



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Judge: Valley Fill Damages Trump \$\$\$ Lost

On October 11, a federal judge ruled in our favor and stopped a coal company from starting new valley fills at Jupiter Holdings Callisto mine in Boone County.

Bim resident Dorsey Green, whose home in Dry Branch Hollow is very close to one of the blocked valley fills, was relieved by the judge's decision.

"I am so thankful for this ruling. I've been a coal miner my whole life and this valley fill would have destroyed

my homeplace and everything I have worked for," Green said. "I have spent many sleepless nights thinking about the terrible representation we as a community get from our regulatory agencies. This ruling will restore my sleep – and my retirement years."

OVEC, Coal River Mountain Watch and the West Virginia Highlands Conservancy, represented by the *continued on page 3*

20 Years of Standing Our Ground

The evening of October 27, 2007, OVEC members new and old converged on Camp Mad Anthony Wayne near Huntington to celebrate 20 years of standing our ground.

The atmosphere was festive: We festooned the hall with Dianne and Rick Bady's 20-year collection of environmentally-themed T-shirts. Tables groaned with all the delicious food OVEC members brought to share. Tonya Adkins and Ron Bond, and Big Rock and the CandyA** Mountain Boys provided the music. Janet Keating assembled a moving half-hour slide show featuring photos of OVEC's actions over the years, ending with a tribute to OVEC's Laura Forman, deceased.

Congratulations to Glen Daniel resident Chuck Nelson, who received OVEC's Outstanding Volunteer In Defense of Mother Earth Award, and to attorney Joe Lovett of the Appalachian Center for The Economy and the Environment, who received our Laura Forman Passion for Justice Award. Chuck has been tireless in his volunteer organizing efforts and Joe has, for years, proven that he has both the passion to work for justice and the skill, brilliance

and fortitude needed to bring about the change we seek.

Congrats also to OVEC's mentor and – dare we say – mother, Dianne Bady. She **c o - f o u n d e d** OVEC and serves as OVEC's co-director now. Thankfully, Dianne had the vision to begin OVEC.

Check the "Thank You" pages for the volunteers and staff who organized this event. Our biggest thanks go to each and every one of you who is a member of OVEC or who has volunteered to help. It's all the amazing volunteers we've had over the years who have made our victories and milestone possible. OVEC highlights begin on page 4.



OVEC co-directors Janet Keating and Dianne Bady talk about the ups and downs of two decades of environmental activism.

Happy 20th Anniversary to us all. Together we make a difference and we will keep standing our ground! 🍂

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Changing Course: Windcall and the Art of Renewal

Book review by Janet Keating

Windcall is a retreat program for environmental and social justice activists who have worked in their field for at least five years and are in earnest need of a break.

Nearly 20 years ago, in an attempt to meld her own need for solitude with her husband Albert's desire to support the social and environmental justice community, Susan and Albert Wells established the Windcall Residency Program at their Belgrade, Montana ranch.

She and Albert fine-tuned this program year after year, as they interacted with participants. Susan has now gathered the stories, experiences, and lessons learned from activists who participated in this much needed retreat program in her book – *Changing Course: Windcall and the Art of Renewal*.

When I first began to read Susan's book this summer, I started crying – not because it is a sad book, but for at least two reasons. First, although my Windcall experience was only three years ago, the stress and the work of OVEC was again taking its toll, and I began to long for the peace and solitude of Windcall – to remember my personal remarkable experiences there. Secondly, I was overwhelmed with feelings of gratitude for the lives of Susan and Albert Wells, who had the vision to use their personal resources to develop this program that respects and honors our work in such a unique way.

The gifts of Windcall came to Dianne Bady, Vivian Stockman, and me at a time when we needed it most.

All three of us were still regaining our balance after the traumatic death of Laura Forman, OVEC's organizer, who died suddenly at a protest that she had organized against the U.S. Army Corps of Engineers' rubber stamp permitting of mountaintop removal/valley fills.

Not only were we dealing with a deep personal loss, but also we were suffering from traditional burnout – a common condition of activists. All three of us were privileged to attend a two-week retreat at Windcall, away from phones, e-mail, and all the numerous demands on

our time.

Between the covers of this excellent retrospective, you'll read about veteran organizers who arrive at Windcall generally worn out from their hectic, fast-paced, demanding

and stressful lives, arriving at a place that offers solitude, community, serenity, beauty and renewal. Susan's book presents stories, quotes, experiences, profiles, and many lessons learned from numerous seasoned organizers – lessons from which we can all learn. There's a great quote from OVEC's Dianne Bady, too!

"All of us long to be seen and validated. So little in our society recognizes our striving for our finest selves that such moments of affirmation, when they come, are extremely powerful. Windcall sends the residents a forceful message that they are respected, worthy, and valuable. It is spoken in the mere existence of the program and repeated in all its daily details. From the home-baked cookies waiting for them on the first day to the last packet of Windcall pictures mailed to them at home, residents receive concrete evidence of our regard. This affirmation empowers them to take seriously their own need and right to a full and balanced life."
- Susan Wells, *Changing Course: Windcall and the Art of Renewal*

A central theme of the Windcall residency program and Susan's book is self-care – something that many of us forgo, subjugating our own needs to others' demands. While that might seem right and altruistic, how in the world can we preach "sustainable environment" if we don't first take the right steps to sustain ourselves? Doesn't all our work first begin with individual awareness and responsibility?

One of my personal discoveries at Windcall was how much I had neglected parts of myself – especially the "artist." For the first time in about a dozen years, I had time to paint, draw, write poetry, play the piano, and even try my hand at the pottery wheel, an activity that I found personally gratifying and centering. One late afternoon, I found myself sitting on the steps of the art/office building watching a storm sweep across the vast Gallitan Valley, until I was forced to seek shelter inside. Lying on the carpet, watching the downpour, tears streamed down my face when I realized that it had been literally years since I had taken the time to watch the rain.

Changing Course: Windcall and the Art of Renewal is just one more gift from the heart of Susan Wells to the social change movement. Thank you Susan and Albert! I highly recommend this guide to burn-out prevention which provides practical advice regarding its causes and its reversal from those who know it best.

Please try to find Susan's book at your local independent bookstore. If you can't find it there, it is available at WWW.AMAZON.COM.

Judge Stops Valley Fill

continued from page 1

Appalachian Center for the Economy and the Environment, Earthjustice and Public Justice, challenged the valley fill permit based on earlier legal victories.

In granting our motion for a temporary restraining order and preliminary injunction, U.S. District Judge Robert C. Chambers noted that we “made a strong showing that the permits issued by the Corps are arbitrary and capricious, contrary to law, and contrary to the economic and environmental balance struck by Congress in the passage of the relevant environmental statutes.”

The order halts the mining company’s plan to begin new valley fill activities at the site until the court can rule on our challenge to Callisto’s permit.

“The judge just gave hope to other affected residents that live in communities near this type of destructive, illegal mining,” said Judy Bonds of Coal River Mountain Watch.

On Oct. 12, in “Boone County mountaintop removal project blocked,” Ken Ward, Jr. of the *Charleston Gazette* reported:

... Chambers ruled that permanent damage to streams and forests outweighed temporary and speculative economic harm to the company.

“Money can be earned, lost and earned again,” Chambers wrote in a 12-page opinion, “a valley once filled is gone.”

...Chambers ruled in March that the (Army Corps

of Engineers) had not fully evaluated potential environmental damage before approving four other strip-mining permits owned by Massey Energy.

In (this most recent) ruling, Chambers explained that all environmental laws contain “numerous provisions that serve as checks on development, industry and other economic activities in order to ensure that environmental consequences are considered and valuable environmental resources are protected.

“While it is true that these statutes contemplate a certain amount of environmental degradation, they also mandate a certain amount of economic loss,” Chambers wrote. “Economic gain is not to be pursued at all costs, and certainly not when it is contrary to the law.”

...Initially, officials from Magnum Coal said that they would not need to begin new valley fills until after the 4th U.S. Circuit Court of Appeals hears an appeal of Chambers’ previous decision. However, in mid-December, Magnum told environmental groups the company planned to move forward much sooner on at least one valley fill.

During a Sept. 26 hearing in Huntington (*Ed. note: thanks to all that attended this hearing – we had a great showing!*), company officials said their existing valley fill is almost full of waste rock and dirt. To continue mining, company officials said, they needed to start a new valley fill much sooner.

...Chambers explained that Jupiter’s “main interest in opposing this motion is its own economic interest.

“While the court must certainly consider the economic effect of this decision on Jupiter’s employees and the surrounding communities, these effects are distinguishable from the harm suffered by Jupiter itself,” Chambers wrote.

