



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

The PEOPLE Speak Out About MTR Impact Statement

Wow! Thanks to your help, and the help of groups near and far, the Environmental Protection Agency received over 80,000 comments on the mountaintop removal draft environmental impact statement! Now, EPA and the other agencies have to consider our comments and tell us how they are going to address our multitude of concerns about mountaintop removal.

At the state level, groups like OVEC, Appalachian Center for the Economy and the Environment, Appalachian

Rule Change May Alter Strip-Mine Fight

Affects Buffer Zone, Used by Environmentalists to Block Industry

by James Dao

“Charleston, W. Va. - The Bush administration is moving to revamp a rule protecting streams that Appalachian environmentalists view as their best weapon for fighting the strip-mining technique of mountaintop removal.

Over the past six years, environmental groups have used the rule, which restricts mining within 100 feet of a stream, to slow or block the issuing of state permits for mountaintop removal.”

So begins a Jan. 26, 2004, *New York Times* article that features OVEC members Willard and Evelyn Kelly, who live in Omar, Logan County. The layout included one of OVEC’s high resolution aerial photos of mountain massacre. We need your help in stopping Bush’ attempted rule change! ***Come to the Buffer Zone public hearing on March 30 and SPEAK OUT! Details on pages 5-9.***



Ongoing mountain range removal in southern WV.

Voices, Coal River Mountain Watch, Kentuckians for the Commonwealth, Save Our Cumberland Mountains, West Virginia Highlands Conservancy and West Virginia Rivers Coalition mobilized their members to send in comments. Regionally, Citizens Coal Council rallied their membership.

Groups with a national scope, including American Bird Conservancy, American Rivers, Earthjustice, Friends of the Earth, National Resources Defense Council, National Wildlife Federation, Sierra Club and the US Public Interest Research Group asked their membership to make comments. Many more groups signed onto lengthy, powerful comments.

With all these groups drawing attention to mountaintop removal/valley fill coal mining, millions of activists know about coal companies’ outrageous and illegal behavior in West Virginia. With that kind of people power, we can stop mountain massacre!

Comments

You can read the extensive, exceptional mountaintop removal (MTR) draft environmental impact statement (DEIS)

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Definition: Close Encounter of the Fourth Kind - Extremely close contact with alien creatures, often involving a UFO

Close Encounters of the COAL Kind

by Abraham Mwaura

I was at wits end a few weeks ago. I had been searching for a list of the chemicals that are used to wash coal – chemicals that end up in coal sludge impoundments – and had no luck at all. In a last-ditch effort I called the West Virginia Coal Association and left a message that I was looking for information about what chemicals were used in the process of washing coal. My call was quickly returned.

“Hello, this is OVEC. Can I help you?” I started with my usual greeting. It was Jason Bostic from the WVCA, returning my call.

“Can I speak to Abraham?” he asked, a little unsure of whether he had the right number.

“This is Abraham.”

“Oh. You had called wanting to know about the chemicals used to wash coal?”

“Yes.”

“Oh. OK. Ummm. Did you say you were with OVEC?”

“Ya. I’m with OVEC.”

“If you don’t mind me asking, why are you interested in this information?”

“Well, some coalfield residents whom we work with have raised these chemicals as a concern.”

“Oh. Well, they use water and magnetite to clean the coal.”

“Is that all they use?”

“Oh ya. The magnetite makes the coal separate from the waste in the water.”

“And that’s all they use?”

Needless to say, opening the conversation with “This is OVEC,” proved to be my downfall, and his information was completely useless to me. I have since gone on to find many of the over 60 chemicals that are used to make the mixtures used in washing coal. OVEC will be posting that information to our website soon.

As you can well imagine, the information is scary. Bear in mind that, concerned about health effects from exposure to the chemicals used in washing coal, some coal preparation plant workers are suing the manufactures of the chemicals.

Coalfield residents are right to have grave concerns about these chemicals, as is anyone who drinks water.



by Viv Stockman

Early in the morning, I unload OVEC’s E-Day! table goodies inside the State Capitol’s loading dock. After parking my car, I borrow a hand-truck and head toward the freight elevator so I can retrieve our display items.

I wait. The door opens, but the elevator is jammed full of sugar-death-water in colorful cans. It’s the bottlers, taking their sickening-sweet product upstairs. I wait some more. The door opens again, and again the elevator is packed with pop.

Then around the corner walks Bill Raney, president of the West Virginia Coal Association (WVCA).

“Herr Raney,” I say. “Hello, Vivian,” he says.

“How about a ride,” he asks pointing to the hand-truck. “I can’t be responsible for accidents,” I say. (Later, someone suggested I should have said that any accident would be an act of God. Why not? That’s the standard coal company excuse.)

“Where’s the rest of the FOCers?” I ask. Raney feigns puzzlement.

“You know, the FOC-U crew? Friends of Coal United. Hammy told me that.” That’s Raney’s sidekick, Chris Hamilton.

“Oh yeah,” Raney half-laughs. “We came up with that last year.”

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Public Comments

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comments submitted by attorneys Jim Hecker and Joe Lovett on behalf of OVEC and the WV Highlands Conservancy online at www.ohvec.org/issues/mountaintop_removal/articles/2004_01_12.html.

There you'll find comments from others. Check out the 61-page comment, "The Social and Cultural Effects of Mountaintop Removal/Valley Fill Coal Mining," compiled by OVEC's Viv Stockman. Below are a couple of excerpts.

"The DEIS on mountaintop removal / valley fill coal mining (MTR) fails miserably to study, measure,

quantify, report and make recommendations on the social and cultural effects of mountaintop removal coal mining.

If you take a drive in regions where coal companies practice MTR, some of the social and cultural effects of this form of mining are readily apparent.

Follow a public road in Kanawha County, W V, heading toward the community of Republic. You'll find a gate across the public road. Community gone, access denied, MTR underway.

Head toward Mud in Lincoln County. Only one home remaining, and that's in Arch Coal's cross hairs. The homes that were up Connelly Branch are gone, the home sites and the branch itself buried under millions of tons of former mountains. In Logan County, all that is left of Dehue are the broken foundations of homes.

Where there is MTR, you'll find this scenario. The EIS must make an effort to list the communities lost forever to MTR and document or quantify what the losses mean for Appalachian culture." 🍄

OVEC Meet Up

Please Join Us! April 14, 7 p.m., OVEC meeting at Cabell County Public Library (corner of Ninth St. and Fifth Ave., Huntington), third floor, meeting rooms 1 & 2. See the "Appalachian Treasures" multimedia presentation about Appalachian culture and mountaintop removal and speak with an activist coalfield resident. Meet other Huntington-area OVEC members. Get involved in our work to end mountaintop removal!

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Close Encounters

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"Flown over the destruction you are permitting anytime recently?" I ask.

"I've been up in the air," he says.

"I thought you'd be taking the Senator's elevator," I say.

The elevator door opens again, and there's yet another load of sugar-death-water going up, but there's room for Raney. I go find another elevator.

I tell a few people at E-Day! about my encounter with Bill. More than one wonders, jokingly of course, why I didn't plant my rather larger boot squarely on his behind.

But Raney's only the front man, the yes-man, the gopher out doing the bidding of coal industry CEOs, like Arch Coal's Steven Leer (who raked in about \$3,495,000 last year in salary and unexercised options), Massey Energy's Don Blankenship (\$6,780,000), Consol Energy's Brett Harvey (\$737,000, salary only), Peabody Energy's Irl Englehardt (\$1,773,000) and good ole' James "Buck" Harless (figures unavailable).

Those guys practice violence daily as they massacre the mountains, bury streams and run roughshod over the democratic process. Even so, I'll keep my boots to myself. We the people, standing united, don't need to resort to Coal Baron tactics to get our way. We will eventually prevail, nonviolently. 🍄

Take Action! Protect Our Water from Bush's New "Stream Destruction Rules"



Proposed Rule to Weaken the Stream Buffer Zone Rules

The Bush administration has proposed "clarifying" the stream buffer zone rules. The proposed changes will legalize the illegal - coal companies will be given free rein to destroy streams and fill valleys with hundreds of millions of tons of mine waste.



