



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Life Near a Massey Mine is No Picnic

by Dave Cooper

Controversy engulfed Massey Energy's company picnic from the moment the tents started going up on Magic Island, one of the few city parks in Charleston.

Massey's 19-day contract stipulated that the city park would be closed to the public for the July 27 event. Further, a portion of Kanawha Blvd., one of Charleston's main thoroughfares, would be closed for four days as carnival rides were set up. Worst of all, Massey paid the city only a paltry \$7,200 for the park rental and \$48 to close the boulevard!

Author Denise Giardina was outraged that the city would lease a public facility to a private entity, especially one with a dismal reputation like Massey, and then ban people from their own park.

Along with the Rev. Jim Lewis, Giardina and attorney Jason Huber brought suit against the city and Mayor Jay Goldman, trying to get a last-minute injunction to open the picnic to all.



From left, Andrea Sharps, Winter Ross, Mike Harman and Zach Warren let the Massey folks know just how they feel. photo by Patty Draus

continued on page 3

Not Throwing Caution to the Winds

by Viv Stockman

Our nation's massive energy appetite creates deadly impacts upon our lives and the landscape, our life support system. It is therefore reasonable that local communities and activists have not thrown caution to the wind by unconditionally embracing wind power.

Instead, people have asked many questions and demanded involvement in the placement of wind farms. Will lights on the towers attract insects, and will the bugs attract bats and birds, which could be killed by the rotating windmill blades? How will those huge towers, some



continued on page 5

Inside

Another Storm, Another Flood	page 2
Switch to Wind Power - Today	page 7
Calling On A Higher Power	page 15
Christmas Ornaments Coming	page 18

Legacy of MTR - ANOTHER Round of Flooding

by Vivian Stockman

As I drove home, the car radio said there were flash flood warnings in Logan County. I got a funny feeling. A bad feeling. Probably not near as bad as the people looking up from their homes in the hollows of southern West Virginia at a little slice of pouring gray sky.

The feeling comes from knowing that it is “when,” not “if.” When the next deadly flood comes roiling off the thousands of acres of bulldozed-away forests, blown up mountaintops and rubble-filled valleys where once flowed streams.

The old timers will tell you. The sweet summer thunderstorms that sustain these verdant forests – well, now a person doesn’t find them so sweet. A leaden sky is a signal to fear.

What will that massively abused landscape do with the once-welcomed gift called a summer downpour? The land responded differently to the rain before they came with their giant bulldozers and impossibly huge shovels. Before they came with their endless blasts turning mountains into rubble and the air into a transport system for disease-causing silica dust. Before they came with their ecocidal justifications that burying streams and filling valleys under millions of tons of former mountains has “minimal impact.”

As soon as I got home I checked the news on the Internet. My fears were confirmed – another mountaintop removal (MTR) disaster. Huge chunks had cleaved off a Massey Energy subsidiary’s valley fill and tumbled into a sediment pond, causing it to overflow and send a flood of thick dark-gray mucky water and debris down upon a little community at Lyburn Hollow, Logan County.

I had to contact the film crew. A producer, assistant producer, cameraman and soundman from

Now with Bill Moyers, a national PBS-TV Friday night news program, had been here for three days meeting with OVEC members and other coalfield residents, as well as representatives of the coal industry. They were filming a MTR story. That rainy morning they were supposed to be with Massey Energy, getting a VIP tour of Massey’s best “reclamation” areas.

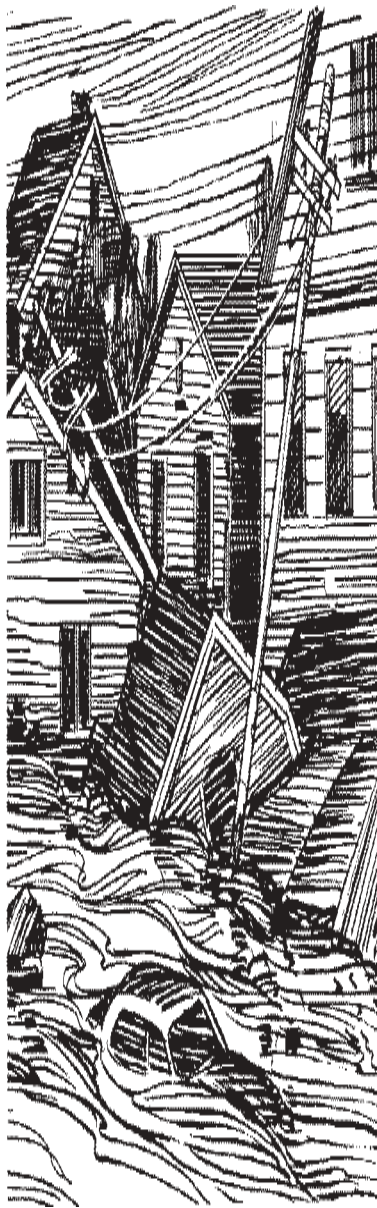
I frantically called their cell phones, hoping one of them would be on, hoping they could ditch the Massey public relations tour and get to the *real* Massey story. Finally, I got through to the assistant producer. Massey had cancelled the tour early in the day because the rain would make their operations appear too muddy on film. Silly Massey! They could have kept the film crew busy all day, could have kept them from getting to film the real messy Massey madness.

The assistant producer was at filmmaker Bob Gates’ studio, reviewing his footage of coal-related disasters. They had just heard from another journalist about what was happening in Logan County. Soon, we were on our way down there.

The scene was unbelievable: cars tumbled about in the brutalized stream, two homes ruined, very noisy equipment already at work, and thick dark-gray muck everywhere. Thankfully, no one was killed, though there were some narrow escapes.

This valley fill, like so many others, is mind-bogglingly huge. I later asked the DEP how big this fill is. I asked them again, because I couldn’t believe their answer: about 900 feet high and 2,000 feet long.

There’s a sediment pond below it that is supposed to catch and settle sediment creeping off the fill. To get an idea of the immense scale, imagine Person A standing at the edge of the sediment pond looking at



continued on page 6

Massey Picnic

continued from
page 1

At the same time Massey was taking over Magic Island, the WV Department of Environmental Protection shut down a Massey subsidiary's operations in Mingo County.

DEP said someone at Alex Energy in Mingo County used a scoop or bulldozer to cut through a sediment pond berm, releasing a "willful" spill of 20,000 gallons of polluted water into Laurel Creek and Laurel Lake.

That spill came only five days after another Massey disaster, a flash flood from a valley fill and sediment pond that wrecked the community of Lyburn in Logan County (see story on page 2).

So as Massey prepared for its picnic, neighbors of its mining operations weren't exactly in the mood to party.



OVEC members' signs pour a rain of truthful words on Massey's public relations picnic.

photo by Patty Draus

OVEC made immediate plans to fly an airplane with a banner – "Massey: No More Spills!" – over the picnic. Mike Harman and Winter Ross, OVEC volunteers, prepared another huge "No Sludge" banner to display on Mike's sailboat as it drifted past the crowd on the Kanawha River.

And on the ground, bottles of

"Massey Blackwater Swill Sparkling Effluent" were prepared to "sell" to picnickers.

"By land, by sea, and by air" is our new OVEC motto!

continued on page 4

And The Winner Is ... NOTA?

Many thanks to all who submitted ideas for a new name for the OVEC newsletter. At our staff retreat, we reviewed all the submissions, and the winner is: None Of The Above.

None of names suggested quite clicked. Most focused on our current campaign to end mountaintop removal/valley fill strip mining. We wanted a name that reflected our past victories, as well as one that would still be relevant after mountaintop removal is finally banned. A name that would make people want to pick up our newsletter.