“While Jupiter may or may not be a good employer or a beneficial corporate citizen, it is certainly out to make money,” the judge wrote. “Whether it is environmental enforcement or other market forces that cut into profits, Jupiter’s interest in its own bottom line may cause it to lay off its workers.”

Chambers said the “main harm suffered by Jupiter, therefore, is a delay in reaping economic benefits from the Callisto mine.

“This temporary economic harm can be outweighed by the permanent harm to the environment that comes from the filling of streams and valleys,” Chambers wrote.

Read the judge’s ruling at : www.OHVEC.ORG/

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OVEC is a founding member of Community Shares of West Virginia and a 501(c)(3) non-profit organization.



Highlights of OVEC's History

(Font from original E-Notes)

1987 The Ohio Valley Environmental Coalition is formed to fight a proposed huge BASF toxic waste incinerator near Ironton, Ohio. After 8 months of successful petition drives and organizing, **the incinerator proposal is cancelled.**

1989 OVEC uncovers and publicizes evidence indicating toxic waste leakage at the Aristech Chemical Co.'s hazardous waste deep injection disposal well in Haverhill, Ohio. As a result, Ohio and US environmental agencies issue stiff fines and the company agrees to close the well. *In 2007, toxic wastes from that well are still being pumped out!*

1989 OVEC protests the then-unregulated burning of chemical wastes as boiler fuel at the BASF plant in Huntington. OVEC's work on this issue leads to additional state inspections at the plant. New federal regulations follow.

1990 OVEC members petition the US EPA to investigate abandoned chemical dumps along the Guyandotte River in East Huntington. While EPA action lags, OVEC's pressure on West Virginia officials results in the surface of the dumps being covered to reduce public exposure to contaminated dusts.

1987-1997 OVEC holds numerous citizens' meetings and public forums with government officials in the Kenova, WV, area, to build citizen pressure to end serious pollution violations at the then-Ashland Oil refinery in Catlettsburg, KY. Members take many trips to visit state and federal regulators and politicians. Regional and national media coverage grows.

1990 In response to continual OVEC pressure, the first of several university and government studies is released *showing high illness rates* around the Ashland Oil refinery.

1991 An OVEC telephone and letter-writing campaign to the West Virginia Air Pollution Control Commission results in **placement of a carbon monoxide monitor in Kenova, WV, to monitor emissions** from the Ashland Oil refinery.

1992 OVEC receives \$75,000 in grants and hires 3 full time staff persons – Dianne Bady, Janet Keating and Kim Baker. Laura Forman is hired in 1994.

1993 In response to OVEC members' videotapes and demands, the Kentucky Division for Air Quality sets up the **first-ever-in-the-US 24-hour-a-day video surveillance system** to record emissions from the Ashland Oil refinery.

Early-mid 1990s OVEC researches and publicizes problems with the proposed Apple Grove, WV, pulp mill, which would discharge deadly dioxin and devour in excess of 10,000 trees *per day*. OVEC organizes numerous citizen meetings, public forums and events, including a series of protests at the WV State Capitol.

1996 The US EPA's Tri-State Geographic Initiative, a result of OVEC's efforts to reduce pollution, begins measuring toxic chemicals in the Kenova area. Subsequent US EPA reports document serious air quality problems.

1997 First public forum on mountaintop removal held by OVEC at Marshall University, where Larry Gibson speaks. (Larry was quiet and shy then!)

1997 Citizen Clearinghouse for Hazardous Waste inducts OVEC into its National Grassroots Hall of Fame.

1997 APPLE GROVE PULP MILL VICTORY! OVEC leads the effort that stops what would have been the largest dioxin-producing pulp and paper mill in the country.

1998 OVEC and WV Highlands Conservancy win a lawsuit forcing the US EPA to develop water pollution cleanup plans for WV waterways.

1998 As a result of OVEC members, the WV Highlands Conservancy and others joining in a lawsuit led by attorney Joe Lovett, **Hobet Mining Inc. is blocked from a 2,100 acre mountaintop removal mine near Blair, WV.**

1998 ASHLAND OIL VICTORY! After OVEC applies 10 *years* of unrelenting pressure on environmental regulators and politicians, the US Justice Dept. and US EPA level the then-largest fine in their history (\$38.5 million) against Ashland Oil, requiring that they bring all their US refineries into compliance with environmental regulations.

1999 OVEC receives the National Methodist Social Justice Award.

1999 Vivian Stockman receives the WV Environmental Council's highest award – the Mother Jones Award.

1999 Chief US District Judge Charles Haden rules that **mountaintop removal affecting some streams is illegal.** OVEC members are plaintiffs on this suit.

2000 US District Judge Robert C. Chambers refuses the WV DEP's request to dismiss the Cumulative Hydrological Impact Assessment mining lawsuit filed by OVEC and Hominy Creek Preservation Association.



20 Years of **STANDING OUR GROUND**



2000 A permit that would have buried the headwaters of a naturally reproducing trout stream in Nicholas County is **overturned after OVEC files a lawsuit** against the WV DEP for their routine failure to enforce provisions of the federal Surface Mining Act when issuing mountaintop removal permits.

2001 Dianne Bady, Janet Keating, and Laura Forman win one of the Ford Foundation's inaugural Leadership for a Changing World awards – with a prize of \$130,000. They are chosen from more than 3,000 nominees!

2001 Longtime OVEC organizer Laura Forman collapses and dies of a heart arrhythmia at a mountaintop removal protest she organized at the US Army Corps of Engineers in Huntington.

2002 Work by the WV People's Election Reform Coalition results in legislation being introduced into the WV Legislature that would *provide for public financing of elections*. OVEC and WV Citizen Research Group are founders.

2003 The Sylvester "DustBusters," Coal River Mountain Watch and OVEC members Pauline Canterbury and Mary Miller, along with local residents, **win a major lawsuit against Massey Energy** for coal dust pollution from the Elk Run processing plant, costing the company \$2 million in damages.

2003 OVEC and others launch a national "road show" to raise awareness about mountaintop removal and the Clean Water Protection Act. Thanks, Dave Cooper!

2003 Dianne Bady wins the WV Citizen Action Group's Excalibur Award.

2004 Janet Keating receives the Mother Jones Award, the WV Environmental Council's highest award.

2004 After a lawsuit by OVEC and others, US District Judge Joseph Goodwin **bars the Corps of Engineers from approving mountaintop removal mining activity that affects waterways under a streamlined permit**. The Appalachian Center for the Economy and the Environment represents us.

2005 After pressure from Coal River Mountain Watch, OVEC and Mountain Justice Summer, the WV Department of Environmental Protection **revokes the permit** for a second coal silo to be built adjacent to Marsh Fork Elementary School.

2005 OVEC works with Sierra Club and others resulting in the West Virginia Archives and History Commission agreeing that **Blair Mountain belongs on the National Register of Historic Places**. Thanks, Regina Hendrix!

2005 A coalition of Clean Elections supporters, which OVEC took the lead on organizing, results in the West Virginia legislature passing a first-in-the-US law curbing political contributions to 527 groups, like Massey Energy CEO Don Blankenship's "And for the Sake of the Kids."

2006 During the 2006 West Virginia legislative session, six legislators co-sponsor legislation calling for a moratorium on the permitting of additional coal sludge impoundments and to prevent the expansion of existing ones.

2006 The Corps of Engineers **suspends four Massey Energy mountaintop removal permits** that OVEC challenged in federal court, including one which would have impacted historic Blair Mountain, site of the famous battle of Blair Mountain.

2006 Abraham Mwaura wins a Generation Next Award for West Virginia's up and coming young leaders, sponsored by the Charleston Daily Mail.

2006 Maria Gunnoe wins the Joe A. Callaway Award for Civic Courage presented by the Shafeek Nader Trust for the Community Interest.

2006 **The US Fourth Circuit Court of Appeals upholds a decision** in an OVEC case, barring the federal Office of Surface Mining's approval of a change by WV in the definitions used to review mountaintop removal mining permits.

2007 Citizen efforts coordinated by OVEC result in the West Virginia legislature passing a resolution **requiring that state agencies study the effects of toxic coal sludge injection on drinking water and the environment**.

2007 US District Judge Chambers rules that the Corps of Engineers violated the law by issuing permits that permanently buried vital headwater streams near five mountaintop removal mines in West Virginia. **He orders the Corps to comply with the law and rescinds the permits**.

2007 In a second order, Judge Chambers outlaws the common coal industry practice of turning small stream segments downstream of valley fills into waste treatment systems. OVEC is lead plaintiffs on these lawsuits.

