



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

OVEC, Others Challenge Blair Mountain Mining Permit

As part of an ongoing effort to stop the federal government's illegal permitting of mountaintop removal valley fills, in September the Appalachian Center for the Economy and the Environment and Earthjustice filed a lawsuit against the U.S. Army Corps of Engineers for issuing a permit for a large mountaintop removal mine located near an important national historic site.

The attorneys filed the suit on behalf of the members of OVEC, the West Virginia Highlands Conservancy and Coal River Mountain Watch. If successful, our latest major legal attack on mountaintop removal coal could force federal regulators to perform detailed and time-consuming studies before issuing any new mining permits. A victory could also require government agencies to more fully examine potential impacts on forests and streams, and consider those before deciding to allow mining. All of which the agencies should already be doing!

In July 2005, the U.S. Army Corps of Engineers issued the permit, which allows thousands of tons of waste



Looking at what the Corps considers "minimal impact," you have to wonder what constitutes "moderate impact" – global thermonuclear war?

rock and debris from Massey subsidiary Aracoma Coal's planned Camp Branch mountaintop removal operation to be dumped into nearby streams, permanently burying them. The mine will not only destroy nearly three miles of stream, but will also impact the nationally important historic site of the 1921 Battle of Blair Mountain. This symbol of coal miners' resistance to the tyranny of the coal industry is being considered for the National Register of Historic Places.

We are challenging the Corps' finding that Aracoma's plan "does not significantly affect the quality of the human environment" without first conducting a study of the environmental impacts of the huge mining complex. That's a violation of two federal laws. Previously, the Corps had been issuing rubber-stamp "general permits" for mountaintop

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OVEC's Co-Director Needs Your Prayers!

The following op-ed by OVEC co-director Dianne Bady ran in the Oct. 18 Huntington Herald-Dispatch. Since the op-ed ran, Dianne found out she has serious health challenges ahead. We're so grateful to Dianne for the 18 incredible years she has served OVEC, and the people of West Virginia and the Tri-state. Past experience tells us that she'll be fighting tooth and nail to regain her health. We ask that you join us in sending her loving, healing thoughts. Dianne believes deeply in the power of prayer, so if you are the praying kind, please keep her in your thoughts. Cards can go to Dianne Bady, c/o OVEC, P.O. Box 6753, Huntington, WV 25773.

Don't Let Area Power Plants Make Our Air Even Worse

by Dianne Bady

I was saddened by the letter to the editor that told of a woman who was diagnosed with advanced, inoperable lung cancer. She'd never been a smoker.

I was luckier. When I was diagnosed with lung cancer almost two years ago, the tumor was small. The cancer has been gone ever since a skilled local surgeon took out a chunk of my right lung. I, too, have always been a non-smoker.

According to public health researchers at Harvard University, the greater Huntington area is the No. 1 region in the United States for human health damages caused by pollution from coal-fired power plants. This was brought home to me in a gut-wrenching way when I traveled to the Cleveland Clinic early on a winter morning. The first 80 miles or so, we drove east along the Ohio River.

We passed about seven huge coal-fired power plants, both on the Ohio side of the river and on the West Virginia side. The pollution from the power plant smokestacks rose in the air just a little bit, and then dropped sharply to hug the Ohio River. The toxic emissions then moved, along with the river, directly toward Huntington.

For the rest of my life, I'm under doctor's orders to stay away from cigarette smoke. But I live in the Ohio Valley, and I can't stop breathing.

U.S. Rep. Henry Waxman, D-Calif., has revealed that the Bush administration is working on new legislation supposedly in response to hurricane emergencies. This legislation would waive some Clean Air Act pollution limits on power plants and refineries.

It seems to me that this is really just another President Bush attempt to reward his buddies in the coal and oil industries for their huge campaign contributions.

Passage of this outrageous legislation may seem farfetched, but keep in mind that since Bush took office, many environmental laws have been gutted. High-level personnel in regulatory agencies were replaced by political cronies, and enforcement of environmental laws nationwide has plummeted.

The wholesale annihilation of Southern West Virginia's mountains, streams and coalfield communities has increased dramatically under Bush's watch. A successful lawsuit filed by the Ohio Valley Environmental Coalition and Coal River Mountain Watch slows down the granting of new mountaintop removal permits and allows for more citizen involvement in permitting decisions.

But this victory is now being appealed in federal court by the Bush administration. Such a deal for citizens – obscene destruction in the coalfields; every West Virginia taxpayer pays to subsidize the real costs of mountaintop removal mining; and those of us in the Ohio Valley get to breathe the toxic emissions from coal-fired power plants.

Please write to your federal Congress people and senators. If you don't know their names or addresses, just call your local library, and they can give you this information. For the sake of your families and your community, tell your lawmakers that allowing even more pollution from power plants and refineries is just insane. As insane as mountaintop removal!



Blair Mountain Permit Challenged

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removal mines, but in July 2004 a federal judge, in another OVEC lawsuit, ordered the Corps to stop that method of permitting. This new suit is the first major challenge to the Corps' new permitting using "individual permits." Unfortunately, we had to challenge the new permitting scheme, because the Corps is still letting the rubber stamp fly – doing no real scrutiny of permits and omitting the required studies.

"Mountaintop mining has already destroyed over 800 square miles of mountains – an area equal to a one-quarter-mile wide swath of destruction from New York to San Francisco. It has buried more than 1,200 miles of headwater streams and uprooted or destroyed untold numbers of generations-old communities in central Appalachia," said Cindy Rank of the West Virginia Highlands Conservancy. "In issuing this permit the Army Corps of Engineers has inexplicably reasoned that the environmental



More of that "minimal impact" the Corps keeps talking about – Williams Mountain in all its glorious fall colors, glorious except for the fact that the entire mountain is being removed!

damages caused by this mine and mountaintop removal coal mining across the region, are insignificant."

OVEC board member Regina Hendrix added, "The Corps is betraying the public trust by leaving a landscape that will not recover for hundreds of years. While no good reason exists to destroy any mountain, this mountain is of great significance to the people and history of West Virginia. The vast wastelands left by mountaintop removal not only rob us of our economic future, but this mine also

infringes on our past by impacting the Blair Mountain historic site. If preserved as a national historic landmark, the Blair Mountain site can help revitalize the tourist economy and provide an economic future for the area long after the coal industry has gone."

"Mountaintop removal mining is a callous, irresponsible, egregious method of mining coal. It creates false prosperity – enriching the few at a great cost to large areas of Appalachian people and the environment," said Janice Nease, executive director of Coal River Mountain Watch. "Southern West Virginia has become an energy sacrifice zone in the nation's quest for 'cheap' energy... Coal River Mountain Watch has accepted the challenge of ending mountaintop removal mining. We hope that the rest of the nation will join us in meeting this challenge."

In November, we added another permit to this lawsuit – the permit the Corps issued to Elk Run Coal, another Massey subsidiary, for its Black Castle Mine in Boone County. 🍄

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OVEC is a founding member of Community Shares of West Virginia
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Renewable Energy and a Renewed E-Council

by Denise Poole, WV Environmental Council President

The West Virginia Environmental Council (WVEC) is, well – there’s just no other way to put it - energized! Energized, because we have renewed our commitment to better protect our environment, communicate with WVEC groups and individuals and spearhead efforts towards renewable energy for West Virginia!

This past summer, we embarked on a self-imposed campaign to increase our outreach and education efforts, improve our programming, and strengthen our legislative presence – and thereby work even harder to communicate with the many environmental groups and individuals throughout the state. WVEC contracted with three part-time staff - Don Garvin, legislative coordinator; Chuck Wyrostok, outreach coordinator; and me, program coordinator.

During our annual Fall Conference, attendees from several WVEC groups and individual members prioritized these three initiatives for the upcoming 2006 legislative

session: renewable energy, sludge impoundments and storm water drainage. We will also support Fair and Clean Elections (campaign finance reform) led by PERC, and the container law (bottle bill) led by WV-Citizen Action Group. We like to say that we are a “special interest” too: Folks who like to breathe clean air and drink clean water!

Stay tuned for updates on our renewable energy and legislative efforts beginning in January. We hope you are energized too – and we have many, many ways in which you can help. Please take a look at the enclosed new WVEC brochure – and feel free to get in touch with us. We’d love to hear from you!

If you are able to support our efforts, simply return the donation slip to the WVEC address provided. If you’d like to volunteer and want more information, contact us using the information in the brochure.

Thanks to OVEC for including our brochures in this issue, and the continual support throughout the years! **Please visit our website, www.wvecouncil.org.** 🌰

Hol i day Shopping wi th OVEC

If you’re looking for a gift that gives twice, look no more! Support us by buying a gift membership to OVEC. Your friend or relative will receive OVEC’s *Winds of Change* to keep him/her informed on OVEC’s efforts to ban mountaintop removal, the Sludge Safety Project, our efforts to win Fair and Clean Election support, OVEC’s civic engagement efforts and more! Since we are sensitive to your wallet/purse, membership ranges from \$15 to \$30, according to one’s ability to pay. Why not give OVEC a boost this Christmas? Help spread the word that mountain destruction in West Virginia must be stopped!