Yeah, this stream looks fine. Over 3,000 miles of streams in Appalachia have been buried. Photos courtesy of OVEC.

The current stream buffer zone rule protects streams from valley fills.

The federal surface mining law (SMCRA) currently prohibits surface mining or mining activities within 100 feet of perennial or intermittent streams unless the government finds that the mining **won't adversely affect the water quality or quantity** (30 CFR 816.57). Filling an entire stream with waste, as is done in mountaintop removal, is a violation of this rule - but the Bush administration won't enforce it.

So the Bush Administration has decided to change the rule instead of following it.

The proposed rule would allow companies to mine next to or through streams if they can show, whatever the damage, that mining operations won't increase suspended solids within 100 feet downstream and will **minimize the destruction of fish and wildlife "to the extent possible."** This is a non-enforceable standard that means nothing.

Ignoring Public Comments, Listening to Big Coal. Office of Surface Mining Director Jeff Jarrett proposed this change weeks **before** the comment period ended on the mountaintop removal draft Environmental Impact Statement, which addressed changing the stream buffer zone rule. OSM totally disregarded the over 80,000 people who sent in comments!

Speak out against Bush's stream destruction!

1. Attend a Public Hearing on Tuesday, March 30

Charleston, WV 6-9 p.m., Civic Center, Room 206, 200 Civic Center Dr.

Also: Washington, DC 2-4 p.m., OSM, S. Interior Auditorium, 1951 Constitution Avenue NW.

Please use the rear entrance to the building and have photo ID with you.

Greentree, PA, 6-9 p.m. Best Western Parkway Center, 8th Floor in the Horizon Room, 875 Greentree Road.

Hazard, KY 6-9 p.m., Hazard Community College, Hazard Campus, Jolly Center, Room 208.

Harriman, TN 6-9 p.m., Roane State Community College, O'Brien Building, Room 101.

2. Write Comments - Deadline April 7

Send an e-mail to: osmrules@osmre.gov

Or write: **OSM, Administrative Room 101, 1951 Constitution Avenue, NW, Washington, DC 20240.**

**West Virginians: To arrange carpooling, for a sample letter and for more info contact:
Ohio Valley Environmental Coalition (www.ohvec.org) at 304-522-0246 or vivian@ohvec.org**

Flier prepared by Citizens Coal Council - www.citizenscoalcouncil.org

Note to President Bush from the Appalachian Coalfields: Buzz Off the Buffer Zone!

If you want to see an end to mountaintop removal/valley fill coal mining, then please, please come to a **public hearing on March 30 and speak out** to oppose the Bush administration's latest attempt to legalize illegal stream burial.



Example of how well the buffer zone rule is currently working in West Virginia - not at all. Yes, that is a stream struggling out from under all that formerly majestic mountain that is now a heap of blasted, lifeless rubble.

What are the hearings about? "King Coal's Return," a Jan. 11, 2004, editorial in the *Louisville Courier-Journal* sums it up:

"The Bush administration has proposed a rule that will make it far easier for coal operators to savage Appalachian mountains at will. The new regulation will be a godsend for so-called mountaintop removal - a euphemism for scraping whole peaks off and dumping them in valleys below, often destroying watercourses. Over the past 15 years, 724 miles of streams have been subjected to this mistreatment in the Appalachian coalfields of Kentucky, West Virginia, Virginia and Tennessee.

"Instead of making operators protect land within 100 feet of waterways, the rule

would require them only to prevent damage "to the extent possible, using the best technology currently available.

*"Coal operators could easily push one of their monster draglines through weasel words like those, **and they will.**"*

The Bush administration wants to change the Buffer Zone Rule of federal surface mining law (SMCRA). We all know that mountaintop removal coal companies and regulatory agencies have been ignoring the Buffer Zone Rule by dumping former mountaintops directly into valleys and streams.

Citizens opposed to mountaintop removal have been making progress by organizing to demand that regulators enforce this law. Lawyers have been suing

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ACTION ALERT

If you want to help offset the expenses associated with getting a big turnout to this public hearing, you can either donate online or send us a check. Your donation will help a coalfield resident attend the hearing. Please earmark your donation with the note: "Buffer Zone."

To donate via PayPal online, hit the "Donate" button at www.ohvec.org (just under the header). Or send a check to:

OVEC
P.O. Box 6753
Huntington, WV 25773



Federal Official Worries About Valley Fill Stability

by Brian Bowling

Charleston Daily Mail, Jan. 16, 2004 (excerpts)

While many valley fills built in West Virginia in the last 1970s and early 1980s have turned out well, others are too large and aren't draining like they should, a federal official said today.

Brent Wahlquist, regional director for the U.S. Office of Surface Mining, said many of the areas mined when he was with West Virginia's mining program during the 1980s are a tribute to the industry.

Others, however, don't show up so well when he's done aerial inspections. . . .

The federal mine regulator told an audience of coal industry officials that he's concerned with how well coal companies are certifying the creation of natural drainage in valley fills that keeps them from retaining water. If water builds up in a valley fill, it affects the fill's stability the same way that too much water in the ground can cause mudslides and other landslips.

Another concern, which the OSM addressed in a recently proposed regulation, is that coal companies are building larger fills than they need. A consequence of this is that the fill is built further down a watershed than it needed to have been and, as a result, affects more stream area than it should. . .

State Environmental Protection Secretary Stephanie Timmermeyer also spoke at the symposium to review changes the Department of Environmental Protection has made to how it handles permit applications and inspections.

Timmermeyer said the agency has significantly reduced the number of permit applications that have been

Bush and Coal Money - LOTS of It

In "Bush Campaign Ads Brought to You by Special Interests; Industries That Give to Bush Get Their Money's Worth," Public Citizen, a DC watchdog group, reports:

"The mining industry has contributed at least \$3.1 million to Bush campaign efforts in the 2000 and 2004 cycles.

"Mining executives have been appointed to top posts in the Interior Department ...

"... Bush's Environmental Protection Agency has permitted mountaintop removal for coal mining and is trying to lift a Reagan-era regulation that banned mining within 100 feet of a stream and increased the amount of public land available for mining company waste dumping."

Isn't democracy a wonderful thing? See the clean elections story on page 8 for some hope. 🍌

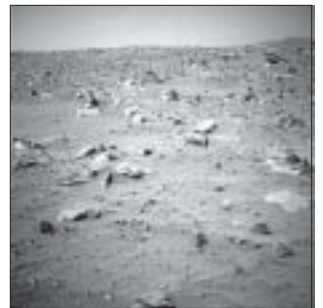
pending for more than six months.

She said the agency plans to set up a Web site next month that will make it easier for citizens to see what permit applications are pending in their area. The site will list pending permits by county... 🍌

Global Warming, Bush, Alternative Energy Jobs and - Men on Mars?

by Vivian Stockman

The Pentagon just released a report on the potential for sudden, catastrophic climate change soon, which could push the world into nuclear skirmishes and anarchy. Another study says one-third to one-fourth of all land species could be extinct by 2050 due to climate change caused by burning fossil fuels. Some are saying global climate change is a far greater threat than terrorism. 20,000 people in Europe died last year from a climate-change heat-wave. An insurance firm said, "The human race can lead itself into this climatic catastrophe – or it can avert it," by embracing cleaner energy technologies.



Is it Mars, or a MTR site? Only Bush knows for sure!*

What does Bush, slayer of Evil-Doers, do? He pooh-poohs studies about the real and present dangers of climate change. He trashes an international treaty on global warming. He ignores the Apollo Plan, which would drastically cut greenhouse gases while creating millions of jobs in cleaner energy production. He plans, instead, to send Americans to Mars for the very first time.

Problem. It looks like Bush and Friends have already *been* to Mars.

The little rover on the big red planet right now is proving there used to be water there. It also turns out that Bush was Emperor of Mars. The Mars Mega-Mining Co. waved Martian currency under Bush's nose and whined to him about environmental laws getting in the way of Maximum Profit. So Bush gutted the Mars Clean Water Act and then he buried the Mars Buffer Zone Rule. Unleashed, Mars Mega-Mining blew up all Mars' mountains and buried all Mars' streams. With satisfaction, Bush and his buddies looked around the devastated planet. Then they smacked their lips as they rocketed towards Earth. 🍌

* *It's Mars.*

Bush: Buzz Off the Buffer Zone!