2007 US District Judge Chambers issues a temporary restraining order on a Boone County, WV, mine. **For the first time ever, a federal judge rules that permanent damage to streams and the environment trumps the temporary economic losses for a mining company**. See the complete history at www.OHVEC.ORG. 🍌





OVEC

1987 - 2007

Scenes from the celebration: At top, OVEC office manager Maryanne Graham gets ready to cut the cake. At the dessert table, left to right, Will Lavender, 4, Jacob Lavender, 7, and Toril Lavender. Back to camera is Vickie Wolfe. Below, the party scene, featuring two decades worth of activist T-shirts being used as bunting.



STANDING
OUR
GROUND

State Supreme Court Upholds Verdict Against Coal Company Over Destroyed Water Wells



by Tom Searls, Charleston Gazette, Sept. 13, 2007

The state Supreme Court upheld a Mingo Circuit Court ruling Wednesday ordering a coal company to provide potable water to people whose water supply has been contaminated.

Residents of four Mingo County communities said Rawl Sales & Processing Co., a subsidiary of Massey Energy Co., had destroyed their water quality. The Mingo County court had ordered the company to provide emergency temporary drinking water to people whose water supply has been contaminated.

Instead, Rawl appealed the order to the state Supreme Court, where justices unanimously rejected their arguments and declined to hear the case Wednesday.

The original 2006 circuit court order said the firm should provide bottled water each week to 194 people in the Lick Creek, Rawl, Merrimac and Sprigg areas.

After the company refused, residents received water from the Mingo County Office of Emergency Services.

The order is related to litigation accusing Rawl of

contaminating wells with coal slurry. Circuit Judge Michael Thornsby noted it would be up to a jury to decide if the firm is responsible for polluting the water system, but issued the order because a preponderance of “evidence tends to implicate the defendant.”

Rawl’s appeal maintained that most of the plaintiffs hadn’t proved they live near contaminated water.

But while the Supreme Court upheld the circuit court ruling, it comes a little late.

Using federal Abandoned Mine Lands money, water lines from the city of Williamson have already been extended to the residents. The circuit court held the order in abeyance only until potable water was available to the residents.

About 450 plaintiffs have sued Massey and Rawl over the alleged contamination since September 2004, according to a Massey quarterly report to the U.S. Securities and Exchange Commission.

Massey said in the filing that its insurance should cover the damages.

(Ed. Note: The trial is set for May, 2008) 🍌

Sludge Safety Project Makes Progress on Study

Members of the Sludge Safety Project have formed a citizens’ committee and continue to meet regularly with the DEP regarding its study of the underground injection of coal prep plant waste.

This study was mandated by the WV state Legislature after SSP and our allies lobbied every Tuesday morning during the 2008 legislative session.

During our most recent meeting with the DEP, SSP members who live in the coalfields stressed the importance of having independent scientists or at least third party observers on site to see where and when the samples are taken from processing plants and sludge injection sites.

The citizens’ committee has made some headway in collaborating with the DEP, including obtaining split samples from the sites and having one site of SSP’s choosing included in the study. SSP chose a site at Cabin Creek, Kanawha Co.

While it is clear that some officials in the DEP are working hard to make this a legitimate and detailed study, it seems their hands are tied by other officials. The DEP continues to claim it does not have the authority to allow third party observers or independent scientists to take part

in sampling for the study.

Legislators had asked DEP Secretary Stephanie Timmermyer if the DEP needed more time for the study, but she said DEP could do the study in a year. Here we are, one year later, and two sites have been studied.

Currently, SSP is strategizing as to its long term plans. Call Patricia Feeny at 235-2618 or e-mail patricia@sludgesafety.org for more information. 🍌

Wind Energy Working Group

Did you know there is a group in West Virginia devoted to the promotion of wind energy in our state? Dr. Patrick Mann of WVU has been convening the Wind Energy Working Group at various venues around the state. The forum is not limited to “big wind.” There are also opportunities to hear about small-scale projects for businesses and homes. Power in My Back Yard, a new company in Thomas that specializes in smaller scale wind projects, was featured at the Sept. 19 meeting.

For more information, contact OVEC staffer Carol Warren at peacelovemom@gmail.com or (304) 847-5121. 🍌



OSM Gets an Earful on Plan to Weaken Mining Rules

Excerpted from Oct. 25, 2007, Charleston Gazette, by Ken Ward Jr.

Coalfield residents on Wednesday night blasted a Bush administration plan to remove a key rule that – if enforced – could limit mountaintop removal mining.

Coal operators, miners and vendors also turned out to back a rule change they say would protect their industry from lawsuits and other regulatory hurdles.

More than 250 people overflowed a meeting room... for the U.S. Office of Surface Mining Reclamation and Enforcement public hearing.

Before the evening hearing, two dozen anti-mining activists protested along Kanawha Boulevard across the street from the (hearing venue). They stood in steady rain, holding signs that said, “Pull the rule – protect our water.”

...OSM scheduled the hearing to gather views on its latest proposal to revise a nearly 25-year-old rule that generally prohibits mining within 100 feet of streams...

John Harden, an electrician at the Hobet 21 mountaintop removal mine in Boone County, said he and his fellow workers are environmentalists who improve water quality with their mining and leave reclaimed sites in good shape and ready for development.

Harden recalled seeing the Grand Canyon during a motorcycle tour across country this summer. “I looked at the Grand Canyon and I said, ‘Wow, that looks like my job’.”

...“The proposed rule is subterfuge, designed to evade the purpose of the surface mining act and the Clean Water Act,” said former federal mine inspector Jack Spadaro. “Shame on the Office of Surface Mining for proposing this disgraceful rule change.”

...Under the existing “buffer zone” rule, coal operators can already obtain variances to mine within the 100-foot area around streams. To do so, companies must show that their operations will not cause water quality violations or “adversely affect the water quantity and quality, or other environmental resources of the stream.”

Passages

OVEC was saddened to hear of the passing of Toby Marsh of Wheeling, WV, who died Nov. 11 after a battle with lung cancer. A retired truck driver, Toby thought OVEC was one of the best coalfield citizen action groups in the US, according to his wife, Patricia. In lieu of flowers, the family asked that memorials be made on his behalf to OVEC, a gesture that touched all of us here deeply. 🍌

For years, state and federal regulators essentially ignored the rule. Between 1985 and 2001, coal companies buried more than 724 miles of Appalachian streams, generally without getting variances or proving how burying streams does not adversely affect them.

In 1999, then-U.S. District Judge Charles H. Haden II concluded that the rule prohibited valley fills in all but the smallest of Appalachian streams. That decision was overturned on appeal, but OSM and the Bush administration still moved to rewrite the rule.

OSM’s latest proposed changes are a follow-up to a proposal issued in January 2004. Citizen groups harshly criticized that proposal, and OSM backed off to conduct what it said would be a more detailed environmental study of the issue.

That study, issued in late August, said coal operators will bury or otherwise damage another 535 miles of Appalachian streams under permits issued between October 2001 and June 2005. 🍌

65 Percent of Americans Oppose Bush Plan for Buffer Zone Rules

Two out of three Americans (65 percent) **oppose the Bush Administration’s proposed rule** “to ease environmental regulations to permit wider use of mountaintop removal coal mining in the U.S.,” according to a national opinion survey conducted by Opinion Research Corporation.

The Civil Society Institute launched www.700MOUNTAINS.ORG to encourage Americans to comment on the proposed Office of Surface Mining (OSM) rule change and simultaneously express their views to their elected members of Congress. The public comment period on the controversial OSM rule change expires Nov. 23.

The website also features a seven-minute segment of an upcoming documentary film entitled “Burning the Future: Coal in America,” which features OVEC members and focuses on the impact of mountaintop removal. 🍌

CALLING ALL MUSICIANS!

Jen Osha, who produced the *Moving Mountains* music CD, is partnering with Sam McCreery to produce a new CD of music about mountaintop removal coal mining. They are specifically looking for songs based around the Coal River area in Boone and Raleigh Counties. For more details, e-mail sam.mccreery@gmail.com. They hope to have **all music submissions by Dec. 30**. 🍌

West Virginia Council of Churches Statement on Mountaintop Removal

As people of faith, called upon by our covenant with God and each other to safeguard and care deeply for what God has created, we cannot stand by while our mountains are being devastated.

The destruction caused by mountaintop removal mining, as presently practiced, is unprecedented and permanent. We believe the 1977 Surface Mining Reclamation and Control Act was intended to put an end to the abuses of surface mining, not to further them. Therefore, we deplore recent changes to the rules governing this law that may actually serve to promote mountaintop removal. We have, in the past, called for the strictest possible enforcement of SMCRA and the Clean Water Act. We strongly renew that call for enforcement, believing that if the law is fully enforced, the terrible damage of large-scale mountaintop removal will end.