And if you want to dig a little deeper, we still have some of the exquisite hand blown West Virginia glass Christmas ornaments especially designed by glass artisan Kelsey Murphy for OVEC in previous years. These collectibles feature a bird or plant species whose habitat is endangered by mountaintop removal. In stock are Blood Root (white), Jack-in-the-Pulpit (amethyst), Cerulean Warbler (cobalt) and Wood Thrush (amber). Ornaments may be purchased for \$40 each or two for \$75. Please add an additional \$5 for shipping and handling. Quantities are limited.

We also have the great music CD, *Moving Mountains*, for \$15, as well as the book, *Missing Mountains*, for \$16.

Other items for sale include our 2005 Treehuggers’ Ball T-shirts in several colors – with a fabulous design by WV artist Joe Lung (see photo). T-shirt sizes range from S to 2X-large at \$15 to \$18 (larges are sold out). Some smaller short sleeve shirts are suitable for slender teens or children. We have two styles of tote bags (\$10 and \$20) and baseball caps (\$15) with OVEC’s logo.

Call for the OVEC office at (304) 522-0246 or e-mail vivian@ohvec.org for sizes, colors and to make purchases. Shipping costs may vary; be sure to allow enough time for mailing!



Coal Expo Exposed - Sludge is *Not* Safe

In October, members of the Sludge Safety Project (coordinated by OVEC, Coal River Mountain Watch and concerned residents of Mingo County) got a big boost when students and Mountain Justice Summer folks took the lead in organizing protests around the Coal Quality Expo '05 in Huntington. The expo focused on equipment and chemicals used at coal processing plants.

To store the waste created when coal is processed, coal companies build chemical-laden sludge impoundments. Many worry that the sludge spills, leaks or is purposely injected underground, contaminating streams, groundwater and well water. They worry that the impoundments could fail catastrophically, as did a Massey Energy impoundment on Oct. 11, 2000.

The first protest was an Oct. 19 candlelight vigil, held outside the hotel where many expo attendees stayed.

Highlighted by the glimmer of his candle, Michael Morrison, a resident of Salt Rock, and one of OVEC's hardest working volunteers, said, "I'm here to protest the destruction of our mountains. There is no such thing as clean coal!"

On Oct. 20, as the Expo wrapped up, about 40 people took to the Huntington streets to put coal industry apologists on notice that the people will not tolerate mountaintop removal and coal sludge impoundments. There is no quality of life, Coal Quality or other, when



Trying to shed the "light of truth" on the dangers that coal sludge "ponds" pose to Appalachians, protesters rally outside the Coal Quality Expo (there's an oxymoron for you!) in Huntington.



Tom Jones gets ready for the march through Huntington to protest the ever-increasing number and size of coal sludge impoundments in West Virginia.

our forested mountains, our freshwater streams, our communities and our futures are destroyed by mountaintop removal /valley fills and coal sludge impoundments.

The march began at Pullman Square, proceeded to the convention center (where the expo was held) and made its way to the Huntington District office of the U.S. Army Corps of Engineers – the federal agency most responsible for doling out rubber-stamped permits for valley fills and coal sludge impoundments.

Coal River Mountain Watch members reminded everyone of the situation at Marsh Fork Elementary School in Raleigh County, WV, where Massey Energy has built a coal processing plant and sludge

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Coal Expo Exposed

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impoundment above the school. The proximity of Massey's Goals Coal processing facility to the school underscores the problems with the industry's chosen methods of washing coal and storing the waste.

Protesters cheered as passing motorists honked in support. Energy was upbeat as the march proceeded to the civic arena. Protesters lined the sidewalk in front of the arena; some handed out literature to cars stopped at traffic lights.

A security guard who said we had to be 100 feet from the arena enlisted the aid of a Huntington police officer, but the officer agreed that no laws were being broken and that peaceful protestors had the Constitutional right to assemble.

We won't stop the protests until they stop the destruction perpetrated upon the land and people by the



Ralliers crowd the sidewalks outside the U.S. Army Corps of Engineers headquarters in downtown Huntington, WV, ground zero for the abomination known as mountaintop removal/valley fill strip mining.

mountain-destroying coal industry.

Please join the Sludge Safety Project. We will need your help during the legislative session, which starts in January. Go to www.sludgesafety.org for more information and to join our action alert list. Or call the OVEC office, (304) 522-0246. 🍌

Coal Expo Exposed - Protesters Rally at Candlelight Vigil

by Kristina Murrill, Marshall University Parthenon

Local residents and activists gathered Wednesday night (Oct. 19) to shed some light on the concerns of mountaintop removal.

Members of the Ohio Valley Environmental Coalition (OVEC), Mountain Justice Summer and MUPeace met on Third Avenue in front of the Holiday Inn at 7 p.m. for a candlelight vigil for the mountains.

The vigil was part of a three-part series taking place this week to raise awareness of the dangers caused by coal sludge impoundments and mountaintop removal in the state.

William Dodson, an organizer of the event, said the location was chosen because of a coal expo the coal industry is having at the (Huntington area) Arena. He said one of the goals of the event is to heighten the community's understanding of the subject.

"Our goal is to raise awareness in the Huntington

community," Dodson said. "An event like this is outreach for future events and for people who need to know about mountaintop removal. My personal biggest goal is to let Joe Manchin know that we're not going away."

Janet Keating, co-director of OVEC, said she wants everyone to be informed of the dangers surrounding mountaintop removal mining.

"It's a rare opportunity to get our message out directly to the folks in the coal industry," she said. "We want to make sure they understand that their practices, especially around coal impoundments, are really endangering communities and peoples' lives and public safety, and we're incredibly concerned about that."

Keating said while she was pleased with the support they were getting from the community, many still do not know much about the issue.

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Coal Expo Exposed

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“It’s wonderful to see all the student support from Marshall University today and also the folks from Mountain Justice Summer who organized this,” she said. “I think OVEC is doing a pretty good job these days, trying to get the word out and so we’re doing what we can to make sure the people of West Virginia are waking up to the issues of mountaintop removal. It’s not just destroying mountains. Entire communities are disappearing.”

Ronda Harper, an OVEC member, said her family has been affected and torn apart by mountaintop removal in her area.

“The property is where my mother, my grandmother, all my uncles played when they were children,” she said. “It’s been there for almost 100 years and we hate to see all that filled in. It’s almost the end of the world for the people who live in Mud River.”

Chris Worth, a Marshall student pursuing his master’s degree in painting, said it upsets him that large coal industries are still being encouraged in the state.

“It amazes me that people still support a conglomerate like the coal king who doesn’t really care about the people they’ve been raping,” he said. “I use a word like rape because it is. They’re not only extracting huge amounts of coal, but soul.” 🌰

Are Your US Senators and Reps Climate Champions?

OVEC’s Vivian Stockman is on the board of Global Warming Solution.org, which is asking everyone to help pressure our so-called leaders to take action to curb global warming.

In 1990 the world’s top climate scientists warned of the growing threat of global warming, citing the need for prompt and deep cuts in carbon dioxide emissions, the principal greenhouse gas.

Fortunately, the world community is taking concrete measures to address this threat through the Kyoto Protocol, an important first step towards the deep greenhouse gas reductions that are needed. Ominously, the United States, by far the largest greenhouse gas polluter, has refused to ratify the Kyoto treaty.

A prompt transition to renewable energy is also urgent in light of what appears to be the rapidly approaching peak in global oil production.



Mountain residents eagerly line up for a sample (not free, of course) of King Coal’s latest gimmick – SludgeAde! Good thing King Coal got his money up front, because this U.S. Army Corps of Engineers-approved drink had more than just a “minimal impact,” as shown below. Oh well, says King Coal ... Next!



Please help us find out where your U.S. Senators and Representative stand on this over-arching issue of our time by sending them the “4 Climate Change Questions” today. To take action, go to www.globalwarmingsolution.org and click on “Are your Senators and Reps Climate Champions?” If you don’t have access to the Internet, please leave a message asking for Vivian at (304) 522-0246. Leave your phone number, address and note that you would like the four climate questions. We are grateful for your participation! 🌰

Oberlin College “Doing the Right Thing” With Education

by Maria Gunnoe, OVEC Coalfield Organizer

The Adam Joseph Lewis (AJL) Environmental Studies Center was a highlight of my visit to Ohio’s Oberlin College campus. There are still lots of people who care about the important things in life, such as clean air, clean water and sustainable living. David Orr chairs the Environmental Studies Program, teaches and advises students, and oversees the AJL Center. With this amazing building David is creating a new kind of teaching – teaching not only students but also everyone who enters this building.



Oberlin designed the AJL Center for sustainability, keeping in mind energy conservation and water conservation. The 13,600-square-foot building relies heavily on passive solar heating and photovoltaic (PV) power. The result is a building with energy savings of 63 percent over similarly sized “conventional” buildings.

More than 4,000 feet of PV panels cover the roof. The building is grid-connected so that when it isn’t using all the power it creates, the extra electricity goes into the grid. Classrooms, offices, corridors, and restrooms have motion-sensitive lighting that turns on only when the rooms are occupied. South-facing windows allow for natural light. Twenty-four geothermal wells use the constant temperature of the earth to heat and cool this building. During the winter a heat pump warms the atrium by circulating heated water through pipes embedded in the floor.