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regulators for the same ends. Now Bush - in a staggering display of governing by quid pro quo - wants to stop our progress. He's offering up a huge gift to his coal industry funders by moving to make the illegal legal.

Stop this outrage! Help us have a big turnout for the hearing! Please attend and bring your neighbors. You can download fliers to post in your town by going to: www.ohvec.org/events_calendar/sbz_rules.pdf. There is also a flier on page 4 of this issue of *Winds of Change*.

For the latest information on this event, check OVEC's webpage, www.ohvec.org or call the office at (304) 522-0246.

National media is also taking up the Buffer Zone battle cry, as evidenced by the following Jan. 13, 2004, editorial in the *New York Times*:

Decapitating Appalachia

Environmental protection under the Bush administration often seems to refer to the political environment and not the stewardship of the nation's precious resources. In the latest attack on existing safeguards, the Interior Department is quietly gutting yet another legal safeguard against the wholesale pollution and burial of streams in Appalachia by the strip-mining industry.

In 2002, the administration essentially repealed a long-standing provision of the Clean Water Act prohibiting the dumping of mining wastes in streams. Now, under what is advertised as a "clarification" of the law governing surface mining, the administration is eliminating a ban dating from the Reagan era against mining activity within 100 feet of a stream.

Taken together, these two rollbacks can only encourage and accelerate the horrific process called mountaintop removal, which has already buried about 1,200 miles of Appalachia's vital streams under mammoth piles of bulldozed waste. This

ACTION ALERT

Speak out! Come to this hearing, bring lots of people with you!

Tuesday, March 30, 6-9 p.m. at the Charleston Civic Center, Room 206, 200 Civic Center Drive, Charleston. While the hearing begins at 6 p.m., please meet us outside at 5:30. We'll hand out talking point sheets to help with ideas for your personal comments.

Friends of the Mountains member groups are working together to arrange transportation to this event. If you need a ride, please call the OVEC office at once: (304) 522-0246 or e-mail vivian@ohvec.org.

Also on **March 30**, there's a public hearing on the proposed Buffer Zone Rule change in **Washington, DC, from 2-4 p.m.**, at the Office of Surface Mining, Reclamation and Enforcement building, S. Interior Auditorium, rear entrance (photo ID required), 1951 Constitution Avenue NW.

If you are a coalfield resident who would like to attend this hearing and also visit with Congress members to talk about the effects of mountaintop removal on your life, please call the OVEC office immediately, (304) 522-0246 or e-mail vivian@ohvec.org.

We can arrange for transportation or travel expenses, lodging and scheduled congressional visits while you are in DC.

serial decapitation of the coal-rich hills has long been a matter of furious conflict between the mining industry and the residents and environmentalists defending the life and beauty of the Appalachian hollows. Hundreds of square miles of mountaintops have been dynamited away, and dozens of communities bought out and buried.

The new regulation changes a standing prohibition against mining

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Clean Elections in WV: Time to Celebrate Some Victories!

The twisting, winding, bumpy road to Clean Elections is not unlike the roads folks drive over every day in West Virginia. Can you imagine what West Virginia would be like without the overwhelming influence of money and special interests in West Virginia's political system? How different might it be if public interests came before, or were on a level playing field with special interests like Big Coal.

Thanks in part to the WV Citizens for Clean Elections, a powerful coalition of 27 diverse organizations, we're getting closer to this voluntary option so candidates can opt for public funding of their campaigns.

Passage of a Clean Elections bill was a top or nearly top priority for the 2004 legislative session for the American Association of Retired Persons, National Association of Social Workers, West Virginia Council of Churches, West Virginia Environmental Council, Common Cause-WV and West Virginia Citizen Action Group.

During both the December interims and the regular legislative session, we had some legislative victories, which would not have been possible without the grassroots efforts of PERC's non-501c3 (non-profit) coalition partners, who generated letters, e-mails and phone calls to key legislators in support of clean elections.

In addition, we had other great support. Deb Ross (Public Campaign, DC) and Winnett Hagens (Democracy South, Va.) spent three days here, meeting with coalition partners and key legislators to map out a winning strategy! Just days before a vote, Common Cause (national office) phoned their West Virginia members urging them to contact their legislators. Additionally, the Reform Institute (Va.) and Justice at Stake (DC) generated many letters of support for clean elections to key legislators!

On February 23, the Senate Judiciary committee **passed the "Public Campaign Financing Act" (Clean Elections) out of committee and on to the Senate Finance Committee!** The bill received bi-partisan support. "No" votes came from Senators Harrison-R, Deem-R, Weeks-D, and Ross-D.

Our Senate sponsors were Jon Blair Hunter (lead), **Judiciary Committee Chairman** Jeffery Kessler, **Senate Minority Leader** Vic Spouse (R), Anita Skeens Caldwell, Tracy Dempsey, Evan Jenkins, Brooks McCabe, Larry Rowe, John Unger and Randy White. We had six sponsors on the Judiciary Committee and four on the Finance Committee.

On the House side, a special sub-committee, hand-picked by the House Judiciary Chairman Jon Amores with

Clean Election lobbyists' input, fine-tuned the House's version of the bill. Although we had anticipated a vote in the House Judiciary, Chairman Amores decided not to take up the bill when agreement couldn't be reached on a contentious amendment. Amores preferred not to pressure committee members since passage by the Rules Committee and the full legislature didn't seem likely this year.

Thanks to Rev. Dennis Sparks and Carol Warren, from the West Virginia Council of Churches, who met with House Speaker Bob Kiss and Amores early in the session, a resolution to keep the Clean Elections bill before the legislature during interims is pending.

Special thanks go to Si Galperin of Common Cause and Julie Archer of West Virginia Citizens Action Group for the incredible job they've done educating members of the legislature! We are in great shape to carry the Clean Elections Act forward as interims begin. 🌰

Feds Urge Closer Look at Selenium

by Ken Ward Jr.

Charleston Gazette, Jan. 20, 2004 (excerpts)

Federal government biologists have found troubling amounts of the toxic chemical selenium in fish downstream from mountaintop removal mine sites, according to a new report.

Late last week, the U.S. Fish and Wildlife Service urged state regulators to closely examine selenium discharges from coal mining... During this year's legislative session, coal industry lobbyists want to weaken West Virginia's water quality rules for selenium...

Selenium is a naturally occurring mineral element that is found in many rocks and soils. In very tiny amounts, it is an antioxidant and is needed for good health. But in only slightly greater amounts, selenium is highly toxic. In humans, it can cause neurological problems. 🌰

For a goOd time, caLI OVEC

Backstreet Boy singer Kevin Richardson is from Kentucky. He's been an activist agitating for an end to mountaintop removal.

Us Weekly magazine recently ran a photo of Kevin, in which he was wearing one of Larry Gibson's Keeper of the Mountains T-shirts, which includes Larry's cell phone number. The message on Larry's cell includes OVEC's number. Both the office and Larry have been inundated with calls from giggling girls wanting to learn more about how they, too, can become Keepers of the Mountains. 🌰

Bush: Buzz Off the Buffer Zone!

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within 100 feet of a stream if it will degrade water quality. In the future, mining companies will be required to respect the buffer zone merely "to the extent practicable."

This is an open invitation to industry to ignore a rule that, as a practical matter, has been routinely abused as regulators looked the other way.

Anyone who has visited the ravaged heart of Appalachia can see that hundreds of streams have been

Pro-Coal Bush Administration Drops Appeal of OVEC's Legal Victory

The Bush administration has decided not to appeal our recent legal victory. A US District Court Judge ruled in our favor and threw out the EPA's acceptance of the state's rotten anti-degradation plan.

On Jan. 7, the *Charleston Gazette* reported:

"Under the federal Clean Water Act, anti-degradation procedures are intended to protect the current quality of rivers and streams. New development and the additional pollution that it brings are allowed, but only if a cost-benefit analysis shows that jobs or other results are worth it...."

"The ruling is believed to be the first time that a federal court has thrown out EPA approval of a state anti-degradation plan.

"...(Judge) Goodwin actually vacated EPA approval of the state's entire anti-degradation implementation procedure. Goodwin sent the rule back to EPA for further review.