So, we brainstormed during the retreat, coming up with a whole new batch of names that weren't quite right. Most were silly, some were OK, some were terrible.

Staff-generated names that were rejected included: *Bambi's Journal*; *Mad as Hell*; *Attention Wal-Mart Shoppers*; *Bambi's Revenge*; *Save What's Left*; *Oh, No – Not Them Again*; *The Bleeding Heart*; *Ain't Skeert*; *TreeHuggers' Herald-Gazette*, etc.

Given the list above, we hope you'll agree with us that *Winds of Change* is a decent new name.

We think this title reflects what OVECians have always worked for (no matter what the campaign) – highly attainable positive social and environmental change.

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As the crowd began to swell for Massey's huge picnic at Magic Island, the skies let loose with a torrential downpour that soaked both picnickers and protesters.

Huddling inside our meeting place at the Unitarian Universalist church, members of OVEC, West Virginia Highlands Conservancy, and Citizens Coal Council improvised for the occasion by poking three holes into plastic trash bags – one for the head, and two for the arms.

While we waited for the rain to subside and the lightning to stop, Bill McCabe led the group in a moment of silence for the nine Pennsylvania miners who were, at that time, still trapped underground and feared dead.

A few minutes later in the parking lot, he provided us with a highly-condensed training session on non-violent protest. After all, we were preparing to face a crowd of about 10,000 soaking wet Massey employees and their



Aaron Sharps, left, and John Taylor, right, speak their minds about Massey Energy's many blackwater spills at the company's picnic in Charleston. photo by Patty Draus

families, who might be less than thrilled to see our protest signs. Thanks, Bill, for the inspired protest ideas. And thanks to all who helped!

As we walked slowly down to the entrance to Magic Island the rains began to ease, and the media – Channels 3 and 13, plus the *Charleston Gazette*, West Virginia Public Television, and the British Broadcasting Co. – arrived to cover our protest. Clad in bright yellow T-shirts, the Massey picnickers and their families stared at us, but we received only garden-variety insults, such as “Get a job!”

Retired coal miner Monroe Cassidy, whose community on Coldwater Creek in Martin County, Ky., was mega-sludged by Massey in October 2000, commented that most of the people attending the picnic did not look like miners. The entire event, staged as a yellow-shirted show of force, was little more than a public relations stunt designed to impress the casual observer.

Massey seems to be the company that shoots itself in the foot every morning before it gets out of bed. For months, Mayor Jay Goldman and the people of Charleston had to enjoy Magic Island as a grassless, dusty pit.

But Massey did its very best to get the grass growing again. Even Massey isn't stupid enough to leave an in-town reminder of the moonscapes it leaves in southern West Virginia.

“The job of a citizen is to keep his mouth open.”
Gunter Grass

Wind Power

continued from page 1

taller than a football field is long, with blades spanning more than 100 feet, affect mountain views? Is wilderness still wilderness when you can see wind machines churning on



On Sept. 23, 2002, Mountaineer Wind Energy started erecting the first of 44 windmills. The complex will ultimately stretch for six miles along Backbone Mountain in Tucker County, WV. *photos by Viv Stockman*

For now, most state and national elected “leaders”



A 13-foot diameter pad is the wind machine's base. Behind that is the nacelle, which houses the electricity generator and holds the blades. Each of the three blades is 115-feet long, and they rotate slowly, so they are less of a threat to birds than earlier wind turbines.

the horizon? Will the wind mills be noisy?

In an ideal world where corrupt politics doesn't trump science and common sense, we would undertake a nationwide campaign to drastically curb our energy consumption, while proceeding extremely cautiously in building new energy-generating sources.

We would vastly improve all of our energy efficiency and conservation measures.

We would reject as virtually suicidal our nation's current more, More, MORE energy policy.



Here stand the towers' bases and middles, awaiting the top section and the blades and generator unit. Once complete the structures will rise about 228 feet above the mountain. The two sections here (photo taken on Backbone Mountain) were already visible from Rt. 32 coming out of Canaan Valley up into Davis.

lack the courage and vision needed to stand up to the fossil fuel cartel. Instead of instituting some sort of Marshall Plan that would help quickly move our country out of the carbon (fossil fuel) era, Congress may yet pass an energy bill that continues massive subsidies for fossil fuels.

Thank goodness individuals and businesses are making their own efforts to establish cleaner energy alternatives now. While hydrogen will certainly be a favored fuel of the future, wind energy is the most advanced alternative happening in West Virginia.

Our still-intact northern mountains are attracting several wind energy companies. Towers are going up now at the Mountaineer Wind Energy Center (MWEC), based in Thomas, Tucker County. The companies running this operation have said they want to be as environmentally friendly as possible. They have responded to activists' concerns from the beginning. They altered their original tower

continued on page 8

Legacy of MTR

continued from page 2

Person B standing at the toe, or base, of the valley fill. Person B would appear only about an inch tall to Person A. If Person B were to look up and see Person C standing at the top of the valley fill, C would appear only an inch or so tall.

WV Department of Environmental Protection Secretary Michael Callaghan was at Lyburn when we arrived. Upon questioning, he stated the obvious – MTR can make flooding worse.

Lyburn residents said water had been coming off the fill, down the road (not the creek) for days, and they had complained to DEP. Coal companies are supposed to keep valley fill sediment ponds cleaned out, but the DEP had recently written up Massey several times for failing to clean out this pond in a timely manner. The violations were serious enough that DEP could have ordered a shut down of the operation before the disaster occurred.

But that wouldn't have done much good, as there's no MTR currently happening around this fill. It's in the "reclamation" stage.

Save those Cartridges!

Here's a reminder for folks who use ink jet cartridges in your printers, faxes and plotters. Don't trash that empty cartridge! You can recycle it and get a donation for OVEC at the same time. OVEC has a stash of postage paid bags. Call the office at 522-0246 or e-mail vivian@ohvec.org and we'll send you some. Just put the cartridge in the bag, then pop it in the mail. For every good cartridge OVEC members send in, OVEC receives \$1.



Norcross Wildlife Foundation Awards OVEC Grant for New Computers

In August, OVEC received a \$5,000 grant from the Norcross Wildlife Foundation to purchase computers, computer equipment and other audio-visual equipment.

OVEC is extremely grateful to the Norcross Wildlife Foundation as we become better equipped to carry our "Stop Mountaintop Removal" message to the nation. In this computer-savvy world, having up-to-date equipment allows us to keep our website interesting to our hundreds of daily visitors.

Our digital camera (funded by Norcross last year) lets our members see events, almost on the day that they occur, when they browse the OVEC "People in Action" section of the OVEC website. We're wired for the future now, thanks to this generous grant!

ACTION ALERT

As a result of a flood study, DEP has proposed regulations that might make valley fills more stable – by building them from the base up rather than just dumping former mountains into valleys. The entire study found that (surprise!) mountaintop removal and timbering do make flooding worse. Call (888-438-2731) or write WV Gov. Bob Wise. Ask him to support and enact the DEP's Flood Study recommendations.

**Gov. Bob Wise
1900 Kanawha Boulevard, E.
Charleston, WV 25305**

If you feel like going a step farther, write U.S. Senators Byrd and Rockefeller.

Ask them if they think West Virginia can afford more deadly floods. Tell them it's time to face up to the fact that mountaintop removal is destroying southern West Virginia. Remind Byrd of his new commitment to stopping global warming. Ask them to think about what they want their legacies to be. Ask them to work to bring alternative energy investments into our state. Ask them if they know about the new hydrogen economy. If you need more details in order to write a letter, contact Vivian at vivian@ohvec.org or call (304) 522-0246.

