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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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Dispatches from the belly of the beast

WIN SOME, LOSE SOME: THE 2008 LEGISLATIVE SESSION

By Donald S. Garvin, Jr., John Christensen and Vickie Wolfe

According to the Legislature's web site **2,134** bills were introduced during the 2008 Session of the West Virginia Legislature that ended on March 8, with only **250** of those bills ultimately being passed by both the House and the Senate.

Here is a brief summary of some of the environmental bills that made it through the sausage-grinding process, and some that did not.

SB 770 – The McDowell County Mega-Landfill Bill: This was truly an ugly bill that would have encouraged the importation of out-of-state garbage by offering to reduce landfill tipping fees statewide. It was simply another attempt to raise the tonnage cap at the McDowell landfill and turn it into a mega-dump

for East Coast garbage. This bill was fast-tracked and passed by the Senate. Thanks to a lot of hardwork by WVEC lobby team member John Christensen, and a strong showing by grassroots folks at the public hearing, the bill was never taken up for consideration by the House Finance Committee and died a well-deserved death.

HB 4267/SB 438 – DNR Rules on Drilling in State Forests: This was a good piece of legislation that was passed by both chambers. It was basically a response to terrible land management practices by an irresponsible oil and gas operator at Kanawha State Forest, but morphed into a rule that would apply on all State Forests. The rule provides for increased protection and oversight of drilling activities on State Forests, and also increases public involvement in the process. Kudos to long-time public interest lobbyist Dave McMahon for his leadership on this rule.

HB 4438/SB 626 – Expedited Air Pollution Permits for Minor Sources: This is a truly

ugly bill that basically allows construction to begin on minor-source facilities and modifications to minor-source facilities before their air pollution permits are approved! This was a Chamber of Commerce sponsored bill that they have been pushing for several years, and this year the Department of Environmental Protection (DEP) got on board in support. The basic premise of the bill is simply bad public policy. The WVEC lobby team negotiated some amendments to the bill that would have improved it somewhat. Those amendments were accepted by the House, but were mostly gutted by the Senate. The bill passed in the final hours of the last night of the session.

SB 622 – Voluntary Rural and Outdoor Heritage Conservation Act: This is a good bill that began as an Interim Study on creating a mechanism and funding source for farmland and natural resource preservation. The bill was subjected to an arduous track through the legislative process, but was finally approved by both

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DON'T FORGET

The West Virginia Highlands Conservancy's Spring Review is April 18-20. For full details see pp. 8-9.

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From the Heart of the Highlands
by Hugh Rogers

Can He Say It?

As the long, long primary campaign reached Pennsylvania (while still trudging on through West Virginia, North Carolina, Indiana, Oregon, Puerto Rico, . . .), we finally heard a memorable speech: Senator Obama addressed the nation's persistent resentments and fears about race. It made me wish we could hear some truth-telling about our dependence on coal.

Not everyone agrees with me about the race speech. Of course he had to say something—he was getting hammered for the vituperative remarks of his pastor.

Reverend Wright wasn't the first to embarrass a candidate with whom he had a close connection. Conventional wisdom urged a quick disavowal and a sprint away from the offender. Obama didn't do that. Instead, he seized the moment to ask something of his audience: will you try to see our historic situation from another person's point of view? With unpolitical candor, he laid out how he in particular and we in general got to this point; how we have tended to get stuck; how our stuckness has been used against us; and how we might move beyond that place toward "a more perfect union."

It was an exhilarating gamble.

In spite of my admiration for that speech, though, my purpose here isn't to praise Obama—in fact, the opposite. He has refused to come clean on the true cost of coal. Campaigning in our state, he said his home state of Illinois is also a "coal state," beyond that it was all winks and nods. In return, he got the winks and nods of our elected "superdelegates," who want nothing more than business as usual while our coalfields go to hell.

Searching the candidates' websites for environmental issues is a dismal business. This election won't be about who's greener. On energy as on practically every issue, there is little difference between the Democrats. Both Obama and Senator Clinton favor a cap-and-trade system for carbon emissions; so-called energy independence; higher fuel economy standards; more research and development; and the nauseatingly familiar oxymoron, "clean coal."

Give Senator McCain credit for avoiding that phrase. Instead, "He has offered common sense approaches to limit carbon emissions by harnessing market forces that will bring advanced technologies, such as nuclear energy, to the market faster . . ." (Repeating the word "market" is a Republican tic.) Hey! Did he say "nuclear energy?" That might distract us from wondering what else he means by "advanced technologies." But I think I know.

Along with "common sense approaches," McCain offers comic relief. "He believes that ignoring the problem reflects a 'liberal live-for-today' attitude unworthy of our great country . . ." Shame on those Al Gore liberals!

Not to ignore Ralph Nader, his site balances McCain's: "No to nuclear power, solar energy first." Although he doesn't specifically mention coal, he does seek a carbon pollution tax. That's it.

So who will be the first to admit that King Coal has no clean clothes?

Nader could do it, but this time around no one is listening to him. McCain could do it, but he's not the maverick he was twenty-

Hugh's not finished; see the denouement on p. 3.

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ALL TERRAIN VEHICLES IN CHIEF LOGAN STATE PARK?

Chief Logan State Park is an oasis in Logan County amid massive destruction done by mountain top removal coal mining. And adding insult to injury, mineral owners recently threatened to drill thirty-five gas wells in the park or sue the state for millions of dollars in "takings". Now comes more insult in the form of all-terrain vehicles (ATV's).

Friends of Chief Logan State Park (FCLSP) say a plan is being hatched to connect the Hatfield-McCoy ATV trail to the Chief Logan State Park Lodge. The connector would go through four miles of the park before arriving at the Lodge. The lodge stands on an old strip mine but the four-mile trail would cut a swath through park land that so far has not been assaulted by coal mining nor gas wells.

A FCLSP flier says that, "Four wheeled, motorized vehicles pose a serious threat to wildlife that is protected within the confines of

the park. Conservation officers note that easier access to lands not currently open for hunting would create a whole new area of poaching. Loss of vegetation on trails would result in erosion thus greatly impacting the park habitat." ATVs are not allowed in any of the thirty-eight state parks. Creating a connector would set a precedent to allow access in other state parks.

The West Virginia State Parks website states that the parks are places of quiet and solitude. ATVs in Chief Logan would surely disturb the peace and quiet of the park.

Jeff Lusk, executive director of the Hatfield-McCoy Regional Recreation Authority, was quoted in the Logan Banner as saying that the site for the four-mile trail "...will have very little impact on the park itself as it consists of an old goat trail around the ridge of the mountain."

Follow the politics and money might be

the best advice here. The Logan Banner reported that Senate President, Earl Ray Tomblin of Logan County has asked the Hatfield-McCoy Regional Recreation Authority to, "cut a path" to the lodge. The huge, and by my eye ugly, new lodge is underused with only 25.83% in 2006-07. The lodge is in a location where use is not likely to increase.

To register your opposition to ATVs in Chief Logan State Park and all state parks please contact Ken Caplinger, Acting Chief of State Parks & Recreation, 1900 Kanawha Blvd. East, Building 3, Room 715, Charleston, WV 25305-0662. Call him at 304-558-2764 or email at kencaplinger@wvdnr.gov.

The Friends of Chief Logan State Park will appreciate your help. No doubt friends of all our state parks will be appreciative.

MORE FROM PRESIDENT HUGH

five years ago. Clinton could do it, but only if her favorite adviser-of-the-day said it would absolutely certainly triangulate. I think Obama is still our best bet.

Look, he got clobbered in the Appalachian counties in the Ohio primary. He hasn't responded to the environmental crisis, but he might respond to a political crisis. That's what he did on the subject of race, transforming a narrow political liability into an opportunity to tell a broader truth.

