing this, I keep a close eye on the water reports that, as homeowners of the monitoring well, we receive every month. Except when we don’t, because the well isn’t being tested. The permit requires monthly testing of the well, but every time the mining company changes which company is doing the testing, we get dropped until, as homeowner, I contact the DEP.

So, it usually takes two months to realize that the well hasn’t been tested. The first month, I just assumed that they came and tested when I wasn’t home. The second month, when I realized that I hadn’t seen them, I checked with other family members to make sure that no one had seen them.

But why isn’t the DEP catching this? The permit requires both testing and reporting to the DEP. But every time there’s been a problem (three times now), it takes a citizen report to get the testing started again. DEP needs to do better. Our WV lawmakers need to do better in regards to funding and support for the DEP.

As long as there is a question of water quality coming off of the mine site, my battle continues.

Water is Life. I won’t back down from fighting for our water.

Daile Rois lives near the Kanawha State Forest, is on OVEC’s board and is an active member of the Kanawha Forest Coalition. If you missed it, read her article on page 5 of the Fall 2016 Winds of Change. 🍁

Alpha, Bankruptcy Fraud?, DEP and Us

On November 17, news sources reported that the WV DEP had filed a complaint with a federal bankruptcy court, asking the judge to declare earlier relief granted to Alpha Natural Resources senior management as “void and unenforceable as having been procured by material misrepresentation and fraud.”

Turns out, during bankruptcy proceedings, Alpha had failed to disclose \$100 million in liabilities. A favorable ruling in those proceedings in July allowed Alpha to restructure and set up a business called Contura Energy. Many top-level execs from Alpha are now with Contura. Contura operates Alpha’s most productive mines, while Alpha focuses on “cleaning up” retired mines, mostly in WV. But, Alpha still has permits for new mines in process with DEP! (See more on that below.)

In a November 3 court filing, Alpha disclosed that it had “uncovered” \$100 million in previously unaccounted for obligations, such as payroll, taxes, and royalty payments.

That disclosure riled DEP and spurred this latest complaint, because the agency believes Alpha *intentionally* misled involved parties about its finances; DEP believes *the Alpha/now Contura execs, including CEO Kevin Crutchfield, committed fraud.* The companies, of course, disagree.

In the complaint DEP writes, “[T]he reorganized debtors’ prospects and projections were dicey enough as it was. But the additional \$100 million in previously undisclosed liabilities materially worsen their prospects, materially increase the risk that the reorganized debtors will fail, and materially reduce the amount of money the reorganized debtors may commit to their still-massive environmental liabilities.” In other words, Alpha may not be as solvent as it professed, and that would leave the state (our tax money) cleaning up Alpha’s messes, which could well cost hundreds of millions of dollars.

In an article, “W.Va. DEP alleges former Alpha execs ‘committed a fraud’ in bankruptcy dealings,” Taylor Kuykendall with SNL Energy reports, “The DEP noted that Alpha and Contura are the last of West Virginia’s coal-mine operators enjoying the benefit of self-bonded coal mining permits. As of the commencement of bankruptcy, Alpha held about \$244 million in reclamation obligations under the West Virginia permits.”

Congress, in its wisdom, allows coal companies self-bonding permits, which exempts them from setting aside cash or bonds for post-mining “reclamation,” apparently because, hey, coal companies are so trustworthy and reliable.

Taylor’s story, and an article by the *Charleston Gazette* reporter Ken Ward, Jr., tipped off other interested parties as to what was happening. Coal River Mountain Watch (CRMW) is one such interested party, as are we and our attorneys.

CRMW penned a blog, posted on Facebook, and sent out an e-mail. Alpha’s Edwight mountaintop removal site looms over CRMW’s office and surrounding communities. CRMW notes that Alpha’s “reclamation” of that site is more than a year behind schedule. Plus, DEP is considering new permits to let Alpha destroy *thousands* more acres of Coal River Mountain. So as you can imagine, CRMW and MTR opponents everywhere are rightly pissed! The e-mail is a call to action, please read and take action, if you haven’t already:

WV DEP says Alpha, the coal company blasting Coal River Mountain into clouds of carcinogenic dust, committed fraud in federal bankruptcy court. Alpha allegedly failed to report \$100 million in liabilities, which would affect their ability to comply with reclamation obligations.

Please call Harold Ward, acting director of mining and reclamation, to urge him to deny new permits to a company his department is accusing of fraud. 304-926-0490, or email Harold.D.Ward@wv.gov.

The pending MTR permits on Coal River Mountain are the 847-acre Long Ridge #1 permit, number S300115, on his desk awaiting his signature, and the 561-acre Center Contour permit, number S300316. (More info: crwm.net.)

OVEC’s aerial photo (top of page 11, thank you, SouthWings!) of the Edwight mine is in the December issue of Sierra magazine, illustrating an article titled, “Coal companies devastate landscapes, go bankrupt, and stick taxpayers with the cleanup.” (Read the entire article at bit.ly/2fJ7hRC.)

Of course, the article had been in production and printed before all this went down. The caption on the photo prophetically reads, “Alpha Natural Resources promises to clean up its Edwight Mine in West Virginia—if it doesn’t go bankrupt (again).”

The article states (1st column, page 11):



Under the Surface Mining Control and Reclamation Act of 1977, mine operators are obliged to reclaim the land they're mining and provide financial assurance that the reclamation process will be completed even if the company goes under. That assurance is supposed to come in the form of a third-party bond, but Congress built in a huge loophole: The largest mining companies are allowed to "self-bond," telling regulators, in essence, "We're such a large, stable, and solvent company that you don't have to worry about us going out of business."

Today, with coal in steep decline, no company's future is guaranteed. Nationwide, more than \$3.86 billion worth of reclamation obligations are self-bonded—\$2.4 billion of which are held by companies that are in, or have recently emerged from, bankruptcy.

...Neither Tennessee nor Kentucky allows self-bonding, but West Virginia is rife with it. Should a company there go belly-up before starting the reclamation process for one of its vast mountaintop-removal mines, the toxic lunar landscape could persist for decades, with poison leaching into waterways and coal dust blowing into homes and schools.

...[T]hus far no bankrupt company has defaulted or liquidated. If one does, however, all its self-bonding obligations will fall to the state. That puts regulators in a pickle when coal companies reorganize. On the one hand, states don't want to be left holding the bag. On the other, they don't want to push too hard for companies to assume more responsibility for reclamation, fearing that the extra up-front costs could cause further bankruptcies.

In July, a court approved a plan allowing Alpha Natural Resources to emerge from bankruptcy. Some of the company's more lucrative mines will be spun off to a new company, Contura Energy Inc. Under pressure from federal regulators, Contura will replace its self-bonded reclamation obligations in Wyoming, estimated at \$411 million, with collateral bonds that are backed by assets and third-party banks. But Alpha will continue self-bonding at its riskier, less-valuable West Virginia mines—an arrangement that makes little sense, considering that the company just emerged from bankruptcy.

We File with Court in Response to Alpha's Failure to Disclose \$100 Million in Liabilities

Okay, back to the news articles. Those went right off to our lawyers. You may recall an article titled, "Alpha Settlement Funds Stream, Forest Projects," in the Fall 2016 edition of *Winds of Change* (page 8). (Read any issue of *WOC* online at ohvec.org/news-letter.)