Creation is a revelation of God, brought forth by God's Word. When we spend time with the wonders of Creation, we observe and learn about the beauty and marvelous attention to the smallest details that fill God's work. Jesus often went into the wilderness to pray, and there is something special about the closeness many feel to God when contemplating such grandeur. Psalms 24:1 reminds us that "The Earth is the Lord's, and the fullness thereof; and the world, and they that dwell therein." According to Genesis 2:15, humans have been made stewards of all that God has made. We are called to be responsible and faithful in caring for all that God has faithfully given.

Our West Virginia mountains are a wonderful example of the beauty of Creation: a temperate rainforest, full of unique plants, trees, flowers, and creatures, the diversity of which is unduplicated in our nation. The mountains are home to deer, black bears, bobcats, frogs, turtles, snakes, and a remarkable variety of birds. As Genesis 9:9-11 says, "God's covenant is with all living creatures." For generations these mountains have also been home to people. The mountains have provided a rich assortment of foods, medicinal plants, abundant clear and pure water to drink, materials with which to build homes, and glorious beauty to nurture the spirit. The mountains are full of blessings for which to thank and praise our God.

These mountains, for many years, have also

contained coal, a source of energy now used for electricity. Mining coal has employed thousands of men and women since the early Twentieth Century. For most of that time, the mining took place underground. Miners faced daily hazards in earning their living and gaining needed income for their families. But still, for the most part, the people were able to maintain harmony between their livelihood and their mountain environment.

But with the advent of surface mining, the relationship changed. Obtaining the

coal has become a trade-off for the destruction of the surrounding land and forest. Mountaintop removal mining, in particular, blasts the tops from our mountains and obliterates healthy streams, filling them with waste material. The damage done is permanent and irreparable.

Once the top of a mountain has been removed, it cannot be put back. The streams cannot be replaced, and the native hardwood forests and diverse under-story do not grow back. The animals, birds, and people are deprived of the welcoming environment that once nurtured their minds, bodies, and spirits and provided food, water, and shelter for them. Hundreds of thousands of acres of our beautiful state, God's gift of Creation, have already been affected.

In addition to the direct and immediate harm to the environment, toxic chemicals from coal waste impoundments can leach into the water table and contaminate water supplies. The possibility of failure of slurry dams constitutes an ever-present and growing threat to the community below. Floods worsened by runoff from the denuded mountains are becoming a routine occurrence. Some children sleep in their clothes, fearful that rain will force them to flee during the night.

We recognize that miners need jobs, and we support responsible mining practices. We also know that more miners are employed for longer periods when deep mining is done. There used to be over 100,000 miners employed in West Virginia, while now there are perhaps 15,000 direct mining jobs. We still observe that the areas of our state in which coal mining has been the primary occupation remain among the poorest and have the least-diversified economies in the state. Mining families deserve our support and help in making a secure, just economic

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West Virginia Council of Churches Statement on Mountaintop Removal

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transition.

We urgently request that state leaders and our Congressional delegation work diligently toward economic diversification for our state. Irresponsible mining practices damage the environment, hurt businesses based on tourism and the natural beauty of the state, and do not help us build a 21st century economy.

We are also called upon to support others in the coalfield communities whose health is being harmed, and whose ancestral homes are being destroyed, disrupted and

devalued.

Surface mining may be more cost effective for the coal companies, but it is not more cost effective for our mountain communities.

Genesis 1:31 tells us that God looked at everything God had made and found it very good. In obedience, we are obligated to care for God's wondrous Creation that we may one day walk with God in the garden without shame.

Adopted by the WV Council of Churches Board of Directors, September 11, 2007; www.wvcc.org. 🍁

Good Blue Dogs Helping to Raise Funds for OVEC This Christmas

OVEC has received a donation of a lovely Blue Dog print by George Rodrigue, which we will be offering to members and friends as an organizational fundraiser.

The print is attractively framed and measures about 24 x 36 inches.

George Rodrigue, born in 1944 in New Iberia, La., is a Cajun artist who has painted his entire life from inside an endangered culture. He is familiar with the idea of preserving the community around you as it disappears before your very



eyes. George began his professional career in the early 1970s interpreting the Cajun landscape, people and traditions. He was already a renowned artist with years of experience when he gained fame around the globe for his Blue Dog paintings.

This original silkscreen print entitled, *Rollin' on The River II*, depicts twin Blue Dogs in front of the historical Houmas House

Plantation. Rodrigue's iconic oak trees frame the scene. This very limited edition print was offered to a small group of collectors. It is signed and numbered by the artist (low number – 88 of 500). With frame and matting, its value is at least \$2,500. Adding to the value of the print is the personal inscription added by George Rodrigue, which reads, "We Will Rise Again!" – a testament to the spirit of the people of New Orleans.

Rodrigue's paintings and prints are respected and sought after. Earlier this year a George Rodrigue painting, titled *Blue Dog*, estimated to sell at \$18,000, brought \$80,000 at a Christie's auction. Another painting, titled *The Path of the Candles*, estimated at \$80,000, brought \$115,000 at Sotheby's.

While OVEC's offering is an original print, rather than a painting, these prices give an idea of the esteem in which Rodrigue's work is held.

For more information please contact the OVEC office at (304) 522-0246. 🍁

Documentary Filmmaker Duane Moles:

"As part of a class at the UC Berkeley Graduate School of Journalism, I traveled to China last spring to report on the country's environment. Having grown up in a coal-mining region in West Virginia, I was really interested to see what life was like in China's coal belt . . .

"While China's environment has taken a serious beating as the country bulls its way forward, I was surprised by peoples' disgust when I talked with them about the mountaintop removal mines that are slowly leveling West Virginia. One former miner asked me why we would destroy the mountains that way when we could use an underground mine and leave the mountains intact. I didn't have a good answer."

See his film: www.pbs.org/frontlineworld/rough/2007/10/china_undermine.html 🍁



The prayer vigil on Kayford Mountain attracted more than 100 people of all faiths. *photo by Liz Veazy*

Praying for the Land and People Victimized by MTR

On October 20, more than 100 people of all ages and faiths gathered on Kayford Mountain at a prayer vigil for the mountains and people of Appalachia affected by mountaintop removal mining.

Religious leaders representing a range of denominations and backgrounds led prayers and hymns honoring the state's mountains and asking for the healing of people harmed by strip mining.

OVEC hosted the vigil. Coal River Mountain Watch and the Student Environmental Action Coalition turned out big numbers of folks. We brought together families, college students and faith-based groups from across the state and region, with attendees from as far as Michigan and South Carolina.

The gathering came on the heels of the WV Council of Churches statement condemning mountaintop removal as "unprecedented and permanent." (*See page 9.*)

"We organized this event to help connect religious communities in the region and hope it will compel people of faith to tell the story of what mountaintop removal is doing to our people," said Rev. Robin Blakeman, a Presbyterian minister and OVEC volunteer who organized the event.

Presbyterian, Unitarian, Episcopal and United Methodist pastors led prayers. Throughout the vigil, people directly impacted by this extreme form of mining shared their experiences, including Pauline Canterbury of Sylvester,

one of the famed "Sylvester DustBusters." She explained how coal dust covers the inside of Sylvester residents' homes, clogging indoor air filters and in some cases causing black lung disease in people who have never entered a mine.

Brenda McCoy of Mingo County held up jars of dark red and black water from people's homes in her community and explained how their water was poisoned by the underground injection of coal sludge, a waste product from coal preparation plants. People in Mingo County just recently won access to city water from the state after their water was declared toxic.

"I think we are looking for a transformation of the heart, to care and weep for God's creation, and become instruments of healing for the earth and justice for people," said Allen Johnson, coordinator of Christians for the Mountains, an organization working to rally Christians for solutions to mountaintop removal.

The group walked to a spot on Kayford Mountain from which they could overlook part of the 12,000 acres (more than 18 square *miles*) of mountaintop removal operations that are consuming the mountain.

"I was blown away that something like this could happen in the United States. It looked like a scar on the land, like a huge bomb had been dropped in the mountains," said Briana McElfish, a Marshall University student from

continued on page 12

Prayer Vigil

continued from page 11

Putnam County. “We have to look for different ways to get energy. Our country’s coal dependence affects us the most, so we, more than anyone else, should be looking at alternatives. We should be leading the way in renewable energy and efficient technologies, creating jobs and protecting our people.”

“So many children and families are harmed by mountaintop removal in this state. I hope the faith community gets more organized and aware and acts from a deep theological place making this one of the primary moral and ethical concerns for people of faith in our area,” said Blakeman. 🌰

Update on Blair Mountain

For more than five years, OVEC board member Regina Hendrix and the WV Sierra Club have led efforts to secure special historical status for Blair Mountain. Such status would prevent mountaintop removal on large portions of Blair Mountain. Through amazing perseverance, despite setback after setback, they were finally successful in having 1,600 acres of Blair Mountain nominated by the state of West Virginia for inclusion in the National Register of Historic Places.