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Winds of Change - OVEC Switches to Wind Power, So Can You

Each of us can help bring an end to mountaintop removal by switching over to cleaner electricity sources right now. The only equipment you'll need is a telephone.

"Switching to clean electricity takes minutes," said Peter Adels with PennFuture (www.pennfuture.org/) during his Coal Summit "Alternatives to Coal" speech.

All it took was one phone call and now the OVEC office is officially wind-powered. (Please refrain from any wisecracks about how long we have long been powered by hot air.)

We called Community Energy, Inc., (www.NewWindEnergy.com) at (484) 654-0106. The Pennsylvania company sells 100 kilowatt-hour blocks of wind power for \$2.50 per month to West Virginia residents.

The OVEC office uses 300 to 500 kW-hrs of electricity monthly. We agreed to purchase five 100 kW-hr blocks of power each month, ensuring that our office usage is more than offset by wind-generated power. So we are paying \$12.50 more monthly (on top of our regular electricity charge) to ensure that we don't blow up the mountains every time we turn on the computers. That's one of the best bargains you'll ever find!



BAD - Coal Energy

For a typical home, the cost will be around \$10-\$20 per month. Check your electric bill to see how many kW-hrs you use every month. Remember, the cost for wind power is an additional \$2.50 per 100 kW-hr per month.

Community Energy purchases power from two existing wind farms close to Pittsburgh. When the Backbone Mountain, WV, wind farm project is complete, Community Energy will sell that power to West Virginia customers as well. Wind farmers, people who lease their land to companies that erect wind mills, receive \$2,000 per machine per year.

The electrical grid system is a somewhat complicated concept, but it helps to envision electricity as water, and the electric grid as a vast, interconnected series of pipes. Power plants are like pumps pushing water onto the grid, and customer homes and offices are like bathtubs consuming the water. Picture a network of pipes with multiple pumps supplying water onto the grid for hundreds of bathtubs.

Only as much water as people use can be pushed into the pipes, but as demand rises, the power plants can

push more onto the grid. Meters at the points where supply pipes join the grid track who has produced how much, and a meter at your home determines your bill.



GOOD - Wind Energy

These water-pumping plants compete with one another, so a plant that pushes more onto the grid makes more money. So, if OVEC purchases water from a specified supplier (in this case, wind power), then that water keeps water from another supplier (a coal-fired power plant) OFF the grid.

Wind energy is already creating new jobs in West Virginia. Specialized Power Systems will hire 80 people to build 750 kW wind turbines in the old Coca-Cola bottling plant in Huntington. In a 12-mph wind, each turbine is capable of supplying the energy needs of 165 homes. Wind power is also supplying land owners with income, cleaning up the air and helping to protect our mountains from the outrageous practice of MTR.

Switch today to wind energy. You'll help support clean energy; and best of all, you'll help save our mountains!

ACTION ALERTS - DO IT!

Stay Informed by E-mail: *Join OVEC's Action Alert! e-mail list* by sending an e-mail with "join list" in the subject line to vivian@ohvec.org. This is not a discussion list, so you won't be swamped with e-mails. You'll get four to 10 Action Alerts! per month, chock full of useful info.

Stay Informed by Phone: If you don't have or don't like e-mail, *call the OVEC office* at (304) 522-0246 and ask to be put on our Call List. We'll need your name and phone number. Don't worry - we will only call to let you know about major events or actions.

Stay Informed by Web: *Visit www.ohvec.org frequently* for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.



Will the string of towers along Backbone Mountain mar the view? In some areas, the wind machines themselves have become tourist attractions. Still, folks are right to want to keep a close eye on the explosion in wind farms. Some companies are dedicated to addressing community concerns; others may not care about viewsheds or birds or reclaiming the construction site. Mountaineer Wind Energy Center expects these towers to be in service about 25 years.

placement plan so that wind towers would not be visible from Blackwater Falls, a premier tourist attraction.

Of course, wind farms shouldn't be marring views of major tourist attractions. However, the American Wind Energy Association (www.awea.org) argues that the wind towers are compelling kinetic sculptures in their own right. Anyone familiar with the views at a mountaintop removal operation would find the windmills far more attractive.

But the views aren't the only consideration. On Sept. 24, an OVEC staffer visited MWEC as the first of 44 towers were being erected along six miles of Backbone Mountain.

The road for constructing the towers was quite a heavy-handed operation and such roads could certainly disrupt wildlife habitat, though not nearly on the scale of a mountaintop removal

operation. The U.S. Fish and Wildlife Service has asked another company wanting to erect 200 towers near the Dolly Sods Wilderness Area to do endangered species surveys.

Modern towers are not mesh, but rather solid steel shells, so birds can't roost on them. The blades turn at 17 revolutions per minute, much slower than the older blades. Still, with the 115-foot turbine blades MWEC will use, the tips will rotate at about 140 miles per hour. MWEC will monitor their project with an avian study. They also asked the Federal Aviation Administration for leeway to use lighting that is the least attractive to wildlife.

We would never cite a "fact sheet" from the West Virginia or Kentucky Coal Associations as a credible source (for a quick laugh: www.mountaintopmining.com) but the American Wind Energy Association's fact sheet includes the observation, "While no electricity generation is entirely benign, the impacts of some energy sources dwarf others in terms of the harm they cause to wildlife."

By the time the OVEC staffer left Tucker County, five wind tower bottom and mid sections had been erected. From the higher neighborhoods of Thomas, the windmills were very visible, certainly not ugly, but there was still about 100 feet of tower and the turbines to go.

An unscientific survey of shopkeepers in Thomas and Davis found Tucker Countians very supportive of the windmills, even the "new wave" residents, those who had moved to the county for its recreational opportunities.

As one retailer said, "Personally, I think that the argument against them.... polluting the viewshed...is shortsighted. Would they rather look at more strip mine sites? More valley fills?"

Certainly, West Virginia needs to proceed cautiously and develop guidelines ensuring careful consideration in the development of wind farms.

OVEC supports the West Virginia Environmental Council's letter on wind energy to the Public Service Commission. WVEC supports wind power, but insists that the PSC develop and implement a policy of objective siting criteria for wind turbines. Public recreation, bird migration and rare habitats should be considered, as should appropriate ecological studies and public input, before wind farms are given permission to build.

The Smell of \$\$\$\$\$ = Business as Usual in WV

by Janet Fout

(compiled from news stories from the *Charleston Daily Mail* and the *Charleston Gazette*)

Did anyone notice that foul odor emanating from WV Gov. Bob Wise's office in early September? The smell came right after he ordered the Division of Environmental Protection (DEP) to grant J.P. Mascaro a 45-day extension to bring Mascaro's Wetzel County sewage sludge composting facility in compliance with the law.

The governor flatly denies that the \$21,000 the company officials, employees and relatives lavished on his campaign shortly before the November 2000 elections had anything to do with DEP's flip-flop on the issue, as reported by Brian Bowling from the *Charleston Daily Mail*. The campaign contribution data was provided by the



The People Win Round 1 in Coal Truck Weight Battle

by Vivian Stockman

In July, the people of West Virginia emphatically told Gov. Bob Wise and state legislators: "No! Do not increase the coal truck weight limit and do enforce the current laws."

Wise called a special summer legislative session in an attempt to pass his "compromise" bill that would have nearly doubled the current weight limits for coal trucks. The only compromise in this bill was between the coal industry and its favorite politicians – the industry wanted even higher weight limits. Wise and House "leaders" thought they could ignore the people's will.

How wrong they were.