In that article, OVEC's Dianne Bady says, "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."

The news that Alpha had failed to disclose \$100 million in payment obligations as part of its bankruptcy reorganization caused our attorneys, in late November to file a "reservation of rights" with the court.

The Sierra Club, WV Highlands Conservancy, and OVEC filed this "reservation of rights" after Alpha attempted to secure approval from the bankruptcy court for a settlement that would allow it to share some of the \$100 million financial burden with Contura Energy, the newly formed company that now holds the most profitable assets once held by Alpha. Under the terms of that proposed settlement, Alpha would still be obligated to pay approximately \$50 million.

"The real victims here are the communities who live near Alpha's coal mines in West Virginia and who must now face renewed uncertainty regarding the future prospects of the company given these new revelations," says Cindy Rank of WV Highlands Conservancy. "It would be devastating for those communities if Alpha defaults on its obligations and leaves its mine sites disturbed and continuing to pollute our waterways."

"Alpha largely escaped close financial scrutiny in its bankruptcy because of the threat that it would default on its over \$200 million of worthless self-bonding in West Virginia," says Dianne. "It's critical that the self-bonding loophole be closed so that we avoid a repeat of this unfortunate and deeply distressing situation."

**Stay up to date on
the latest events.**

**Check our online calendar
at ohvec.org.**



Appalachia Stands with Standing Rock

On November 15, about 200 folks gathered outside the Army Corps of Engineers office in Huntington, WV, to stand in solidarity with Native Americans from more than 200 tribes, who have come together to defend the land, sacred sites, and water of the Standing Rock Sioux Tribe from the Dakota Access Pipeline (DAPL).

The action quickly came together after Cathy Kunkel noticed a call for a National Day of Action at Army Corps offices: “Indigenous leaders are calling on us to take to the streets and disrupt ‘business-as-usual’ one week after the election, to demand that President Obama’s Army Corps of Engineers and the incoming administration stop the Dakota Access Pipeline.” The call originated with Indigenous Environmental Network and Honor the Earth.

Noting that the Corps has an office in Huntington, Cathy contacted OVEC, as well as Joe Solomon and organizers with RAMPS (Radical Action for Mountains’ and People’s Survival), and the Kanawha Forest Coalition. A day after that e-mail, we

all had a conference call and the event was underway.

For November 10, Joe organized an art build for the action, and the Unitarian Universalist Congregation of Charleston provided the work space. People who told Facebook they’d be there to make the beautiful signs you see on these pages included Cathy, Tina Rose Namay, Chris Gang, Katey Lauer, Chad Carpenter, Karan Ireland, DL Hamilton, Paul Dalzell, Crystal Good, Tam and Daile Rois, Kayla Parker, Lyndsay Tarus, and Dustin White. Many of these folks are active with OVEC and/or RAMPS, Kanawha State Forest, and Advocates for Safe Drinking Water. Thanks to all of you!

By the day of the event, 239 people had said they were coming on the event’s Facebook page, with more than 1,000 saying they were interested. In Washington, D.C., and all 50 states across the nation,

as well as internationally, tens of thousands of people took part in one of the more than 300 #NoDAPL solidarity actions. Among the largest rallies were those in San Francisco, with more than 5,000 people, more than 3,000 in Washington, D.C., more than 2,000 in New York City, and more than 1,000 in Chicago.

Speakers at the Huntington event included Charleston councilwoman Karan Ireland, who is also with Advocates for Safe Drinking Water. “We wanted to be here so the U.S. Army Corps of Engineers would hear our demands that they respect the

It is crucial that people recognize that Standing Rock is part of an ongoing struggle against colonial violence. #NoDAPL is a front of struggle in a long-erased war against Native peoples — a war that has been active since first contact, and waged without interruption. Our efforts to survive the conditions of this anti-Native society have gone largely unnoticed because white supremacy is the law of the land, and because we, as Native people, have been pushed beyond the limits of public consciousness.

— from “How To Talk About #NoDAPL: A Native Perspective” by Kelly Hayes. Use your search engine to find the whole essay online.

indigenous communities in North Dakota, that they consider the danger to the drinking water source. Water is something we all need to live. There is no more compelling issue for me than the safety of our water.”

OVEC’s ED Natalie Thompson led the group in a call and response, composed by the #NoDAPL frontlines at Standing Rock. OVEC’s Robin Blakeman, who is an ordained Presbyterian Church USA Teaching Elder, also spoke. “There

are some urgent issues in West Virginia right now also, and I want to lift those up while standing in solidarity with Standing Rock. There are currently seven to nine pipelines proposed for the Ohio River (see related story page 5).

“There is also a very deep shale gas field under our feet here in Huntington that expands into eastern Kentucky called the Rogersville Shale (see related story page 7). You haven’t heard much about that, but you will when they come to develop it. We will have to fight because that is twice as deep at least as the Marcellus shale field. You can imagine the chemicals that will be needed for that kind of fracking.”

Robin noted that some attending the action just delivered petitions to Washington, D.C., protesting the leasing of land in the Wayne National Forest in Ohio for fracking (see related story page 8). “We are

facing a perfect storm that could indeed endanger the drinking water for millions in this region.”

Other speakers included author Crystal Good, Autumn Lee, president of the Marshall University Native American Organization, and RAMPS’ Kim Ellis.

Kim had just returned from the #NoDAPL frontlines that week and had spent a total of two months there. She was preparing to go back yet again. She told the crowd, “We are on stolen land and people are starting to acknowledge that. The government, with all this violence, intends to continue the genocide that has happened against native people for hundreds of years. These folks are coming out and saying, ‘No’!”

The 1,172-mile-long DAPL, which crosses four states, would transport up to 570,000 barrels of fracked, highly-explosive Bakken crude oil daily. DAPL originally was proposed to cross the Missouri River near Bismarck, ND, but one reason that route was scrapped was because of the threat to the city’s water supply.

Now, DAPL would pass under the Missouri River at Lake Oahe, just a half-mile upstream of the tribe’s reservation boundary, where a spill would be culturally and economically catastrophic. Second, the pipeline would pass through areas of great cultural significance, such as sacred sites and burial grounds that federal law seeks to protect.

The Standing Rock Sioux Tribe has sued the U.S. Army Corps of Engineers, which is the primary federal agency that granted permits needed for the pipeline to be constructed. The lawsuit alleges that the Corps violated multiple federal statutes, including the Clean Water Act, National Historic Protection Act, and National Environmental Policy Act, when it issued the permits.

At the Tribe’s Sacred Stone Camp and other Water Protector camps, mornings open with prayer. Prayer and ceremonies, marked by the scent of smudged sage and cedar, singing, and the presence of sacred artifacts, go on throughout the day, often on the banks of the Missouri River.

If you are the praying type, join in. *Mni Wiconi*. Water is Life.

To donate directly to the Standing Rock Sioux Tribes NODAPL Fund, plug that phrase into a search engine. There are multiple petitions to sign online. Search for “petition stop DAPL” to find one. 🌰

#NoDAPL~Stop the Black Snake~Mni Wiconi~Water is Life



Our media advisory for the event noted: We hold this action to stand in solidarity with Native Americans from more than 200 tribes, who have come together in unity to defend the land, sacred sites, and water of the Standing Rock Sioux Tribe from the Dakota Access Pipeline (DAPL).