In September, the DEP granted a permit to Mingo Logan Coal Co. to surface mine over 300 acres, completely within the area that has been nominated for Historic status.

OVEC and WV Highlands Conservancy are working with lawyers from the national Sierra Club to try to stop any mining on that site. Our fear is that Mingo Logan will destroy enough land and waters that the site would no longer be eligible for National Register status. We have people watching the site.

(In a different, earlier legal case led by Joe Lovett and Earthjustice attorneys, a company buried a stream where we were trying to stop a valley fill. Once the stream was gone, we no longer had legal grounds to stop the valley fill.)

“To waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them.” – President Theodore Roosevelt, seventh message to Congress, December 3, 1907



This little girl, a daughter of a student from Pfeiffer College in NC, promised the crowd that she would do her part to save the mountains in Appalachia, by trying to remember to always turn out the lights! This group of students reminded folks that each of us can do small things to save the mountains. They also shared what they were willing to give up in order to save energy and the mountains – things like buying bottled water (all that plastic needs energy and resources to make) and Internet shopping (all those packages generally include plastic bubble wrap!).

Strip Mining Damages Nature

Oct. 29 letter to the editor in the *Charleston Gazette*

Sometimes you look around and see the mountains, the trees, and flowing rivers. How the beauty has been in the eyes of those that have seen them. Well stop and think how much has been damaged by companies that are strip mining.



They take off the mountains to get the coal. They leave no trees to hold the ground to be eroded into the valleys. The mountains and trees are the West Virginia hills. Underground mining is so deep under the mountains that it doesn’t affect the hills or trees. Miners can still get as much coal and have just as many jobs to support the people of Kentucky and West Virginia for work. As the saying goes, God made the earth and everything in it. So why destroy the nature and beauty of it?

Elaine Roberts
Merrimac 🌰

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

A Note from Maria Gunnoe

First – thank you! We extend an enormous thank you to everyone from all across the nation who has sent donations to help with security at our home. Without your help, the outcome could have been dramatically different. We love and respect you for helping us out in this very trying time. It’s people like you that allow us to stand our ground.

With our most heart felt gratitude, Maria, Jessie and Chrystal Gunnoe

Boone County’s OVEC Organizing Team sends out huge thank yous to everyone who has helped in the recent lawsuits. With this major victory, area people are feeling the power of organized communities. Way to go, everyone!

Due to recent events, the organizing meetings in the Van and Wharton area are now closed meetings on private property. If you would like to get in on these meetings please give us a call at (304) 245-8481 to find out where and how you can participate in our awesome winning team in Boone County.

Voices from Boone County

Dorsey Green, retired UMWA miner: “Whatever happened to the American dream of working for a lifetime and retiring to enjoy what you have worked for? Our life’s work is being destroyed before our very eyes and we have no choice but to fight it during our retirement years.”

David vs. Goliath Award Goes to OVEC’s Boone County Organizer

In San Francisco on October 18, Rainforest Action Network (RAN) honored OVEC community organizer Maria Gunnoe with one of the group’s World Rainforest Awards. Maria received the David vs. Goliath Award.

RAN noted, “Gunnoe is a lifelong resident of Boone County, WV. She has experienced the destruction of mountaintop removal coal mining operations firsthand and has organized extensively around the issue in order to preserve the Appalachian way of life and communities



With this rainbow, we feel like we received a Thumbs Up! from a Higher Power, a special thank you to all who are dedicated to stopping the attack on our homeland and people. On the one-month anniversary of the hearing that saved Dry Branch (for now, at least) and the people who call this hollow home, Maria Gunnoe snapped this photo from her home at Big Branch, at the other end of the strip job from Dry Branch.

Jim Foster, retired UMWA miner: “If everyone in the state had a voice, mountaintop removal would have already been stopped.”

Make Your Voice Heard and Help Support OVEC in Boone County

Give yourself and your community a voice – write letters to the editor! Everyone should hear the stories of how mountaintop removal is affecting our lives. This is the one way that we will stop this insanity and show unity in doing it.

Become an OVEC member and get involved. Call (304) 245-8481. 🍂

throughout the region.”

RAN uses “market activism” and is working with groups like Coal River Mountain Watch to reduce our dependence on coal and discourage investment banks from investing in companies that practice mountaintop removal coal mining.

The group has helped to reform corporate behavior, encouraging progressive environmental policies as first steps toward a sustainable and just economy. 🍂

We care, We Count, WE VOTE!

Tips on Writing a Letter to the Editor - Do It TODAY!

If you want to help end mountaintop removal, show it – write a letter to the editor! Letters to the editor are hugely important in showing the broad spectrum of people opposed to mountaintop removal. Your letters encourage others to make a stand, too.

OVEC volunteer Mary Wildfire compiled these tips on writing that letter:

˘ Most newspapers have a word limit on letters, often 200 or 300 words.

˘ Many newspapers also have limits to how often they will print letters from a particular person. You may want to send your letter to a different paper if your first choice just printed something from you.

˘ If the letter is in response to something that ran in the

paper, mention the date and title at the start.

˘ Don't engage in name-calling, profanity, personal attacks, or falsehoods. Leave that to the other side.

˘ Check spelling, punctuation, grammar; if you're not good at this, ask someone to read over your letter before you submit it.

˘ As with any writing, specifics and images are more effective than vague abstractions.

˘ Remember that a letter published in your local or regional paper will influence your representatives as well; they know their constituents are reading this.

To make your letter writing easier, we've set up a letter to the editor center with talking points and links to newspapers. See WWW.OHVEC.ORG/LTES. 🍌

Clean Politics = Public Financing - It Really Is That Simple

Nov. 2, 2007, Charleston Gazette editorial

For five years, a group of concerned West Virginians have been trying to convince the Legislature to create public financing for legislative seats.

West Virginians would have more interest in running for office and more confidence in the process if races for state Senate and House of Delegates were more open to people of modest means, argues a coalition of groups, including West Virginia Citizens for Clean Elections, Citizen Action Group, the Affiliated Construction Trades Foundation, the West Virginia Council of Churches and the Wheeling-Charleston Diocese.

The version proposed would work like this:

In House races, a candidate must raise at least 250 contributions of \$5 from supporters in his or her own district. That would qualify the candidate for \$22,500 to \$67,500 in public campaign funds.

In return, candidates must pledge not to accept other outside contributions or spend personal money on the campaign. Candidates whose opponents don't take the pledge and who are big spenders may apply for more taxpayer money.

At first glance, it may sound like welfare for politicians, but it's not, says Sen. Dan Foster, D-Kanawha. His view is backed by Adam Smith, a Parkersburg native now with Public Campaign in Washington. "Citizens are already paying for the way elections are financed," Smith says.

The current system rewards legislative candidates funded by big private donors – and winners pass tax breaks and other laws benefiting those donors. It erodes the public's confidence in their representatives, Smith said during a meeting with *Gazette* staff members.

In the past, we have voiced concern that a large fundamentalist church could recruit a dozen members to be candidates against abortion, gays and the like – then ask 250 members to cough up \$5 donations, enabling the group to run on taxpayer money. The same might be done by a labor union, KKK chapter or other organized movement.

"We haven't seen that as a problem in other states," Smith said. On the contrary, he said, Arizona, for example, saw donations come from a more diverse group of supporters. All the participating states have more candidates running for office and fewer unopposed races. By requiring donations to come from within a candidate's district, it would also discourage widespread groups from dominating a ballot at taxpayer expense.

West Virginia's bill (SB118 during the last session) made it out of the Senate Judiciary Committee, but did not emerge from the Finance Committee.

The state chapter of the National Association of Social Workers, plus the League of Women Voters and the AFL-CIO are among 25 organizations supporting publicly financed legislative campaigns in West Virginia. Together, they represent about 900,000 state residents. 🍌

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We care, We Count, WE VOTE!

Clean Elections: Control *How* You Pay for Politics

by Carol Warren

I love it when people tell me, “I don’t want my tax dollars paying for politicians’ campaigns.” That means I get to ask them the real question, “Who do you want to pay for them, then?” The response is usually a quizzical stare.

West Virginians don’t seem to realize that their tax dollars will pay for the people they elect one way or another. In the 2004 election cycle, less than one percent of West Virginians contributed to any state candidate’s campaign. Yet millions of dollars were spent. Where does the public think the money came from – since it obviously didn’t come from them?