The building’s wastewater treatment facility is known as the “living machine.” Wastewater runs into a greenhouse where plants suspended in trays grow down into the waste water, creating a habitat for waste-digesting microbes. The water then cycles through three aerobic tanks and a clarifier. It goes through an ultraviolet disinfection unit and is then stored in a pressurized holding tank. The treated water is used for flushing toilets. Students monitor and maintain the system.

All the wood in the building is certified as sustainably-grown and harvested. Upholstery for the office furniture is made of biodegradable, non-toxic materials, while class room furniture is made of recycled metals and plastics. This carpet will never go into a landfill; it was made by Interface and when it lives out its usefulness it will be recycled. The roof and windows are made of recycled aluminum; recycled steel was used for the supports.

The grounds feature hardwood trees native to the Black River watershed. Wetlands retain storm water runoff and provide suitable conditions for indigenous plants as well

as insects, birds and other small animals. Most of the plants are native except for the orchard of 50 apple and pear trees, which were fortunately bearing fruit while I was there. The lawn care equipment even ran off electricity created by the building – how cool is that?

This was an awesome experience for me, a person from the southern coalfields of West Virginia, where the coal industry is destroying our land, water, air, homes and health in the name of “cheap energy.”

To see how truly unnecessary this is, is infuriating. To know there are ways of creating energy that are harmless to the environment, which some people are already using, is truly inspirational in our local fight to stop the attack on our land and people. It doesn’t have to be this way – we do not have to be sacrificed for the rest of the world’s comforts and luxuries! 🍌

Not One More Inch of MTR

A report by the Oak Ridge National Laboratory and the U.S. Department of Agriculture says enough biomass could be sustainably produced within the United States to replace 30 percent or more of the country’s current petroleum consumption without affecting food, feed or export demands.

OVEC says not one more inch of mountaintop removal, but how about growing hemp on the already messed land masses? Hemp can grow on very poor land – and mountaintop massacred land is very poor indeed. 🍌

Get actiOn alERtS!

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.

Bush Admin. Finalizes Mountain Massacre “Study”

A *New York Times* columnist noted, “This administration’s grand schemes always end up as the opposite. **Officials say they’re promoting national security when they’re hurting it; they say they’re squelching terrorists when they’re breeding them.**”

And so it goes with the draft environmental impact statement on mountaintop removal, which BushCo finalized

And Now to ‘Streamline’ King Coal’s Beheading of Appalachia

by Frank Clines, Nov. 7, 2005, *New York Times* editorial

Six years ago, Jim Weekley... defend(ed) his seven-tenths-of-an-acre homestead in West Virginia’s Pigeon Roost Hollow from a gargantuan mining process with a formidable name – mountaintop removal – that tells only half the truth.

The other half is the obliteration of countless streams, forests and hamlets lying below as mountaintops are systematically decapitated with dynamite to leave mesa-like tabletops. Rich low-sulfur coal veins are thereby exposed and mammoth 20-story-tall bulldozers move in to dump millions of tons of slag waste down into mountain hollows like Pigeon Roost...

Surprisingly, Mr. Weekley’s court challenge – that federal environmental law bars such vast destruction of streams and forests – succeeded well enough to make the industry still known as King Coal tremble on its throne.

Companies ballyhooed “environmental awards” for Potemkin restoration projects. “Lipstick on a corpse” was the apt description of Ken Hechler, a firebrand politician and environmentalist trusted in the community hollows.

Pro-industry officials scrambled to order up election-season studies of mountaintop removal – even while they permitted it to continue.

That was five years ago. Last month, the Bush administration demonstrated just how regal King Coal remains when it issued a long-delayed report on mountaintop removal that callously announced that “these expensive studies” on damages to the countryside have become too “exorbitant” to be continued.

That’s right: the Department of Interior bureaucracy, stacked with key political appointees from the mining industry, would bury the mountaintop abuses and complaints like so much slag under the government’s deficit-bloated budget.

The report amounted to a stunning bait-and-switch in which various worthy proposals to control the size and

in November.

The *Charleston Gazette* editorialized on Nov. 11: “The government has ignored its own scientific findings that point to the need to protect streams and mountains. Instead, **the EPA produced a \$5.5 million doorstop of a report that would lead the nation in the opposite direction.**”

The editorial below calls it for what it is:

damages of mountaintop removal, which were present in early drafts, were never dealt with in the final report. Scientific studies confirmed the damage to streams and forests but were attached as addendums, as if they were afterthoughts.

The hollow dwellers of Appalachia discovered that damage control means something quite different in Washington: the report’s main proposal was to promise companies a “centralizing and streamlining” of current paperwork to make it easier, not more arduous, to strip-mine mountains. That fulfilled a directive of Deputy Interior Secretary Steven Griles, a former mining industry lobbyist, that was made in 2001, before he resigned to go back to lobbying.

In the course of the study, thousands of Appalachian residents pleaded in hearings and petitions that the government bring mountaintop removal under control. Many of them are old-timers from the boom era of underground mining, dismayed that the pastoral hollows of their retirement are being buried. Many hamlets spared condemnation found the plateau-like configuration of the stripped mountains causing torrential drainage shifts and floods dismissed as “acts of God” by mining officials.

“It wasn’t God who went up on our mountain with a dozer to leave it naked,” observed Betty Banks amid the muck in her house in Kentucky’s Chopping Block Hollow.

Estimates are that by the end of the decade, an area larger than the state of Delaware will have been laid waste by dynamite and bulldozer. The Bush administration’s report, issued in the name of environmental impact, will only speed this course.

The Army Corps of Engineers, so busy lately repairing the levee devastation in New Orleans, has been just as busy rubber-stamping permits to strip mountains...

Thus does Appalachian history march on in earth-shaking fashion, with peep-peep punctuation sounds as the giant dozers move back and forth, shaving the mountaintops into the hollows below. 🍂

Christians for the Mountains: Statement by Denise Giardina

When God created heaven and earth, he looked at his handiwork and declared it “good.” Each act of creation received this word of divine satisfaction. As time passed, only one part of God’s creation became the subject of disappointment and anger – ourselves. But after the destruction of the Flood, God declared he would not repeat this act. As Christians, we believe that God even took human form in order to redeem us. The apostle Paul believed that redemption extended to the whole of creation. (“The creation itself will be set free from its bondage to decay. . .” Romans 8:21)

Throughout time God has shown his continued love for creation. But God seems to have a special love for mountains. Time and again, when God wants to meet Man, he chooses mountains. Abraham was asked to sacrifice Isaac on a mountain. Moses was called to receive the Ten Commandments upon a mountain, and God showed him

Students Pray for Kayford

Students from seven different universities gathered on Kayford Mountain November 11-13 to talk with local residents impacted by mountaintop removal and see the destruction for themselves.

On Saturday morning, they visited Marsh Fork Elementary School, and talked to Ed Wiley, whose grandchild attends there. Marsh Fork Elementary is located directly beneath a leaking 385-foot earthen dam that holds 2.8 billion gallons of coal sludge. A coal processing plant and coal silo are also located within 260 feet of the school. Coal dust and toxic chemical fumes inside the school have caused many students and staff to complain of health problems.

Back on Kayford Mountain, students were joined by members of Christians for the Mountains, a newly formed group focused on raising awareness and stimulating involvement by people of faith to end the destruction of mountaintop removal. Saturday afternoon, everyone gathered for a blessing of the mountain. 🌰

“If Americans act immediately, we can innovate our way out of this problem (of global warming). We must use our political institutions, our democracy, our free speech, our reasoning capacity, our citizenship, our hearts and reason with one another, see the reality of this problem, and act as Americans.” – Al Gore

the Promised Land from a mountain. Jesus preached his greatest sermon upon a mountain. Monks in medieval England and Ireland saw mountains as “thin places,” places where it is especially easy to pray and communicate with God. Psalm 68 even speaks of God having a mountain for his abode.

As a beloved part of creation, mountains themselves have been seen as participating in praising and thanking God. In the Psalms and elsewhere, the mountains and hills are described as skipping for joy. If we may speak to God from atop a mountain, the mountains themselves also sing praise to their Creator in their own special language.

Mountains have also given us enduring spiritual metaphors. Paul, in his first letter to the Corinthians, speaks of a faith that can move mountains (I Cor. 13:2), though he goes on to add that without love, such faith is meaningless. Paul here is speaking of faith so strong it can accomplish the impossible. Moving mountains was meant to stay just that – impossible.

What then can we say about mountaintop removal? First we must acknowledge that man has indeed developed the capability to move mountains. We have that capability – but should we exercise it? Clearly God did not mean that we should, for to literally move a mountain makes the metaphor meaningless.

But mountaintop removal does far more spiritual damage than the destruction of language. The Appalachian Mountains, according to geologists, are among the oldest in the world. This means they are among the first mountains God created. The beautiful Appalachian Mountains are a balm to the soul. Their destruction speaks of the soul’s sickness.

If God loves mountains so much, and scripture is clear that he does, how must we grieve him when we destroy them? When scripture bids us look up to the hills, from whence comes our help, how may we when those hills are gone? Where is hope or comfort then, when the signs of hope given by God, the mountains, have been leveled?