We hold this action because:

- The Army Corps of Engineers can stop this pipeline by not granting the permit needed to construct a pipeline under the Missouri River, the drinking water supply for the Standing Rock Sioux and millions of people downstream.
- Several centuries of violence, abrogated treaties and trampled rights for the indigenous peoples of this continent are too many.
- Those who risk their safety and freedom, who camp on a freezing prairie in winter to protect their water and face down militarized police armed only with prayer, deserve our support.
- *Mni wiconi*. (Water is life.)
- Native defense of Mother Earth is defense of Earth for people everywhere.
- We are all threatened by climate change, and the only way to avert the worst consequences is to halt new fossil fuel projects and transition rapidly to a clean energy economy—which will also generate more jobs than the deadly business-as-usual.
- We in Appalachia know all too well what it’s like to have safe drinking water threatened—or destroyed—by fossil fuel projects. We know how it feels to watch our elected officials and agencies scramble to defend the energy corporations—not us. We know how it feels to be a population whose culture, health, and welfare are regarded as low priority. 🌰

Scenes from Nov. 15 #NoDAPL Huntington Action



Second Annual Solar Open House Held in Roane County

On November 5, Bob and Jan Mertz hosted the second annual solar open house in Roane County, attended by about two dozen people. In addition to a tour of the solar panels on a hillside above the home and the rest of the grid-assisted system—inverter, charge controller, batteries—the Mertzes also showed visitors some of the other features of their sustainable homestead. Bob made his own cider press, for example. The Mertzes tap maple trees to produce their own maple syrup, and they graft fruit and nut trees for improved qualities. They do a lot of canning and, of course, have a large garden, with a gravity-fed irrigation system.

The Mertzes are retired school teachers and members of OVEC.

Last year, for the inaugural Roane County solar open house, folks at the

Hickory Ridge Land Trust hosted 40 visitors over two days. Attendees had the opportunity to examine both Robin and Brenda Wilson's grid-tied solar electric system and the off-grid system of their neighbors, Don Alexander and Mary Wildfire (all OVEC members). Among the visitors on both days were Bob and Jan Mertz. Now they have their own system!

Mary says, "We also know of another household in Kanawha County that added solar after attending last year's open house. Our fondest hope is that someone who comes to this year's event at Bob and Jan's house will be inspired, and instructed, enough to put in their own system—and perhaps host an event in 2017."

To invite locals to the open house, Bob submitted a letter to the editor of the local paper, which said, in part what you can read in the column to the right:

Above: Bob Mertz, facing camera, discusses his solar set-up with visitors.

Last year, just about Christmas time, we completed our solar power installation. I did the work myself, with the guidance of some experts from the company that sold it to me and some generous local people. It cost us about \$15,000 to put in a system that makes all the electric we use on most days. On extended cloudy periods, we use power from our regular grid power source to recharge the batteries.

Although the original output of cash is substantial, it was greatly reduced by taking advantage of the 30 percent federal tax credit that lowered our taxes about

\$4,500, which can be spread out over several years. Our system is expected to last a long time, based on a fairly long history of solar technology and equipment. We did not go with solar solely for the monetary considerations. In truth it will be some years until we break even and then get

ahead moneywise.

Aside from the personal self-sufficiency and independence our solar power system gives us, there are social and environmental benefits that benefit the larger community as well. Solar power does not produce the pollution that causes health problems that regular fossil-fuel-powered electric systems emit. It does not contribute to the mining and drilling operations that cause loss of valuable forests and dirty water. It does add considerably to the resilience of our nation, as well. One of the most vulnerable parts of our nation's infrastructure is our extremely complicated electric power grid. If enough people have local solar- or wind-powered electric power generation systems, we are much less likely to be helpless in the event of the failure of the current electric power grid.

We are having a solar open house... We are not involved in any way with selling or installing solar power systems. We have no financial reason to advance solar power, just a concern for the long-term welfare of our children and grandchildren. 🍌



Litigation Means Arch Still Responsible for Pollution Post Bankruptcy

Arch Coal came out of Chapter 11 bankruptcy in September. The reorganization plan requires the company to replace all of its existing self-bonds with more reliable financial instruments to assure funding for required future environmental reclamation.

The Sierra Club, OVEC, and WV Highlands Conservancy participated in the bankruptcy proceeding as parties in interest, represented by Earthjustice and Goldstein & McClintock LLP, with Sierra Club also serving as co-counsel.

Our work on the bankruptcy proceedings helped



to head off threats under Arch Coal's initial plan that the company could seek bankruptcy court authorization to escape certain environmental obligations under federal and state law. The final plan also recognizes that Arch Coal remains responsible for the environmental harm the company has caused and may cause in the future.

Our pollution litigation against Arch Coal was put on hold while the bankruptcy process was underway. Our two lawsuits targeting illegal water pollution at MTR mines in WV now resume, with representation by Appalachian Mountain Advocates. 🍌

Broke Coal Companies Still Spend Big On Election Campaigns

excerpt from October 28 article by McClatchy reporter Curtis Tate titled, "These coal companies went broke, yet their PACs found money to give to candidates." Read the full article: hrlld.us/2f9kzYm

The political action committees of coal companies currently or recently in bankruptcy have spent more than \$800,000 in state and federal campaigns this year, according to filings with the Federal Election Commission.

The PACs of the largest three, Alpha Natural Resources, Arch Coal, and Peabody Energy, put more than \$659,000 into federal races. Those companies and another, Patriot Coal, put more than \$165,000 into state races.

At the state and federal level, contributions from these PACs are heavily tilted toward Republicans. The donors are employees of the companies.

The PAC of Alpha Natural Resources, based in Bristol, VA, spent \$231,500 to support federal candidates. The PAC also invested more than



\$100,000 in state candidates in West Virginia and Pennsylvania.

Alpha filed for Chapter 11 bankruptcy protection in August 2015 and exited in July. (See story page 10.)

Arch's PAC has spent \$343,000 to support federal candidates, including \$30,000 to the National Republican Congressional Committee, \$10,000 to the Republican National Committee, and \$10,000 to the National Mining Association's PAC.

Arch's PAC also gave \$10,000 to the campaigns of Kentucky Republican Rep. Hal Rogers, chairman of the House Appropriations Committee, and Illinois Republican Rep. John Shimkus, who could become chairman of the House Energy and Commerce Committee in the next Congress. 🍌

Cry of the Earth, Cry of the Poor: A Dialogue Leading to Action

Representing OVEC, WV Interfaith Power and Light and the WV Presbytery Stewardship of Creation Ministry Team, Robin Blakeman took part in a faith-based conference on climate change. About 75 people attended the two-day conference, which was held in Morgantown.

Assorted faith denominations were well represented. Representatives of allied groups attended, including WV Sierra Club, Citizens' Climate Lobby, and Solar Holler.

Robin set up a table with information from all three groups she represented. This conference will hopefully lead to increased action among people of faith on important environmental issues. All participants were asked to come up with an "action plan" prior to leaving the conference, so stay tuned. 🍌

Outside Spending on WV Elections Skyrockets

According to a report released by WV Citizens for Clean Elections (WVCCE), last presidential election year, outside groups spent \$5.6 million on WV elections. This year, by late October when the report was released, outside groups had reported spending more than \$15 million on West Virginia elections. At that point, the candidates for executive, legislative, and judicial offices had reported spending \$16.3 million on their campaigns.