The real decision isn’t whether citizens pay for campaigns, **but how we pay.** Maine, Arizona, and Connecticut have taken the high road and are being rewarded by public campaign financing systems. Why should West Virginia’s public policy be held hostage by big donors to our legislators’ campaigns?

The recent gambling legislation is a pertinent example. Whatever one’s position on the issue, one can marvel at the money that flowed around it. According to the most recent data from the People’s Election Reform Coalition (PERC), contributions from the gambling industry went up a startling **400 percent** during the 2006 election cycle. No surprise that they got their legislation.

And why was the real promise of the 2003 legislation requiring our state to negotiate directly with drug companies

for lower prices never realized? Take a look at the open wallets of the pharmaceutical industry and its fleet of lobbyists.

If we want good schools for our children, health care for all, a clean and non-toxic environment, and greater economic diversity, then we must fund our election campaigns differently.

The state’s well-entrenched special interests argue that it is a public good that we allow them to continue paying for our elections. Why burden ourselves? Why spend the five or six dollars per household it would cost to have the citizens pay for election campaigns?

We’ve heard their line: Ridiculous use of taxpayer money – welfare for politicians! We shouldn’t

be surprised by their vehemence. They are profiting nicely from the status quo, thank you. They get access, influence, and special treatment in return for their contributions. And the voters continue to lose, in terms of both policy and accountability. But the monied interests just smile at our disillusionment. They would like nothing better than for us to stay home, shut up, and not even bother to vote.

West Virginians are already paying for our state’s political campaigns. Wouldn’t we be smarter to spend a few million dollars per election cycle for public financing? Or will we continue to spend mega-millions benefiting the few who currently foot the bills?

Versions of this article appeared in the Charleston Gazette and the Pocahontas Times. 🍂

Piper Fund’s Challenge Grant Goal Exceeded! THANKS!!!!

Our sincere thanks to many dedicated OVEC members and to our partner organizations whose efforts and generosity enabled WV Citizens for Clean Elections to reach and exceed our \$15,000 challenge grant goal!

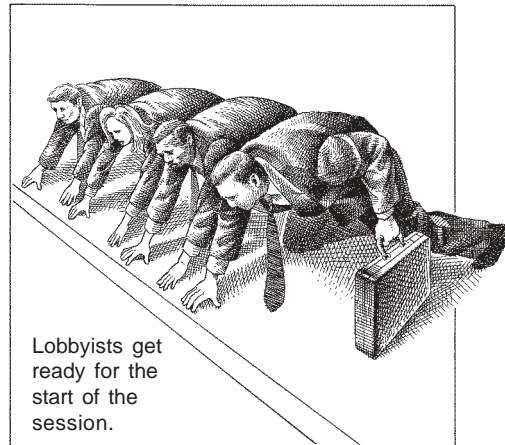
Everyone’s hard work and enthusiasm helped us to raise the amount needed in just two months. We greatly appreciate your help.

WV Citizen Action and OVEC will share an additional \$15,000 in matching funds from the Piper Fund

to move our work forward.

Thanks to your help, we will be able to keep up our grassroots and legislative activity on public campaign financing as well as the database work of the People’s Election Reform Coalition (PERC).

Clean Elections will be the reform that enables many other reforms in West Virginia, resulting in better public policy that benefits all our citizens. 🍂



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We care, We Count, WE VOTE!

Eastern Panhandle Woman Pushes for Clean Elections

by Lauren Hough, Sept. 29, 2007, Martinsburg Journal

A Jefferson County woman is confident that, by removing money power from the voting process, the power of democracy can be returned to the people of West Virginia.

Virginia Graf is part of a growing grassroots movement toward “clean” elections that could push legislation forward to provide candidates with a system of public funding for elections.

“It’s such a savings,” Graf said. “It gives so many more people an opportunity to run for public office.”

Under the Clean Elections legislation, any candidate for public office in West Virginia would need to collect a set number of signatures and small donations of \$3 or \$5 to qualify for a portion of public funds. The state government would contribute public money from its budget for candidates, setting limits on what could be spent for a campaign.

For legislative races in West Virginia, an estimated 1/10 of 1 percent of the state’s budget would be sufficient for the process, according to Graf.

That funding opens the field to more candidates of any party affiliation through removing the need for individual fund-raising efforts and the hunt for big, corporate sponsors, Graf said.

“We have lost our democracy,” she said. “I feel like the highest bidders of everything own the government.”

That sentiment could be a contributing factor to West Virginia’s historically low voter turnout rates, she added.

“People think their votes don’t matter,” Graf said.

Though it may seem like citizens pay more to fund the “clean elections” process, Graf insists they get a bargain.

In the traditional election system, legislators fund projects in response to the wishes of their big donors – projects that often cost taxpayers much more in the long run, she explained.

“Any project these special interest groups want, we all pay for that, but it doesn’t benefit all of us,” she said.

The reformed system would be a good deal for the candidates as well, she said. They would have more time to spend with constituents as a result of less time spent fund-raising.

Graf remains confident that, with enough support, legislation that has been started to authorize the Clean Elections process for West Virginia can soon be passed out

of committees in order to become a reality for candidates in the state.

The movement has already been successful in seven states including Arizona, Maine, Connecticut and New Jersey.

Graf is currently collecting signatures from those who support the process to present to legislators. Anyone wishing to help collect signatures, or anyone wishing to view a 15-minute DVD presentation on Clean Elections may call Graf at (304) 728-2829. 🍌

ACTION ALERT!

Help advance Clean Elections in West Virginia by collecting signatures on petitions being circulated by the WV Citizens for Clean Elections.

The petition reads, “I support Public Campaign Financing in West Virginia, to limit the influence of special interest contributions on our elections and to allow a more diverse group of qualified candidates to run for our state legislature.” There’s space for people to sign their names and write in (legibly!) their addresses and e-mail.

For a copy of the petition, e-mail or call Carol Warren at peacelovemom@gmail.com or (304) 847-5121.

Once you’ve collected a page of signatures, mail the sheet to:

WV Citizens for Clean Elections
P.O. Box 6753
Huntington, WV 25773-6753

**Click on the DONATE
button at www.ohvec.org
today.**

**Help Stop MTR!  DONATE to OVEC
online by using PayPal**

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We care, We Count, WE VOTE!

Why Don't Regulators Do Their Jobs? OVEC Answers

One of our members wrote to us, wondering why federal and state environmental regulators, charged with protecting the environment, are failing to do their jobs. He asked that our response be printed in *Winds of Change*.

Dear Member,

Thank you so much for your recent \$25 contribution/renewal to OVEC. Your gift really means so much to OVEC and the work we do trying to protect our beloved mountains, forests, streams and communities from the lawless coal industry. Please know that we couldn't do the work that we do without your loyal support.

In my 20 years of experience fighting for the environment, one thing that I have found time and time again, is that there are many good people working for the state and federal environmental agencies - who actually accepted positions within those agencies hoping to apply their talents and skills to do good - who later learn the disheartening news that their jobs really weren't about protecting the environment or citizens. Sadly and truthfully, it's mostly about being a buffer between citizens who are fighting for a better environment and corporations.

The directors of these agencies generally are appointed and serve at the will and pleasure of the government officials, i.e., the governor or the president. Two examples come to mind: When OVEC was fighting to keep a dioxin-bleaching pulp mill from locating in West Virginia in the mid to late 90s, the Director of Region III of the US EPA agreed with our position - and was shown the door. More recently, Jack Spadaro, an engineer with 25 years of mining experience who worked for the Mine Health Safety Administration in West Virginia, was given a demotion and relocated away from his West Virginia home (he decided to retire instead). And so it goes. If a person wants to keep his job, he learns very quickly to keep his head down and his mouth shut.

Many people within those agencies went to work with good intentions only to find that their hands are tied by dirty politics. Budgets for these agencies are set by the Legislature -

many of whose members receive handsome political contributions from the industry and other polluters who help them get elected time and time again. It's a vicious circle. That's one reason why OVEC has been working hard to get public funding of elections of our legislators. While it wouldn't keep money out of politics entirely, it could help decrease the overall influence of big special interests. A publicly funded legislator would have the freedom to vote his/her conscience. In addition, any ordinary citizen who has a penchant for politics could qualify for public funds if he/she meets the public trust requirements. Candidates would run on the merit of their ideas instead of who has the biggest "war" chest.

Thanks again for your donation and support!

Most sincerely,

Janet Keating, Co-Director



Delegate Wants Public Financing Law


Excerpted from Sept. 30, 2007, Beckley Register-Herald

Delegate Tim Manchin believes most folks are turned off by the avalanche of negative campaign ads that flood the airwaves in a political campaign and is pushing for a public financing law to rein in the use of big bucks to sway opinions.