Psalm 24 tells us that the earth, and the fullness thereof, belongs to the Lord. Woe on us if we continue to destroy what is the Lord’s. But the woe, the shame, is for more than just disobeying God. When we destroy the beautiful, the sacred mountains, we reject God’s gift. It is a gift near to the heart of God. To destroy the mountains is to spit in the face of God. It must break his heart. 🌰

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

Christians for the Mountains Spread Word of Responsible Earthkeeping – And That Means an End to Mountaintop Removal

The Earth is the Lord's. Therefore, people have the privilege and responsibility to take care of God's creation. Here in the Appalachians, that means opposing mountaintop removal coal mining.

That's the message the Christians for the Mountains hope Christians will spread after attending the group's "The Earth Is The Lord's" conference, which was held Nov. 11-12 at St. Luke's Episcopal Church in Charleston.

The conference, attended by Christians from as far away as St. Louis and Washington, D.C., covered basic biblical resources and church teachings on earthkeeping, approaches to reach the churches and their communities, building networking capabilities, airplane flyovers of mountaintop removal mining (courtesy of SouthWings), ground visits to Kayford Mountain, and worship and prayer. OVEC's co-director Janet Keating led a strategy session.

Deriving their stance from an array of scriptures including Psalm 24's "The Earth is the Lord's, and everything in it," the group pledges their efforts to mobilize Christians and their churches to combat extreme abuses against God's earth, such as mountaintop removal coal extraction.



Lindsay Moseley of the Sierra Club's National Office on Partnerships and Paul Wilson of WV Sierra Club.

The group's co-founder, Pocahontas County librarian Allen Johnson, told *Newsweek*, "God has called all of us seriously, and we should agree on one thing: To take care of His earth."

Group member and Charleston resident Mary Ellen O'Farrell has a long history of advocating for religious folks



From left: Diana Oleskevich of the Sisters of St. Joseph of Carondelet in St. Louis, Mo.; OVEC board member Regina Hendrix; Coal River Mountain Watch Executive Director Janice Nease; and Joellen Sbrissa from Chicago, with the Sisters of St. Joseph. photos by Janet Keating

to honor God with responsible care for the earth. "To poison, pollute, and degrade God's creation is to heap contempt on our Creator," said O'Farrell.

Denise Giardina, raised in the coalfields, trained in theological studies, and a well-known writer, succinctly noted, "When we destroy God's mountains, we reject his blessing" (see page 10). Kate Long led the evening's song and music. Coal sludge impoundment expert and corruption fighter Jack Spadaro spoke Saturday night.

Co-founder Bob Marshall, a Charleston area veterinarian, said the group includes Catholic, Orthodox, and Protestant members.

"We have a big tent because irrespective of denominational differences all Christians should agree that we need to live responsibly upon this earth. To ruin and pollute the land is sin," Marshall said.

Christians for the Mountains seeks people who identify with Christian faith and concern for the environment.

Go to www.christiansforthemountains.org or call Johnson at (304) 799-4137. 🍁



Jack Spadaro

And now for something completely different ...

Massey Launches “Total Environment”

In response to all this summer’s truth-telling by Mountain Justice Summer and Friends of the Mountains member groups, Massey Energy stepped up its propaganda campaigns with TV and radio ads and a new website.

“We hope that our new Web site will be a valuable resource...to those interested in finding out more about Massey Energy’s commitment to improving our total environment,” CEO Don Blankenship said in a press release.

The Associated Press reported: *In advertisements released in July, Massey lashed out at the claims of protesters who spent the summer speaking out against the company’s surface mining operations.*

“The needs of people: That’s what protesters against coal forget,” according to the ads.

“The Web site, www.OurTotalEnvironment.com, also outlines Massey employee benefits.”

A Tale of THREE Massey Sludge Messes

1: Court to hear Massey appeal

by Ken Ward Jr., Nov. 4, 2005, Charleston Gazette

The state Supreme Court has agreed to hear Massey Energy Co.’s appeal of an order that would temporarily suspend one of its permits because of citations issued for repeated environmental violations...

Massey is appealing a nine-day suspension of the permit for Marfork’s Brushy Fork coal-waste impoundment south of Whitesville. The suspension was the result of a 2001 effort by the Wise administration to crack down on repeated blackwater spills and other violations at Massey mines, preparation plants and slurry impoundments in Boone, Logan and Raleigh counties.

Under state and federal mining law, the DEP can shut down coal operations that repeatedly violate environmental rules. Until the Wise administration crackdown on Massey, the agency had seldom used that authority.

Between July 1999 and February 2001, DEP inspectors cited the operation for seven violations for spills and related water pollution violations.

Matthew Crum, who was DEP mining director, initially suspended the Marfork permit – covering the slurry impoundment and a nearby strip mine – for 14 days. The state Surface Mine Board reduced that suspension to nine days.

Massey apparently forgets the needs of the people living in the shadow of its operations – needs such as clean water, homes safe from the effects of blasting and the right to stay on one’s ancestral land in one’s ancestral community.

Massey’s total environment apparently doesn’t include oxygen-producing, flood-controlling forests.

OVEC staff talked with former employees at Massey’s coal prep plants – including the one near Marsh Fork Elementary – who tell us their “benefits” included working with chemicals without any safety gear. Now they allege they are “benefiting” from debilitating illnesses related to chemical poisoning, feeling so sick that many days they no longer enjoy living.

They “benefit” from massive medical bills after having worker’s compensation denied. They “benefit,” too,
continued on page 13



Cleanup continues three months after a huge Massey subsidiary’s coal sludge spill in Martin County, Ky. - the largest environmental disaster in the southeastern US.

Earlier this week, Marfork lawyer Bob McLusky said that suspension was too harsh a penalty and was part of an ongoing pattern of DEP harassment of Massey companies.

Tom Clarke, a DEP lawyer, told justices in court papers that Massey “is in a state of denial” over the company’s “abysmal compliance history.”

In court documents, Massey alleged that the original 14-day suspension would cost Marfork \$9 million. In response, the DEP noted that the company told its
continued on page 13


Web Assault

continued from page 12

from watching their co-workers become extremely ill and die off from cancer. These workers told us they wished they had never worked for Massey.

How dumb does Massey think people are? How many people do they expect believe their ads? Why doesn't Massey use all that advertising money to help former workers with ruined health pay some of their medical bills?

These pages contain a few *true* tales and pictures of Massey's total environment.



More of that "minimal impact," Massey style, at one of their massive mountaintop removal/valley fill mining sites in Raleigh County, WV.

continued from page 12

shareholders that the DEP enforcement action would not have a material impact on corporate finances.

2: Feds repeatedly cite slurry impoundment near Marsh Fork School

by Ken Ward Jr., Oct. 15, 2005, Charleston Gazette

Federal regulators have repeatedly cited a Massey Energy coal slurry impoundment near a Raleigh County

elementary school for the same types of safety violations, according to records obtained under the Freedom of Information Act.

The U.S. Mine Safety and Health Administration has repeatedly cited Massey subsidiary Goals Coal for allowing erosion on the impoundment, the records show.

The MSHA has also repeatedly cited the company for dumping wood, scrap metal and other materials into the impoundment and for not properly compacting coal waste, the records show.

Over the last decade, the MSHA has cited Goals Coal about once every six months for safety violations at its Shumate Impoundment, according to agency records.

Massey has not challenged the citations, and has paid the more than \$2,500 in fines assessed by the MSHA.

In August, when questions were raised about the impoundment's safety record, MSHA officials refused to release copies of citations issued to the facility without a formal Freedom of Information Act request.

...Results of an ongoing inspection, started in July, have not been made public by MSHA officials.

The impoundment - with a 385-foot-high dam that

continued on page 14

Flat Heads Give Us Flat-Liner Plans

As reported Aug. 21 by the *Charleston Gazette's* Paul Nyden, in "Massey's Blankenship heats up growing debate to repeal state food tax," Massey Energy CEO Don Blankenship spoke to a West Virginia Republican Party gathering in Charleston.

During his speech, Blankenship dismissed reasons often given to explain West Virginia's economic problems, including the lack of roads, lack of flat land, coal mine mechanization and people's laziness.

"Do you really think the problems are caused by a lack of flat land? Leave me alone, and I'll give you all the flat land you want," Blankenship said.

Massey Sludge Messes

continued from page 13

can hold up to 2.8 billion gallons of liquid coal waste - is just up the hollow from Marsh Fork Elementary School near Sundial. Since late June, the Goals Coal site has been under increasing scrutiny from regulators and from coalfield residents who fear it is a danger to students.

Suzy Bohnert, an MSHA spokeswoman, said in August that her agency's inspectors "did not find a problem" with the impoundment "so there was nothing to correct."

Gov. Joe Manchin has halted a separate investigation by his office into the issue.

Two weeks ago, Manchin general counsel Carte Goodwin said in a letter to Coal River Mountain Watch that administration officials examined "documents of extensive federal and state oversight" of the impoundment and "determined ... that the impoundment satisfied governing federal and state regulations."