I'm not asking him to declare an ultimate solution. I'd be happy if he followed the model of that earlier speech: say it's not black-and-white, say both miners and those who live near the mines are hurting, and the earth's hurts here are permanent. Say he's from a coal state, so he knows that coal has devastated southern Illinois. Forty-five

years ago, Harry Caudill wrote in *Night Comes to the Cumberland*s, "The rape of Appalachia got its practice in Illinois."

Real progress on climate change and healing for Appalachia both require that we solve the problem of our dependence on coal. So does the split between labor and environmentalists in the Democratic Party. Progress and healing won't begin until we admit that there's no such thing as clean coal.

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The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

SUIT AIMS TO BLOCK GREENBRIER PLANT

By Ken Ward Jr.

The West Virginia Highlands Conservancy wants a circuit judge to order state regulators to revoke a key permit for the proposed Western Greenbrier Co-Generation plan. Lawyers for the Conservancy filed suit Wednesday to try to force the state Department of Environmental Protection to act.

The suit alleges developers have waited too long after receiving a DEP air pollution permit to begin construction of the \$416 million facility. The Conservancy suit was filed Wednesday in Kanawha Circuit Court by Derek Teaney and Joe Lovett, lawyers with the Appalachian Center for the Economy and the Environment.

Western Greenbrier hopes to build the plant near Rainelle. It would burn coal and coal waste, helping to clean up a nearby gob pile at Anjean, developers say. But environmentalists are concerned about air emissions and other pollution from the project. "From the beginning, we have been concerned about toxic emissions from the WGC plant," said Beth Little of the local group Cleanbrier. "The Greenbrier Valley is already near federal health limits for air pollution, and we are anxious about the health of our citizens, especially our children and elderly, who are more apt to suffer from asthma and other respiratory problems," Little said.

Originally, the Western Greenbrier plant was estimated to cost \$215 million, and developers hoped to get half of that money from the

Department of Energy's clean coal program. But costs have risen to \$416 million, and developers have said they are facing financial problems.

The Conservancy's lawsuit notes the plant's permit was approved by the DEP in April 2006. Under state rules, the DEP is required to revoke the permit after 18 months if the company does not submit "written proof of a good-faith effort that such construction ... has commenced."

About 18 months after the DEP approved the Western Greenbrier permit, the company submitted an October 2007 status report that said options to purchase land had been signed, permits obtained and engineering firms chosen.

John Benedict, director of the DEP Division of Air Quality, said earlier this week that no decision had been made on whether the status report was adequate.

"We have not made a formal determination yet," Benedict said.

The lawsuit asks for a court order to force the DEP to revoke the permit or conduct a new permit analysis.

Wayne Brown, a spokesman for Western Greenbrier, said the company has not started construction because it is waiting for final approval from the U.S. Department of Energy.

This article originally appeared in the Charleston Gazette.

THE REST OF THE STORY

By Beth Little

I attended a public meeting on March 6 at the Greenbrier West High School that was billed as a status report on the Western Greenbrier CoGen (WGC) plant.

The bottom line is: they are in trouble. The Western Greenbrier CoGeneration bond debt service ratio, based on projected revenue and expenses, is 1.85/1, but Citigroup, who would issue the bonds, requires a ratio of 2.1/1. In lieu of the 2.1 ratio, Citigroup has required a \$25,000,000 contingency fund be set up, and that's what WGC needs to come up with to move ahead.

Their action plan is simple – BYRD, BYRD, BYRD.

They passed out a petition to be sent to Senator Robert C. Byrd and asked everyone to sign it and take it to friends and neighbors. They read a letter to Mr. Byrd to be signed by Ralph Williams, an ex-state senator and reputed friend of Mr. Byrd. And they have requested a meeting of principals with Mr. Byrd to plead for help. They also want Governor Manchin and Congressman Rahall to help.

They had a list of CHALLENGES:

- * bond market turbulence
- * \$25,000,000 contingency fund
- * BOP cost uncertainty (see below)
- * GE priorities (something about coal fired steam power plants that I didn't get clearly)
- * 2.1 bond debt service ratio
- * NEPA ROD uncertainty (see below)
- * environmental settlement agreement (see below)

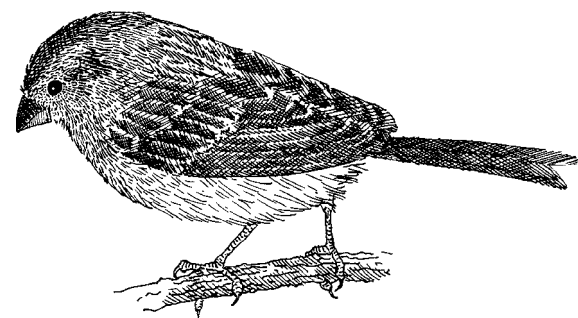
BOP is "balance of plant" and the cost uncertainty is because the demand in China for the labor, engineering and materials to build

coal fired power plants is making the costs go up and putting the availability of these things in question.

The fact that DOE hasn't issued the ROD was listed, but when asked what was holding it up, the answer was a vague "variety of reasons" "not a conspiracy, just bureaucratic delay."

The "environmental settlement agreement" is us, CLEANBRIER, which is an unofficial group of local citizens and representatives from the three litigants of the air quality permit – WV Highlands Conservancy, WV Chapter Sierra Club and Greenbrier River Watershed Association.. We, Cleanbrier, held a meeting March 22 and made a final decision not to accept their numerous inadequate attempts at settlement and to issue a press release about our further legal action as reported by Ken Ward.

There was more, and I will send the full report to anyone who wishes – let me know at blittle@citynet.net.



THE REST OF THE REST OF THE STORY--HOW YOU CAN HELP

Contact somebody:

Letters are better than petitions. Please write Senator Byrd and ask him not to spend any more taxpayers money on this bad idea. AND SEND A COPY TO ME SO WE WILL KNOW HOW OUR LETTER CAMPAIGN IS GOING. If you have email, send to blittle@citynet.net. If not, stick a copy in my mailbox or just call and let me know you did it – 653-4277 AND FORWARD THIS TO ANYONE YOU CAN THINK OF.

Senator Byrd's address in Charleston (works better than DC; email and fax work too):
 Senator Robert C. Byrd
 300 Virginia St, #2630
 Charleston, WV 25301
 fax: 304-343-7144
 email: from his website - <http://byrd.senate.gov/>

Congressman Rahall's address:
 Representative Nick Rahall
 301 Prince St.
 Beckley, WV 25801
 fax: 202-225-9061
 email: nrahall@mail.house.gov

Governor Manchin's address:
 Governor Joe Manchin
 1900 Kanawha Boulevard E
 Charleston, WV 25305
 Email: Governor@WVGov.org

SUGGESTIONS ON WHAT TO SAY:

- Although there is no such thing as coal that is truly clean, WGC is advertised as a “clean coal” plant. WGC is not a “clean coal” plant. There is a comparable plant already permitted in PA (Greene County) that will put out less pollution than WGC will, and one in WV (Longview) that also is less polluting. Clean coal funding should be reserved for truly cutting edge technologies, such as coal gasification, not old-technology plants that burn gob and/or blended coal. The only “innovation” with WGC is the inverted cyclone separator; all this does is place the separator upside down, resulting in a smaller footprint for the plant. This technology already is being used in China.
- WGC fails to use state-of-the-art pollution control technology. WGC proposes to emit up to 1.3 million pounds of SO₂ per year, and 1.1 million pounds of NOX per year. Ozone in the lower atmosphere causes smog, affecting individuals with chronic respiratory diseases like asthma.
- WGC proposes to emit up to 28 pounds of mercury per year. Mercury is a known and potent toxin to the central nervous system, endocrine system, and kidneys. Pregnant women and children are especially vulnerable to the effects of mercury. There is already a fish advisory in WV streams because of mercury.
- WGC will contribute to global warming by emitting up to 1.7 billion pounds of CO₂ per year. Burning coal and/or gob creates more CO₂ per BTU than any other alternate fuel. Leaders in science and the energy industry agree that limits must be placed on CO₂ emissions. New plants should provide for adding these limits in the future, but this plant does not.
- Taxpayers' money should not be used to clean up a mess created by the coal industry. Instead, funds from SMCRA's Abandoned Mine Lands fund, which come from coal companies, should be used to clean up the Anjean gob pile.
- The water supply in the Rainelle, WV, area may be insufficient for WGC's needs. WGC proposes to divert up to 40% of the flow of the Meadow River **or another comparable withdrawal limitation measure determined in consultation with the state**. The middle Meadow River is used by locals for fishing and recreation, and the lower Meadow River attracts whitewater kayakers and boaters from all over the U.S. and world. In addition, WGC will draw down the groundwater and affect people's wells.
- Truck traffic on an already-dangerous U.S. Route 60 will skyrocket as a result of WGC. WGC will require up to 97 round-trips on U.S. 60, WV 20, or County Route 1 from 8:00 a.m. to 5:00 p.m.
- If, as WGC suggests, jobs are the issue, the \$107 million U.S. government investment would be better spent by forming a labor-intensive enterprise, such as a re-constituted Civilian Conservation Corps (CCC). With \$107 million, a CCC could hire some 160 workers for 20 years at \$12 per hour with full benefits, including health insurance. WGC proposes to create only 55 direct jobs, less if the proposed cement kiln fails to materialize. No business plan or market for the cement kiln is known to exist at present.

Speakers Available !!!!!
 Does your school, church or civic group need a speaker or program presentation on a variety of environmental issues? Contact Julian Martin at 1525 Hampton Road, Charleston, WV 25314, or Martinjul@aol.com, or 304-342-8989.

Your comments and opinions are important to us.
 Please email any poems, letters, commentaries to the VOICE editor at johnmcferrin@aol.com or real, honest to goodness, mentioned in the United States Constitution mail to John McFerrin, WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

MONONGAHELA ACT KEEPS MOVING THROUGH CONGRESS

The historic Wild Monongahela Act continues to advance on Capitol Hill, as the first legislation to protect the Monongahela National Forest in over 25 years goes through committee proceedings in the House of Representatives. As this landmark effort gets closer to becoming a reality, the voice of West Virginia's citizens continues to play an important role.

In its current state, the Bill aims to expand the existing Cranberry, Otter Creek and Dolly Sods Wilderness areas while protecting Big Draft, Spice Run, and Roaring Plains West as newly designated Wilderness. Unfortunately some of the most critical areas on the Mon would be left unprotected, omitted from the legislation.

At this point in the legislative process, we must continue to take action, contacting the members of West Virginia's Congressional Delegation, especially Senators Robert C. Byrd and John D. Rockefeller. Thank them and let them know you support their efforts to protect our state's wild places and urge them to consider Wilderness designation for critical areas such as Seneca Creek and Roaring Plains North and East.

Contact your Senators today. Let them know why a Wild Mon is important to you!

The Honorable Robert C. Byrd
311 Hart Senate Office Building
Washington, DC 20510
(202)-224-3954
Fax: (202) 228-0002

The Honorable John D. Rockefeller IV
531 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-6472
Fax: (202) 224-7665

BROCHURES

The West Virginia Highlands Conservancy has joined with the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Voices, Kentuckians for the Commonwealth, Keeper of the Mountains Foundation and Christians for the Mountains have put together a new brochure entitled "**Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!**" For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

Quantities are available for teachers, civic and religious groups and anyone who can distribute them.

DENNISON TO FOCUS ON WILDERNESS COALITION'S SPIRITUAL CAMPAIGN

Last year, after the youth group from Shepherdstown Presbyterian Church visited several proposed wilderness areas on the Mon with their leader, Brandon Dennison, they realized the importance of protecting these wild places. The group drafted a persuasive document full of photos, poems and journal excerpts titled *We Want More Wilderness*, which was sent to the members of West Virginia's Congressional Delegation. They later traveled to Washington, D.C. to directly lobby Congress for additional wilderness on the Mon.

Now Brandon hopes to continue his leadership in a greater capacity and make the same impact on congregations statewide in his new role with the West Virginia Wilderness Coalition, focusing on outreach in the Spiritual Campaign for Wilderness.

"I just feel really strongly about being good stewards of God's creation and this provides a good opportunity to put one's love of God and love of wilderness into action," he said.

The Spiritual Campaign for Wilderness started in 2006 with the release of *God's Gift of a Wild and Wonderful Land, a Christian Declaration of Spiritual Values in the Monongahela National Forest*, which was sponsored by several statewide and regional organizations including West Virginia Council of Churches, the Commission on Religion in Appalachia and Christians for the Mountains.

Originally from Cabell County, Brandon is a senior at Shepherd University and will soon graduate with a degree in political science. Although his work will include giving presentations and circulating campaign materials such as the Declaration of Spiritual Values, Brandon hopes his outreach will entice people in the faith community to visit the Mon's special places, in turn increasing awareness and stewardship, as was the case with the members of the Shepherdstown youth group.

"I feel closest to God in the wilderness and the only way you can experience that closeness is to experience it for yourself," he said.

Contact Brandon at bmdherdfan@aol.com to receive more information and materials or to arrange a presentation for your congregation or faith-based organization.



BUMPER STICKERS



To get free I ❤️ Mountains bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)

Also available are the new green-on-white oval Friends of the Mountains stickers. Let Julian know which (or both) you want.



the clock keeps ticking....and ticking.... and ticking

WHO WILL PAY?

By Cindy Rank

In the January 2008 issue of the *Highlands Voice* our noble editor, one time president and prior to that, chair of the mining committee, described in some detail the bonding requirements in the Surface Mine Control and Reclamation Act (SMRA).

Briefly recapping here, the 1977 federal Surface Mining Act (SMCRA) set forth ways to fix problems caused by past mining and to prevent similar problems in the future.

To reclaim orphaned mine sites abandoned prior to the passage of SMCRA in 1977 the law requires coal operators to contribute to an Abandoned Mine Lands Fund that would provide enough money to fix those sins of the past. [The AML Fund is a saga all its own, but not one this article will address.]

To prevent similar problems in the future, SMCRA requires mines in operation after 1977 to meet certain performance standards and every company seeking a permit must post a bond sufficient enough for the state to step in and complete reclamation if for any reason the company fails to do so. — i.e. basically creating an insurance policy that would be given over to the state in the event a company leaves/quits/goes belly-up before completing the project.

West Virginia assumed primacy for enforcing the Surface Mine Act in the early 1980's. As part of the state program, West Virginia originally required companies to post bond in the amount of \$1,000 per acre and to contribute a couple [i.e. 2(two)] additional pennies for every ton of "clean coal mined" to a "bond pool" or Special Reclamation Fund.

[NB: EVERYONE KNOWS THERE IS NO SUCH THING AS "CLEAN COAL", BUT THIS IS TERMINOLOGY IN THE LAW ITSELF THAT DESCRIBES COAL THAT IS READY FOR SALE...i.e. AFTER CERTAIN IMPURITIES AND UNDESIRABLE ROCK ARE REMOVED SO THAT THE COAL BURNS EASIER.]

The Special Reclamation fund was to provide a cushion, an additional source of money for use by the state if the forfeited bonds weren't enough to complete reclamation and meet the requirements of SMCRA and the Clean Water Act at the forfeited mine sites.

The adequacy of the bond program — both the individual bond amounts and the pennies/ton to be paid into the bond pool — has been the focus of numerous comments, testimony to state legislature and congress, administrative appeals and litigation by the WV Highlands Conservancy over the past 20 years.

In no small part prompted by our actions, the amount of bond/acre and number of pennies/ton of coal have changed over the years. E.g. bonds eventually increased to a max of \$5,000 per acre and contributions to the bond pool raised

to 3 cents in the early 1990's. Then, as a result of our 1999 litigation, that 3cents per ton became 7 with an additional 7 cents for a couple of years, etc.