"Lawyers in the case are waiting for EPA to announce how it plans to proceed with that review..."

Many thanks to attorneys Jim Hecker of Trial Lawyers for Public Justice and Joe Lovett of the Appalachian Center for the Economy and the Environment for all their hard work on this case. 🍂

Turn some of your trash into cash for OVEC. Recycle your ink jet printer cartridges. Call or e-mail Maryanne, (304) 522-0246, or mago@ezwv.com to get your supply of postage-pre-paid bags. ♻️

snuffed from the landscape, not merely degraded. Industry's ballyhooed reclamation projects stand out as Potemkin oases along the scarred horizon. Meanwhile, a federal study uncovered by a Freedom of Information Act initiative warns of more devastation to come.



Another buffer zone "success story." Right ...

It may be a coincidence that the new rule comes as Republican fund-raisers are priming the campaign donation pump.

But the "clarification" brazenly certifies the protection of Big Coal at the expense of the environment.

Remember that letters to the editor are great tools to tell the world about MTR. Use them! Below is one submitted by an OVEC member that was unfortunately not chosen for publication:

Dear New York Times Editor:

Allow me to add some perspective to your editorial on Appalachian mountaintop massacre.

Imagine New York's treasured Catskills being blasted to bits, mountain after mountain, trees and all, the rubble pushed into the valleys, covering all wildlife and streams. Imagine people trying to hold onto their towns and homes amid dust and explosions until forced to leave, their homes now almost valueless. Imagine coal companies justifying this "energy sacrifice zone," saying the nation needs cheap, abundant coal, even though tons of lead, arsenic and mercury are emitted by burning it. Imagine miles of barren, rolling wasteland where only non-native grasses can grow and hapless deer roam, looking for the woodland shelter they once knew. Imagine the scale of the greed and the lack of imagination in government and industry that would permit this. Imagine defining this as eco-terrorism.

Sincerely,

Chuck Wyrostok



Martin Luther King, Jr. Memorial - A Time to Honor His Legacy

OVEC board member Jeff Bosley and his wife, Victoria, huddled in expectation of the march. Huntington's Mayor David Felinton and his lady friend were on hand. Dave McGee, a well-known anti-war activist in Huntington, carried a sign that quoted Dr. King: "In the wasteland of war, the expenditure of resources knows no restraints; here our abundance is fully recognized and squandered."

Folks gathered behind a Huntington trolley waiting for the march to begin while song sheets were distributed to participants. Sylvia Ridgeway, current president of the Huntington-Cabell branch of the NAACP, welcomed and instructed the marchers.

"Carbon Sequestration" Just Pseudo-Science Doublespeak

by Don Alexander (OVEC's web wizard)

The geniuses at BigEnergyCo International and their counterparts in the US Department of Energy have been promoting "carbon sequestration" as a solution to rising CO2 levels in the atmosphere (CO2, carbon dioxide, is one of the main global warming gases).

They want to capture CO2 from power plants and pump it deep into the ocean, underground lakes or into deep rock strata, blithely assuming that doing so will be "environmentally safe."

Naturally, the name "carbon sequestration" represents a major Orwellian misnomer. To understand why, follow a typical carbon atom through the three steps of BigEnergyCo's (BECo) proposed energy process: mining, burning and sequestering.

Carbon enters the process in the form of fossil fuels – coal and oil – which BECo obtains by blowing up a mountain or drilling a well. Next, BECo burns the fuel and captures the resulting CO2 (well, some of it). Finally, BECo would pipe the CO2 deep into the ocean or some convenient underground rock strata.

Notice that carbon starts out and ends up underground, so the net difference is that BECo will have captured a lot of free oxygen and sequestered it along with carbon that was already safely sequestered underground before being mined or pumped up. The idea should really be called "oxygen-sequestration."

Perhaps coal and oil are just nature's method for true carbon sequestration. Everyone knows it's not nice to fool with Mother Nature 🌰

For the past several years, OVEC board, staff and members have participated in events in Huntington, WV, to honor the legacy of the great leader, Dr. Martin Luther King, Jr.



OVEC board member, Jeff Bosley and his wife, Victoria, huddled in expectation of the Martin Luther King, Jr., Memorial March.

Holding with this new tradition, we gathered with 50-60 other people who braved the cold weather – people of color and whites expressing their unity. On Monday, Jan. 19th, to honor Dr. King's memory, we began by marching from First Baptist Church on Sixth Avenue and Eighth Street in Huntington, headed for the Sixteenth Street Missionary Baptist Church where we would continue the celebration at the 11th annual Martin Luther King Jr. Symposium Memorial Service.

The church was jammed by people who turned out to listen to a speech by the internationally renowned preacher Dr. Calvin O. Butts III, pastor of the Abyssinian Baptist Church in New York City, the leader of many national organizations, including chairman of the National Affiliate Development Initiative of the National Black Leadership Commission on AIDS.

As the pews filled up, I spotted other familiar OVEC faces: Abe Mwaura, Winnie Fox, Elinore Taylor, Nancy Taylor, David Duke, Marty Amerikaner and Linda Spatig. Dr. Butts assailed that greed throughout the nation is keeping people from living peacefully side by side.

A news story the next day in the *Huntington Herald-Dispatch* quoted Abe as saying: "People need to follow in King's footsteps and be active in their communities to combat this greed. It is important for normal people to fill leadership roles. Martin Luther King was a mere preacher, a preacher's son at that, and ended up taking a significant leadership role."

Spoken like a true leader, Abe. 🌰

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



by Janet Fout

I refer to it as “the support of nature.” It’s those times when you or your organization has planned an outdoor activity and the weather is absolutely perfect – when the odds are clearly against you for blue skies and light breezes (like the third week of February when this adventure was scheduled).

Yet, that’s exactly the kind of day it was when I arrived at the small private plane terminal at Yeager Airport in Charleston to meet my fellow passengers on a flight over southern West Virginia – sunny, clear, and light winds.

Ted Williams flashed me a smile when I came through the terminal door. He’s a writer for *Audubon* magazine, who coined the phrase “mountain range removal” after his first flight over the southern coalfields in February 2001. Ted is writing a piece for an upcoming *Audubon* about whistleblower Jack Spadaro’s recent scrape with the Mine Safety Health Administration (MSHA).

This time, he wanted to focus on coal waste impoundments, especially the gigantic one looming over the community of Whitesville – the Brushy Fork impoundment owned by a Massey Energy subsidiary. There’s no better way to see the scope and scale of the devastation than flying

at 4,000 feet.

Our pilot for the morning touched down from Abingdon, Va., in her red and white four-seater. I was anxious to finally meet Susan Lapis, a volunteer for Southwings, a non-profit organization that provides a bird’s-eye-view for journalists and others wanting to see mountain range removal (and other environmental damage) firsthand.

Our first hug was just a matter of formality after numerous phone conversations and e-mail messages over the past several years. I already knew that she and I were connected at the heart. Time and again, Susan has responded to OVEC’s call to fly reporters and others over the southern WV coalfields. One has to admire Susan’s invaluable contribution and commitment to this work.

When the final passenger, Jack Spadaro, arrived, we waited while he placed a call to Robert F. Kennedy Jr. (!) whose organization, Riverkeepers, has been involved in the work to ban mountaintop removal/valley fills. Jack is the MSHA whistleblower and former superintendent of the National Mine Safety and Health Academy, MSHA’s training facility Beckley, WV.

As an experienced mining engineer who had investigated the tragic Buffalo Creek disaster that killed 125 West Virginians in 1972, Jack was assigned to the team investigating the causes of the calamitous Inez, Ky., coal waste impoundment failure of October 2000. More than 306 million gallons of toxic, lava-like coal waste polluted nearly 100 miles of streams in West Virginia and Kentucky and inundated yards of residents; federal regulators dubbed it the worst environmental disaster in the eastern United States.

So what did Jack do to incur the wrath of his superiors? He refused to sign off on a study that failed to place blame where it correctly belongs – on Martin County Coal, a subsidiary of Massey Energy, and on his own agency.