3: Local mine closed after another slurry spill

Associated Press in the *Logan Banner*, Sept. 22, 2005

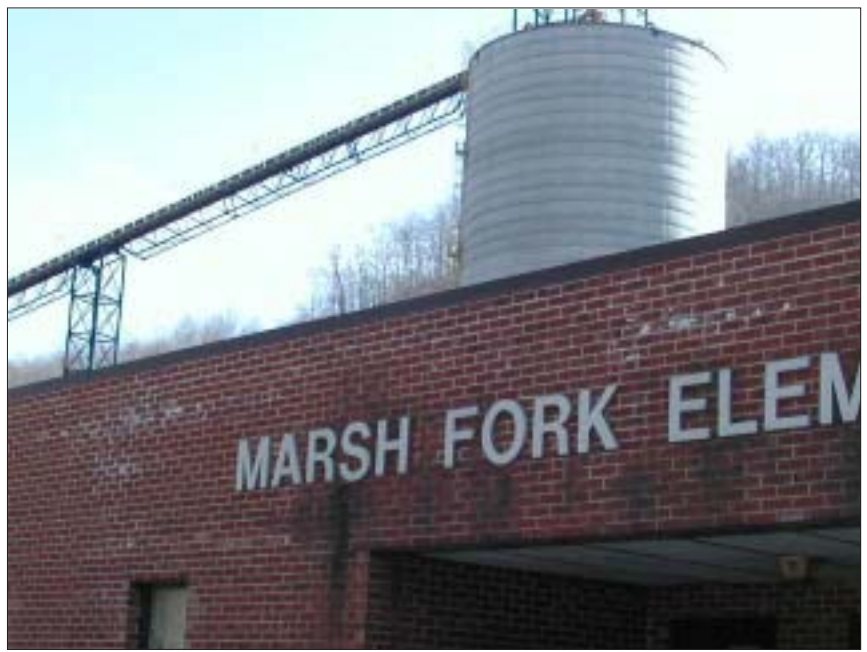
CHARLESTON – State regulators have ordered a Massey Energy Co. subsidiary to cease portions of its operations after an unknown amount of coal slurry spilled into a Logan County creek.

A broken slurry line at Massey's Bandmill Coal Corp. facility near McConnell on Monday sent blackwater into the Right Fork of Rum Creek, affecting about a mile of the stream.

...Monday's incident was the third blackwater spill at Bandmill since July.

Similar spills happened on July 21 and on Aug. 4 that turned Rum Creek black and discolored a portion of the Guyandotte River.

...Slurry, a mix of water and impurities generated in coal processing, resembles a thick oil spill when it leaks



What elementary school in West Virginia wouldn't love to have not one, but two coal silos looming over it, in addition to a coal sludge impoundment holding back several billion gallons of toxic black goo? Massey is only too happy to oblige!



This photo shows more clearly than anything else why parents of children at Marsh Fork Elementary School are concerned - the large square at top indicates a massive Massey Energy coal sludge impoundment, more than 2 billion gallons of thick, black sludge; the center box indicates the Goals Coal processing plant and storage silo (they want to add another one); and the bottom box is the school, downhill and downgrade from all of the above. Thanks to the Coalfield Sustainability Project for the use of this photo.

into the environment and enters waterways or other sensitive areas. 🍌

Reckless Disregard: Settlement doesn't clear Massey, MSHA

Editorial in the *Lexington Herald-Leader*, Sept. 21

It was probably the last chance to hold anyone accountable for the massive coal waste spill that fouled 100 miles of Eastern Kentucky waterways.

And, once again, Massey Energy subsidiary Martin County Coal wriggled out of any blame – thanks to the federal government and Circuit Judge Daniel Sparks.

Sparks relied heavily on a whitewashed federal report in reaching his decision to disallow punitive damages for owners of property that was buried under sludge when the company's coal waste impoundment broke on Oct. 11, 2000.

Sparks said he found no evidence that Martin County Coal showed a reckless disregard for those who lived downstream from the company's slurry pond. Sparks' ruling left the company liable for actual damages only.

We understand that legal definitions sometimes differ from common understandings. But by most common understandings, Martin County Coal's actions epitomize reckless disregard:

- Dumping an additional 70 feet of waste into the impoundment after it broke in 1994, in a preview of what was to come six years later.
- Misrepresenting the thickness of the barrier between the impoundment and an underground mine from which 245 million gallons of slurry exploded when water ate a hole in the pond. (Ed.: most reports say 309 million gallons escaped the impoundment)
- Disregarding warnings from individual government regulators that the impoundment was unsafe.
- Ignoring a doubling of flow from the impoundment in the year before the break, a sign that a rupture was imminent.

Despite all that, Sparks found that the company

followed "standard industry practice" by hiring a consultant to advise on repairing the impoundment and then following the advice.

If that's the highest standard to which the industry can be held, people who live downstream from coal operations are in a world of hurt.

The whitewashed report on which the judge relied was issued by the U.S. Mine Safety and Health Administration, over protests by MSHA engineer Jack Spadaro that the agency was covering up for the company. A member of the investigating team, Spadaro was eventually driven from the agency.

The judge accepted as fact MSHA's questionable conclusion that the company did not mislead regulators about the thickness of the barrier, even though the state of Kentucky concluded the company did mislead.

U.S. attorneys were unable or unwilling to obtain any indictments in the case, despite a criminal investigation by the U.S. Environmental Protection Agency and grand jury hearings.

U.S. attorneys were on hand at the Martin County Courthouse last week – not to be sure all the facts came out, but to try to block testimony by Spadaro and a government-hired private engineer who discovered that only 5 feet of earth, not the 70 feet claimed by the company, buffered the impoundment in places.

With the judge and federal lawyers against them, the property owners decided to take the confidential settlement offered by the company rather than let a jury hear their case.

The company was probably thrilled to pay the plaintiffs and avoid more embarrassing disclosures or an appeal of the judge's limit on damages.

But most of all to avoid accountability.

The five-year statute of limitations ends next month – a disgraceful ending to a disaster that should have been avoided.

Legal Victory! Judge Tosses OSM's Water Rule Approval

Associated Press, Oct. 4, 2005

A federal judge has thrown out the federal Office of Surface Mining's approval of a state change in definitions used in the review of new mining permits.

U.S. District Judge Chuck Chambers ruled that OSM "cannot simply rubber-stamp" WV Department of Environmental Protection rule changes that weaken limits on the amount of damage coal operators can do to West Virginia streams and groundwater.

The ruling, issued Friday, could force DEP to abandon a rule change that would allow the state to approve mining operations that it knows will cause water pollution violations.

Chambers ruled in the latest in a string of legal battles over how the state measures and considers the water quality impacts of new strip mines.

OSM officials have not decided how they will proceed in light of the ruling. 🍌

WV Passes Landmark Law Curbing 527 Groups

by Julie Archer, Nov. 2005 WV Citizen Action Group's *Capital Eye*

As the September special session drew to a close, the West Virginia legislature passed a landmark bill requiring disclosure by the sponsors of "sham issue ads" and limiting contributions to 527 groups that get involved in state elections to \$1,000 per election from any source.

Referred to as the "527 bill," after the shadowy groups that spent millions of dollars on negative advertising during last year's state Supreme Court race, the bill passed the Senate unanimously and was approved by the House 91-4. Governor Manchin signed the bill into law on September 30.

Although other states have adapted language from McCain-Feingold to state elections in order to regulate electioneering communications that masquerade as issue advocacy, the West Virginia law covers the broadest range of media that might be used to disseminate such communications. West Virginia is also the first state to place a limit on contributions to 527s.

Capito Got Most DeLay Money

by Paul J. Nyden, Oct. 12, 2005 *Charleston Gazette*

A new study of campaign donations from former House Majority Leader Tom DeLay, R-Texas, shows that Rep. Shelley Moore Capito, R-W.Va., is at the very top of the list.

Americans for a Republican Majority (ARMPAC), DeLay's national political action committee, has given \$2,523,414 to Republican candidates and members of the House of Representatives and U.S. Senate since 1994...

Capito has received \$48,500, more than any other candidate, according to the study. She began receiving ARMPAC donations when she first ran for Congress in 2000.

DeLay has recently been indicted twice by a Texas grand jury on money-laundering and conspiracy charges. Those charges relate to his political action committee in Texas, called Texans for a Republican Majority.

...Earlier this month, Capito said she has no immediate plans to return DeLay's donations. Three other House Republicans did return DeLay's donations after he was indicted. 🍌

While some have criticized the contribution limits as an attempt to prohibit free speech, we see it as leveling the playing field and making 527s play by the same rules as candidates and political action committees. The legislation will require 527s to register with the Secretary of State's office. Once they spend \$5,000 or more, they will be required to disclose where their money comes from.

Ads like the ones sponsored by "And for the Sake of the Kids" and "West Virginia Consumers for Justice," that attack a candidate's character without calling specifically for the candidate's election or defeat could continue - the contributions paying for them would just need to be disclosed to the Secretary of State.

Helping in the effort to pass this legislation was Citizens for Clean Elections – a broad statewide coalition of groups including OVEC (which helps organize and lead the coalition), WV Citizen Action Group, West Virginia Education Association, AARP, Affiliated Construction Trades Foundation, West Virginia Council of Churches, and West Virginia Environmental Council – which promotes "voter-owned," Fair and Clean Elections.

Go to www.wvoter-owned.org for information. 🍌

Texas Congressman Kills National Renewable Energy Standard

A national renewable electricity standard would save consumers billions on their energy bills, create tens of thousands of jobs and boost rural economies, according to a study released by the Union of Concerned Scientists.

The national renewable electricity standard, also known as a renewable portfolio standard, would require that 10 percent of our nation's electricity come from clean renewable sources like wind, solar and biomass.

In June, the U.S. Senate passed an amendment to include the 10 percent renewable electricity standard in the broader energy bill.