Former WV Secretary of State Ken Hechler ran television ads for the "We the People" coalition urging folks to call their legislators to tell them: No weight increase! OVEC, Coal River Mountain Watch and WV Citizen Action Group worked hard to get people out to rallies and into the halls of the Capitol. Delegate Mike Caputo continued his bold leadership on the issue. People responded in droves.

Wise and House Speaker Bob Kiss and other coal-puppet legislators were stunned at the dramatic 48-47 House vote that nixed the weight increase. They had arrogantly

continued on page 15

People's Election Reform Coalition-WV (PERC-WV), formed by OVEC and West Virginia Citizen Research Group.

Citizens' complaints about odors stimulated a DEP order to Mascaro's company to construct a building to house sewage sludge from New York and to cease outdoor composting of the stinky stuff by June 15.

In early May, DEP's Mike Zeto, along with DEP's attorney, denied a request to extend the deadline until October 15 – but then in August, the director of DEP's waste management division granted the extension. The change of heart came after the governor received calls from "legislators and others interested in the project."

Hmmm ... wouldn't you like to have been a bug on the wall when those calls came in?

Citizens for Clean Elections is Growing

Can you imagine the difference in West Virginia politics if it were possible to reduce the influence that money (in the form of campaign contributions) has on public policy? While some politicians adamantly deny that a hefty campaign contribution influences decisions and legislation, it surely makes a policy-maker take phone calls (*see story above for one example*).

A growing number of citizens and groups believe that there is a better way to finance elections. The Citizens for Clean Elections is a broad coalition of organizations and groups that supports the West Virginia Clean Elections Act, a bill which would provide voluntary public financing

continued on page 10

ACTION ALERT

Overweight Coal Trucks - Call the Gov. and your state legislators. Tell them "No weight increase for coal trucks. Do enforce the laws already on the books." The State Capitol numbers are 800-642-8650 and 304-558-8905. Or find legislators' numbers at www.legis.state.wv.us/.

Smell of \$\$\$\$\$

continued from page 9

of election campaigns for the legislators' and governor's races.

Current supporters of the Act are Affiliated Construction Trades Foundation, AFL-CIO (WV), Catholic Committee of Appalachia, Common Cause of West Virginia, Commission on Religion in Appalachia, Concerned Citizens' Coalition (Calhoun, Roane and Gilmer counties), Episcopal Appalachian Ministries, Ohio Valley Environmental Coalition, Peoples' Election Reform Coalition-WV, Service Employees International Union Local 1199, Southern Appalachian Labor School, Trout Unlimited Mountaineer Chapter, West Virginia Citizen Action Group, West Virginia Council of Churches, West Virginia Environmental Council, West Virginia Fair Trade Coalition and West Virginia Rivers Coalition.

Introduced in both the House and Senate during the 2002 WV legislative session, The WV Clean Elections Act (HB 4532 and SB 654), would provide public financing of elections as an option to candidates who, after collecting a small number of \$5 qualifying contributions, agree to limit spending, reject all private donations and spend only the money allotted them from the Clean Elections Fund. This Clean Elections system is already working in Maine and Arizona; similar laws are also in effect in Massachusetts and Vermont.

What Do They Know That We Don't?

At this summer's World Summit on Sustainable Development in Johannesburg, the prime minister of Iceland, one of only two countries actively pursuing a hydrogen economy, said, "Energy conservation is not an impediment to economic advancement. It is a precondition for long-term growth."

Also at the summit, the Costa Rican president announced that he would no longer allow coal mining or oil exploration. "Economic development based on the destruction of nature is suicide. God first created plants and the animals and then man. If the plants and animals are dying, guess who is next," he said.

Public Campaign, a D.C.-based organization promoting clean elections on the federal level, reported that:

"...in Maine, 62% of all candidates (231 out of 372) on the 2002 fall ballot are participating in that state's Clean Elections system, which offers candidates the option of receiving full public financing in exchange for limiting their spending and rejecting private donations. In Arizona, 53% of all the candidates (84 out of 158) are running 'clean.' These candidates include two of the three major candidates for governor of Arizona and 70% of all the contenders running for statewide offices. These participation rates are about twice the rate seen in both states in 2000, the first time candidates had the option of seeking public funding."

Observers predict that more than half the Maine House and as much as three-quarters of its Senate, along with 6 of 9 of Arizona's statewide offices, will likely be held by candidates who ran 'clean.' "

A statewide public education campaign is underway. To learn more about the West Virginia Clean Elections Act and Citizens for Clean Elections, contact Janet Fout with OVEC at (304) 522-0246 or check out OVEC's website, www.ohvec.org, and click on Campaign Finance Reform.

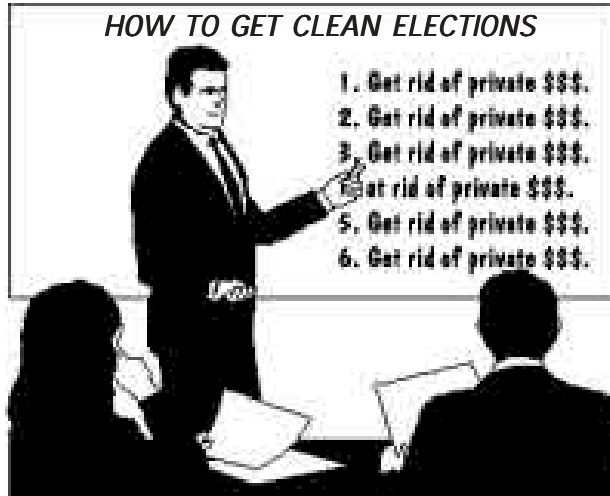
Candidates Get Opportunity to Come "Clean"

More than 50 candidates for WV House and Senate races were invited to attend a public forum on Clean Election Campaign Finance reform. The forum, sponsored by the Citizens for Clean Elections, was held October 15 at Christ Church United Methodist Church in Charleston.

Candidates who attended viewed the video "The Road to Clean Elections," narrated by journalist Bill Moyers, which shows how well publicly financed campaigns are working in Maine and Arizona.

After the video, each candidate expressed her/his views on the Clean Election concept and then the floor was

continued on page 14



When you're finished with this newsletter, please pass it on!

WV May Tell Coalfields: If You Don't Like It, Move!

by Dave Cooper

Hey coalfield residents, if you don't like living in fear of the next wall of water thundering off denuded and scalped mountains, here's a solution the state may have in store for you and your town: Move!

A state-hired consultant studying the severe 2001 flooding in communities of southern West Virginia is considering a recommendation to relocate 11 towns in Wyoming and McDowell counties onto a reclaimed strip mine site near the intersection of two proposed new highways.

After analyzing the strengths and weaknesses of the communities, such as infrastructure, demographics, general financial condition and "critical mass," the consultant, Parsons-Brinckerhoff of Lexington, Ky., rated Kimball, Iaeger, Anawalt, and Keystone in McDowell County as "least sustainable," and Oceana, War, Pineville, Bradshaw, Gary, Northfork and Davy as "less sustainable." Welch and Mullens were rated "most sustainable."

At a Sept. 10 meeting in the truly beautiful and thriving town of Oceana, in Wyoming County, attended mostly by developers, town officials and coal industry types, Parsons-Brinckerhoff's David Hafley, called his presentation a "tough message" with the "inevitable conclusion" that a community of 300-400 people was just not sustainable in light of the continued severe flooding.

Hafley, hired by the West Virginia State Disaster Recovery Board, stressed that his recommendations would guide a "long-term community plan" that would be implemented over the next 30 to 40 years. He pointed out that these communities had suffered through two 500-year floods in the past two years. The "health of the patient" was not good, he said, and urged that people be moved "out of the valley floors – to safe and sanitary housing."