However, over the years, the state regulatory agency (WV Department of Environmental Protection — WVDEP) has failed to accurately define the liabilities incurred when mine permits are forfeited — i.e. the cost of land reclamation at giant mines and the cost of ongoing water treatment to control acid and metal pollution. Those liabilities continue to rise more than any itsy-bitsy attempts at short-term fixes occasionally approved by the legislature.



Consequently, we now find ourselves in a hole deeper and darker than ever.

In his January article John described the state of the Special Reclamation Fund as we approached this year's annual Legislative session. By all reports the fund will be broke by about 2009.

In response to our 1999 litigation, WVDEP proposed a short-term fix for the Fund. The Office of Surface Mine agreed to accept the plan and Judge Haden allowed it to be implemented. However the court ruling also created an Advisory Council to at last seriously study the long term cost required to fix both land and water problems at forfeited mine sites. The Council was charged with the responsibility of recommending to the state Legislature plans that would adequately resolve the long-term financial deficiencies of the Fund.

During the regular 2007 Legislative session, the Legislature failed to implement recommendations of the Advisory Council in spite of the overwhelming evidence that the Fund would be broke in the next couple of years and the liabilities would continue to mount. Judge Haden's ruling allowed us to return to court if problems with the Special Reclamation Fund continued beyond the short-term plans initiated in 2002-3. When the

Legislature failed to act during the 2007 session, our lawyers moved to reopen the case.

In October 2007 the court held a pre-trial conference and decided give the Legislature one more chance to remedy the situation and deferred action until after the 2008 session of the Legislature.

Surprisingly (to me at least) the Advisory Council recommended relatively substantial change and long term solutions for the Legislature to consider in January. Its recommendations addressed both the cost involved to adequately repair the damage to the land to provide for ongoing water treatment needed at many of the forfeited sites where acid mine drainage and metal pollution remains a problem.

Sadly, this Legislative session again avoided any notable change in approach. Recommendations from the Advisory Council underwent legislative tweaking [surely at the behest of industry] such that the final version of Senate Bill 751 is - at best - a confusing short term band aid. With no requirement for increased funding from industry beyond one more year, SB 751 merely postpones the inevitable failure of the Special Reclamation Fund after another year or two on temporary life-support.

As I write this update, several major questions remain.

1) Even if Senate Bill 751 does become law, it is questionable if it would be re-enacted beyond next year.

3) Even if SB 751 is re-enacted for each of the next 20 years, WVDEP continues to underestimate the cost of water treatment. Where WVDEP is treating water at forfeited sites, it is only treating discharges to meet technology-based standards. It has not included in its long-term cost predictions the need to treat to the more stringent (but required) water quality based standards. [WV Highlands Conservancy and the WV Rivers Coalition have filed citizen suits to compel WVDEP to meet its legal requirement to obtain NPDES water discharge permits and meet water-quality based limits at these sites.]

When all is said and done, if the Special Reclamation Fund continues to be under-funded, by the time the coal reserves are gone, industry will wash its hands of the liabilities it has created and the cost of cleanup will fall squarely on shoulders of the state and its citizens. As readers of the *Voice* have seen over the years the cost of treating acid mine drainage from these sites will be enormous.

West Virginia Highlands Conservancy

- 2008 SPRING REVIEW

and

~ West Virginia Sustainable Fair 2008 ~

“Green Makes \$en\$e”

Davis & Elkins College, Elkins WV ~ April 18th – 20th

FRIDAY Schedule of Events: Kick-off Celebration

Sustainable Art Show Exhibit, “Sustenance for the Soul” in the Davis & Elkins library. An **Opening Wine & Cheese Reception will be held from 4 p.m. ~ 6 p.m.** Regional artists Lida Gordon, Mike Doig, John Terry, Laurie Gundersen, Leslie Henderson, Myra Bonhage-Hale, Eve Von Deck, Vicky Alfano, Joan Keffer, Maggie Rhudy and others. View the exhibit during the fair on Saturday between 10 a.m. and 4 p.m. The Exhibit will continue through the end of August!

“Taste of West Virginia” buffet 6 p.m. – 7:30 p.m. 15 local Chefs serve their signature dishes using locally grown food. A delight for the senses Location: Halliehurst Mansion. Cost: \$25 (WV Highlands Conservancy Members - contact **Cindy Rank** for special price tickets.

Live Music by, Public Outcry beginning at 8:00 p.m. in the Harper-McNeely Auditorium. No fee. Group of six Appalachian writers, songwriters, and musicians from Kentucky all united in a collective mission to “educate people inside and outside their home state” about the devastating effects of mountaintop removal mining (MTR). Blends song, reading, visual imagery, and dialogue to raise awareness. They are *The Cosmic Mamaws* (Jessie Lynne Keltner, Kate Larken, Anne Shelby, and George Ella Lyon) and *The Doolittles* (Jason Howard and Silas House).

SATURDAY Schedule of Events:

Registration begins at 8:30 a.m. CHECK IN AT THE REGISTRATION DESK for all day admission to the Fair: \$5. per person / \$10 per family / Free to students with i.d.'s — WV Highlands Conservancy Members Check in with Conservancy reps in same general registration area for meal tickets.

Welcome / Information / Registration area is centrally located. Signs will guide you to all activities.

Fair staff and volunteers will be on hand throughout the day to help.

Booths: 50 booths will be open all day featuring: Environmental organizations, sustainable businesses, artisans, holistic health, transportation, local food & drinks by area chefs, a silent auction area (drawing held at 4 p.m.).

9 a.m. – 12 noon: Children’s Environmental Awareness Activities (ages 6-11). Caretakers are responsible for the children’s lunches.

Art Exhibit “Sustenance for the Soul”, D&E Library. Open **10 a.m. – 4 p.m.**

WORKSHOPS: (Your choice each session)

9:30-10:30:

- 1 Collaborative for the 21st Century with Dale Hawkins, Annie Seay, Dr. Allen Arnold.
- 2 Recycling, with Dr. David Ahrend, JEDD WVO Recycling, Jane Birdsong, and conversations with local officials.
- 3 Wind Energy, Pros & Cons, with Rick Webb University of Virginia and longtime WV Highlands Conservancy member.

1:00 a.m.: Keynote Address by Deborah Koons Garcia, “Food & Integrity”. Harper-McNeely Auditorium. [For more information, visit:

www.lapaixherbfarmproducts.com/SustainableLivingforWestVirginia.htm]

12:30 – 4 p.m.: Children’s Environmental Awareness Activities (ages 6-11).

1 – 2 p.m.:

- (1) Goat Farming in West Virginia, with Rachel Moran.
- (2) Sustainable Tourism, with Brent Bailey (Mountain Institute) and Doug Arbogast (Travel Green WV).
- (3) WV Solar, with Dan Bowes.
- (4) Citizen’s Energy Plan / Renewable Energy with Vickie Wolfe (WV Environmental Council).

2:30-3:30 p.m.:

- (1) Slow Food USA - with Hall Hitzig (Crazy Baker) hosting this presentation.
- (2) Green Business, with Scott Weaner (Organic farmer selling to area high end restaurants) and Mike Davis (Water Gap Retreat – how to start a successful green business in WV).
- (3) Mountain View Builders co-owner Mike McKechnie will talk about their business in Berkeley Springs, WV.

4 – 5 p.m.:

- (1) EZ Bites PBS Kids with Debbie Oleska (WV Pubcast) will facilitate an EZ Bite read-along session for kids that will incorporate cooking.
- (2) Green Building, with Thom Worlledge (American Institute of Architects WV) and Don Spencer (Morgantown City Council).

- (3) Saving Energy in Your Home, with Ken Auvil.
- (4) Lobbying 101, with Don Garvin (Legislative Coordinator, WV Environmental Council).