Texas Representative Joe Barton, Chair of the Energy and Commerce committee, led the House in killing the provision.

Barton is one of the top recipients of campaign contributions from electric utilities. 🍌

We care, We Count, WE VOTE!

Coal Industry Money Fuels Public Policy in West Virginia

by Janet Keating

“Since 1996, coal interests have contributed more than \$4 million to candidates for Governor, Supreme Court and the Legislature. Over the past five election cycles, the industry has contributed over \$2 million to gubernatorial campaigns and inaugurals, \$1.5 million to legislative races and \$529,332 to Supreme Court candidates.”

Thus begins the latest Coal report from PERC-WV. Little wonder that the industry runs rampant over our mountains, streams, forests and valley communities.

Is anyone really surprised that Governor Manchin still hasn't called for thorough testing of air quality for coal dust and toxics at Marsh Fork Elementary School when he received \$571,214 from coal interests, 12 percent of all contributions to his 2004 gubernatorial campaign and another \$174,500 to his inaugural ball?

Let's face it. Grade school children don't contribute to political campaigns; their political influence is a big fat zero. And much of the coal industry's power lies in its ability to peddle influence and achieve access to West Virginia's politicians via campaign contributions.

Politicians claim they're not influenced by campaign contributions. If that's the case, why aren't more of them outraged and outspoken about the flattening of our mountains, the destruction of small communities, and the annihilation of valuable hardwood forests and headwater streams by mountaintop removal?

Why aren't they up in arms when our state's waters are polluted repeatedly by blackwater (coal sludge) spills? Why are they not demanding that the coal industry follow current mining and environmental laws? Why did the legislature pass a bill in 2005 to take the writing of water quality standards away from an objective, scientific body (Environmental Quality Board) and place this important duty in the hands of the politically influenced Division of Environmental Protection?

PERC's latest coal report has a simple answer to these and other troubling questions: **\$4 million in campaign**

Kudos

Kudos to the Sylvester Dustbusters, Pauline Canterberry and Mary Miller, who were interviewed on Al Franken's Oct. 6 *Air America* radio show. 🍌

contributions since 1996 and a record breaking, **\$1.7 million in 2004** were donated to “our” politicians by the coal industry and its supporters. This doesn't even count the nearly \$3 million expended by Massey CEO Don Blankenship to unseat Justice Warren McGraw from the WV Supreme Court.

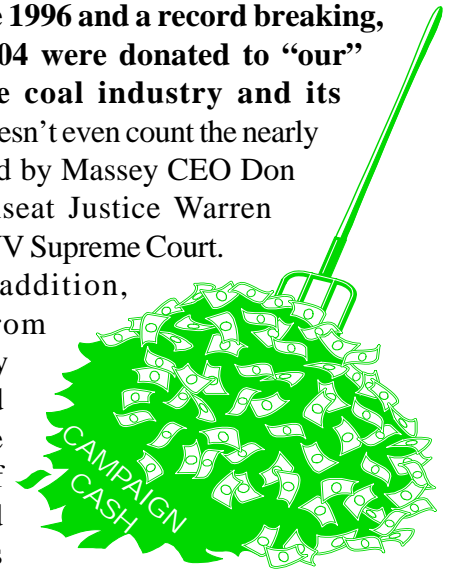
In addition, contributions from Massey Energy executives and members of the company's board of directors, combined with contributions from its PAC, made it the top industry contributor to political campaigns in 2004. Overall, contributions from individuals and PACs affiliated with the company totaled \$115,325. Supreme Court Justice Brent Benjamin received \$43,900 of that total.

While former coal executive turned governor, Cecil Underwood, has the dubious distinction of having received the most cash from the coal industry (\$895,946), Governor Manchin holds the record for the most campaign dollars raised from coal interests in a single election (\$571,214). Manchin also raised a record amount for his inaugural celebration, surpassing Cecil Underwood's record, despite a \$5,000 limit on inaugural contributions passed by the legislature in 1998. Manchin raised \$1.3 million, including \$174,500 from various coal and mining equipment companies as well as individuals affiliated with the industry, according to PERC-WV.

Until citizens demand a voluntary, public financing system of elections, like the Clean Elections laws passed in Maine, Arizona and elsewhere, we will all be affected by and pay for the corrupting influence of these campaign bribes...er, I mean contributions.

For a more detailed report on the coal industry's campaign contributions from 1996-2004 in West Virginia, check out: www.wvoter-owned.org.

(Data for this report was provided by the People's Election Reform Coalition [PERC-WV], a joint project of OVEC, WV-CAG and the Mountain State Education and Research Foundation.) 🍌



We care, We Count, WE VOTE!

Reports Detail Senate Race Donors

The *Charleston Gazette*'s Paul Nyden reports that Sen. Robert Byrd has raised more than \$2.6 million since Jan. 1.

Donations to Hiram Lewis, a Morgantown lawyer and National Guard officer who is running for the Republican nomination for the U.S. Senate, exceed \$500,000.

Byrd's larger donations included several from coal executives.

James "Buck" Harless of Gilbert gave Byrd the maximum \$4,200. Arch Coal President Steven F. Leer gave \$1,000; CONSOL Energy Vice President Stephen G. Young, \$2,000; Eaglehawk Carbon President James O. Bunn, \$1,000; and retired local coal executive L. Newton Thomas, \$500.

William and Patricia Bright of Summersville each gave Byrd \$2,000. Bright was co-chairman of President Bush's campaign in West Virginia in 2000. He owns companies including the Land Use Corp., Bright Coal Corp. and Bright Mining and Land Co.



Plaque in Sen. Byrd's Washington, DC, offices, calling him an Outstanding Coal Legislator. 'Nuff said.

Most of Lewis' large donors live in other states. Lewis received a \$2,000 donation from Harless. 🍌

Foxes Guarding Henhouse - Why We Need Real Campaign Finance Reform

(Excerpts from Bill Moyers' keynote speech, "A Question for Journalists: How Do We Cover Penguins and the Politics of Denial?" to the 2005 Society of Environmental Journalists Convention.)

"Theodore Roosevelt warned a century ago of the subversive influence of money in politics. He said the central fact in his time was that big business had become so dominant it would chew up democracy and spit it out. The power of corporations, he said, had to be balanced with the interest of the general public. That warning was echoed by his cousin Franklin, who said a 'government by organized

Jimmy Carter: Gore Beat Bush in 2000

(E)x-President Jimmy Carter...told a panel at American University in Washington, D.C., "There's no doubt in my mind that Al Gore was elected president. He received the most votes nationwide, and in my opinion, he also received the most votes in Florida. And the decision was made as you know on a 5-4 vote on a highly partisan basis by the U.S. Supreme Court, so I would say in 2000, there was a failure."

2000 was the closest presidential election in American history. Bush "won" the electoral vote 271-266, but lost the popular vote to Gore by a half-million votes. 🍌

money is as much to be feared as a government by organized mob.' Both Roosevelts rose to that challenge in their day.

"But 100 years later mighty corporations are once again the undisputed overlords of government. Follow the money and you are inside the inner sanctum of the Business Roundtable, the National Association of Manufacturers, and the American Petroleum Institute. Here is the super board of directors for Bush, Incorporated. They own the administration lock, stock and barrel, and their grip on our government's environmental policies is leading to calamitous consequences.

"Earlier this year the White House even conducted an extraordinary secret campaign to scupper the British government's attempt to tackle global warming – and then to undermine the U.N.'s effort to stabilize greenhouse gas emissions. George W. Bush is the Herbert Hoover of the environment. His failure to lead on global warming means that even if we were dramatically to decrease greenhouse gases overnight we have already condemned ourselves and generations to come to a warming planet.

"The promise of America has been subverted to crony capitalism, sleazy lobbyists, and an arrogance of power matched only by an arrogance of the present that acts as if there is no tomorrow." 🍌

Unclean Coal: Myth Perpetrators Get an Earful

Many people are dismayed by news articles promoting the myth of “clean” coal power plants. It’s not that we don’t want power plants to be far-less polluting.

The problem is having the words “clean” and “coal” used together. The problem is the lack of consideration of the full cycle of coal.

Coal’s dirty when you dig it, dirty when you haul it, dirty when you burn it, dirty when you dispose of the ash left over from burning, and it sure dirties up politics.

Mary Wildfire sent this e-mail to someone promoting “clean” coal gasification plants:

“You need to turn off the sound on your computers before sending this message to West Virginia and other coal states...to protect your ears from the screaming when we see that even outfits like yours are taking the ‘no denying we’re going to burn coal’ tack.

“Sure, (gasification) plants are a good deal cleaner, but we already have the highest rate of premature death from power plant pollution in the country – and nobody’s talking about shutting down or cleaning up old plants, just adding new ones. They want to add them here, because the coal is here – and the coal apologists are waving green



Just one of the impacts of “clean” coal in WV – the looming destruction of entire communities by mountaintop removal/valley fill mining.

Coal Very Costly, Not “Cheap,” If ALL Impacts Are Factored In

The external costs or the damages to human lives and the environment due to the operation of coal plants bleeds Filipinos by 141 billion Philippine pesos a year, Greenpeace says.

Red Constantino, Greenpeace regional energy campaigner for Southeast Asia, said, “There is no such thing as cheap coal, just as there’s no such thing as clean coal. Coal damages human lives, the economy and contributes to climate change, the gravest threat facing mankind today.”