In the final two weeks of the election, outside groups reported spending \$4.7 million dollars. With more accounting yet to be done, the total outside spending stands at \$19.8 million for this election cycle.

The WVCCE report highlights the growing role of outside spending in state elections and the need to strengthen disclosure laws so that voters can be better informed about who is trying to influence their votes.

“If we want a government that is truly of, by, and for the people, we must demand an electoral system that puts the voices of everyday voters first,” says Natalie Thompson, OVEC’s executive director and co-coordinator of WVCCE. “To address the money being spent by special interest groups, our next legislature must make election transparency a top issue. Full disclosure of campaign cash is an important step to ensuring our government works for all of the state’s residents, not a few anonymous donors. All West Virginians have a right to know exactly where the money is coming from.”

The report, prepared for WVCCE by recent Marshall University graduate Logan Bush, profiles super PACs that were active in the 2014 election and the May 2016 race for the WV Supreme Court of Appeals. The report also details potential conflicts of interest by legislators who benefited from expenditures paid for by these organizations. An addendum to the report provides an overview of spending by third-party political groups during the

current election cycle. Spending totals and analysis are based on a review of disclosure reports filed with the secretary of state.

Logan says the report shows the need for reform: “West Virginia needs a government that represents all of its citizens, not one that only represents a select group of outsiders and corporations.”

In addition to calling attention to the outside money being spent by various special-interest groups, the coalition’s report also makes specific policy

recommendations. Although the U.S. Supreme Court decision in *Citizens United* has made oversight and regulation of campaign finance more difficult, disclosure is a key area of reform allowed under the decision. Accordingly, WVCCE supports requiring any group that spends more than \$1,000 in a calendar year to influence our elections to disclose its donors to the secretary of state and closing the “covered transfers”

loophole that allows wealthy donors and special interests to funnel money through multiple PACs and organizations in order to obscure its origin.

“It’s important to keep in mind that our analysis only includes spending that was disclosed to the secretary of state,” said Julie Archer, co-coordinator of WVCCE. “Unfortunately, under current law it would be impossible to fully determine the amount of money being spent on our elections or even to know the identity of who is behind some of the groups that have filed disclosure reports. A first step to fight back against big money in our elections is to make sure that every group—liberal and conservative—attempting to sway our elections has to disclose where the money came from.”

The report is available at wvoter-owned.org.

WVCCE is a coalition of organizations working to increase accountability and transparency in elections. OVEC and WV Citizen Action Group are leaders of the coalition. To join in our clean elections work, call 304-522-0246, or e-mail info@ohvec.org. 🍌



This year’s outside spending:
Attorney General – \$7,056,716
Governor – \$5,534,089
Supreme Court – \$3,644,315
Various Senate Races – \$3.3 million

EPA Agrees With Our Litigation Claims Against Fola MTR Mine; DEP Agrees with Fola

OVEC has been the lead plaintiff in litigation against several mountaintop removal companies for their illegal pollution into streams—pollution that results in high conductivity levels. Expert biologists have testified on our behalf in court at several trials, emphasizing that conductivity-related pollution from MTR mines is killing aquatic life in streams. (And remember, we all live downstream!)

After a trial in October 2015, where we challenged illegal conductivity levels at Fola's Stillhouse Branch mountaintop removal mine, Judge Robert C. Chambers ruled that we are entitled to an injunction requiring this mine to reduce its conductivity pollution to legal levels. The judge wrote that "the Court is inclined to appoint a Special Master to further assist it in determining an appropriate remedy."

Early this year, we filed a legal appeal of this decision. Our attorney Michael Becher with Appalachian Mountain Advocates pointed out that the judge essentially ignored the fact that the remedy he ordered will continue to allow the cause or contribution of a violation of water quality standards in Twentymile Creek in Nicholas County.

Our appeal is now being considered by the federal 4th Circuit Court of Appeals. The 4th Circuit asked U.S. EPA to examine our claims regarding Fola's illegal pollution.

In October 2016, EPA filed a brief supporting each of our legal positions! The WV Department

of Environmental Protection has already supported Fola's position in this appeal, essentially giving DEP the role of arguing in favor of more MTR pollution.

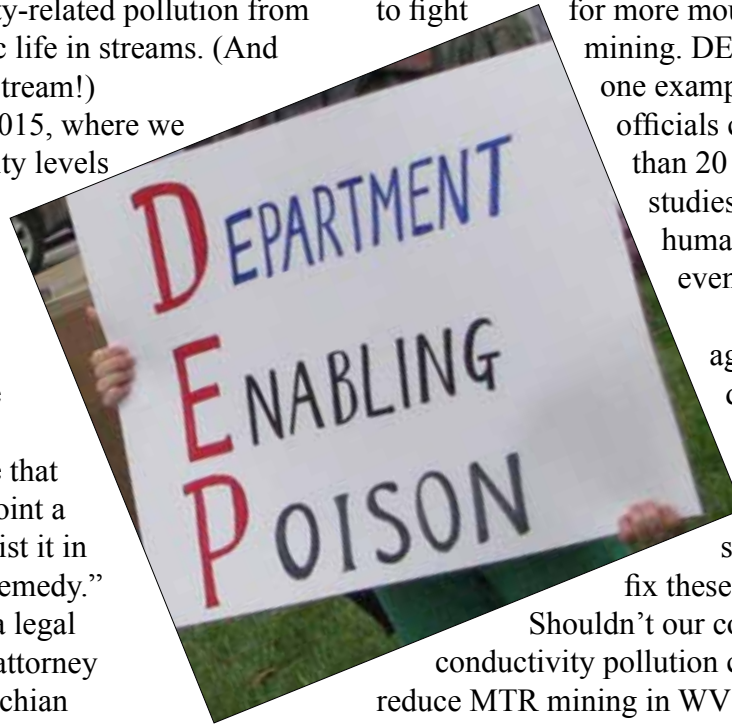
As fracking and pipeline issues heat up here in WV, the state's politicians and regulators continue to fight for more mountaintop removal coal mining. DEP's support of Fola is just one example of this. These state officials continue to ignore more than 20 peer-reviewed, published studies linking MTR with human health problems and even early death.

Conductivity cases against MTR mines are difficult, because, as a practical matter, there is not enough money anywhere to actually stop and permanently

fix these widespread problems.

Shouldn't our court victories in several conductivity pollution cases be a wake-up call to reduce MTR mining in WV? Instead, West Virginia officials would rather help the MTR industry than help citizens who are sickened by it. And, they prefer to lift up yet another fossil-fuel industry (fracking) that is making people sick than to help the state transition to a cleaner renewable energy economy.

Our appeal to the 4th Circuit Court has not yet been ruled upon, but getting EPA's support is a huge boost. The appeal was brought by OVEC, WV Highlands Conservancy, and the Sierra Club. Thanks, as ever to the fabulous legal team, and of course to our members who make all our work possible! 🍌



Left: In this still from Blood on the Mountain, OVEC member and retired miner Chuck Nelson ponders mountaintop removal coal mining.