5:30-8 p.m.: “Living in Concert, A Sustainable Feast” benefit dinner featuring Chef Dale Hawkins of Stonewall Resort. Reservations are limited. Location: Halliehurst Mansion. Cost: \$40 per person. (See MEALS- FOOD section for description and **special price for WV Highlands Conservancy members**)

7:30 p.m.: **WV Symphony Orchestra** ~ Spring Tour Concert. Harper-McNeely Auditorium. Tickets: \$12 each / \$10 senior citizens & students / \$8 per person for groups of 10 or more - available at the door or better still, by calling (304) 637-1240.

SUNDAY Schedule of Events:

WV Highlands Conservancy Board Meeting: 9 a.m. at Saranam retreat center, Montrose, WV

Sustainable Fair Events:

10 a.m.: Prayers for the Environment – Robbins Chapel

10:30 a.m.: Distribution of Maps for tours on “Visits to a Green Life” as you travel home. *Includes:* Edible Wild Plant Walk on site at Davis & Elkins campus, led by Eve Von Deck. Underground home – Melissa Dennison Self guided Wood Walks in Nature – Stonewall Resort Tour of the Gardens of LaPaix Herb Farm – Myra Bonhage-Hale

2 p.m.: “Urinetown”, a musical play performed by the D&E theatre department, will be presented on campus at the Boiler House Theatre. Cost is \$7. Music & Lyrics by Mark Hollman – Book & lyrics by Greg Kotis. Produced on Broadway in September 2001 by the Araca Group & Dodger Theatricals in association with Theatre Dreams, Inc.

FOR MORE, visit :

www.lapaixherbfarmproducts.com/SustainableLivingforWestVirginia.htm

2008 SPRING REVIEW

LODGING:

On your own. Suggestions:

— **Elkins Motor Lodge** (home of the 1863 Tavern) — Nothing extra fancy, but several choices and just blocks from campus.

1) Two double beds in traditional motel setting \$58 Each has two large beds, so they could be as suitable for a couple of guys or gals as for a couple (or a couple of couples not easily embarrassed). 2) Rooms w/1 queen bed may also be available in the older “main” bldg.—also \$58. 3) Rooms w/ 1 double bed (4 rooms apiece in five rather bare bones “cottages”) — \$52.

—Contact person is Susan Channell, 636-1400 or (877) 636-1863.

Graceland Inn & the Robert C. Byrd Conference Center --A bit pricier, but lodging at Graceland Conference Center, mansion or hotel style, often includes a breakfast – should ask when making reservations.

Graceland Inn & Robert C. Byrd Conference Center, comprised of Graceland mansion and Allen Hall, opened in July 1996. Graceland is a stone mansion that was completed in 1893 as the summer home of Senator Henry G. Davis. From 1940 to 1971 it was used for student housing. Today it has been completely restored and is operated as a country inn with restaurant.

The inn includes 11 guest rooms with Victorian furnishings. In addition, the adjacent Robert C. Byrd Conference Center offers 26 business-class guest rooms and meeting space for 100 people. The Graceland Restaurant offers elegant dining Wednesday through Saturday and a popular brunch on Sundays. Graceland contains the Erickson Alumni Center and is a National Historic Landmark. Students majoring in the Hospitality Management program are able to obtain practical experience in this Victorian building patterned after a Rhineland castle. For complete information and to make reservations, go to www.gracelandinn.com or call 1.800.624.3157

— A couple rooms may still available in the Conference Center @\$70/each through Denise Poole or contact Cindy Rank at 304-924-5802 or clrank@hughes.net

— **Holiday Inn Express** 304-630-2266 The new Holiday Inn Express in downtown Elkins is next to the restored rail depot – not far from campus.

— Other housing in the Elkins area can be found at

<http://www.randolphcountywv.com/Lodging.htm>

A map of the D&E campus can be found at:

www.davisandelkins.edu/admission/campustour.cfm

Most Sustainable Fair/Spring Review events will take place in the Robbins Chapel / Harper-McNeeley Auditorium area.

2008 SPRING REVIEW

MEALS – FOOD

FRIDAY:

~ **Wine and Cheese Reception** ~

An Opening Wine & Cheese Reception will be held from 4 p.m. ~ 6 p.m. in conjunction with **Sustainable Art Show Exhibit**, “Sustenance for the Soul” in the Davis & Elkins library.

~ **Dinner buffet -Taste of West Virginia** ~

“Taste of West Virginia” **buffet** 6 p.m. – 7:30 p.m. 15 local Chefs serve their signature dishes using locally grown food. A delight for the senses! Location: Halliehurst Mansion. Cost: \$25 (\$10 for **WV Highlands Conservancy Members**. Contact Cindy Rank 304-924-5802 or clrank@hughes.net)

SATURDAY

~ **Breakfast & Lunch** ~

9 a.m. – late afternoon: — a la carte breads, wraps, drinks, etc. available at Food Booths at the Fair. Food Booths at the Sustainable Fair on Saturday April 19th: Stonewall Resort soup, salads, sandwiches, cookies, drinks., The Crazy Baker, Jeff’s Breads, Fire Fly Farms, DeFluri’s Chocolates.

Also - Graceland is a potential lunch stop. Also there are various places in town (like El Gran Sabor) – within walking distance of campus, though time is limited between the keynote address at 11 and the beginning of the afternoon workshops at 1.

~ **Dinner** ~

5:30-8 p.m.: “Living in Concert, A Sustainable Feast” benefit dinner featuring **Chef Dale Hawkins of Stonewall Resort**. **Reservations are limited.** Location: Halliehurst Mansion. Cost: \$40 (Special price of \$20 for West Virginia Highlands Conservancy Members. Contact Cindy Rank, 304-924-5802 or clrank@hughes.net)

Gourmet menu features seasonal salads, fresh asparagus soup, pan seared artic char “peas & carrots”, Entrees: Braised WV beef roast morels & Roasted root vegetables, Stuffed roasted leg of lamb, Vegetarian entrée: Spinach & mushroom lasagna. Jeff’s Breads. Desserts: Holl’s Chocolates, lemon tarts, “24 carrot” cake. A silent auction will be featured to support the “Sustainable Living for WV” org. and the Sustainable Fair. Drawing will be held at 7:00 p.m. (Concert goes will need to leave by 7:15 p.m.)

SUNDAY

— **WV Highlands Conservancy Board Meeting — 9:00 a.m.**

Saranam retreat center, Montrose Munchies available – donations accepted

— **Other Sustainable Fair activities available on D&E campus – see Sunday Schedule of events.**

DEBORAH KOONS GARCIA TO KEYNOTE W. V. SUSTAINABLE FAIR

Deborah Koons Garcia, a writer, producer and director, will be the keynote speaker at the 2008 Sustainable Fair. She wrote, produced, and directed the 2004 film *The Future of Food*.

The *Future of Food* is a 2004 documentary film which makes an in-depth investigation into unlabelled, patented, genetically engineered foods that have quietly made their way onto grocery store shelves in the United States for the past decade.

It gives farmers who disagree with the food industry a voice to express how their lives and livelihoods have been harmed by this new technology, and shines a light on the market and political forces that are changing what we eat.

The film decries the cost of a globalized food industry on human lives around the world, and highlights how international companies are gradually driving farmers off the land in many countries. Potential global dependence of the human race on a limited number of global food

corporations is discussed, as is the increased risk of ecological disasters (such as the Irish Potato Famine (1845—1849) resulting from the reduction of biological diversity due to the pro-



motion of corporate sponsored monoculture farming.

The issue of incorporating a suicide gene

into plant seeds is questioned, with concern being expressed about the potential for a widespread catastrophe affecting the food supply, should such a gene contaminate other plants in the wild. Legal stories reported by the film tell how a number of farmers in North America have been sued by Monsanto; the defendant of the Monsanto Canada Inc. v. Schmeiser case is interviewed.