...Citing the external cost study conducted by the European Commission (EC) in 2003 on different types of power generation, the Greenpeace study cited that coal-fired power plants registered the highest external cost.

“External costs arise when the social or economic activities of, say, a power station, have an impact on a set of

ribbons around and singing gaily about how wonderful they are.

“Sure, they should research the idea of carbon sequestration – but you’re talking like it’s a mature and reliable technology, when in fact no one knows if it will work. How do we know it won’t all come blasting back out – perhaps decades later? How do we know it won’t increase seismic activity?

“Then there’s the mining. Here, they do what they call mountaintop removal mining, which means destruction on an appalling scale, using machinery sitting on wheels clad in tires twice the height of a man, after

clearcutting some of the most diverse hardwood forest in the temperate world...and burning or burying it, because the profits from timber are too trivial to be worth their time. Please investigate the website of the Ohio Valley Environmental Coalition, www.ohvec.org, for more information – including checking out some of the high-resolution pictures.”

It’s time the country understood the full cycle, the full toll of our continued reliance on fossil fuels. If enough of us speak up, those “clean” coal research dollars can go into truly clean energy research! 🍌

people and when that impact is not fully accounted, or compensated for, by the power plant,” Greenpeace explained.

It added that the EC study has considered the climate change impacts, human mortality (i.e. reduction in life expectancy, cancers), human morbidity (i.e. respiratory hospital admissions, restricted activity days, congestive heart failure), its impacts on building materials (i.e. aging of galvanized steel, paint), crops (i.e. changes in yields caused by nitrogen oxide, sulfur dioxide, trioxide and acid deposition), amenity losses due to noise or spoliation of aesthetics, and the impacts of acid and nitrogen deposition on ecosystems. *Ed. note: This study didn’t even look into the mining impacts, transportation problems, nor disposal of coal ash!* 🍌

THANKS!

Thank you!

H To Joan Linville of Van for all the hard work she put into helping to save our homes and communities. We need more people like you!

H To Jim and Jean Foster for doing interviews with folks and telling them like it is.

H To everyone who attended the Friends of Mountains meeting in Van. We need your support always. Call (304) 245-8481 to find out the time and date of next area meeting.

H To David Orr and his wonderful wife for showing Larry Gibson and Maria Gunnoe around the Oberlin campus.

Thank you for the tremendous support that you continue to give to all of us who are affected by mountaintop removal.

H To the students in the Oberlin environmental policies class: You rock! Keep up the great work – It is so encouraging to see such a great group of kids in action!

H To Mary Wildfire and Greg Wood: WOC on! Thanks to RB for shelter in several storms. To Don Alexander for lots. H Thanks to all the incredible folks in Mingo, Logan, Raleigh and Boone Counties who continue to show incredible spunk and perseverance in the face of adversity!

H To Chris “Willie” Dodson, Walter Young, Patricia Lynn Feeney, Julian Martin, Bill Price, Michael Morrison for all your help with outreach in Mingo County. Great work! And to Wilma and Terry Steele and Carol and Walter Young for giving us a pillow for our sleepy heads in Mingo County, and Barb and Roby Chafin for an early thanksgiving dinner. Also Leroy Runyon in Mingo County, your support is necessary and priceless. You all keep up the good fight.

H To Christine Zachary, Michael Morrison, Chris “Willie” Dodson, John Gancs, John Taylor, Eddy, Balance Calliccoat, Libby Calliccoat and Whitney Eskew, for mailing help.

H To Perry Bryant, Julie Archer, and Steve White, and others who for a job well-done at the public hearing on the 527 bill during the September special session of the WV legislature.

H To Si Galperin, Susan Sobkoviak, Winnie Strezlecki, Julie Archer, and John Welbourn for their Clean Elections sub-committee work.

H To Mayor Richie Robb – D now – for always standing up for democracy and the public interest.

H To Kathryn Stone, for her ever-generous and secret donations for FOM and Clean Elections (a little birdie told us!).

H To the Unitarian Universalists in Charleston for the use of their facilities for meetings.

H To Sister Connell and her peers in Whitesville.

H To the Sylvester Dustbusters.

H To Reverend Jeff Allen for patiently pursuing and succeeding in bringing Community Shares to West Virginia! And for his many great ideas, his dedication to the land and people of Appalachia, and his courageous spirit and witness to the faith community about the importance of preserving God’s Creation.

H To Allen Johnson, Carol Warren, Mary Ellen O’Farrell, Dr. Bob Marshall for their service on the steering committee of the newly formed Christians for the Mountains.

H To Jack Spadaro, a true patriot and road “warrior” for his volunteer efforts to help stop mountaintop removal.

H To OVEC board member Regina Hendrix for leading the Christians to the Mountains tour to Kayford Mountain and her continued efforts to preserve Blair Mountain as a site on the National Register of Historic Places.

H To OVEC board member Larry Gibson for endless work.

H To Lisa Smith for being a quiet inspiration for us to want to do our best.

Thank you for a great Treehuggers’ Ball 2005 – Our 16th Annual Ball:

All the volunteers!

Michael Morrison, Meaghan Duffy, Tyler Gagai, Regina Hendrix, Mark Smith, Jerise Fogel, Elizabeth Duke and Mary Wildfire for outreach, collecting items and staffing the ball.

All the donors!

Avalon Gifts (Connie Zirkle), Big Rock & the CandyAss Mt. Boys, Borders Books, Chili Willi’s Restaurant, Chris Worth, Cold Stone Creamery, Empire Books, Frog Creek Books, Gina Hart-Smith, Happy Camper, Hillbilly Hot Dogs, Java Joint, JB Dolin, Jerise Fogel, La Paix Herb Farm, Lavalette Nursery, Mark Smith, Mary Ramsay, Michael Morrison, Nawab Indian Cuisine, Old Village Roaster, Rick Bady, Scent from Heaven, Starbucks Café, Wes Harris and West Tenampa Restaurante.

The musicians!

Thank you Tonya Adkins and Brett Senters & Co. Plus an extra big thanks to Big Rock and the CandyAss Mountain Boys. You were all great as usual. Special thanks to Eric Fout of Big Rock for the organizing and promotion work.

The hosts!

Thank you Amber and Jason (Java Joint) for your patience and your kindness, and for opening up your space to all of us radical types. Many thanks also to the wonderful staff.

“If you wish to steal farm products or coal or timber from a rural region, you will find it much less troubling to do so if you can believe that the people are too stupid and violent to deserve the things you wish to steal from them. And so purveyors of rural stereotypes have served a predatory economy.” - Wendell Berry

Update on Blair Mountain - Feds Want Still More Information

The National Park Service informed the State Historic Preservation Office (SHPO) that some questions must be answered before Blair Mountain – the site of the country’s largest labor insurrection – can be placed on the National Register of Historic Places.

“The historic importance of these events is without question,” the park service wrote to the state. “However, the struggle to define the locations, extent and comprehensive

SouthWings Needs YOU!



Many of the aerial photos you see in *Winds of Change* and on the OVEC website are made possible by volunteer SouthWings pilots. These photos help people understand what mountaintop removal is and have appeared in numerous national publications and have been used in films and on TV.

Are you or someone you know a pilot who loves to fly every chance you get? Would you like those flight hours to benefit your community? Then consider volunteering your skills to SouthWings and become part of the growing “conservation air force” in the Southeast.

SouthWings coordinates a ten-state network of volunteer pilots in the Southeast to provide free flights to non-profit conservation groups, research organizations, community leaders, the media, and others.

SouthWings is a non-profit organization that provides public-benefit aviation. Our pilots donate their time and flight costs to provide invaluable perspectives of lands and waters that are otherwise inaccessible on the ground. And, volunteer pilots are able to enjoy tax-deductions for certain flight costs! (Consult your tax advisor for details.) 🍌

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**Attention non-profit groups: To
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assessment of the physical integrity of these places continues.”

Friends of the Mountains (FOM) sponsored the nomination. Frank Unger, our consultant, will conduct some of the requested additional work; SHPO will also submit more info.

We have been fortunate to gain the support of labor history groups and others – locally and nationwide. Kenny King took National Trust for Historic Preservation (NTHP) personnel Nell Ziehl and Rob Nieweg, and *Preservation Magazine* reporter Chris Swope on a tour of the 10-mile Spruce Fork ridgeline. After the site visit the NTHP wrote a letter of support for the nomination!

The Labor History Association recently inducted Frank Keeney, an early UMWA organizer, into their Hall of Honor. In the early 1920s, Keeney led the struggle organizing the miners in Logan and Mingo counties. In 1921 he was found innocent of murder and treason against the state when he was tried for his leadership in the miners’ armed march to Blair Mountain.

FOM representatives met recently with the citizens of Blair and devised a campaign to gain support of the union and state and local officials in addition to the Keeper of the Register. As part of the campaign, we will be asking you to contact the Keeper in support of the nomination. We are preparing some campaign material to be used by our supporters. Stay tuned!

(See *From Ireland to Blair Mountain, With Love*, on p. 23). 🍌

WV Ranked 7th in Mercury Emissions

A report from a Washington, DC, advocacy group shows that West Virginia’s power plants emitted nearly 4,000 pounds of mercury in 2003 – the seventh-highest amount in the nation. The report was released by the nonprofit Public Interest Research Group.

