

December 28, 2003

John Forren
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Dear Mr. Forren:

I want to thank you and the members of the EIS steering committee for the opportunity to comment on the Draft Programmatic Environmental Impact Statement on Mountaintop Mining/Valley Fills in Appalachia, and for extending the review period until January 6, 2004. My comments are based on more than a decade of ethnographic and historical research which I have conducted with communities in the southern West Virginia coalfields. What I have seen of mountaintop removal and valley fill mining in the course of this research fills me with consternation on many fronts, but in this letter I want to focus on critical cultural concerns raised by the draft EIS, since that is where my professional expertise lies. To contextualize my comments on particular points in the draft EIS, I want to begin by clarifying what is at stake culturally in the maintenance of stream buffer zones.

Stream Buffer Zones as Cultural Commons

Protected by U.S. law as the property of the citizens of the United States, the headwaters in the mountains form a part of the commons that unites us as citizens. The

commons of air and water circulate through all of us, and through food so do the commons of soil and biodiversity. It is a matter of public health to safeguard these public goods. But just as critically, these material goods anchor and unite us collectively as citizens with a stake in these goods, not just as consumers of coal. At the national level, these streams ground and strengthen us as a polity. At the local level, the headwaters are integral to the historical and cultural landscapes that nurture community life. As a democratic polity it is in our best interest to sustain the resources that strengthen local presence in the national public sphere.

To appreciate just one of the ways in which headwaters uniquely form local cultural resources, consider the names for these headwaters. Nearly every wrinkle in the mountains bears a local name, which serves as a reminder of genealogical, historical, and ecological processes: Walnut Hollow, Mill Hollow, Schoolhouse Hollow, Sugar Camp Hollow, Seng Branch, Bear Hollow, Dickens Hollow, and so forth. These names, which are household words in local conversations, situate people as citizens of the mountains who rely on the headwaters for a variety of services, which I'll consider below. Fostering shared identity, these public goods, the headwaters, are cultural resources, and they are also civic resources. They represent generations of human investment in making the mountains a place to live and work, and this investment needs to be weighed against the investment that coal companies have made, without benefit of public debate, in giant machinery that is ill-fitted to mountain ecologies.

Defining Cultural Resources

In this regard, I would argue for expanding the definition of cultural resources in your glossary. Cultural resources are those which nurture collective identity, serving as touchstones to a shared history and a continually emerging sense of shared destiny. Cultural resources provide communities with a sense of continuity despite ongoing ruptures (including natural death, economic crisis, war, ecological disaster), and they provide communities with the visibility they need to represent themselves in larger political bodies. In this vein, mountains serve as cultural resources for citizens living in the mountains, since mountains form the medium through which communities develop a shared identity (hence the state's motto: "Mountaineers are always free."). Another word for such a public good is "commons." Participants in the commons share understandings of the importance of the public goods of streams and biodiversity and their relationship to the plateau topography of Central Appalachia. Land and mineral companies defend their right to destroy these goods over the rights of their neighbors to enjoy the economic and cultural benefits provided by these goods. These land and mineral companies have placed themselves and their coal beyond the reach of the public commons for the purpose of controlling the enclosure they have created around coal. Because the enclosure of coal and the commons of the mountains occupy the same physical space, and because both are arguably of value to the public good, safeguarding the stream buffer zone is a critical cultural and political issue: the stream buffer zone anchors the citizens of the United States within the enclosures of coal. The stream buffer zone is the commons that the

citizens of the United States are being asked to allow industry to privatize in the draft EIS.

The Gulf between Description of Resources and Alternatives in the Draft EIS

Although in the descriptive portions of the EIS you begin to address what is culturally and ecologically at stake with this buffer zone, you do not provide an alternative that safeguards the headwaters. You describe the mixed mesophytic forest and the cove hardwoods as world class resources, you register the extraordinary diversity of invertebrates and amphibians, and you explicitly express amazement at the diversity of birds. But while you begin to address what is culturally significant, you have not put it together in a way that clarifies the true cost of the loss of these public goods in relation to the very short term gains of mountaintop mining. You do make it clear that the forest and its species thrive on the cove and valley topography that mountaintop mining will destroy and replace with landform complexes. You make it clear that this loss is irreversible and that it will have profound cultural impacts. But you have not specified in the alternatives a future that involves sustaining mountains and culture together. You have not articulated a process for any kind of alternative development, as such alternatives are prescribed in the National Environmental Policy Act (NEPA).