The film was produced by Catherine Butler and Deborah Koon Garcia. It has since been released on DVD in both NTSC and PAL formats. The film will be available for viewing at the Sustainable Fair.

Ms. Garcia's is only one of the fun things to do at the WV Sustainable Fair. Read all about it on pp.8-9.

Good Bye Tier 2.5! Legislature Expands Tier 3 Definition

NEW (AND POSSIBLY BETTER) APPROACH TO WATER POLLUTION RULES

By Donald S. Garvin, Jr. West Virginia Environmental Council Legislative Coordinator

After a battle that has lasted more than eight long and grueling years, the WV Legislature finally adopted an Antidegradation Implementation Rule that should protect the state's cleanest streams from future pollution.

The Legislature's action actually eliminates the controversial Tier 2.5 stream category, and adds a new and expanded definition of Tier 3 waters.

Tier 3 streams now are defined as "all Federally designated rivers under the 'Wild and Scenic Rivers Act', 16 U.S.C. §1271 et seq.; *all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters in national parks and forests which are high quality waters or naturally reproducing trout streams; waters designated under the 'National Parks and Recreation Act of 1978', as amended; and pursuant to subsection 7.1. of 60CSR5, those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource."*

So, the Tier 2.5 category is now gone in both the Antidegradation Implementation rule and the Water Quality Standards rule (which contains the state Antidegradation Policy), and the new Tier 3 definition was put into both rules. (Just a reminder: Tier 2.5 was a compromise with industry in the first place, created by the old Office of Water Resources several years

ago to avoid having to list all reproducing trout streams as Tier 3, and it would have allowed those streams to be further polluted).

This surprising turn of events is a major victory for stream protection in several ways:

- The State has finally made an official commitment to stream protection;
- All reproducing trout streams on public lands in West Virginia will now automatically be Tier 3;
- Streams on private lands can be nominated for Tier 3 designation, without requiring legislative approval.
- And there will be no more tier lists for the legislature to approve!

However, there is also a down side.

As a result of eliminating Tier 2.5, streams not on public land will now be treated as Tier 2, which means that they could be polluted ultimately down to their water quality standard. So while the Legislature expanded the Tier 3 definition, they failed to address the issue of whether Tier 2 protection would now be adequate for the majority of high quality waters that will not automatically qualify for Tier 3.

Meanwhile just last week DEP officials announced at a meeting of the DEP Advisory Council that the agency is developing a "Tier 3 Guidance Document," without further stake-

holder participation, and said they would put that document out for a 30-day public comment period.

And finally, the Legislature weakened considerably the other stream rule up for consideration by the Legislature, the Water Quality Standards rule. After a bunch of whining from the coal lobbyists, both houses approved an amendment to remove the large number of additional trout streams that the Department of Environmental Protection and the Division of Natural Resources had included in the updated B2 Trout Stream list (this is the only stream list the Legislature still has the authority to approve).

So the Coal Association partially got what it wanted in the Water Quality Standards rule: a weakened standard for aluminum, and the ability to appeal permit decisions on trout streams not officially on the list. But the definition of "trout waters" was left in tact, along with the old B2 stream list in Appendix A.

Obviously, there is still a lot of work for us to do in order to protect all waters of the state from future degradation.

But for now, the Legislative war over stream protection is over.

Join Now !!!

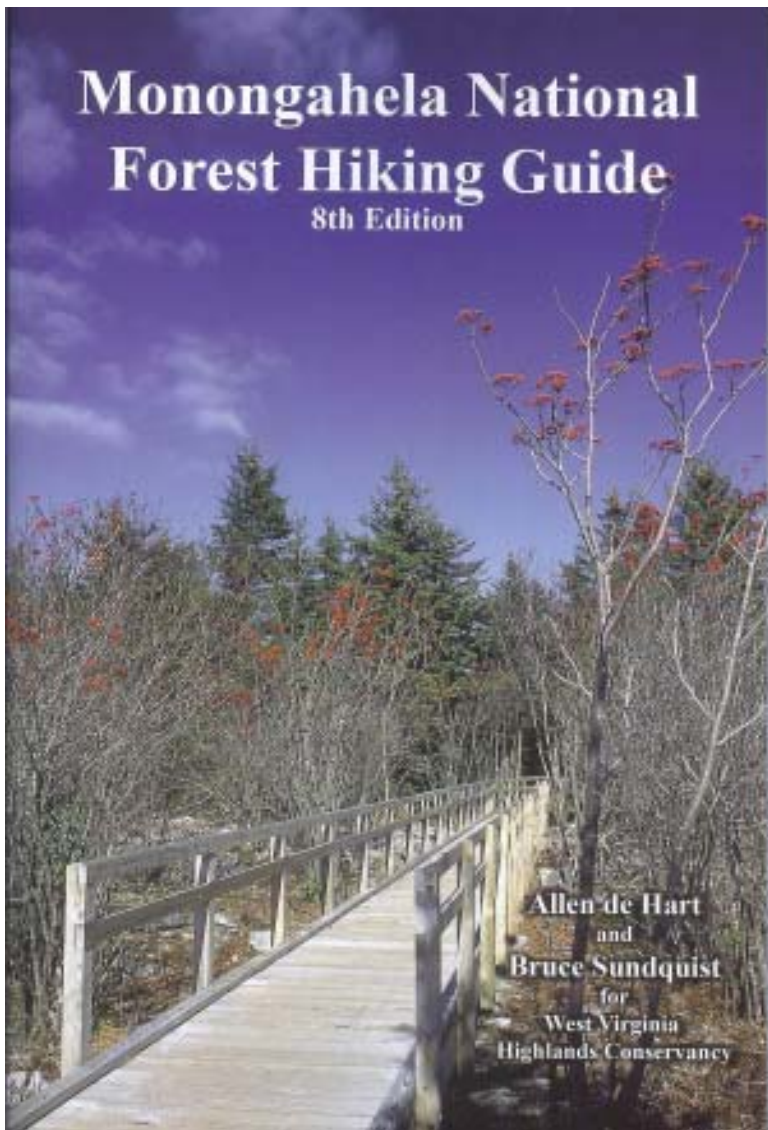
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 Address _____
 City _____ State _____ Zip _____
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Membership categories (circle one)

	Individual	Family	Org
Senior	\$ 15		
Student	\$ 15		
Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful!



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia's highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

Send \$14.95 plus \$3.00 shipping to:

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Order from our website at

www.wvhighlands.org

New 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
 - All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
 - Special Features not found in the printed version of the Hiking Guide: Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
 - Trail mileages between waypoints have been added to the maps.
 - ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more
- Price: \$20.00 from the same address.

MORE ABOUT THE LEGISLATURE (Continued from p. 1)

houses. Kudos to Beth Wheatley with the Nature Conservancy for putting together a strong coalition of lobbyists for this bill and persevering to the bitter end. Unfortunately, the final version adopted by the Legislature is pretty stingy regarding the funding amount. But I am betting that Beth will be back working hard on that problem!

SB 641/HB 4501 – Amending the Water Resources Protection and Management Act: This is the “water quantity” bill. The bill authorizes the continuation of the water resources survey; authorizes DEP to develop a state water resources management plan; and authorizes the designation of regional and critical area water resources planning areas and plans. The bill was passed by both houses, but only the House version of the budget bill contained the more than half a million dollars funding for the bill. The budget conference committee restored the funding in the Senate version.

SB 88 – Creating Brownfield Economic Development Districts: According to the note attached to this bill, “The purpose of this bill is to create brownfield economic development districts in *areas involved in the extraction and processing of coal, limestone or other natural resources and that are currently designated as brownfield or voluntary remediated sites by the state.*” While we still have some reservations about this bill, it appears simply to expand the current brownfields statute and contains adequate safeguards. The bill passed both houses, and was signed by the Governor.