Reviewer Vikram Murthi says, "Mari-Lynn Evans and Jordan Freeman's new documentary Blood on the Mountain details the struggles of the hard-working West Virginia coal miners besieged by political corruption and corporate malfeasance, all while their own homes and lives are being railroaded by the interests of the 1%." Read more about this new documentary on page 19.

*Photo courtesy Blood on the Mountain/
Jordan Freeman/Abramorama.*

More MTR for McDowell County?

Jim Justice's Accountability: Where is it?

by Al Justice, Dry Fork Watershed Mountain Watch

Mountaintop removal is Jim Justice's true moniker. Justice is our billionaire governor-elect. When I look at the beautiful Greenbrier resort that he owns and then look at the Red Fox mine (and now two proposed Justice Low Seam mining permits gutting two converging watersheds in McDowell County, WV), I am just sickened—Justice is out of control.

The two potential new mines for Justice Low Seam Mining will combine with an already active Justice mine across the McDowell County border into Virginia, creating one mega mine site. This will completely surround the town of Bishop and cut into two watersheds, the Dry Fork and the Jacob Fork. These two watersheds converge near Berwind, WV.

The Red Fox (metallurgical coal) mine has changed hands several times over the past years, first owned by Justice, and then sold to a Russian company, Mechel, then bought back by Justice at less than one percent of what he sold it for. Being written up for drainage problems is a result of only one of the systemic problems at Red Fox. Delayed reclamation has also been a problem, and the most basic accountability is completely missing.

DEP, in the meantime, is willing to put non-binding Band-Aids on the problems we report, but that missing accountability is deeply disturbing.

The Dry Fork and Jacob Fork watersheds, as noted, converge again near Berwind. Flooding



**Where
is the
justice,
Justice?**

experienced there in 1957 was epic, tragic, and life changing. These watersheds, in a 200-year flood, roll some water through the mountains. Mountaintop removal coal mining makes flooding worse, but Justice does not care.

There is a checkerboard pattern of permits evolving down these watersheds that is out and out alarming. Justice does not care. The coal industry itself recognizes that in a 100- to 200-year flood event, the impact of mountaintop removal has on communities below these sites could be tragic—not to mention the pollution these mines create.

Please be certain, there is no accountability in permits being approved in southern McDowell County, and Justice does not care, nor apparently does DEP. McDowell County has been raped and ravaged by the broken promises of mountaintop removal, while our people and economy have become the poster children for poverty in America—a type of poverty that will persist for many decades or longer, because of the destruction of our only hope for the future: McDowell's mountains. Reclamation is a farce, as are the promises of economic development made when this type of mining began.

McDowell is already known for being one of the poorest counties in the nation, and the average life expectancy for a man living there is only 64 years. We deserve better than more mountaintop removal from Jim Justice. 🍌

***Blood on the Mountain* in Theaters**

Congratulations to Mari-Lynn Evans and Jordan Freeman on the theatrical release and the great reviews of their documentary, *Blood on the Mountain*. It screened in New York and Los Angeles in November, and Houston and Washington, D.C., in December. We don't yet know whether the film will hit theatres in WV, but we do know that OVEC plans to screen the film next year.

A *Los Angeles Times* review says, "The movie is practically a textbook about how ravenous corporations and feckless government can strip-mine the souls of workers, and replace them with a political narrative about their problems that keeps reality forever hidden behind a fine, dusty fog."

In the film, WVU history professor Chuck Keeney says, "Industrialists have been historically able to get away with doing just about whatever they want without any consequences. And, if a few hillbillies get killed in the name of progress? So be it."

There's an appearance by then-Sen. Jay Rockefeller (D), who on the senate floor says, "Let's start with the truth... The cheap, easy coal seams are diminishing rapidly, and it's a terrible disservice, to coal miners and their families to pretend that everything can be as it was."

If you watch this film, you'll definitely get an education and you might well be inspired to action. See bloodonthemountain.com. 🍌

June 23 Flooding and Richwood: Did MTR Make the Flooding Worse?

Even though the WV Department of Environmental Protection historically has been reluctant to connect any dots between mountaintop removal coal mining (MTR) and flooding, studies have shown that mountaintop removal coal mining does indeed exacerbate flooding.

This year, on June 23, torrential rainfall fell over much of WV. In some parts of the state, over the course of 13 hours, more than 10 inches of rain fell. Twenty-three people lost their lives in the flooding, and homes and businesses

were destroyed. In this one-in-1000 years flood, one of the hardest hit towns was Richwood, in Nicholas County.

Two schools, two stores, at least two dozen homes and area sewer lines were destroyed, as was a nursing home. About 90 residents of the home were dramatically—and barely—rescued by citizen volunteers, facility staff, and the local 911 rescue squad, who braved chest-deep raging flood waters to rescue the residents.

The estimated damage to the town, with a population of about 2,000, is upwards of \$40 million.

Some people in Richwood have wondered whether the MTR site in the watershed of South Fork of the Cherry River made the flooding worse. The MTR mine is about eight road-miles from the town of Richwood. What about the clearcutting in the

watershed, and what about climate change? What role did these play in the flooding of Richwood?

We decided to have a look-see ourselves, and

so requested a flyover of the Richwood area with our good friends at SouthWings. On the flight, OVEC's staff person Vivian Stockman took some photos of the MTR operation (owned by South Fork Coal Company) and logging near the town.

You can see several of the photos here: ohvec.org/richwood-flooding-mtr. As you look over some of the photos from



that flyover, you might ponder some questions...

How much did this MTR site in the South Fork watershed exacerbate the destruction of Richwood? What could have happened to those 90 nursing home residents had the rescuers not been able to reach them? Have the Appalachian people been Mucked yet again?

Will the students, teachers, and parents of Richwood High and Middle Schools now have to endure forced consolidation and long commutes to rebuilt schools in some other area of the county?

If this mine keeps growing, if clear cuts grow, will even worse flooding be in Richwood's future? If greenhouse gases aren't stabilized, what future does this town (and so many others) have?

What and who are we if we allow extractive practices to trump human health and safety? 🌍

Celebrating 10 Years of The Alliance for Appalachia by Lyndsay Tarus

As 2016 comes to a close, The Alliance for Appalachia is excited to celebrate 10 years of grassroots coalition building in Central Appalachia, 10 years of pursuing our mission by working together to fight the abuses of mountaintop removal and other harmful coal technologies, and 10 years of envisioning a healthy, sustainable Appalachia. We are a coalition of grassroots groups from across Appalachia, and you've been with us through our struggles and victories over the years—thank you!

The landscape of our work has shifted over time. The decrease in coal mining overall across our region has resulted from hard-fought regulations, a booming gas market, limits on coal-fired power plants, and increasingly hard to reach coal seams. Meanwhile, the influence of the coal industry has not abated. Beyond the dangers of new mining, our communities are forced to deal with legacy costs of old and abandoned mines, and the damage from centuries of destructive mining is extensive and irreversible. More than a century of coal



OVEC Hosts Trainings with Coalfield Development

We are excited to participate in another aspect of our partnership with Coalfield Development Corporation. Coalfield Development has been working hard to help better the lives of people in WV by offering hands-on job training, professional development, and education for out-of-work coal miners, veterans, and others in the state looking for new opportunities for economic development in troubled communities.