The John Amos (coal-fired power) plant in Putnam County ranked 15th nationally for mercury emissions. Putnam County’s mercury emissions were the highest in the state, followed by Mason County and Monongalia County.

That study showed that total toxic emissions into West Virginia’s air and water increased by almost 11 percent in 2003. Mercury settles in waterways and accumulates in fish. In humans who eat those fish, the metal can cause neurological and developmental problems.

Texas had the highest power plant mercury emissions with more than 9,000 pounds. 🍌

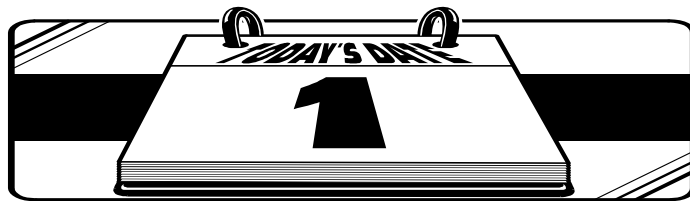
Community Shares

OVEC is a founding member of the newly-launched Community Shares of West Virginia, created to provide an alternative to United Way for state and higher education employees.

Community Shares is a partnership of progressive nonprofit organizations working to build social and economic equity, along with a healthy environment.

Donations to Community Shares help provide a steady source of income to small organizations like OVEC. Donors are encouraged to designate their payroll deductions to organizations of their choice.

See www.communityshareswv.org or call (304) 543-5811 to learn how you and your coworkers can help.



CALENDAR

Jan. 16, 2006: Annual Martin Luther King, Jr. Memorial March held in conjunction with Marshall University's MLK, Jr. Thirteenth Annual Symposium. Details to be announced on OVEC's website.

Jan. 25: 7 p.m. at the Cultural Center, State Capitol Complex, Charleston. John Hoskyns-Abrahall, the founder of Bullfrog Films, presents "Do social issue films have any influence?" Bullfrog Films distributes films about the environment, including "Razing Appalachia," about mountaintop removal mining.

Mar. 1: Deadline for submissions of poems to "The Blair Mountain Anthology," which seeks poems on mountaintop removal coal mining, strip mining, deep mining and their affects on coal miners, coal mining families, communities, government and the environment. The Anthology will focus on eastern Kentucky and southern West Virginia. Submit 3-5 poems (new or previously published; for previously published poems note where/when published). SASE required. Send manuscripts to Chris Green, English Department, 1 John Marshall Blvd., Marshall University, Huntington, WV, 25755.

Mar. 11: 7 p.m. West Virginia premiere of "Black Diamonds - Mountaintop removal and the fight for coalfield justice." Riveting portrait of an American region fighting for its life - caught between the grinding wheels of the national appetite for "cheap" energy and an enduring sense of Appalachian culture, pride and natural beauty. Filmmakers Catherine and Ann Pancake interview Julia Bonds, Maria Gunnoe, Arley Johnson, Ken Hechler, William Maxey and more. At the LaBelle Theatre/Museum, 311 D St., South Charleston. Admission is a \$2 donation to the museum. 🍓

Welcome!

Please join OVEC in welcoming our newest organizer, Boone County resident Maria Gunnoe, who unfortunately has firsthand experience with mountaintop removal/valley fill-related flooding.

Mining Permit Ruling Tossed; Federal Appeals Court Reinstates MTR

by The Associated Press

RICHMOND, Va. - A federal appeals court on Wednesday (Nov. 23) reinstated streamlined permitting for mountaintop removal coal mines in West Virginia.

U.S. District Judge Joseph R. Goodwin last year revoked 11 permits issued by the U.S. Army Corps of Engineers under the Nationwide Permit 21 process, which is intended for activities that cause no more than minimal environmental damage.

A three-judge panel of the 4th U.S. Circuit Court of Appeals unanimously overturned Goodwin's decision, ruling that the corps complied with the Clean Water Act.

Corps spokesman Chuck Minsker said he had not seen the ruling and could not comment. Coal officials in West Virginia and Kentucky hailed the ruling as a positive one for the industry.

The legal challenge was led by the Ohio Valley Environmental Coalition.

"To me, it's appalling - what can I say?" said Cindy Rank, mining chair for the West Virginia Highlands Conservancy. "I think Judge Goodwin made a difficult and very important ruling, and for the 4th Circuit to turn it over is just beyond words," she said.

Ed. note to Big Coal: Look out for more lawsuits and an angry, organized mob to be heading your way soon, to reclaim Appalachia. 🍓

From Ireland to Blair Mountain, with Love and Lyrics

Having learned about the plight of Blair Mountain, Irish songwriter Edna Cullen contacted OVEC for information and help in circulating her lyrics for “Death of a Mountain.”

On her website, Edna writes: “Logan County’s Blair Mountain is in the news. A coal mining company is seeking approval to actually ‘blow her head off’ so that 100% of the coal can be extracted...Over and above the environmental issues, Blair Mountain is also a site of enormous historical importance in US Labor and Social History. In 1921, following on from a long and bitter dispute between the United Mineworkers of America and the Mine Owners, the slopes of Blair Mountain witnessed scenes of a Coal Miners armed ‘insurrection.’ This culminated in 10,000 armed miners marching from the neighboring county to face an equal number of armed Deputies and US Federal Troops. Skirmishes over 10 days eventually led to the US

Army threatening the use of gas and bombing from the air. Think of it, American bombers ordered to drop bombs and chemical weapons on American citizens. It was, according to some, their second (albeit short) Civil War. Today, many citizens are lobbying to save Blair Mountain from destruction and stop ‘Mountain Top Removal’ as an acceptable form of coal mining. ‘Death of a Mountain’ is our tribute to that struggle.”

To hear the song and read the lyrics, go to www.songu.com/members/ednacullen, select “songs” from the sidebar menu, and scroll down to “Death of a Mountain (The Blair Mountain Tribute).”

Edna’s song may be part of an audio book about The Battle of Blair Mountain. See below. 🍌

WV Singers and Songwriters Wanted for Blair Mountain Project

MountainWhispers.com Audiobooks is working on its biggest project to date – an 8 CD set (over 10 hours) telling the true story of the Battle of Blair Mountain based on Bill Blizzard’s exhaustive work “When Miners March.” Blizzard’s book was published thanks to the hard work of Wess Harris.

Mountain Whispers is putting out the call to singer/songwriters who wish to be part of this project. The company is looking for original music written and played by West Virginia musicians, or with some connection to the Mountain State. **For more information, including acceptable submission formats, call (304) 267-4351.** 🍌

Singin’ the Blues Over Sangin’

New U.S. Fish and Wildlife Service rules say ginseng hunters – “sangers” – can’t harvest roots that are less than 10 years old.

The rule is meant to halt the medicinal roots’ rapid disappearance, which the Service says is caused by over-harvesting.

Meanwhile, mountaintop removal operators freely destroy – forever – huge swaths of “sang” habitat, which happens to also be habitat for a vast array of plants and animals and even people! (For instance, the Kanawha State Forest in Kanawha County has 1,000 species of plants!)

This is OVEC saying, protect sangers’ heritage and right to harvest sang. Stop the coal industry’s massacre of the mountains! 🍌

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Rosa Parks Lights the Way

by Janet Keating

On Oct. 24, 2005, the world both celebrated the life and mourned the passing of Mrs. Rosa Parks, a truly remarkable woman, whose simple, but preplanned act of civil disobedience sparked the Montgomery Bus Boycott. She was a catalyst for change whose legacy and significance to the Civil Rights Movement can never be overstated. Rosa Parks taught us not only about exercising our individual power, but also more importantly about the enormous power of organized people.

In 1943 she and her husband joined the Montgomery branch of the NAACP where she served as its secretary, registered voters, and served its youth. As an active member of Montgomery Voters League, she coached African-Americans to pass tests required before they could register to vote.

Her arrest on December 1, 1955, for refusing to give up her bus seat to a white man in Montgomery, Ala., was the answer to prayers for the Women's Political Council, set up in 1946 in response to the mistreatment of black bus riders. Blacks had been arrested, and even killed, for disobeying bus drivers. They had already begun to build a case around a 15-year-old girl's arrest for refusing to give up her seat, and Mrs. Parks had been among those raising money for the girl's defense.

While her refusal to give up her bus seat seemed like an isolated incident (and was an indisputable act of courage), it was in fact preplanned. Mrs. Parks volunteered for the job. Earlier that summer she had attended an interracial leadership conference at the Highlander Folk School in Monteagle, Tenn. (now the Highland Center located in New Market, Tenn.). There, she later said, she "gained strength to persevere in my work for freedom, not just for blacks but for all oppressed people."

The Highlander Center's tribute to Rosa Parks states: "*Rosa Parks and other participants from Montgomery actually left that workshop saying they weren't sure that people in their community would stick together to fight segregation. But when she returned to Highlander in March of 1956, one hundred days into what would become a 381 day boycott, 50,000 people in Montgomery were sticking together, walking rather than riding the bus, launching the next phase of the civil rights movement.*"

Rosa Parks' extraordinary legacy reminds us at OVEC that powerful social change happens when ordinary people plan and act together (organize!) and take shared risks – a tried and true roadmap for ending mountain destruction in Appalachia. 🌰

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