HB 4476/SB 643 – Public-Private Transportation Facilities Act: This is a controversial bill that has been debated for a long time. Basically, it will allow the private development of new state roads and highways. It would allow the costs and profits to be recovered by collecting tolls from the users. And environmentalists have been leery of similar proposals in the past that focused on extracting industries’ use of this type of mechanism. This bill seemed to be going nowhere for most of the session, but then got new life the last couple of weeks, when the WVEC lobby team was busy with other issues. The bill passed both houses late in the session.

Energy Bills: First, of all nothing bad happened – there was no coal-to-liquids bill for example. Secondly, not much good happened either.

However, a few positive bills did make it through the process. **SB 474** provides a sales tax holiday for Energy Star products for home use. This year, the holiday will be September 1-7; in 2009 and 2010, it will be the entire month of September. And **HB 4434** creates a revolving loan fund for energy and water savings projects at state institutes of higher education.

Delegate Barbara Fleischauer (D-Monongalia) sponsored five progressive energy-related bills passed both houses. **HB 4028** did pass both houses, and allows counties and municipalities to enter into contracts for energy savings at public buildings. Unfortunately her other four energy-related bills never even made it onto a committee agenda. These were **HB 4066**, the Green Buildings Act; **HB 4083**, which would have created a renewable portfolio standard; **HB 4095**, which would have created a commission to study the impact of global warming in West Virginia; and HB 4133, which would have resulted in West Virginia adopting California’s low-emission vehicle standard.

Miscellaneous DEP Bills: Each legislative session the Department of Environmental Protection proposes several agency statutory changes. Most of these are fairly minor in nature. However, this year

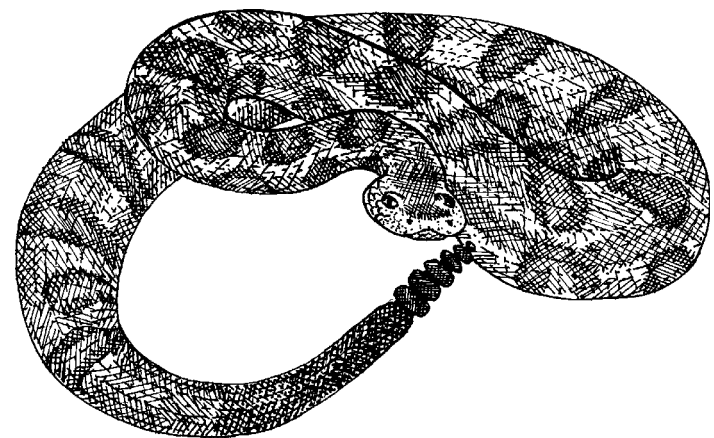
the agency proposed **SB 751 – The Surface Coal Mining Special Reclamation Fund.** The monies in the Special Reclamation Fund are used for reclamation of mine sites that were abandoned or where bonds were forfeited after 1977. Because this fund is basically going broke again, this bill adds another 7.4 cents per ton to the special reclamation tax (bringing the total now to 14.4 cents per ton. The bill also creates a Special Reclamation Water Trust Fund to reclaim and restore water treatment systems on forfeited sites. The bill passed both houses. (Ed: There is a related story on this bill on p.7 of this issue.)

Another DEP proposal – SB 517/HB 4594 – would have authorized the DEP Secretary to sign mining NPDES permits for water pollution, rather than have the permits reviewed and signed by the Office of Water and Waste Management. This was a bad idea in the first place and contrary to the provisions of the federal Clean Water Act in the second place. The bill was never taken up by committee in either house and died a well-deserved death.

Good Bills That Went Nowhere: As usual, some really good ideas for the environment never even got onto committee agendas. These included (once again) **SB 135/HB 2773 – the Bottle Bill, and SB 240/HB 4050 – the Public Campaign Financing Act, and SB 23 – Requiring a Public Health Assessment of DEP Rules.** And add to that list some bills that were introduced for the first time this year, such as **SB 482/HB 4286 – the Oil and Gas Surface Owner’s Bill of Rights, and SB 588 – Eliminating Valley Fills** (Senator Hunter’s bill).

So how did the environment fare during the 2008 Session of the West Virginia Legislature? As usual, it’s pretty much a mixed bag. There were some significant victories, and there were some losses. But no matter the outcome, once again the WVEC lobby team had a respectable presence at the Capitol and made a significant impact on environmental legislation. And we thank the West Virginia Highlands Conservancy for your continued support.

IT’S NOT LIKE THE LEGISLATURE DIDN’T ACCOMPLISH ANYTHING:



Timber Rattlesnake, West Virginia’s New (by Resolution of the 2008 Legislative Session) State Reptile

GREAT HISTORY BOOK NOW AVAILABLE

For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development,

mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.

Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

APPEAL HEARING SET IN MTR CASE

By Ken Ward

Oral arguments in the latest mountaintop-removal court appeal have been scheduled for May 13 in the 4th U.S. Court of Appeals.

The Bush administration and the coal industry are appealing rulings last year by U.S. District Judge Robert C. Chambers to require a more detailed review of new mining permits.

This is the fourth major mountaintop-removal ruling by a federal judge in West Virginia to go before the Richmond, Va.-based appeals court. Appeals court panels have overturned the three previous rulings that required tougher regulation of mountaintop-removal practices.

The argument date coincides with the May 13 annual stockholders meeting of Massey Energy, also being held in Richmond, where the company is headquartered.

In a March 23, 2007, ruling, Chambers concluded the Army Corps of Engineers had not fully evaluated the potential environmental damage before approving four Massey Energy strip-mining permits.

Citing the "alarming cumulative stream loss" to valley fills, Chambers ruled that the corps needed to more thoughtfully consider a mine's potential impacts before granting a permit.

"Coal mining has long been part of the fabric of Appalachian life, providing jobs to support workers and their families and energy to fuel the nation," Chambers wrote.

"Unfortunately, coal mining also exacts a toll on the natural envi-

ronment," the judge wrote. "In particular, the mining technique at issue in these permits potentially results in dramatic environmental consequences."

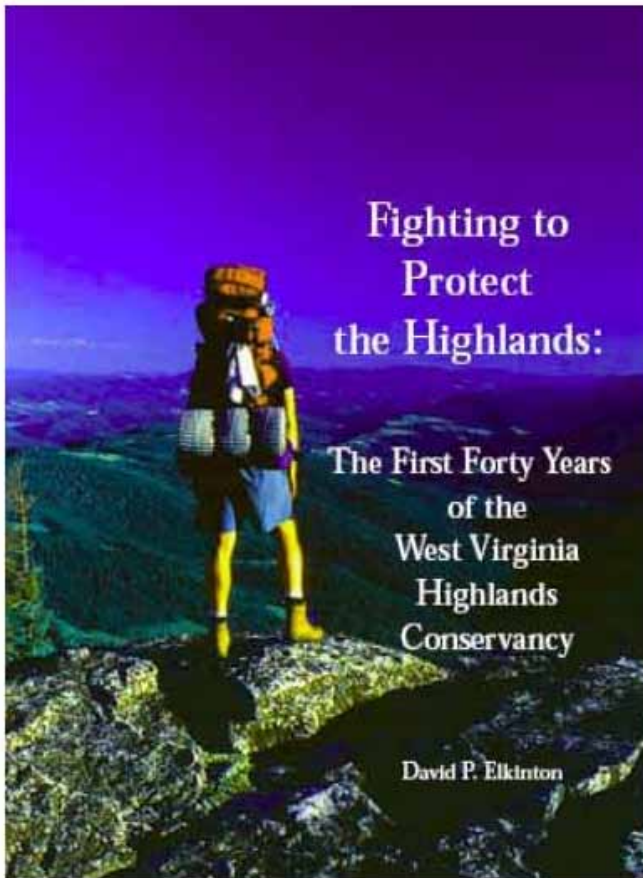
In a second ruling on June 13, Chambers concluded the Clean Water Act does not allow coal operators to build in-stream sediment ponds at the bottom of valley fills.