Manchin recalled the massive spending a year ago by Massey Energy CEO Don Blankenship in his all-out blitz to put control of the House of Delegates into the hands of the Republicans.

Except for a single triumph by a candidate with his blessings, Blankenship came out on the short end of the vote tabulation.

"I don't think those kinds of negative campaigns and tactics are as effective against candidates whom people are familiar with," Manchin, D-Marion, said in a telephone interview...

In statewide races, slanted TV and radio ads can make a huge difference in the outcome, Manchin said. "I'm very much interested in seeing us come up with some sort of election reform that would provide an opportunity for candidates to reject all of those negative conditions." 

☆☆ DEMOCRACY WORKS! ☆☆

OVEC Works! Thanks!

20th Anniversary: Thanks to OVEC co-director Janet Keating and the Board Anniversary Committee for planning this event – Eric Fout (with an extra special thanks for all the meeting reminders, contacting musicians, for procuring free table cloths and napkins, for helping with setup and more), Larry Gibson, Thomas Kincaid, Michael Morrison and John Taylor. Thanks to Tonya Adkins for her work in prepping the event and to Maryanne Graham who worked so hard during the event and on cleanup duty. To Ralph Oberly and OVEC staff who helped with setup and cleanup. Thanks to Big Rock and the CandyA** Mountain Boys (Rick Bady, Eric Fout, Bo Masullo, and Blake Sypher) and Tonya Adkins and Ronnie Bond for the fabulous music. To Carey Lea for providing the firewood. To City Linen and Towel Service, 340 Washington Ave., Huntington, for donating lovely yellow linens. And thanks to all who brought the delicious food. Thanks to all who attended, and those who celebrated from afar – you are the ones who make OVEC rock, you are the ones who are responsible for our 20 years of standing our ground!

Kayford Mountain prayer vigil: Thanks to Larry Gibson, for hosting; Robin Blakeman, for organizing and developing the service; Rev. Dennis Sparks, Rev. Jim Lewis, Allen Johnson, Dana Kuhnline, students from Pfliffeir College, Carol Kirkpatrick, Pauline Canterberry, Lilly Cavanagh Brenda McCoy, Donetta Blankenship, Michael Morrison, Donna Branham, Kathryn Stone, Regina Hendrix, Wilma Steele, Rose Edington, Mel Hoover and many others; and to all the people who helped with turnout for the event!

“This Land is Our Land” Picnic in Mingo County: Thanks to Donna and Charlie Branham, Wilma and Terry Steele, and Walter and Carol Young for planning the event.

Ansted area: Thanks to Katheryn and John Hoffman, Roy and Jane Crist, Cary and Karen Huffman and Bev Walkup in the Ansted area, who are working hard to protect and organize their community from outlaw strip mining. Special thanks to Derek Teaney for his invaluable legal advice.

Fayette County: Thanks to L.P. for all his help and advice in organizing.

OVEC’s strategic planning weekend: Thanks to all who attended and to Abe Mwaura and Tricia Feeney for so much work in making it happen.

Membership appeal: Thanks to Chuck Nelson, for writing; Michael Morrison for working two days on the mailing.

WV Council of Churches public policy forum: Thanks to Donetta Blankenship and Brenda McCoy for representing OVEC and speaking about water issues in Mingo Co.

Public Energy Authority hearings: Thanks to all who attended and spoke, with a special shout-out to Brenda McCoy.

Buffer zone hearing: Thanks to all who attended and who planned the event, made signs, and called media outlets.

Flyovers: SouthWings volunteer pilots and staff for continued incredible support.

continued on page 20

Public Energy Authority Not Serving Public **Manchin's Coal-to-Liquids Energy Plan Gets Little Support**

Excerpted from an Oct. 26, 2007, Charleston Gazette article by Ken Ward Jr.

Gov. Joe Manchin's proposed state energy plan received little support again Thursday at the last of three Public Energy Authority hearings.

Residents repeatedly attacked Manchin's blueprint for its focus on increasing coal production by building plants to turn coal into liquid fuel.

"I really don't want to encourage any more coal production, and that seems to be your sole objective," said Don Gasper, a retired state biologist and member of the West Virginia Highlands Conservancy board.

Gasper was among more than 50 people who turned out for the Charleston hearing, hosted by the PEA and the new state Division of Energy.

Only Bill Raney, president of the West Virginia Coal Association, spoke specifically in favor of Manchin's focus on building coal-to-liquids plants.

Raney praised the formation of a state energy plan, especially with the coal industry "under siege" by environmental group lawsuits and proposals to regulate greenhouse gas emissions.

Mingo Residents Gather to Celebrate, Better their County

On Sept. 29, more than 70 people gathered at Laurel Lake in Mingo County for a community picnic, enjoying gospel and country music and good food provided by citizens from across the county.

The picnic, titled "This Land is Our Land, This Land is Our Home," was organized by OVEC members and supporters from Mingo County, folks who have a concern for what is happening to the water, land and economy in Mingo County.

"We wanted to bring people together to share ideas on how we can better our communities," said Donna Branham of Lenore, one of the event's organizers. "Because people need to see that where we live is something worth throwing your shoulders back for. It's something worth saving."

Branham mentioned the need for citizens to speak up about how to make the county more prosperous. She encouraged people to contact their county commission and redevelopment authority with ideas and suggestions. She also mentioned the Clean Elections campaign in the state, "so that we can get politicians into office who are accountable to the people and not to the big businesses." Everyone was

...Thursday's hearing focused on the heart of Manchin's energy plan: A proposal to "displace" 1.3 billion gallons of annual state oil consumption – a cut of about 60 percent – by 2030. The governor wants, and his plan proposes, to meet two-thirds of that goal by replacing oil with liquid fuel made from coal.

The plan proposes to build 10 liquid coal plants. Feeding those plants would require a 15 percent increase in yearly state coal production, the plan says.

Vickie Wolfe of South Charleston explained that liquid fuels made from coal are less efficient than gasoline or diesel fuel (and) burning liquid coal in vehicles would still produce more carbon dioxide emissions than petroleum-based fuels, even if scientists find a good way to capture and bury emissions from the conversion plants themselves.

Wolfe also cited polling data that shows few Americans support coal-to-liquid proposals and that West Virginians oppose mountaintop removal by a 2-to-1 margin.

...Mingo County resident (and OVEC member) Brenda McCoy gave each PEA member a sample jar of her family's blackened water that she said was polluted by coal slurry that was injected underground. 🍌

also invited to fly over the county in a free small airplane ride provided by SouthWings and OVEC on October 13.

"I've got a whole sack of grandkids now and we have to think about what they will be left with if things keep on as they are," said Donna's husband Charlie. "We have to take part in making sure they have land to live on and good water to drink and fish in."

A variety of groups were present at the picnic, with a variety of concerns. Wilma Steele, an area high school art teacher who lives in Meador, helped to organize the event out of concern for "our state and the people in it." Said Steele, "Sometimes we don't realize other people care, and this was a good place to bring us together."

Citizens at the picnic talked both generally and

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OVEC Works! Thanks!

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Mingo County meeting space: Larry and Brenda Brown.

Editing: Laura Bannon, Mary Wildfire, Greg Wood

Phone calling / phone banks: Thanks to Lilly Cavanagh and Michael Morrison for the countless phone calls you've made.

Charleston Area Youth: Thanks to Danny, Trevor, Heather, Leah, Megan, Zach, Kelly, Dana, Jennifer who are all working to organize in solidarity with communities that are directly impacted by mountaintop removal.

Planning on approaches to end cemetery destruction: Lois Armstrong, Larry Gibson, Regina Hendrix and Bill Price and Dianne Bady.

Water testing: Thanks to Lon Wilson for his years of patient work and deep concern for his community.

Cabin Creek: Owen and Kathy Stout for helping with media and your local organizing.

Prenter and documentation of contaminated water: Chuck Nelson, Bobby Mitchell, Patty Sebok and Matt Noerpel.

Assorted mailings: David Duke, Michael Morrison, Ronda Harper, Tom Jones and John Taylor. **Special thanks to Automated Mailing of Huntington, for extremely generous help with our mailings,**
WWW.AUTOMATEDMAILING.COM.



The Appalachian Adventure

In October, a group of nursing, pharmacy, physician assistant and medical students from schools across the state went on an “Appalachian Adventure,” a yearly event designed to focus aspiring health care professionals’ attention on rural Appalachia.

The program, administered the WV Rural Health Education Partnership, helps students learn more about our state, its culture, its history and its people.

This year’s program focused on mountaintop removal and its relationship to the health of the state and its citizens. Participants met with OVEC members, staff and residents whose lives and health have been affected by mountaintop removal. They capped off their day with a visit to Kayford Mountain.