Hafley proposed that this new "cross roads service area" – if indeed the Coalfields Expressway and King Coal Highway are ever built – would naturally draw residents



David Hafley of Parsons-Brinckerhoff consultants calmly points to the 11 communities in southern West Virginia's coalfields that, according to the company, are "less sustainable" or even "least sustainable" because they are in the floodplain.

photo by Dave Cooper

through the lure of new transportation facilities, new infrastructure and the consolidation of services.

The Tax and Revenue office's Matt Ballard represented the state at this meeting, which apparently just wanted the consultants to look at the effects - not the causes - of flooding on the future of McDowell and Wyoming communities.

Isn't that just nifty? Following the same logic, if you get stabbed in the arm by a bad guy with a knife, the state would recommend that you just amputate the

arm so that we don't make the criminal upset – problem solved!

I can't wait to see the joyous look on the faces of community residents when informed that their town is being cut off from any more assistance and infrastructure improvements, which will be the not-so-subtle strategy for encouraging folks to move to the new development up on the hill on the other side of the county.

And can't you just imagine how the bankers will fall all over themselves laughing when a developer walks in for a loan to build a new mountaintop community in southern West Virginia - and by the way we'll need money for a new access road, city streets, electric lines, sewer lines, sewage treatment plant, a new water supply, schools, churches, stores, fire department, police, a couple hundred thousand tons of topsoil – about \$500 million ought to do it.

What West Virginia resident would want to live on a reclaimed, treeless, sun-blasted strip mine where even cactus won't grow instead of in our beautiful woods with mountains and rivers? That's why so many people stay in West Virginia, despite the economic challenges.

This plan, dreamed up by an out-of-state planner, is more than just a waste of money. It's designed to facilitate the coal industry's greatest wish: the evacuation of southern West Virginia. Once all those pesky humans are out of the way, goodbye mountains, goodbye streams, goodbye wildlife – and hello to more profits for the coal industry.

That's what we all really want, isn't it?

OVEC

Below are a few of the things OVEC has been up to since our last newsletter came out in June. In between newsletters, to keep up to date on OVEC actions and events, visit the People in Action and the Action Alert pages of the OVEC website (www.ohvec.org).

June 20-22 – The Coal Summit

Over 150 folks from across the nation gathered for the Coal Summit, three days devoted to examining the true costs of coal, including the social and environmental impacts of the extraction and combustion of coal. Many participants witnessed the destruction known as mountaintop removal first hand, either on flyovers, provided by Southwings, or on fieldtrips to Kayford Mountain, the homeplace of OVEC board member Larry Gibson.

Groups involved in the planning of the Coal Summit included American Rivers, Appalachian Voices, Citizens Coal Council, Clean Air Task Force, Coal River Mountain Watch, Friends of the Earth, Kentuckians For The Commonwealth, Mountain Watershed Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Ohio Valley Environmental Coalition, Sierra Club, Southern Alliance for Clean Energy and the Tri-State Citizens Mining Network.



Crowds flocked to the Flooded Out Film Festival in Charleston on Oct. 10. The event, which raised more than \$1,300 for southern West Virginia MTR flood victims, featured the world premiers of Robert Gates' *Flood Stories* and Ray Schmitt's *Mountain Memories*.

So many great speakers had so many thought provoking things to say. You'll find a summary of the event on the People in Action pages of the OVEC website. Below is just a little of all the great information presented at the Coal Summit.

Hydrogeologist Rick Eades said there is enough flattened land in the Coal River basin ALONE to allow *all* of the following:

- ✘ Five 5,000-acre recreational parks, 25,000 acres;
- ✘ Ten 1,000-acre prison sites, 10,000 acres (Prisons are of the state's favorite ideas for "economic development," even though JUST ONE prison built on a MTR site in Kentucky has already spent \$40 million in trying to stabilize the shifting rubble of MTR-flattened land.);
- ✘ Fifty 500-acre shopping malls, 25,000 acres (Not to mention that the MTR blasting is driving people away, so where would the shoppers come from?);
- ✘ One hundred 100-acre trailer parks to relocate MTR-induced flood victims, 10,000 acres (Because scalped mountains are several hundred feet above major roads and infrastructure, "flatlander" arguments are moot. Valley fills/dumps will settle differentially and are among the least stable sites to build on);
- ✘ Four hundred 50-acre school sites, 20,000 acres (Where would the students come from? WV has probably closed 400 public schools in the past 20-plus years, during many years of record coal production).

Joel Schwartz, epidemiologist with the Harvard School of Public Health: "Particles from coal (combustion) are killing people and they are killing a lot of people."

Ellen Fister of the Citizens Coal Council: "Coal is a black hearted outlaw with no intention of obeying the law."

Former Secretary of State Ken Hechler: "Be a hell-raiser like Laura Forman."

July 26 – Art for OVEC

Charleston artist and OVEC member Winter Ross created a series of "River Goddess" quilts in memory of the late OVEC organizer Laura Forman. On July 26, OVECians attended an opening of Winter's work at the Taylor Bookstore Annex in Charleston. Winter will donate a portion of the funds received from the sale of River Goddess quilts to OVEC.

In her statement on the series, Winter says, "All the
continued on page 13

in ACTION!

pieces depict the female figure as landscape and are inspired by the rivers and hills of West Virginia... This series is dedicated to the memory of Laura Forman, a mother and activist with the Ohio Valley Environmental Coalition who died suddenly after giving an impassioned speech against valley fills and mountaintop removal.”

Aug. 2 – Now with Bill Moyers

Respected journalist Bill Moyers aired “The Cost of Coal” on the national PBS TV show, *Now with Bill Moyers*. OVEC staff and volunteers devoted six days in July to helping the Moyers crew get all sides of the mountaintop removal story. The result was a biting expose on valley fills and MTR, and the national consequences of changes to the Clean Water Act the coal industry has “bought” from the Bush Administration. OVEC members Willard and Evelyn Kelly were featured on the program, as were OVEC’s good friends Wheeling Jesuit University aquatic biologist Dr. Ben Stout, Appalachian Center for the Economy and the Environment executive director Joe Lovett and Earthjustice senior legislative counsel Joan Mulhern.

Excerpts from: “The Cost of Coal” Transcript

NOW: But one of the hidden costs of our hunger for coal may be the effect of mountaintop removal on our thirst for water...

BEN STOUT: We’re starting to see serious water quality degradation, impairment of biological communities and a major loss of our forest ecosystems... The forest will never return ever the way that it was to these sites. It’s impossible.

WILLARD KELLY: The blasting was so heavy when they were close behind the house, which was a half a mile away, they cracked the sheetrock in our house, our cinderblock foundation, our chandeliers. Our doors would fly open.

EVELYN KELLY: My sons when they were teenagers used to hunt these mountains. There’s no top of the mountain squirrel hunting anymore. So they’re just taking it all away. They’re just taking it community by community by community. Whole communities are being just moved out for the sake of coal.

BILL RANEY (president of the West Virginia Coal Association): And you do change the environment. And I’m not suggesting you’re improving on it. I’m not sure you can improve on what the good Lord put here. And we feel like the impact is absolutely minimized.

EVELYN KELLY: Our children and our grandchildren, they’re gonna inherit all this. And there has to be something left besides a moonscape mountain and polluted water.

Sept. 30 – National Energy Policy

OVEC’s so cutting edge. On Sept. 30 we posted to the website and sent out an Action Alert! asking you to ask our politicians to nix the national energy bill, born out of Dick Cheney’s secret meetings with fossil fuel execs. A day or two later we began getting e-mails from national groups urging us to take action on the energy bill. On Oct. 5, the *New York Times* ran an editorial: “Kill the Energy Bill.” Hmmm... is the *Times* checking our website?