After Bush assumed presidential power in January 2001, Jack’s troubles began. Ridiculous accusations were made against Jack such as “abusing his authority” and “failing to follow instructions.” Just recently, the *Charleston Gazette* reported that Jack has been demoted and sent to MSHA “Siberia” – assigned work in Pennsylvania, away from his West Virginia home for the past 25 years (Pennsylvania readers please note: I’m *not* comparing your beautiful state

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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.

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 WWW: 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.



The Marshfork Elementary School at Sundial (foreground), with the Goals Coal (a Massey energy subsidiary) sludge impoundment looming above it. Massey wants to mountaintop removal mine 1,849 acres around this impoundment, including the entire mountain in the back and to the left in this photo. Will the impoundment be safe with all the blasting? The nearby communities can expect to suffer from the blasting (from ruined water wells, to health problems, to decreased property values) and the increased risk of flooding associated with mountaintop removal mining.

Mountaintop Removal Flyover

continued from page 11

to Siberia, but only comparing Jack's new desk job at MSHA to being put out in the cold as punishment for doing what's right!).

I stuffed some hard mint candy in my pocket as we left the building and headed for the plane (mint settles the stomach). Susan assured us that the weather was absolutely splendid for our one-hour dip through the coalfields. Coincidentally, our good friend, Mike Forman, was in the control tower that day at Yeager.

As we took to the air, an ugly brown layer of haze streaked across the sky. To the west, I pointed out the John Amos power plant, a major polluter in West Virginia. Susan, schooled in chemistry, explained that nitrogen oxides, referred to as NO_x, caused the brown color. According to U.S. Public Interest Research Group's 2002 report, "Darkening Skies," American Electric Power's John Amos plant was 14th out of the nation's 50 largest NO_x emitters. In 2000, the facility belched 43,970 tons of NO_x, or about 49 pound for each of West Virginia's 1.8 million residents.

Within 5 minutes of being aloft, Susan pointed out a "small" mountaintop removal operation – a brutally scarred and barren landscape below us, once one of the most diverse hardwood forests on the planet, now transformed to a biological desert. I never get used to the shock and sickening feeling I experience seeing this brutalized landscape; and I always ask myself what is the possible justification for the annihilation of mountains – the defining geologic feature of West Virginia and Appalachia? The usual reply of "greed" echoes in my head, but after seven years of coming up against coal companies, politicians and lobbyists who profit from this, I think the issue goes much deeper.

Is the destruction and desolation below us a reflection of an unseen inner landscape? Could people be compelled to this havoc-wreaking venture in their deeper quest for personal meaning? Are they simply filling a void in their spiritual lives with money, power and prestige? I wonder.

My attention returned to the conversation inside the plane. We buzzed past Sylvester, WV, where Massey Energy's enormous white dome covers a huge coal pile. Residents there successfully sued the company for habitually covering the town with black dust from their processing plant. The determined faces of Mary Miller, Halline Thompson and Pauline Canterbury come to mind – three

ladies fondly known as the "Sylvester Dustbusters."

As we continue our flight southeastward, Susan and Jack are pointing below us to darkened and unnaturally colored "lakes" associated with this type of mining. Typically these coal waste impoundments are situated with a former mountaintop removal job above communities and out of

I always ask myself what is the possible justification for the annihilation of mountains – the defining geologic feature of West Virginia and Appalachia?

Janet Fout, OVEC

sight. Like valley fills, these "lakes" are a "cheap" way for coal processors to dispose of waste. After coal is gouged from the ground, it's

trucked to a processing plant to be washed. Water, chemicals used to wash the coal, and coal fines (particles) are pumped into an impoundment.

Often the land beneath is riddled with underground mines, like cells in a honeycomb, increasing the likelihood of a break-through (the cause of the failed impoundment in Inez, Ky.). Jack said that Martin County Coal had incorrectly mapped the mining beneath the impoundment. The bottom of the impoundment was separated from the underground mines by fewer than 10 feet. Failure was almost assured.

As we approach Whitesville, Susan alerts us to the Brushy Fork impoundment, situated above the town. In the event of a catastrophic failure, 5 billion gallons of slurry will have only one place to go - downhill, inundating the town in the narrow valley below it. Marfork Coal Co. (a subsidiary of the violation-prone Massey Energy) operates it.

Since the late 1990s, Coal River Mountain Watch and OVEC have been raising awareness about this impoundment and challenging coal industry "regulators" to stop permitting the expansion of this behemoth lake of toxic goo. We've won some concessions along the way, such as forcing Marfork to monitor the groundwater downgradient of the impoundment for dangerous heavy metals like mercury. The United Mine Workers of America is also gravely alarmed over the dangers this impoundment poses for miners and coalfield residents.

Susan tells Ted that the community evacuation route in the event of an impoundment failure calls for the townspeople of Whitesville to head *towards* the mine. Now there's a sorry example of planning!

Next, we buzz Sundial, a tiny community in the northwestern corner of Raleigh County, where an impoundment appears above a grade school. I can only imagine that the Buffalo Creek disaster would pale in

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Maria Gunnoe lives below this massive valley fill. Her property has been badly flooded *nine times* in the last three years. Before the valley fill went in, her property, which has been in the family 50 years, never experienced such dreadful flooding.

Mountaintop Removal Flyover

continued from page 13

comparison to a failure occurring here during school hours. Out of sight, out of mind.

Susan heads her little plane northeast towards Kayford Mountain. My eyes can scarce believe the scope and scale of mountain massacre below. Between Princess Beverly Mining (Massey Energy) and the Samples Mine (Arch Coal), Larry Gibson’s little piece of “heaven” is almost surrounded by thousands of acres of devastation. I recall the ironic wording on a tombstone in the Stanley family cemetery there: “Earth hath no sorrow that heaven cannot heal.”

Throughout this flight, Jack has pointed out gigantic valley fills that have smothered more than a 1,000 miles of headwater streams in West Virginia. After explosives blast away the rock above coal seams, huge trucks dump the

debris into the valleys with little forethought. Some, Jack said, are several miles across at the top of the fill; and he explained how the original intent of the federal mining law regarding valley fills was to build them from the bottom up to increase stability.

These fills however, are little more than waste dumps – a “cheap” way for mountain destroyers to dispose of “overburden” (a burden to their profit-taking?) – what we knew as former mountains.

This aerial view of the piecemeal destruction of southern West Virginia is the only way to see and truly grasp the inhuman scale of this mining.

A wave of relief sweeps over me as I pop a mint into my mouth, wondering if the queasiness is caused by the occasional bumps during the flight – or am I literally sickened by all the unnecessary destruction of our beloved mountains?

Catholic Leaders Take Firsthand Look at MTR

Just a few days before Christmas, several leaders of the Catholic Church met in Hindman, Ky., to take a close look at the effects of mountaintop removal on coalfield communities. The leaders, including three bishops from the Appalachian region, visited an active mountaintop removal site and heard from mining representatives, as well as coalfield residents.

They visited with Rev. Steve Peake of Corinth Baptist Church in McRoberts, Ky., a town surrounded by mountaintop removal.

OVEC member and Boone County resident Maria Gunnoe (see photo at left) gave an impassioned talk on the havoc mountaintop removal had done to her home and quality of life, showing pictures of the devastation that had been caused by floods.


The Catholic leaders were very moved to see and

Don't Agonize! ORGANIZE!

Are you tired of unresponsive bureaucrats that foist you off from one agency to another? Would you like to hold politicians in your district accountable for the decisions that affect your quality of life? Are YOU ready to make a difference in the community where you live? If you answered yes to any of the above questions, reserve March 23rd on your calendar!

Learn some of the nuts and bolts of community organizing by signing up and attending "Face to Face: Organizing for the Long Haul." This daylong series of organizing workshops is being held March 23, 2004, (check out the Events Calendar page on OVEC's website, www.ohvec.org) at John XXIII Pastoral Center, 100 Hodges Rd., Charleston, WV.

Workshop sessions include basic organizing skills, base-building, coalition-building, using popular education techniques in community organizing, use of the media, building a campaign strategy and peace-building. This invitation is being extended to labor, faith-based, people of color, environmental, community, university, peace and other groups.