Cultural Implications of the Language of the Draft EIS

Language, a cultural resource, is a powerful tool for shaping reality. When, for example, you speak in the EIS of “the mountaintop mining region,” you appear to favor industry by conceding the region to them. With that in mind, I want to question other uses of language in the Draft EIS, which ultimately support the goals of the coal industry over other options which are supposed to be under consideration. The glossary exemplifies

my point. Most of the terms in the glossary support the impression that Central Appalachia is the mountaintop mining region, not, for instance, the ginseng region or the mixed mesophytic region, which would be equally valid designations. In its favor, the glossary does give us a sense of the components of the “land form complexes” that the coal industry proposes to install on the Central Appalachian plateaus. These landform complexes will be created through processes like “backfilling,” “boxcutting,” “cast blasting,” and “wing dumping.” Using “dozers,” “draglines,” “front-end loaders,” “hydraulic excavators,” “hydroseeders,” “panscrapers,” and “dump equipment” the coal industry will create “blanket drains,” “core drains” (aka “flumes”), “center ditches,” “benches,” “fill structures”, “commercial woodland,” “groin ditches,” “perimeter ditches,” “sedimentation ponds,” “support areas” and “development areas.” In the process they will have to deal with “bulking factors” “fugitive dust,” “probable hydrologic consequences.” And so forth.

What the glossary does not do, and should do, is provide us with a full sense of the alternative which motivates so much resistance to mountaintop removal. There are a few terms that offer us a glimpse of the commons beyond coal – such as “aquifer,” “biological diversity,” “cultural landscape,” “headwaters,” and “waters of the United States.” But the inclusion of landscape features crucial to mountain life, and vulnerable to mountaintop mining, would help to disclose more fully the staggering cultural and social costs of this form of mining. Such terms might include landscape features at risk (i.e. “knob,” “gap,” “crossing,” “swale,” “cove,” “drain,” “bear wallow,” “side hollow,” “main hollow,” “rich bench,” “newground,” “poplar flats,” “check dam”) as well as ecological concepts expressed in the vocabulary of the local commons (“den tree,” “bee

tree,” “berry patch,” “ramp patch”). The uses of these terms in everyday life in the mountains may not be familiar to many readers, and would therefore be important to include. More terms and some definitions can be found on the USGS website, as well as on the *Tending the Commons* website:

<http://memory.loc.gov/ammem/cmnshtml/map.html>. by clicking on such features as they have been mapped at the headwaters of the Big Coal River.

The Ideas of Development, Productivity, and Tradition in the Draft EIS

In addition to these landscape terms, there are three other terms that appear throughout the draft EIS that I would like to address: “development,” “productivity,” and “non-traditional forest products.” Since you do not define “development” in the glossary, I would like to suggest a definition drawn from Jane Jacobs’ *The Nature of Economies*: development means “differentiation emerging from generality.” Having differentiated to the point that, as you observe, a number of headwaters boast endemic species of invertebrates, the central Appalachian plateaus would seem to be one of the most highly developed regions in the planet’s temperate zone. In this view, mountaintop removal represents a profound form of *undevelopment*. In contrast to the standardization imposed by mountaintop removal mining, the level of development achieved through evolutionary differentiation takes specific forms of cultural expression as well.

As the writers of the EIS express amazement at the diversity of avifauna, I must confess that as an ethnographer, I find the varieties of human expression in the mountains to be equally amazing and worthy of respect. The folklorist Lynwood Montell observed that nearly every hollow in Eastern Kentucky has developed its own varieties of beans, which my work in West Virginia corroborates. I am amazed at the variety of

forms taken by homemade implements for cultivating the soil. In fact, I have yet to encounter two ginseng hoes that look exactly alike. The differentiation in these forms is a tiny outcropping of thousands of years of human interaction with this landscape, interactions that have yielded the knowledge and skills necessary to make the mountains productive of human community life and values. I have not found in the draft EIS any use of the word “productivity” which recognizes this accomplishment. If you do not recognize this kind of productivity, how can you provide for it?

Finally, I am startled to see activities that have been practiced in the mountains for thousands of years associated in the draft EIS with *non-traditional forest products*. “Non-timber forest products,” a term with which I am familiar, usefully draws our attention to the renewable productivity of forests, and to values not measurable in board feet. Making trees productive of honey, syrup, bark, fruit, and nuts, and making the mixed mesophytic understory productive is a human project that has developed through transmission of traditional knowledge over many generations. Unless I am missing something, terming these practices “non-traditional” seems to trivialize them. What then, are *traditional* forest products, and how have you arrived at this particular distinction?