Homer III Wants to Blacken Peytona

by Dave Cooper

Massey Energy must think folks don’t have enough coal dust problems – have you seen the big dome to “control” coal dust in Sylvester? – because they want to build another coal preparation plant in Boone Co.

After five years of citizen agitation and a lawsuit, the dome went up to contain dust at Massey’s Elk Run plant, which crushes coal into powder for power plant boilers.

Sylvester resident Pauline Canterbury says, “The dome is not working. The outside of the dome is just as black as it could be.”

Now, a Massey subsidiary in Peytona, Homer III Processing, wants an expanded air permit, which would allow it to emit up to 5,850 tons per year of dust, nearly half of which will be the very fine (under 10 microns) dust that drives Boone Countians crazy.

This ultra-fine dust can’t be swept up. These fine particles are the ones most likely to cause respiratory problems, because they are able to bypass the body’s defenses and lodge deep in the lungs. If dust control measures at the plant fail or operate poorly, the plant could emit up to 19,000 tons of dust per year as uncontrolled fugitive emissions.

Peytona resident Jim Browning is worried about the air permit. He said “We’re already having dust problems. When I power-washed my house the water that ran off was black. If this Homer III permit is approved, it will be four times worse – and I’m three miles away!”

He also expressed concern about coal dust building up in his attic. Coal dust, which can spontaneously combust under certain conditions, is a fire hazard. “If it keeps building up, I’ll have to seal up the louvers in my attic,” Browning said.

For more info on how to help, contact Dave at the OVEC office, (304) 522-0246 or dave@ohvec.org.

Smell of \$\$\$\$\$

continued from page 10

open for questions.

The discussion was lively, at times heated, but most agreed that publicly funded elections might reduce cynicism in voters, increase voter participation and create more contested races. All agreed that passing the WV Clean Elections Act would be an uphill battle - but then all of our battles are uphill and against the odds.

Our thanks to Delegate Bobbie Hatfield, Delegate Carrie Webster, Janet "J.T." Thompson, Dan Foster (who sent Will Carter to express his views on the issue), Patrick Lane, Mark Sadd, "Brud" Warner and Douglas Waldron, all candidates for the 2002 election who took time out of their busy schedules to attend.

A special thanks goes to Julie Archer with WV Citizen Action Group for helping with all the logistics and to Helaine Rodkin (Common Cause WV) for being our official greeter.

Paybacks and Really Big Bucks

Bush Administration Environmental Giveaways

(Reprinted from: OUCH! A Regular Bulletin on How Money in Politics Hurts You, #105, Published by Public Campaign, October 9, 2002.)

"We were looking for friends, and we found one in George W. Bush." So James H. "Buck" Harless told the *Wall Street Journal* in June 2001.

Harless isn't any ordinary concerned citizen. He is a board member of Massey Energy, a major coal mining company in Appalachia that practices mountaintop removal mining. That's right, his company, along with other coal mining companies, actually blasts the tops of mountains to get to seams of coal.

Harless also happens to be a Bush "pioneer," one of the volunteer fundraisers who promised to raise \$100,000 for the 2000 Bush campaign. He and his family alone have given \$60,650 to Bush and the Republican National Committee (RNC) since 1999.

In May 2002, Bush rewarded Harless and other mountaintop removal miners by weakening Clean Water Act rules to make it easier to dump the waste from mountain top mining into rivers and streams below.

Harless is just one of the many industry campaign contributors who have benefited from regulatory "paybacks" granted by the Bush Administration, detailed in a new report released by Public Campaign and Earthjustice, "*Paybacks: How the Bush Administration is Giving Away Our Environment to Its Corporate Contributors.*"

UPCOMING EVENTS

November 20, 2002: Citizens for Clean Elections meeting. ACT Foundation, 600 Leon Sullivan Way, Charleston at 10 a.m. Call Janet at OVEC for more information, (304) 522-0246.

November 21, 2002: Acclaimed journalist Jim Hightower will speak at Marshall University. More details are on the OVEC website events calendar page, www.ohvec.org, or call the OVEC office at (304) 522-0246.

December 10, 2002: "Prayer on the Mountain." Light lunch at 1 p.m. Corinth Baptist Church in Fleming-Neon, Ky. (Hwy 343 and Warm Springs Ave). for a simple lunch, followed by travel to McRoberts for prayer and song. For information, contact Sister Robbie Pentecost at: ccappal@foothills.net or (606) 297-8792.

March 7-9, 2003: Mark your calendars **now!** **Please reserve this weekend for OVEC's Summit for the Mountains IV at beautiful Pipestem State Park in southern West Virginia.** Come meet other great folks working to keep WV beautiful during this weekend of workshops and trainings centered on ways we can combat mountaintop removal/valley fill strip mining. This event is always one of OVEC's most fun and productive, and this time we'll have Pipestem's great food. Don't worry about the cost - we'll have scholarships so coalfield residents and committed activists may attend at a very low cost. The weekend's agenda is being developed, so please feel free to contact Dave at the OVEC office, (304) 522-0246. Your suggestions are always welcomed!

ACTION ALERT

Know What Mining Impacts Surround Your Home: Go to www.geointeractive.biz/maps/ptp.html. OVEC intern Bobby Nutter, under the guidance of Rick Eades and Josh Beck, produced a series of mountaintop removal maps for OVEC. A grant from the Progressive Technology Project funded the internship, as well as the Geographical Information Systems software and hardware needed to produce the maps. Much of the data used to produce the maps came from the WV Department of Environmental Protection. These maps are the first of their kind produced by a WV environmental group.

Invoking Some 'Higher Authority' in the Fight Against MTR



The community of McRoberts, Ky., is situated directly below the TECO mine. The road in the foreground leads to the MTR site.



Dust from the mining operation (center of photo) heads directly towards the community of McRoberts.



Participants in prayer service for the mountains, people and community. Front row from left, Mary Agnes Keener, Father That-son, Regina Hendrix and Winnie Fox. Back row from left, Larry Easterling (KFTC member), Jacob Easterling and Larry Gibson.

Some people of faith are bringing the heartbreaking issue of mountaintop removal to a Higher Power.

In early October, they left West Virginia and headed to a TECO mining company site situated directly above the town of McRoberts, Ky., where they were met by Kentuckians For The Commonwealth member Larry Easterling and his 2-year-old son, Jacob.

Larry, a former surface miner, expressed grave concern over the loss of water caused when blasting at MTR sites fractures the rock strata.

On this beautiful fall day, led by Father That-son, the priest at Our Lady of the Hills Catholic Church of Elkview, WV, the group ascended what remained of a mountain overlooking the town of McRoberts nestled in the valley below.

Winnie Fox, born in Kentucky, opened the service by singing "Wayfaring Stranger," a haunting melody of one who longs for home. On this Feast Day of St. Francis of Assisi, Father That-son spoke of St. Francis's deep love of God and Creation – how the earth, like a mother, sustains all life and is our home. Regina Hendrix read Psalm 95, which declares that the mountaintops belong to God.

As the wind blew steadily, like the Spirit moving across the land, other prayers and readings were offered to bless the land and the people and to pray for peace.

Coal Truck Weights

continued from page 9

thought their fix for their coal industry buddies would prevail. They pressured legislators to ignore the calls from their constituents. But many legislators said they hadn't seen the public so united and so vocal on an issue in a long time. Those legislators decided to heed the voice of the people, which they likened to a sleeping giant, awakened.