The Appalachian Institute at Wheeling Jesuit University and the Ohio Valley Environmental Coalition are co-sponsoring this one-day event, featuring nationally known organizer/musician, Si Kahn. Registration is limited, so apply now! Contact Todd Garland at: tgarland@wju.edu for complete details or call Janet Fout at OVEC at (304) 522-0246. 

hear the stories of all the affected individuals, but, as the Kentucky Coal Association later stated in their newsletter *Cross Roads*, there were those who felt that the leaders were being co-opted into calling for an end to mountaintop removal.


They felt it was organized "to lead attendees to conclude the coal industry and mountaintop mining are extremely harmful, not only to the environment, but to the people of Appalachia."

What follows is a reaction by Sister Robbie Pentecost, one of the organizers of the conference.

Dear Editor:

As an organizer for the Bishops' Mountaintop Removal Forum, I was disappointed by the headline, "Miners say mountaintop removal forum well-intentioned but misguided," (Cross Roads, Jan. 4, 2004) emphasizing the mining industry's point of view. The forum was indeed, well-intentioned, but not misguided. When people's homes, health, water, culture and lives are at risk, the Church must seek information and stand with those who are vulnerable.

The initial impetus for this forum came from Bishop Walter Sullivan who wanted to see mountaintop removal. From the beginning the organizers were determined to include people involved in mining, and we extended an invitation to Kenny Schmidt and Rusty Justice, coal executives and Catholic parishioners in Pikeville. The organizers believe in the Common Ground Initiative approach - bringing people together within our Church to dialogue about an important moral issue that causes disagreement.

I would like to highlight the results of the forum. First, Bishop Joe Kurtz of Knoxville clearly identified the need to strengthen the regulations around mountaintop removal and to better enforce the existing laws. Secondly, the National Catholic Rural Life Conference will emphasize mountaintop removal as an example of why new national energy policies are needed. Thirdly, the Catholic Committee of Appalachia will develop materials for education and social analysis with young people working in the region during school breaks. Finally, Jerry Hardt (a parishioner of St. Luke's in Sayersville), Fr. John Rausch and I will continue the dialogue with Kenny, Rusty and other St. Francis parishioners involved in mining. These positive results suggest a more appropriate headline. 

Man's Inhumanity to Man



The folks who owned this home on the Mud River in Lincoln County built it themselves in the 60s. They thought they'd finish living their lives here. They resisted selling to Arch Coal's land company, while neighbor after neighbor did sell. Finally, the blasting got so close, their well water went bad...they knew their lives could never be the same. They sold and moved, offering up free items to whoever happened down the home-less road.



Lincoln County, WV, along the Mud River. The homeowner sold their property to Arch Coal as mountaintop removal encroached upon the old homeplace.

BUFFALO CREEK: TWO STORIES

Feb. 26, 1972, Meets Today - One of the Latest Victims of King Coal is Jack Spadaro

by Tonya Adkins

The rushing waves of black water on a rainy Saturday morning over 30 years ago tore a hole in people's lives that has never been mended. We were visiting an aunt in Ohio when we got the news that the Buffalo Creek dam had burst. I remember the awful drive home, wondering if my aunts, uncles, and cousins on Buffalo Creek were alive or dead. The telephone lines were down, and then Gov. Arch Moore had called in the National Guard to close off the area. Unable to get any news, two of my uncles climbed to the ridge tops and walked into Buffalo Creek.



The first thing they encountered was a makeshift morgue where they were asked to identify bodies. The shattered, blackened remains of a man, woman, and child could have been my aunt, uncle and their daughter. The bodies were so mangled that my uncles couldn't be sure. Fortunately, they later found that all of my family had made it to safety. One hundred and twenty-five others were not as fortunate.

When the National Guard reopened the area, we drove down there. I remember seeing furniture in trees and houses smashed into splinters. I was 8-years-old, and I remember thinking how awful the flood had been. Years later, I realized that it was criminal negligence by the Pittston Coal Co. that caused the deaths of all those people.

The coal industry and many state officials have long treated the people of the coalfields as a disposable resource.

Speaking after the disaster, Gov. Moore said, "The only real sad part is that the state of West Virginia has taken a terrible beating which far overshadowed the beating which the individuals that lost their lives took, and I consider this an even greater tragedy."



This blatant disregard for human life still permeates the political atmosphere of the state. Coal companies are allowed to continue operations, even after repeatedly releasing toxic black sludge into streams and water supplies. Permits are issued to build massive slurry impoundments with the potential for destroying even more lives than were lost on

Buffalo Creek. Then, the coal industry works relentlessly to marginalize any dissenting voices.

One of the latest victims of the coal industry's effort to silence the truth is Jack Spadaro. He was a member of the ad hoc commission Governor Moore appointed to investigate the Buffalo Creek disaster. Over the next several years, he worked to improve the safety level of slurry impoundments in the state. Now, Jack Spadaro is in danger of losing his job as the superintendent of the National Mine Safety and Health Academy because he spoke out about federal and industry failures regarding the investigation into the 2000 Martin County coal slurry spill near Inez, Ky.

The residents on Buffalo Creek were silenced as well. One woman had written a letter to the governor complaining about the unsafe condition of the dam at least four years before it broke, but nothing was done about it. Will it take another Buffalo Creek disaster before the officials of this state listen to the people who are being affected by coal slurry impoundments?

The lives of the people on Buffalo Creek were valuable, and the lives of those living in harm's way today are valuable. How long will it be before state officials and the Bush administration realize that the lives of people are immensely more valuable than a chunk of coal?

It Should Never Have Happened

by Patty Adkins

The tragedy on Buffalo Creek was years in the making. Pittston Coal Co. began dumping coal waste on the middle fork of Buffalo Creek in 1957. By 1968, the coal company was dumping more waste another 600 feet upstream. By 1972, a third dam was built that ranged from 45-60 feet in height.

The people of Buffalo Creek were aware that these dams existed, and were afraid that they might break. In 1967, the U.S. Department of the Interior warned state officials that the Buffalo Creek dams and 29 others throughout West Virginia were unsafe. Furthermore, Pittston had a record of mining and safety violations. Still, neither the state nor mining officials made any effort to deal with the problem of the slurry impoundment on Buffalo Creek. I was 11-years-old when

All photos from WV Division of Culture and History



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Buffalo Creek Stories

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the Buffalo Creek disaster occurred. My family lived on Braeholm Hill and we stood there that morning and watched the devastation unfold. Everything seemed to be happening in slow motion as I watched people in houses and vehicles float by. I remember the sound of the black water breaking the houses apart, and seeing animals trying to stay afloat in the raging waters. And after the water went down, I

L O S S S

remember seeing two men pull the dead body of a woman from a house that had been lodged against the train trestle. At the time, I thought it was a terrible natural disaster. It was only as an adult that I realized all those deaths were caused by the negligence of the coal industry.

The survivors of the Buffalo Creek disaster have to live with the memories of that day. If state officials had taken heed in 1967 when they were warned of the dangers of these impoundment dams, there wouldn't be an anniversary of this tragedy on February 26. State officials today should not let history repeat itself. 🍓

Inspired by Robert Gates' film on the effects of mountaintop removal -

MUCKED - man-made disasters - flash floods in the coalfields (2003, 54 mins.)

Groups kick off coal sludge impoundment safety campaign

Three West Virginia citizens' groups have joined forces to work on a "Sludge Safety Project" aimed at lessening the health and safety problems coal waste impoundments pose for the state's residents.

The Sludge Safety Project (SSP) is a collaborative effort of the Whitesville-based Coal River Mountain Watch, Delbarton Environmental Community Awareness Foundation and OVEC.

SSP will work to see that state policies are enacted to protect West Virginians from the dangers of coal sludge impoundments.

The project aims to increase awareness among state policy makers that something must be done about the clear threat of coal sludge impoundments.

In one of its first efforts, the group will deliver a letter to all state legislators asking for their help in beginning to develop plans to lessen the threats that coal sludge impoundments represent to human health and well-being, as well as the state's economy and environment.

Valleys dammed steep slopes logged, coal gouged out and trucked away.

It looks like a sound return on investment with no other price to pay.

Until the rains come and the dammed up impoundments give way.

A raging wall of water, rocks and trees flattens everything in its path.