OVEC's Executive Director Natalie Thompson teaches the environmental justice courses for Coalfield's Quality Environmental Jobs Initiative program (QEJI). OVEC's Community Organizer, Dustin White, is taking on coordinating air, soil, and water sampling training, a new addition to the certifications of the QEJI program.

In November, we traveled to Williamson to spend the day giving QEJI students an overview on how to conduct proper sampling of air, soil, and water. This type of sampling can help identify environmental issues that may need remediated before potential economic development projects can begin on abandoned mine sites.

Doug Wood was our instructor for the water monitoring section of the training. Doug, an OVEC member, is a retired DEP employee with years



Above: Doug Wood, left, shows students how to read a conductivity meter during a training we conducted in Williamson, WV, for Coalfield Development Corporation. Photo by Dustin White.

of knowledge and expertise on water testing and analysis. He showed the students how to use pH and conductivity meters, how to calibrate and read the meters' data, how to correctly take a water sample, as well as how to use visual and smell indicators for assessment of water quality. Doug gave the students insightful, hands-on training on the shores of the Tug Fork River, just minutes from the classroom.

We will continue to work with and support Coalfield Development with its mission to prepare, educate, and empower local residents from the coalfields of WV. We have high hopes that the QEJI program will continue and that OVEC can do its part in the big picture of necessary economic development in our region. 🍌

...Celebrating 10 Years of The Alliance - continued from page 20

mining in our region has left an enormous burden of toxic water, destroyed land, and other legacy costs that limit our region's ability to transition to new economic options.

But we will not be forgotten amid industry bankruptcy and bailout. The Alliance advocates for just transition policies that would make our communities safer from polluted water and unstable lands, while creating jobs and wellbeing in the process. In addition to our push for strict water protections that would impede future mining, reclamation and redevelopment of our scarred communities is a top priority among our coalition.

This year, The Alliance hosted two celebration events in honor of our anniversary. We shared food, music, memories, and lots of laughs with longtime friends and new allies. Our vision of a world in which we, residents of mountain communities, are able to determine the futures of our communities—a world in which all people have access to clean water, clean air, and a healthy land base—is what keeps us going. Ten years and rising!

You can get involved too! The Alliance has teams

who work on a wide variety of issues, including federal rulemaking and legislation to combat harmful coal technologies threatening our communities and economic transition and diversification projects to build the just and sustainable communities we want to see thrive in the region. To find out more about our work and how to get involved visit theallianceforappalachia.org or contact OVEC's staff representative to The Alliance, Dustin White, at dustin@ohvec.org.

Note from OVEC: We are proud to be one of the founding member groups of The Alliance for Appalachia. We've been honored to work for 10 years alongside the other member groups. We look forward to continued work with The Alliance, as we collectively support healthy and just communities. We are pleased to welcome two new member organizations to The Alliance: Center for Coalfield Justice from Pennsylvania and Black Warrior River Keepers from Northern Alabama. 🍌



Survey Shows Overwhelming Support for RECLAIM Act, Economic Transition

In September, the Sierra Club and WV Center on Budget and Policy released a poll showing overwhelming support in Appalachia for the RECLAIM Act, which would provide \$1 billion for economic development and diversification projects in coal communities hard hit by America's shift away from coal.

The poll release coincided with planned lobbying events by a coalition of concerned residents and environmental organizations from the region, seeking to urge their federal representatives to support the bipartisan bill.

A leading Republican polling firm, Public Opinion Strategies, conducted the regional poll and found that 89 percent of registered voters across Indiana, Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia support the RECLAIM Act. More than one thousand people in the region responded to the survey, including 150 registered voters in each state. At least 87 percent of voters in each state support the legislation, and majority support is also found across demographic and partisan subgroups, including:

- 91 percent of women and 87 percent of men;
- 90 percent of voters under the age of 35, 91 percent of 35 to 44 year olds, 84 percent of 45 to 64 year olds, and 92 percent of those over 65;
- 93 percent of Democrats, 84 percent of Independents, and 89 percent of Republicans;
- 87 percent of those currently or formerly employed in the coal industry; and
- 88 percent or more in every income category.

By a two-to-one margin, survey respondents want decision makers to prioritize helping these areas transition and diversify their economies, rather than fighting government regulations to help bring back coal mining jobs. Additionally, the respondents place equally high levels of importance on protecting water quality in rivers and lakes from abandoned mines as they do on assisting communities with economic development.

By nearly a two-to-one margin voters say elected officials should prioritize a transition away from coal.

Assisting rural, coal-mining areas to attract new employers, diversify the economy, and ensure workers get new jobs in growing industries

62%

Fighting government regulations that have made it harder to produce coal, to ensure the good-paying jobs in mining come back

32%

Do you think elected officials and decision-makers in your state should prioritize ...



RECLAIM Act Survey | September 2016

9

About 80 percent of voters backed cleaning up abandoned mines and creating more opportunities for local jobs. Eighty-six percent of voters said that streams polluted by coal mines should be restored and laid-off coal miners should have new job opportunities.

"Voters throughout these states recognize the struggles in the coal-mining communities," says Lori Weigel, a partner at Public Opinion Strategies. "Nine-in-ten tell us that communities that have traditionally relied on coal mining should work to diversify."

The RECLAIM Act was introduced by Hal Rogers (R-KY) and enjoys 20 cosponsors in the U.S. House of Representatives, but there is no companion bill in the Senate. Under the plan, \$200 million will be distributed to participating states annually for five years from the Abandoned Mining Lands (AML) fund, empowering those states to work with local communities to identify and fund economic development projects at AML sites.

"With strong bipartisan support, including all three of West Virginia's House members, we need leadership and support in the U.S. Senate so coal communities can revitalize their local economies and build a brighter future," says Ted Boettner, executive director of the WV Center on Budget and Policy. Explore the poll: sierraclub.org/polls/RECLAIMpoll. 🍷

Coal Companies *Did* Block Economic Diversity

This letter to the editor appeared in the October 19 edition of the Charleston Gazette-Mail.

A *Daily Mail* editorial on Oct. 6 stated, “Many people mistakenly blame the coal industry for the state’s lack of economic diversification. Yet coal companies did not build a wall to prevent new businesses from coming here.”

Um, yes, they did. Several walls, as a matter of fact. The first wall was a land grab that placed much of the state under absentee ownership, with relatively few taxes being paid. The second wall was absolute control over coal camps and other coalfield communities. The third was buying politicians: a perfect trifecta of economic, community, and political control that has prevented economic diversification in much of West Virginia since the 1890s.

The naiveté of the *Daily Mail* Opinion editorialist’s statement boggles the mind.

—Denise Giardina, Charleston 🍌

WVIPL Update

by Robin Blakeman

WV Interfaith Power and Light (WVIPL) has a couple of new focuses. First, we are engaging with other climate groups to construct and implement a congregational survey. We hope this survey will identify congregations that want more information about climate change and related environmental issues and are willing to take action on these issues.

We are also supporting the RECLAIM Act. Recently, four WVIPL steering committee members attended the educational forum on the RECLAIM Act that The Alliance for Appalachia, OVEC and Sierra Club representatives led. We are planning to convey information about this important legislation to other state IPL affiliates—particularly those in Western states—in the hope that they educate their elected leaders on the need to pass this bill.