Charleston Gazette editor Dan Radmacher said in a Sept. 27 column, "When Delegate Mike Caputo, D-Marion, won a floor vote during the summer special session to amend the bill and strip out the weight increases, legislative leaders and Wise agreed to a compromise: They compromised their duty to resolve this issue and adjourned the session as quickly as humanly possible."

The *Gazette* reported Wise as saying, "It's the first inning. It's not by any means the entire game." How sad and ugly that Wise thinks resolving the deadly overweight coal truck issue is a game.



Why we do all the work. With the tortured mountains above McRoberts in the background, Larry Easterling holds his 2-year-old son, Jacob.

*What Can We Say But **THANKS** for Everything!*

Volunteers are the lifeblood of OVEC. A special thanks to all of these folks who have volunteered recently, and our apologies if we left anyone out!

Don Alexander	Patty Draus	Dr. Ken Hechler	Ann Pancake
Gregg Anthony	George Daugherty	Si Galperin	Bill & Donna Price
Missy Anthony	David Duke	Norm Googel	Helaine Rodkin
Rev. Jeff Allen	Rick Eades	Carol Jackson	Sharon Roon
LaShonda Bare	Kathy Edwards	Paul Justice	Winter Ross
Josh Beck	Steve Fesenmaier	Tom Jones	Patty Sebok
Jim Browning	Joe Ferrell	Thomas Kincaid	Deana Smith
Joe Barnett	Monty Fowler	Charley Kincaid	Aaron Sharps
Jennifer Belcher	Winnie Fox	Dan Kash	Andrea Sharps
Jude Binder	Bob Gates	Willard & Evelyn Kelly	Barbara Smith
Rosalie Blaul	Larry Gibson	Susan Lapis	Dr. Ben Stout
Judy Bonds	Doris "Granny D" Haddock	Rev. Jim Lewis	Kathryn Stone
Moss Burgess	Dot Henry	Kate Long	Elinore Taylor
Sandy Brady	Susan Hayden	Mary Miller	John Taylor
Pauline Canterbury	Tom Hansell	Julian Martin	Haline Thompson
Doyle Coakley	Hilda Harrison	Dorris McGann	Rosemary Vidovich
Greg Carroll	Bob Hamburg	Amanda Moore	Jack Waldeck
Abby Chapple	Joann Hammond	Denver Mitchell	Carol Warren
Connie Chojnacki	Jerry Holbrook	Janice Nease	Mae Ellen Wilson
Hume Davenport	Mike Harman	Paul & Nanette Nelson	Chuck Wrostok
"Doc" Davis	Regina Hendrix	Bobby Nutter	

A very special thanks to Big Rock and the Candy Ass Mountain Boys and the 1937 Flood, bands that rocked the 2002 Treehuggers' Ball: Rick Bady; Eric Fout; Bo Masullo; Dave Peyton; Chuck Romine; Sam St. Clair; Blake Sypher; Brad Overmeyer; Warren Owings.

An extra special thanks to Brian Sullivan, who participated in a flyover of mountaintop removal sites in West Virginia with aides from Senator Jeffords and Lieberman's offices. Brian's family lives in Wyoming Co. His insight on the impacts of MTR on coalfield residents had a significant effect on the Senate staffers. Southwings, a non-profit organization of volunteer pilots who help raise awareness of environmental issues by conducting flyovers, sponsored this trip. OVEC is grateful to Hume Davenport, director of Southwings, for piloting the plane and also for his organization's continued support of efforts to ban mountaintop removal mining.

Poster Children

continued from page 17

We offered to meet with her on that day if the DOI/OSM would enact a moratorium on mountaintop removal until, at the very least, the long-delayed MTR Environmental Impact Statement was released.

At that time, we didn't know Norton would announce a further delay in the EIS to a smiling WV Coal Association crowd. Jeff Jarrett, enforcer of SMCRA (not!) did not agree with that condition and did not call back.

Press reports of Norton's visit revealed we would have been squeezed in between her meetings with coal

industry lackeys.

Our letter extended an offer to Ms. Norton to meet with coalfield residents in the coalfields for a reasonable amount of time, and to accompany us on a tour of mountaintop removal/valley fill mines.

But, make no mistake about it, we won't be part of a publicity stunt aimed at convincing the public Norton and OSM actually regulate the excesses of the coal industry.



Norton Tries to Use Enviros as Poster Children at Sham Celebration

On July 26, Office of Surface Mining (OSM) chief Jeffrey Jarrett called WV Highlands Conservancy's Cindy Rank. He wondered if environmental groups would want to meet in Charleston for 30 minutes on Aug. 1 with his boss, Department of the Interior Secretary Gale Norton.

Besides visiting with enviros, Norton would fly over mountaintop removal/valley fill mining sites. By July 28, activists from seven environmental groups were aware of the offer. Many of us met on the 29th to discuss it and review Norton's environmentally hostile record.

Someone said at the meeting, "I smell a rat." Norton supported the Bush administration's efforts to gut the Clean Water Act to legalize valley fills at mountaintop removal (MTR) operations. So we told OSM we would meet with



Norton under these conditions: 1) More time; 2) We set the agenda; 3) We have a representatives aboard during her flyover.

It wasn't until after our meeting that we learned that Norton's visit was timed to coincide with the OSM's commemoration of the 25th anniversary of the federal Surface Mining Control and Reclamation Act (SMCRA), a poorly enforced act under Norton and her predecessors. Norton is on record as saying she believes the act, written to protect people from coal industry abuses, is unconstitutional.

The OSM response to our counter-offer came the

next day: 1) Sure, set the agenda; 2) We can maybe get you 40 minutes; 3) Nope, you can't come on the flyover.

It was insulting to be offered so little time and to be so obviously used as part of DOI/OSM's publicity stunt. We could see it clearly: Checkmark – "Met with enviros on SMCRA Anniversary." That, coupled with a "maybe" on an extra whopping 10 minutes and a no go on the flyover equaled no deal.



OVEC staffer Vivian Stockman researched and composed a letter for the groups to sign and fax to Norton. She composed a press release to go out with the letter. The letter listed many reasons why we could not meet with Norton to "celebrate" SMCRA.

According to environmental groups in Washington, DC, the letter raised a bit of a stink. Indeed. Soon after we faxed the letter, OVEC received not one, but *three* rapid-succession phone calls from Jarrett. First, he said he could get us 2 hours with Norton. That would have allowed about 18 hours notice to get the coalfield residents to the meeting. It would not have been in the coalfields, as our letter requested, and it still would have made us part of their publicity stunt.

Jarrett called back two more times, frantically trying to get us to get us to meet with Norton.

continued on page 16

Regulator's Motto: If You Don't Do It Right, It Doesn't Take As Long

(In late July 2002, Kentucky ordered Massey Energy to pay a \$3.25 million fine for the massive Oct. 11, 2000, coal sludge spill in Martin County, Ky. The cleanup of the Big Sandy River is still under way.)

by Rick Eades

Regarding the \$3.25 million fine for 300 million gallons of sludge released by Massey Energy subsidiary Martin County Coal Co. - that's roughly \$1 per hundred gallons of sludge released/disposed. Fines like these may mean it's cheaper to dump sludge into our rivers than to build impoundments. When could average citizens find such cheap neighborhood stream disposal, say for their own sludge?

Of course, previous fines of Massey/MCCC levied by federal and state regulatory agencies probably won't pay for the true costs it took to substantiate violations and process the paperwork. It took 20 months to levy the latest fine. What a testimony to the razor's edge of enforcement. By the time whatever fines are actually collected, the costs for the process may well dwarf the amount recovered.

Worse, once a watershed is devastated (i.e. the Tug Fork River), the need for cleanup of future releases could be argued, by good neighbors such as Massey and Don Blankenship.