Houses gone, roads bridges. Those who fled in fear come back to a grim aftermath

In flying a mountain to smoke the heart, the whole is sacrificed to the part.

There is no way to reckon the loss without tracing

addiction's cost.

p.j. laska



- collage by Steve Fesenmaier

Keep Up the Good Work to Bring Back Jack!

At lunchtime on a brisk Tuesday in January, about 60 people rallied outside the downtown Charleston, WV, post office to help the Friends of the Mountains kick off our Bring Back Jack Campaign.

Over 100 letters to Secretary of Labor Elaine Chao were mailed that day, asking her to please reinstate Jack Spadaro to his job as superintendent of the Mine Safety and Health Administration's Beckley Mining Academy. People have continued mailing letters since that day. Thank you for the tremendous response!

Jack's case has attracted a lot of media attention. *Sixty Minutes* filmed our kick-off event and will air a segment on Jack and BushCo., probably in March. *Audubon Magazine* will run an article soon. National Public Radio ran a story in which Jack said, "I've been in government 27 years, in federal government, and I was in



Local and national media were out in force for the Bring Back Jack! event in Charleston.

state government five or six years. This is the most lawless administration I've ever seen. They run roughshod over anybody who might try to get them to obey the laws."

Now, in an outrageous move, the Mine Safety and Health Administration has decided to demote Jack, cut his pay, and make him move out of West Virginia, where he has lived for decades. The MSHA official who made the decision is John Correll.

A July 20, 2003, article by the *Charleston Gazette's* Ken Ward, "Academy chief seeks protection," reports: "A longtime federal mine inspector this week filed a complaint that alleges the Bush administration retaliated against him for reporting alleged wrongdoing by Assistant Secretary of Labor Dave Lauriski. . . . Jack Spadaro and his Charleston lawyer, Jason Huber, filed the complaint ... (which) ... alleges that top MSHA deputies John Caylor and John Correll were involved in a plot to punish him for revealing problems within the agency."

TAKE ACTION FOR JACK

Please write Senators Byrd and Rockefeller, as well as California Congressman George Miller. Ask them to stop this outrageous demotion and transfer. Jack should be reinstated to his position: Superintendent of the Mine Safety and Health Administration's National Mining Academy. Ask the legislators why the Office of Special Counsel has taken so long to intervene on Jack's behalf. Tell them you think it is wrong for John Corell to be involved in any decisions about Jack.

Your message could mention that Jack is a whistleblower whose job should be protected. After all, he has dedicated 30-some years to attempting to protect the people, communities and environment of the Appalachians.

Nowadays, it's best to either make calls or send letters via e-mail or fax:

Sen. Byrd: senator_byrd@byrd.senate.gov, (202) 224-3954, fax (202) 224-4168.

Sen. Rockefeller: senator@rockefeller.senate.gov, (202) 224-6472, fax (202) 228-1610.

Congressman Miller: George.Miller@mail.house.gov, (202) 225-2095, fax (202) 225-5609.



The line to mail letters to Washington, DC, in support of Jack Spadaro stretched around the block and was filmed by television news crews.

MTR Story Hits the Airwaves

National Public Radio's "All Things Considered" news program spoke with four OVEC members for a segment on the proposed Buffer Rule change. Hear the story online at:

www.npr.org/rundowns/segment.php?wfId=1697533. 🍌

Getting the Vote Out in 2004 - Forums Scheduled

by Abe Mwaura

OVEC and the Huntington-Cabell branch of NAACP are working together to get out the vote this year. The campaign seeks to empower the voting block in Huntington's District 5, a largely minority and mainly lower-income population that is underrepresented in local and state politics.

Recently, the boundaries of District 5 were expanded to include parts of a middle-upper class neighborhood. The change sapped strength from the former District 5, as minority neighborhoods have about a 60 percent lower voter turnout than the new communities added to the district. The former minority District 5 had voter turnouts as low as 35 percent, while the neighborhoods added to the district have consistently turned out over 90 percent of registered voters.

This is not just a trend among the voters in this one minority district; it is also a trend in the entire state. Only 1,060,892 (76 percent) of the state's 1.4 million eligible voters were actually registered in 2000. The other factor is that only 660,489 (61 percent) of those registered actually voted. That's an eligible voter turnout rate of only 47 percent.

This gap in voter turnout creates a gap in representation. There are five candidates vying for the one seat to represent District 5 on Huntington City Council. Two candidates are from outside the former District 5 and would likely represent the interests of the better-off neighborhoods. If the voting trends continue as they have and one of these candidates is elected, resources will be further drained from the minority population in Huntington.

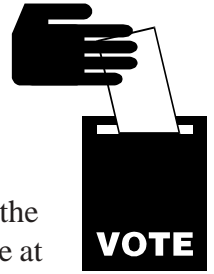
This gap in representation between the high-income population and those with lower-incomes is present elsewhere in the state. The interests of those with higher incomes usually prevail over those with lower incomes, partly because higher-income people tend to turn out to vote in higher numbers.

OVEC and the NAACP will be providing an opportunity for the residents of the minority neighborhoods to meet their potential representatives by having a "meet the candidates" event on April 13 from 6-8 p.m. at the A.D. Lewis Community Center in Huntington (prior to the primary elections). We'll co-sponsor a second such event before the general elections in November.

Additionally, the NAACP Youth Council is planning to canvass the neighborhoods in order to raise awareness of the issues, register new people to vote, activate the voting population, and thus draw bigger numbers to the polls. The NAACP youth are also going to organize and facilitate voting

day events, from which people will be taken to the polls to encourage voter turnout. After all, your vote is your voice!

To get more information about the planned events, or to volunteer, call Abe at (304) 522-0246. 🌰



Taking the TRUTH About MTR on the Road "Up North" to New York

by Larry Gibson

From Feb. 5-19, I spoke nine times about mountaintop removal/valley fill strip mining and about the impacts of burning coal in power plants (acid rain) in Connecticut and New York. I wanted people there to know how important it was for them to know what's happening in West Virginia and why they should care.

For me, the trip and the people were great. I clocked 1,800 more miles on my truck – plus all the train and subway rides. People really wanted to hear about mountaintop removal and learn ways that they could help. And they were moved enough to take action. While I was there, folks wrote and mailed letters and postcards to their federal representatives in Congress.

I send my thanks to all the people who helped me, like Judy and Keith Weinburg, who made sure I had the right food for my troubled stomach, to the kind lady on the subway, and to all the people who went out of their way to make arrangements for meetings – all of you – I found you were the best.

The one sad thing about the trip was coming back and not knowing if I would ever see them again, though I did invite them all to come see mountaintop removal for themselves. I do what I do because of people like this (and my love for the mountains). Thank you, Rev. Mary Ramsey! My thoughts are with you! 🌰



WV Environmental Council's 15th Annual E-Day!

Kudos again this year to WV Environmental Council's Denise Poole for organizing another fabulous E-Day! at the State Capitol. Since 1990, the WVEC has held E-Day! to focus attention on the state's environmental groups and issues, and to support citizen lobbying on current legislation.



Janet Fout receives the Mother Jones Award.

Congratulations to OVEC's co-director, Janet Fout, who won this year's Mother Jones Award, the WVEC's highest award, given to one who, like Mother Jones, fights like hell for the living.

Now three OVEC staffers have won this award. In 2001, Laura Forman won the award posthumously, while Vivian Stockman had the honor in 1999. Last year, Dianne Bady won WV Citizen Action Group's Thomas A. Knight Excalibur Award. In 2000, Laura, Dianne and Janet won

Quick, Someone - Hide the Enviros!

by Vivian Stockman

In the 15 years E-Day! has been held at the State Capitol, our environmental exhibits have only been upstairs (the main floor) twice. This year, we were again bumped backed down to the ground floor, so that soft drink manufacturers could give away their products upstairs.

Yup, the people working for clean air and clean water were relegated to the lower levels so that pushers of sugar- and chemical-laden water could have unfettered access to legislators.

Yup, while the WV Citizen Action Group was downstairs educating folks about the Bottle Bill that CAG's Linda Mallet and others have worked so hard to promote, commercial interests were upstairs opposing the environmentally-smart bill.

You can bet that the sugar-pushers have a few other reasons to want to sweeten WV legislators to their viewpoints.