After the experience, one student wrote, “Mountaintop removal is taking the wild and wonderful out of West Virginia and replacing it with worthlessness and waste.”

Here, as students look out over Kayford Mountain, Larry Gibson speaks with Dr. Carroll Christiansen of Roane County, while Chuck Conner, a site coordinator for WVRHEP, snaps a shot. 🍌

Oh, Yeah, That's A *Great* Spot for A Mountaintop Removal Mine!

Folks in Ansted are busy fighting a mine near Hawks Nest State Park. In late summer, over 80 people attended a public hearing about the permit.

Many of those same people are now researching the permits as they prepare for permit appeals, and they are working to expose the Department on Environmental Protection's, um, let's say missteps with the permitting process for this mine.

The company began mining **without all their permits** and DEP didn't seem to care. Well, DEP did issue five violations before the site was even permitted. DEP then issues a cease and desist order, but the agency extended that order, meaning the company could go on working.

The mining would be visible from the New River Gorge Bridge – what a way to spoil one of the state's top tourist attractions!

A Call to Action from Ansted's Cary Huffman

If big business has its way, the beautiful mountains that surround our quaint little town of Ansted in Fayette County are in jeopardy. Our viewshed is in jeopardy.

The mountains slated for destruction rise between two beautiful rivers, which provide enjoyment, adventure and relaxation for so many, from in-state and beyond – the New River Gorge National River *and* the Gauley River National Recreation Area.

Citizens across the coalfields complain about strip mining. They say blasting rattles homes and cracks foundations, mud and chemicals are dumped into streams, scalped forests and hills contribute to flooding and valley fill waste piles bury hundreds of miles of streams. Is this what we really want? I think not!

Ansted sits along the US Route 60 Scenic Highway. The Old Midland Trail runs through the center of our town.

Tourists come to our community for so many reasons. These include the nationally-acclaimed Blue Smoke Specialties manufacturing facility, the Ansted Cultural and Heritage Museum, the African-American Museum...and

Mingo Picnic

continued from page 19

specifically about what they want to see happen in the county, including the need for a database of elderly or disabled people who might need assistance from county officials to evacuate in the event of an emergency, such as a sludge dam failure.

"I'm glad I came to the picnic," said Amber McCoy, 14, of Matewan. "I thought it was a good opportunity to



Near Ansted, mountaintop removal began before the permit was issued. *Photo by Father Roy Crist*

many more historical attractions.

Also located within our town limits is Hawks Nest State Park, the crown jewel of all the state parks in Southern West Virginia. The Hawks Nest Rail Trail is enjoyed by visitors and locals alike, who enjoy hiking through beautiful scenery alongside a babbling brook.

These are just a few of the many attractions bringing visitors here already, and the tourism industry in Fayette County continues to grow.

If you visit our area, be sure to cross the famed New River Gorge Bridge, spanning our "Grand Canyon of the East."

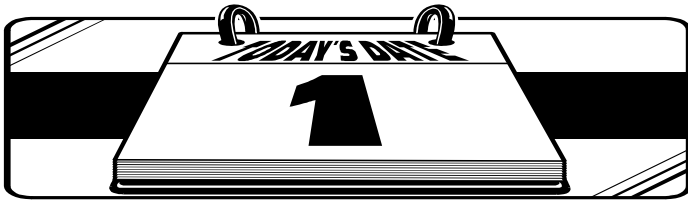
When coming from the north on Route 19, look to your right (or from the south, look left). You will see, maybe for the last time, part of a viewshed that is so critical to the beauty of our pristine area.

In the future will we still be known as "The Mountain State"? Or will we be known as "The Wasteland of the East"?

Folks, we're fighting for our future. Come join us! To get involved, contact Abe at abe@ohvec.org or (304) 633-6976. 🍂

find out about the people and groups interested in helping our community, and I've already talked to people in my group about it." McCoy founded R.O.A.R., Restoring Our Appalachian Respect, a group of teens in Mingo County that want to help their community.

Musicians playing at the event included Howard Branham of Ragland, Tolbert Marcum of Canada, KY, and Ralph Curry of Chapmanville. 🍂



CALENDAR

Up! West Virginia. Co-sponsors at this time include OVEC and Christians for the Mountains. See WWW.PATCHWORKFILMS.COM/WVHILLS.HTM.

December 4: 6:30 – 8:30 p.m. *Leveling Appalachia.* Charleston-area youth gathering, to learn about mountaintop removal and how to organize successful campaigns to protect our communities. At the Unitarian Universalist Church, 520 Kanawha Blvd. W., Charleston, WV. **Please RSVP by Dec. 1.** E-mail levelingappalachia@gmail.com or call (304) 288-6604. Include your group's name, school / program affiliation, number attending and contact information.

2008

January 12: 7 p.m. in the LaBelle Theatre at the South Charleston Museum, 311 D St., South Charleston, WV. World premiere of B.J. Gudmundsson's newest film, *Rise*

This Summer's Story – Voices of Those Hurt by Mountaintop Removal Mining

by Shannon Bell

"To be a person is to have a story to tell." – Isak Dinesen

There is nothing more worthwhile in my mind than sitting on a front porch and listening to someone tell his or her story. This summer, I had the pleasure of doing just that – listening to the stories of the courageous individuals in the environmental justice movement who are standing up to the coal industry to hold it accountable.

Their stories have become part of my story – the story I take with me back to Oregon, where I'm in graduate school, to share with the students I teach and the friends with whom I talk.

The coalfields of West Virginia became part of my story back in 1999 when I first came to Cabin Creek in southeastern Kanawha County to work as a service-learning intern at Cabin Creek Health Center.

I moved out to Oregon in 2005 to the University of Oregon. I've spent parts of the last two summers volunteering with the environmental justice movement and collecting interviews for what will (hopefully) become a dissertation some day.

My project this summer focused on those individuals who are speaking out against mountaintop removal and other coalfield injustices. This is the story of the community – the family – that has emerged within the environmental justice movement. People talked about the unconditional support and strength they feel from the people they have met through their work. While some people admitted that they have lost some friends due to speaking out against coal, they were

March 1: Deadline for submission to MotesBooks for an anthology of student work to be published in 2008 on mountaintop removal. Working title for this book is *We All Live Downstream: Young Americans Reflect on Mountaintop Removal Mining*. Students up to age 24 – elementary, middle, high school, college – are encouraged to submit. Before submitting anything, please read complete guidelines at WWW.MOTESBOOKS.COM.

March 28-30: 31st Appalachian Studies Conference, held this year in Huntington, WV. See WWW.APPALACHIANSTUDIES.ORG/CONFERENCE/. 🍄

quick to tell me that they have made far more friends than they have lost. These quotes speak to that story:

"The friends that I had before, we were friends because we were in the same community, but ... there's a commonality here [within the movement] that we're doing something that is beyond us, and that has brought us together ... there is a sense of family and a sense of unity, and a sense of union. And frankly, these people are neat, I mean, these are my heroes, you know – Judy Bonds, Larry Gibson, all these people who [do this] with little resources and just a big heart and a big sense of responsibility." – Bill Price

"We've bonded together... We're all sisters. We're the sisterhood – Don't mess with the sisterhood!" – Winnie Fox

"I guess the only way I can put it, I really didn't realize that there was so many caring people out there. And, what makes it even greater – to see so many young people out there wanting to make something better – you know, it just, I guess like Kathy Mattea said yesterday, the word "overwhelms"... I think about that so much. I've met so many friends and everybody's been great to me." – Donetta Blankenship 🍄

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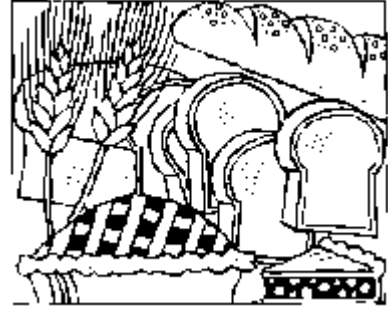
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taking the time to recycle. You've kept some plastic out of the waste stream and you've helped OVEC's cash stream.

Unfortunately, we have recently received word that the program has been discontinued. If OVEC can find a new cost-effective cartridge return program, we will alert you via e-mail and our website.

Eat for OVEC

Another way to support OVEC has taken off. Remember, if you shop at Krogers, you can have 5 percent of the money you spend go to OVEC.

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***This Can't
Happen in
America,
Can It?***

***No, Only in
Central
Appalachia -
So Far***

At the prayer vigil on Kayford Mountain, the looks of worry and disbelief on the faces of these students speak volumes. Many were seeing mountaintop removal for the first time.

photo by Janet Keating

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