For more info on WVIPL, call 304-522-0246. 🍌



Youth Leader Orgbon Tours MTR Sites with OVEC



Above: Charles Orgbon, III, checks the conductivity of an MTR-impacted stream in Boone County, WV.

When Charles Orgbon, III, asked OVEC’s Dustin White if he could help arrange a flyover of mountain removal sites, Dustin, of course, said yes.

Dustin really wanted to meet Charles, now a student at University of Georgia. In 2008, when Charles was only 12 years old, he founded Greening Forward, which would become the largest youth-driven, youth-imagined environmental organization in the country.

The flyover day arrived, but bad weather forced the SouthWings volunteer pilot to scrub the flight. Instead, Dustin and OVEC’s Vivian Stockman took Charles on a ground tour of MTR sites.

After his visit here, Charles posted on Facebook:

In 2009, the film *Coal Country* ignited my activism. I couldn’t understand how the mountains of West Virginia were/are being blasted away by coal mining companies and how this was/is even legal.

Every step in coal energy use is dirty, from extraction to disposal, and this weekend I got to see it first-hand...

Thank you Dustin and Vivian, and the Ohio Valley Environmental Coalition for guiding me through this eye-opening tour of your community. I look forward to sharing your stories with the communities that I visit and bringing more attention to the environmental injustices that are happening in Central Appalachia.

Charles, thank *you* for contacting us. We know you will be helping to motivate young people in your networks to demand an end to this heinous mining practice. That’s a good thing! 🍌

The WV AG Does Not Speak For We

In late September, 14 folks from the Mountain State traveled to a rally in front of the D.C. Circuit Court of Appeals to let the world know that WV Attorney General Patrick Morrisey does not represent us in the case he filed, West Virginia versus EPA, which challenges the federal Clean Power Plan. The Clean Power Plan was central to the Obama Administration's attempts to curb climate change by limiting carbon dioxide emissions from power plants.

Mary delivered a version of the comments below in D.C. on September 27, at the rally.

My name is Mary Wildfire and I live near Spencer, West Virginia. I'm here to say that when our Attorney General joined the suit against the Clean Power Plan, he did not speak for me, or most West Virginians. (He did speak for his campaign contributors.) The Clean Power Plan is a sensible start to reducing the greenhouse gas emissions that threaten the future in WV and everywhere else.

Every fossil-fuel project involves local environmental harm where the fuel is extracted and refined, as well as the global harm of the greenhouse gas emissions. West Virginia has suffered greatly from the myriad harms of the coal industry and is now suffering from the newer harms of fracking. I live above the Marcellus and Rogersville shales, and while I have not been affected myself—so far—I've heard the horror stories from those who have been.

We own two-fifths of the mineral rights of the land I live on, so we could stop drilling there—but a neighbor could succumb to promises of money and allow it, affecting us just as much. And the oil and gas industry wants a forced pooling bill that would allow gas companies to drill under your land if a certain percentage of your neighbors agree—that is, the *mineral* owners, not necessarily the people who live there, who have no more say than the mice who live there. What industry wants, industry generally gets—as we see with this lawsuit designed to slow or stop implementation of commonsense rules that should have been implemented 20 years ago.

But I am not really here to talk about the localized harms of the fossil fuel industry—I'm here because I am haunted by retrograde ghosts. A regular ghost is one who can be perceived even though they've died. A retrograde ghost is one who can be perceived even though they haven't yet been born. I hear the voices of the people living in the latter part of this century,



Above: CAG's national affiliate, People's Action, brought climate justice activists from all across the country, including OVEC members and others from WV, to D.C. for West Virginia v. EPA. The group dropped by the White House. Photo courtesy CAG.

trying to survive on a planet ravaged by severe climate change and other kinds of pollution, and those voices tremble with rage.

What were you thinking, they ask. How could you ignore the warnings of your scientists, year after year, decade after decade, as the parts-per-million climbed and the effects began to roll in—yet you just kept on. Kept on driving cars and flying big planes, all spewing greenhouse gases, kept on wastefully using electricity derived from burning coal and gas. You refused to change your habits, your lifestyles, or your politicians. You stayed in your comfort zone, and we pay the price—trying to grow enough food to keep from starving, when one year is too wet and the next is too dry, and every year is too hot. When bugs and diseases that we never saw before keep invading. We have climate refugees, from right here in the United States—people coming from the East Coast cities that are going underwater and the desert that now covers Colorado and is moving into Kansas, and places like Mississippi that are so hot as to be unlivable, and wherever the latest flood is—and there's always a flood somewhere.

It didn't have to be this way, these retrograde ghosts say. You could have made a transition, could have built a lot more of the solar and wind power that pollutes little, insulated your buildings, and rearranged your towns so people didn't need to drive. You could have done many things, if you thought your children mattered. Guess you didn't.

So, I speak for these ghosts, saying—*don't wait until it's too late.* 🍷

Colin Provost, a UCL London professor says, "Morrisey is very close with some of the fossil-fuel companies that would benefit from a ruling against the Clean Power Plan." See: bit.ly/2fcchID.

Film *Time to Choose* a Big Hit at OVEC

by Dustin White

Shortly before America would choose its next president, we at OVEC thought it was important to come together and discuss one major issue that was virtually ignored during all the campaigning—climate change. So, just before Election Day, we hosted a free screening of one of the newest films about climate change, *Time to Choose*.

About 20 people came to our Huntington office. We enjoyed pizza and popcorn and great discussions after the film.

The film, by Oscar-winning director Charles Ferguson, takes an in-depth look at some of the causes of climate change across the globe and some possible solutions. Viewers take a trip around the world to look at issues like coal extraction and burning, including mountaintop removal here in WV. You may recognize some of the folks in that portion of the film. (OVEC staff member Vivian Stockman helped the film's researchers prior to the film crew's arrival here and served as a ground and aerial guide for the film crew.)

Among other places, the movie takes you to Indonesian forests, which are suffering massive deforestation for palm oil production. Palm oil is used in many of the products used in everyday life.

We recommend *Time to Choose* to anyone

who wants to further their knowledge of what is probably the greatest global challenge we have ever faced, especially now that President-Elect Trump has pledged to pull the United States out of world climate agreements, even though the vast majority of scientists around the world have come out publicly in support of actions to curtail climate change.

It is important to note that climate change doesn't just impact the natural world, but also affects the health and safety of people worldwide. We have to begin to make choices in our lives to stop the progression of climate change, and we must not look to false solutions like switching power plants from coal to fracked gas. We have to think about not just how "clean" something might burn to generate electricity, but also how the extraction process affects people and the environment. We can take action in our everyday lives for the benefit of all people threatened by climate change, by using simple techniques like practicing energy efficiency and recycling to making major changes, such as switching from fossil fuel energy to renewables like wind and solar power. Either way, now is the time to make a choice.

To find out more about the film and additional resources, visit timetochoose.com. OVEC may be able to show the film again, so stay tuned. 🍿

Extreme Weather Cost U.S. Taxpayers \$67 Billion

excerpt from an article by Erin Auel and Alison Cassady, Center for American Progress

One of the most visible and immediate ways climate change has affected—and will continue to affect—Americans is through extreme weather exacerbated by rising global temperatures.