Here at home and around the world, citizens are fighting to keep Soda Barons from absconding with huge quantities of their fresh water. More people are trying to get soft drinks out of schools also, noting the super-sized

the Ford Foundation's Leadership for A Changing World Award. That's one award winning team!

H m m m .

Laura relished soy products, as do Viv and Jan. Both especially love the

tofu made in Spencer, WV, by Spring Creek Natural Foods, which received this year's Green Entrepreneur Award from the E-Council. Is there something about tofu-powering your work to make it award winning? Well, maybe not. This year's Linda Schnautz Environmental Courage Award winner, Patty Sebok, openly declared hostility toward tofu.

Other E-Council award winners Freda Williams, who won the Laura Forman Grassroots Environmental Activist Award, and Jack Spadaro, who won the Chuck Chambers Public Service Award, were not heard commenting on the tofu subject. Soy-crazy or not, congratulations to all the award winners! 🍄



Jack Spadaro gets interviewed.



Joining Ken Hechler during E-Day! are Sylvester residents, from left, Haline Thompson, Pauline Canterbury and Mary Miller. Their "Victims of Coal" T-shirts put forward the truth absent in Big Coal's latest propaganda campaign.

amounts of sugar in these drinks, and the increasing numbers of super-sized kids.

Activists, too, are exposing pesticides in sodas in India and human rights abuses by bottling companies around the world. To learn more about Soda Savagery see www.killercoke.org. 🍄

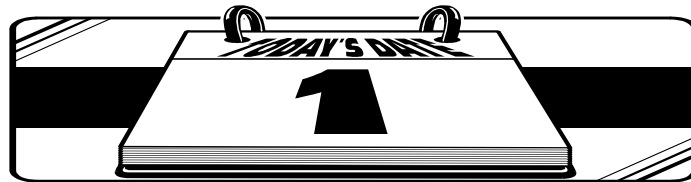
THANKS!

Volunteers and active members of OVEC are the lifeblood of our organization. We wouldn't be nearly as effective without their help! A special thank you goes out to Jane Flesher who helped with our last mailing of *Winds of Change* and has now taken on the responsibility of keeping up with our news clippings. Barbara Smith, Winnie Fox and Mary Wildfire all helped to "person" OVEC's tables at E-Day! at the State Capitol. Thanks, ladies! "Thank you" to all OVEC's board members who are faithful in attending meetings and guiding the organization. You all are wonderful! A special thanks goes to John Taylor and LaShonda Bare who serve as OVEC's co-chairs. More kudos go to Adam Brown, Elinore Taylor and Dan Kash who help with our mailings. To all of you who responded to OVEC's winter membership renewal request – thanks, thanks! Your local support is absolutely essential. Every dollar you donate provides vital financial support without which we could not keep our doors open. Even if you can't support OVEC financially, but you keep your family, friends and neighbors informed about OVEC's issue work, know that you, too, are appreciated as we work together to make West Virginia a better place to live.

An extra big shout out (of thanks!) to all our members who called their legislators about the Clean Elections Act, particularly those in the districts of Senators Harrison and Oliverio and Delegates Hrutkay and Stemple. Our members in these districts made key, influential phone calls that have helped further our pursuit of "cleaner, greener" elections. Take some credit for helping to keep this legislation alive in the 2004 session!

We especially want to thank our labor friends from the Affiliated Construction Trades Foundation who paid for the printing of PERC's 2002 Election Cycle Report and who generously offer the use of their meeting room for our monthly Citizens for Clean Elections meetings. OVEC also acknowledges and thanks the law firm of Crandall, Pyles, Haviland and Turner in Charleston, WV, for their monetary gift to further our clean elections work, and Debbie Wells who wrote and sent the proposal on OVEC's behalf. OVEC also thanks the Dunn Family Fund for the Environment and Education in Mineral Wells, WV, for their very generous donation to support OVEC's work.

To each and every one of you who help shape OVEC, be it by anything from reading our action alerts, to attending meetings, to planning events and protests...however you take part – **THANK YOU!**



UPCOMING EVENTS

March 23, 2004 - 8 a.m. - 3: 15 p.m. at John XXIII Pastoral Center, 100 Hodges Road, Charleston, WV. Face to Face: Organizing for the Long Haul. If you are interested in building community leaders and strengthening your organization or are new to community organizing, this is the workshop for you. The Appalachian Institute at Wheeling Jesuit University and the OVEC are co-sponsoring this one day event, which features nationally known organizer/musician, Si Kahn. Registration is limited, so contact the office ASAP for more info, (304) 522-0246.

March 24-30 - West Virginia Film Festival at The Two Boots Pioneer Theater, 155 East 3rd Street (at Ave. A), New York, NY. Films to be screened include Robert Gates' *In Memory of the Land and People* and *Mucked*. Appalshop's Robert Slayer will show a working copy of *Sludge*, featuring Jack Spadaro.

March 30 - **Speak out against Bush's stream destruction!** Please bring your friends and family to the public hearings on proposed changes to the Buffer Zone Rule. We need a big turnout! See the related information in this newsletter. The proposed changes will legalize the illegal

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Wow ... We Made the DEP's Web Page

On their website, the WV Department of Environmental Protection, wrote about E-Day!:

"Environmentalists from across the state set up shop at the Capitol to highlight environmental issues that affect West Virginia. DEP Cabinet Secretary Stephanie R. Timmermeyer took note of the myriad displays at the Legislature and said, "I appreciate citizens' time and effort to bring attention to the issues that affect the DEP. There are a lot of familiar faces in these environmental organizations that put a tremendous amount of work into protecting the environment. They provide insight into West Virginia's environmental strengths and weaknesses, not only during the Legislative session, but throughout the year."

Then, apparently, Timmermeyer went off to rubber stamp a few more thousand acres of mountaintop massacre and stream destruction. 🍂

Calendar

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- coal companies will be given free rein to destroy streams and fill valleys with millions of tons of mine waste. Join us on March 30 from 6-9 p.m. at the Charleston Civic Center, Room 206. For carpooling information, call the office at 304-522-0246. If you are in DC, PA, TN or KY, check our website for information on same-day hearings.

April 7 - Written comments due on proposed stream Buffer Zone rule changes. For a sample letter, contact the office. To comment, send an e-mail to osmrules@osmre.gov, or write: OSM Administrative Room 101 1951 Constitution Avenue, NW Washington, DC 20240.


April 13 - 6 p.m., the Huntington Branch of the NAACP and OVEC are sponsoring a candidates' forum at the A.D. Lewis Community Center. The forum is for Huntington mayoral candidates and District 5 council candidates. District

5 includes Fairfield East and Fairfield West.

April 22 - Earth Day. Check the OVEC website for updates.

April 29 - May 1 - Commission on Religion in Appalachia (CORA) 2004 ADPC Spring Gathering at Breaks Interstate Park located in Breaks, Va. The Appalachian Development Projects Coalition hosts this Spring Gathering of CORA funded groups. It's a weekend of workshops, networking with other good folks in Appalachia and fun!

May 21 - OVEC's Treehuggers' Ball at Calamity Café in Huntington (tentative).

May 27-31 - Heartwood's annual Forest Council meeting, Caroline Furnace Lutheran Camp and Retreat Center, 2239 Camp Roosevelt Rd., Fort Valley, Va.; visit Heartwood's website to check for registration information. 

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

- Γ **OVEC** stopped plans for a toxic waste incinerator in Ohio that would have imported waste from across the nation.
- Γ **OVEC** organizing forced an end to chronic pollution violations at the Ashland Oil refinery in Catlettsburg, Ky.
- Γ **OVEC** led the broad effort to stop plans for the nation's largest pulp mill, which would have used outdated, heavily polluting technologies.
- Γ An **OVEC** lawsuit compelled state government to enforce important provisions of the federal Clean Water Act.
- Γ **OVEC** worked with other groups to stimulate passage of first-step campaign finance reform laws in West Virginia.
- Γ **OVEC** is changing the face of "politics as usual" in West Virginia through our Clean Elections work.
- Γ **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 \$15-\$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!



A valley fill oozes toward a tiny community in southern WV, playing "The Neighbors from Hell" on a massive scale.

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