Cultural Services Provided by Mountains and Headwaters

Last spring, in an effort to devise methods for cultural planning in mountain communities faced with mountaintop removal and valley fills, the Center for Folklore and Ethnography conducted a workshop with community organizers in Pipestem, West Virginia. In this workshop, entitled “Getting Out of the Overburden and Onto the Map: Cultural Assessment in the Mountaintop Removal Permitting Process” (March 2003), we asked those assembled to identify the cultural amenities provided by the mountains which

they would like to see considered in the draft Environmental Impact Statement. The question prompted comments quite similar to the comments that your team gathered at its public meetings. While these comments are amply registered in the descriptive portions of the draft EIS, I don't find them to be adequately addressed in the alternatives. In an effort to translate these comments into a useful planning tool, we tested them against a graphic of the Mixed Mesophytic Seasonal Round, which can be viewed online at:

<http://memory.loc.gov/ammem/cmnshtml/season1.html>

<http://memory.loc.gov/ammem/cmnshtml/season2.html>

This graphic, which shows the annual round of hunting, gathering, gardening, fishing, recreation, community events, and employment opportunities, represents a key cultural asset that is grounded in specific sites and species in the mixed mesophytic forest and cultural landscapes of the central Appalachian Plateau. This seasonal round of activities takes people all over the mountains. It is a structure whereby people continually carry the past forward into the future. This structure and its vital cultural practices cannot be protected through conventional means of historic preservation. The seasonal round embodies thousands of years of transmission of human knowledge and skills. What is the effect of mountaintop removal and valley fill mining on this seasonal round of cultural and economic practice? The draft EIS vaguely suggests that the loss of the commons in which this seasonal round is practiced could be ameliorated through the creation of public parks. But how can public parks compensate for the loss of the knowledge and skills that are intimately connected to particular spaces? It appears that you have not done a study of the economic, social, and ecological value of the seasonal round, and of the

possibility of development centered around these community based practices. Why is that the case?

Wild Ginseng as a Species of Concern

While all of the resources that support the seasonal round (nut trees, named streams, understory species like ramps, ginseng, goldenseal, landscape features like knobs, gaps, coves, swags, drains, benches, and so forth) are of value, one linchpin of the seasonal round warrants far more attention than you have given it in this report, and that is wild ginseng (*panax quinquefolia*). A 1996 study by Appalachia Science in the Public Interest observed that for wild and virtually wild ginseng the Chinese market alone is 12 billion dollars annually. To provide a basis for comparison, according to the West Virginia Mining and Reclamation Association in Charleston, West Virginia, the coal industry meets a direct annual payroll of around one billion dollars for the state of West Virginia. More than half of the U.S. annual export of wild ginseng comes from the coal-bearing plateaus. The reason for this, as the West Virginia ginseng officer told me in a telephone conversation, are cultural. He said that people in the coalfields grow up digging roots and gathering herbs. Protecting ginseng, then, is another way to protect culture. Wild ginseng is monitored under the terms of the Convention on International Trade in Endangered species because of its extraordinary economic value and its very limited habitat. Have you looked into the question of how much of this habitat will be destroyed by mountaintop removal coal mining? Has the steering committee calculated the dollar value of wild ginseng, a renewable resource, over the hundreds of years it could take to regenerate that habitat? For more information on the wild ginseng region, see http://www.folkculture.org/pdfs/ffc_essay_11.pdf

Additional References

Lastly, may I recommend the following items for your bibliography?

Appalachia Science in the Public Interest. 1996. "Ginseng in Appalachia," *ASPI Technical Series* 38. Mt. Vernon, Kentucky: Appalachia-Science in the Public Interest.

Couto, Richard. 1999. *Making Democracy Work Better: Mediating Structures, Social Capital, and the Democratic Prospect*. Chapel Hill: University of North Carolina Press.

(To balance the discussion of the "fatalism" which the draft EIS describes as a cultural attribute. There is, as you know, a long history of community-based resistance, apart from the history of the unions, which you do address. See also Fisher, 1993, and Gaventa, 1980)

Fisher, Stephen. Ed. 1993. *Fighting Back in Appalachia: Traditions of Resistance and Change*. Philadelphia: Temple University Press.

Gaventa, John. 1980. *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*. Urbana: University of Illinois Press.

Hufford, Mary. Ed. 1994. *Conserving Culture: A New Discourse on Heritage*. Urbana: University of Illinois Press. (Re: alternatives to bottom-line economics in conserving cultural, natural, and economic resources)

Jacobs, Jane. 2000. *The Nature of Economies*. New York: Random House.

Salstrom, Paul. 1994. *Appalachia's Path to Dependency: Rethinking a Region's Economic History 1730-1940*. Lexington: University Press of Kentucky. (To complicate the claim made in several places in the draft EIS that coal has driven the region's settlement and development)

Smith, Russell. 1929. *Tree Crops: A Permanent Agriculture*. New York: Harcourt Brace (Re: an alternative kind of forestry, more suited to the biological diversity of the region than the even-aged, monocultural stands comprising the commercial forests of post-mining land-use).

Thank you again for the opportunity to comment, and I hope my comments will be useful to you in preparing the final draft of the EIS.

Sincerely,

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