Between 2005 and 2015, the annual average temperature in the U.S. exceeded the 20th-century average every year, with increases ranging from 0.15 degrees Celsius to 1.81 degrees Celsius above normal.

Climate change will worsen heat waves, winter storms, and hurricanes. It will exacerbate extremes in precipitation, leading to more severe droughts and wildfires in some areas and heavier rainfall and flooding in others. When the damage is done, taxpayers will be left to pick up the bill.

When extreme weather strikes and state and local governments are overwhelmed, the federal government must often intervene. The president can declare an emergency or a major disaster, which can release Federal Emergency Management Agency (FEMA) funds.

The Center for American Progress (CAP) examined

FEMA data on weather- and wildfire-related disaster declarations between 2005 and 2015 to identify trends in FEMA disaster spending, funded by U.S. taxpayers.

CAP found that between 2005 and 2015, FEMA issued more than \$67 billion in grants to assist communities and individuals devastated by extreme weather and wildfires. Overall, FEMA spent about \$200 per U.S. resident for disaster assistance during that time period.

These findings likely underestimate the true federal cost—and thus the cost to taxpayers—of extreme weather. FEMA provides assistance in response to the worst natural disasters—those that triggered emergency and major disaster declarations.

Communities must invest in climate-resilient infrastructure and integrate climate considerations into their development plans.

The world must also focus on mitigating the worst impacts of climate change by reducing greenhouse gas emissions and transitioning the global economy to cleaner, low-carbon forms of energy. 🍿

Gardening and Healthy Eating Project Update

Given the chance, kids excel with hands-on learning, developing skills and habits that serve them for life. That's why, for two years, OVEC has partnered with the Huntington Boys and Girls Club, Huntington's Kitchen, and the WV State Extension Office on the Gardening and Healthy Eating Project. This project has been funded in part from a Try This WV mini-grant.

We have a total of 11 raised gardening beds at the two Boys and Girls Club locations, one in Guyandotte and one right across the street from our office on 14th Street in West Huntington.

We've been thrilled by the kids' responses to learning about gardening and where their food comes from. They have learned to plant and care for the crops, kept a gardening journal, and conducted research on various plants to learn about planting times and growing needs.

Not only do the kids snack on vegetables fresh from the vines (they love the cherry tomatoes), but they also learn to make some simple recipes, such as fresh salsa and kale smoothies. We never thought we'd see kids jumping for joy over drinking their greens, but they are, perhaps because these are truly *their greens*.

In September, we received this Facebook post:

I just wanted to drop by and let you all know that you are very much appreciated. I have a child who attends the Huntington Boys and Girls Club. He is nine years old and in the 4th grade. He has told me time and time again how much he and his friends at the clubhouse enjoy their garden! Without you all and your help it may not be possible. Your donations are put to such great use! Please know that it does not go unnoticed! We appreciate you all and all your help. Thank you again!

OVEC staff member Tonya Adkins says, "We have big dreams for expanding this project, and it's wonderful to know parents can see how much the kids love gardening and eating fresh vegetables."

This fall, the kids planted cold-hardy vegetables and will experiment with keeping the gardens producing through the winter using low tunnels. In late November, they harvested kale and learned to make kale chips during the cooking class at the Huntington Kitchen.



"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 [in this case made into smoothies], is so powerful and rewarding," says Jessica Lucas, Guyandotte Boys and Girls Club coordinator. Photo courtesy the club.

On #GivingTuesday, the Tuesday after Thanksgiving, we asked for donations to purchase composting barrels and seed sprouting kits. Thanks to your generosity, we exceeded our funding goal! Thanks to your donations, the kids will now learn to sprout seeds for fresh salads, and they will not only use the composting barrels to produce wonderful organic soil for the gardens, but they'll also learn how easy it is to reduce waste and care for the earth. Don't worry, we'll use the extra #GivingTuesday funds (\$525 total) on the project this spring.

Thanks for your help on this effort; it helps to connect kids with nature, which is so important to developing environmental awareness. 🌱

OVEC WORKS!

Thanks to everyone near and far for taking action to end environmental injustice, with an extra special thanks to all the folks fighting extreme fossil fuel extraction. We know it takes courage to speak up! We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

DEP Honors Hughes: Spirit of Environmental Protection Award

Congratulations to Bill Hughes. Many of you know this Wetzel County resident, because he has helped educate you, either in person or online, about the impacts of fracking activities in north-central WV.

In October, the WV DEP honored Bill with its Spirit of Environment Protection Award.

“Mr. Hughes exemplifies what it means to be an engaged citizen, and his commitment to environmental protection is an inspiration to many,” says John M. S. King, with DEP’s Office of Environmental Advocate. “He dedicates countless hours at great personal expense each year to public education and community involvement.”

Bill regularly documents and reports—to oil and gas company reps and DEP inspectors—spills, traffic incidents, and all manner of permit violations or dangerous situations arising from the fracking boom in WV. The industry does not like Bill that much.

Bill educates reporters, students, and others on



many aspects of deep shale development’s impacts on our air, land, water, and communities—from drilling to dangerous big rig traffic, from compressors and pipelines to radioactive waste “disposal,” and more. He was a member of the board of the Wetzel County Solid Waste Authority for 15 years, serving as chairman for the last five years.

He speaks on panels at colleges and conferences around the region, and provides tours of fracked areas for people from all walks of life. Bill currently works part-time for OVEC and has also worked for FracTracker Alliance.

We are surprised higher-ups at DEP allowed Bill this honor! Perhaps they knew DEP would look worse than it does if it didn’t recognize all the watchdogging help Bill gives the agency. Thank you, Bill! 🍌

*Bill’s photos, examples here, of fracking-related activities are in high demand. Search **ohvec.org**, for “Bill Hughes” to see assorted blogs by Bill, such as his “Push for Pipelines” series.*



Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future?

Please consider making a planned gift to OVEC today.

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.

Please contact your attorney or a financial advisor for more information, or visit this site: **lalwv.org**.

Farewell Patty Wallace


OVEC extends its heartfelt condolences to the family of Patty Wallace, who died on November 20.

As the efforts to end MTR mining ramped up in WV and KY, Patty became an active member of OVEC, along with her cousin and sidekick Ruth Colvin. Patty’s image can be found in several older editions of OVEC’s newsletters, where she’s pictured attending events and often standing next to Dan Kash (former OVEC board chair, now deceased), who had only praise for her activism and love for our mountains and earth.

Patty was active with Kentuckians for the Commonwealth, serving as chairperson from 1988-1990. She had the recent honor of being one of the dedicatees of Wendell Berry’s book of essays, *Our Only World*. 🍌

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**We are so grateful for all your support in 2016,
and we look forward to seeing you in 2017!**

The year 2017 promises to be a challenging one—a year during which our work will be vitally important.

As you think about your year-end charitable donations, please be as generous as possible and remember OVEC. Together, we will face unflinchingly whatever the New Year brings.

With our positive vision for the future, plenty of volunteers, and your financial support, we'll stand up for our rights, clean air, clean water, and strong communities!

Donate your time and money to causes that will fight to protect our liberties.

— Dan Rather. Read his full call to action on page 2.

Want to volunteer in 2017? See page 3, and many other stories, for details on getting involved. Want to donate? Use the envelope enclosed in the print edition of *Winds of Change*, or go to ohvec.org and click the "Donate" button.