Of course, legislators who minimize fines for such violators are at the root of the enforcement problems. And of course, regulators as the branches of enforcement want us to trust that they will punish violators, yet may administer that punishment on geologic time scales and for fines that are laughable when put into perspective.

This \$3.25 million fine for one of the worst environmental disasters in the history of the southeastern U.S. is less than one year of Massey CEO Don Blankenship's salary and compensation.

You tell me – who's in charge of this system?

GlassWorks of Weston to Produce OVEC's 2002 Christmas Ornaments

by Janet Fout

Twice blessed. That's OVEC. When Pilgrim Glass of Huntington closed its doors last year, we wondered what glassmaker might continue to produce the beautiful Christmas ornaments that we sell to help raise awareness and funds for OVEC's Stop Mountaintop Removal campaign.

Kelsey Murphy, the talented and resourceful glass artisan who designed OVEC's ornaments for the past three years, had an idea. Kelsey and her fellow artisan and partner, Bob Bomkamp, have designed two gorgeous new ornaments that will be produced at GlassWorks of Weston, WV.

GlassWorks, which specializes in fine, hand-made, mouth-blown glass, has been operating since 1926. They feature stemware, giftware, candle accessories, and soon, OVEC's new ornaments.

Each year, we choose a different plant and bird species whose habitat is destroyed by mountaintop removal strip mining of coal. This year's "winners" are the alluring Wood Thrush, known for its flute-like call that emanates from within the forested, mountain valleys, and the Jack-in-the-Pulpit, an endearing and whimsical-looking plant that thrives on rich, moist forest floors.

Keep an eye on your mailbox for OVEC's color postcard for ordering information for these lovely collectibles. Kelsey tells me that these limited addition ornaments will be ready for purchase by November 1.

A very limited quantity of the 2001 edition (Cerulean Warbler and Bloodroot) is still available at the OVEC office.
Wood Thrush (*Hylocichla mustelina*)

The Wood Thrush belongs to the same family as the familiar American Robin. This thrush – sporting a conspicuous white eye ring on a streaked face – is reddish brown above with a boldly black-spotted, white breast, and a brownish-olive rump and tail.

After wintering as far south as Panama, it summers and breeds in West Virginia's cool, damp deciduous (hardwood) forests, and further north, often near wooded slopes and streams.

Males first arrive in their nesting territory in March or April in the southern U.S., singing their sweet, loud, and



Wood Thrush

photo by Brian E. Small

repeated "ee-oh-lee, ee-oh-lay" atop the tallest trees in an unhurried, peaceful way. Their nests, distinguished by dead leaves and mosses, and lined with rootlets, are found 6-12 feet above the ground in the crotch or saddle of a branch or a shrub, sapling or large tree.

The female thrush, which has two broods of young during the breeding season, incubates three to four pale blue or blue-green eggs for 13 to 14 days.

Within another 12 or 13 days, the fledglings leave the nest to feed on insects, mostly eating beetles, ants, caterpillars, earthworms and other insects on or near the ground. They also eat berries of the spicebush, dogwood and Virginia creeper, as well as blackberries, pokeberries and mulberries.

The Wood Thrush has been known to live for nearly nine years.

Jack-in-the-Pulpit (*Arisaema Triphyllum*)

West Virginia is home to three species of Jack-in-the-Pulpit (*A. Triphyllum*). Also known as the "Indian Turnip," Jack-in-the-Pulpit is a perennial herb found April through June in wet, rich woods or thickets in every county in West Virginia.

"Jack" in his canopied "pulpit" is a fleshy, club-shaped inflorescence that bears minute flowers at the base. The "pulpit," is a sheathing bract 2- to 4-inches-long, and can be green, purple or striped. By August, the bract has withered and "Jack" becomes a mass of scarlet berries.

The leaves have three parts (trifoliate) with one or two per plant. Black bears commonly feed on the corm (bulb), which has a very stinging taste, in the spring.

Another species, *A. Stewardsonii*, named for its discoverer, Stewardson Brown (1867-1921), is found June-August in wet woods and mountain bogs, mostly above 2,000 feet elevation (Greenbrier, Hampshire, Mercer, Nicholas, Pocahontas, Preston and Tucker counties).

A third species, *A. Dracontium*, also known as the Green Dragon, is found May through June in low rich ground along streams in most parts of the state, including Wayne and Wyoming counties (where mountaintop removal may threaten its habitat).



Jack-in-the-Pulpit

photo by Ron Hepworth

Please Consider an OVEC Bequest When Planning Your Will

There's no comfortable way to say it, so we'll just blurt it out: We need your donation. OVEC works hard to obtain funding through private philanthropic foundations that support work like ours. We also raise money through local donations.

Many of these foundations are telling us the same thing - the lousy stock market means they have to scale back on donations. Another thing they are saying is that the "competition" is increasing. That is, more groups are asking for funds to address the same issue, such as mountaintop

removal. The pie is getting smaller and more folks are requesting a slice.

So, apart from your usual membership dues and donations, we ask you to consider supporting OVEC through "bequest" or "planned" giving. Yes, we are asking you to consider writing OVEC into your will. Another method of planned giving we ask you to consider is one we unfortunately and painfully learned about last year - donations in lieu of flowers upon the death of an ardent OVEC supporter.

Planning for our own demise is something few in this country do well, but it is something we all need to address. We ask that you consider OVEC as you plan ahead. For more information on how to do exactly that, contact OVEC at (304) 522-0246.

Humans take up 83% of the Earth's land surface to live on, farm, mine or fish, leaving just a few areas pristine enough for wildlife, according to the Wildlife Conservation Society.

Make a DIFFERENCE! Join a WINNING TEAM! Get ACTIVE with OVEC!

- ☐ OVEC stopped plans for a toxic waste incinerator that would have imported hazardous waste from across the nation.
- ☐ OVEC organizing forced an end to chronic pollution violations at the Ashland Oil refinery in Catlettsburg, KY.
- ☐ OVEC led the broad effort to stop plans for the nation's largest pulp mill, which would have used outdated, heavily polluting technologies.
- ☐ OVEC lawsuit compelled state government to enforce important provisions of the federal Clean Water Act.
- ☐ OVEC worked with other groups to stimulate passage of significant, first-step campaign finance reform measures in West Virginia.
- ☐ OVEC is changing the face of "politics as usual" in West Virginia through our Clean Elections work.
- ☐ OVEC is committed to bringing an end to mountaintop removal/valley fill strip mining.

Cut this coupon out today and mail to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753

- _____ New member or renewal (Dues \$10-\$30 yearly, pay what you can)
- _____ Donation
- _____ Please add me to OVEC's e-mail Action Alert! list

Name _____

Address _____

City/State _____

Phone _____

E-mail _____



**For more information call (304) 522-0246 or go to www.ohvec.org
Remember - All donations to OVEC are tax deductible!**



Coal companies call it flyrock. We call it *fly boulder*. Jerry Pinson calls himself lucky to be alive. He was not home on August 12 when blasting at Lodestar Energy's strip mine sent an 11-foot boulder hurtling 1,000 feet down the mountain to crush his home near Varney, Ky. In early 2002, another home was destroyed by a fly boulder from a different Lodestar mine. Author Dennis Burke, using official government statistics, found that about 2,500 tons of high explosives are used against the mountains of West Virginia and Kentucky *each workday*. Every four days, more explosives are used in mountaintop removal mining than have been used so far by the U.S. military in Afghanistan. *Every day* in Appalachia, the blasting is the equivalent of 1,000 Oklahoma City bombings. And the United Nations declared 2002 the International Year of the Mountains. *Photo courtesy Bobby Maggard, Appalachian News-Express*

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