Coal industry lawyers argue in their appeal that Chambers' ruling "cripples West Virginia's coal production" and that new permits have "slowed to a standstill" in the state's southern coalfields.

Federal government lawyers argue that the corps properly studied mining's impacts and that Chambers should have deferred to the agency.

Gov. Joe Manchin joined in the appeal, with two of his agencies filing "friend of the court" briefs at the 4th Circuit.

This article originally appeared in the Charleston Gazette.



SENATOR JON BLAIR HUNTER: END OF AN ERA

By Donald S. Garvin, Jr., West Virginia Environmental Council Legislative Coordinator

A significant era is coming to an end.

This was the final regular legislative session for Senator Jon Blair Hunter.

After serving for three distinguished terms, the senior Senator from Monongalia County has decided to hang up his hat and not run for re-election.

I can only *begin* to describe to you what an invaluable friend and ally this good Senator has been over the last twelve years. He is one of the few legislators in either chamber who would qualify for a 100% “green” record on any environmental scorecard. That’s saying a lot in a state like West Virginia, where politics is so overwhelmingly dominated by the powerful corporate lobbies of the polluters.

Senator Hunter was the vote we could always count on. He was always there to sponsor our bills or to push a study resolution at the last minute. And he was the guy we turned to when we needed a “strategy.”

His office door was always open to us. In fact, his office is literally where the WVEC lobby team hung our coats and hats. In the early days he would get some grief from Senate leadership about that, but later on they just gave up complaining. They must have finally realized that there was nothing they could do to change Jon Blair Hunter.

Three things made this man stand out in my mind. First of all, he is a political “junkie;” he simply loved the ins and outs of politics. Secondly, he has a great sense of humor – if you weren’t going to win you might as well have some fun losing! And thirdly, he is extremely loyal; he was always there to do his best to defend me when – not if – I opened my big mouth and said the wrong thing (who, me?).

Some will remember Jon best as the Senator who this year sponsored SB 588, a bill that essentially would have eliminated large mountaintop removal mines by outlawing the practice of dumping mine wastes into stream beds.

Senator Hunter introduced SB 588 knowing full well that he would not have the votes to get the bill out of committee. But as acting chair of

the Senate Energy, Industry and Mining Committee, he engineered a remarkable “informational hearing” about the impacts of this method of mining in the coalfields.

While allowing the Coal Association to give its usual “dog and pony show” in defense of the undefendable creation of valley fills, the Senator also arranged for inspirational testimony about the reality of mountaintop removal mining from folks like Cindy Rank, Denise Giardina, Joe Lovett, and coalfield residents Lorelei Scarbro and Reverend Roy Crist.

The committee room was packed. There was decent attendance by committee members and there was a lot of media coverage. It truly was a highlight of this year’s legislative session.

But I will remember Jon best as the Senator who valiantly waged an unsuccessful battle to protect a little brook trout stream called Fill Hollow Creek from future pollution, and then went on the floor of the Senate chamber to berate his fellow Senators, along with a half-frozen rainbow trout as a prop!!

Now that was a special moment!

Never mind that it was not a brook trout. Never mind that he had caught the fish in another stream.

The good Senator made his point.

The good Senator took a trout onto the Senate floor.

Now that’s “real”!

So, Senator Jon Blair Hunter, here is a great big “thank you” from all of those on the West Virginia Environmental Council lobby team who have had the honor and pleasure of working with you these last twelve years.

And from me, personally, I leave you with these words from A River Runs Through It by Norman Maclean:

“... I often do not start fishing until the cool of the evening. Then in the Arctic half-light of the canyon, all existence fades to a being with my soul and memories and the sounds of the Big Blackfoot River and a four-count rhythm and the hope that a fish will rise.”

I’ll see you on the stream, my friend.



HATS FOR SALE

West Virginia Highlands Conservancy has two models of caps for sale.

One is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above We ❤️ Mountains. The heart is red; and lettering is black.

The other model is tan with a muted green pre-curved visor. The front sports the lovely, in color, logo that appears on the VOICE masthead. Beside the logo is “West Virginia Highlands Conservancy” in green. The lower back of the hat has the We ❤️ Mountains slogan.

Pictures of both appear on our website www.wvhighlands.org. Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$12 by mail. Make check payable to West Virginia Highlands Conservancy and send to James Solley, P.O. Box 306, Charleston, WV 25321-0306



MOUNTAINTOP REMOVAL: WHAT IT'S LIKE TO LIVE THERE

One of Senator Hunter's last acts as a Senator was to introduce Senate Bill 588, a measure that would have effectively outlawed mountaintop removal strip mining. While the bill did not have nearly enough support among Senators to become law, there was a public hearing. If nothing else, the bill gave ordinary people a chance to have their say. Here is the testimony of Lorelei Scarbro at that hearing.

I would like to first of all say thank you to the Senators who have granted us an opportunity to speak to you today.

My father, grandfather and husband were coal miners. My husband spent 35 years as an underground union coal miner. I watched him die a slow agonizing death of black lung. I say that to let you know that I am no stranger to coal mining.

I am the mother of four children who attended Marsh Fork Elementary. I live in Rock Creek and my property borders Coal River Mountain where Massey energy has applied for a permit which would be right behind my house.

The house I live in and raised my children in my husband built with his own two hands and he is buried in the family cemetery next door. I can sit in my living room and watch the deer cross the field below my house. I often stop my car to allow the wildlife to cross the road. My four year old granddaughter especially likes the deer and the turkey. A fresh mountain stream runs by my driveway. The air is free of coal and rock dust.

When I married my husband and moved onto the property which was handed down to him from his parents, I thought this is where I would spend the rest of my life and maybe hand it down to my children.

With the looming threat of the destruction of nearly 6,000 acres of Coal River Mountain by Massey Energy, odds are none of us will be allowed to live there in peace.

You can make sure that happens with the passage of this bill.

I have sat quietly by for years and watched the destruction of this land that I love and did little more than an occasional letter to the editor. I have watched our communities depopulated, our schools closed, peoples homes flooded and people die all for power, money, and greed. You can stop that.

Everyday as I drive Coal River Road I see more and more of the mountains destroyed. It is so strange to see the trees disappear along the ridge tops and then next the peaks disappear and then the top of the mountain is blown apart and pushed into a valley covering and killing everything in its path. From vegetation to wildlife. Animals are covered and killed by the waste the company can't use. Even mama bears and their cubs are covered up in their caves. You can stop this.

I know people whose only source of water is the well near their

house and when they turn on their faucets the water is black or brown. It didn't used to be that way until the mining operation moved in close to their house. These people can't afford to buy all of the water they need to drink, cook and bathe in. Nor should they. Therefore these people are sick and dying. When a lot of people in the same community have the same life threatening illnesses after blasting, toxic sludge ponds and underground injections, you don't have to be a rocket scientist to figure out why.

We in the southern coal fields of WV are not to be sacrificed so you can turn your lights on. We can get power from clean renewable sources of energy. I can live without electricity from a coal fired power plant, but I cannot live without clean drinking water and neither can you. The destructive practices used in mountain top removal and the chemicals used to clean the coal poisons our water. Not just the drinking water of my friends but all of our water.

When I talk to the people who don't live here and tell them what our government allows to happen here they say "Why don't you just move". I was asked that question by a reporter the other day and all I could think if was "What is home to you. That sense of place where we have so many family memories".

We don't want to lose that and we certainly don't want it stolen or destroyed. We don't

live where they mine coal. They mine coal where we live.

I believe everyone in this room knows there is a right way and a wrong way to mine coal. The only reason mountain top removal exists is it is more profitable for the coal company. According to the coal associations own data mountain top removal and the mechanization that goes with it has resulted in approximately 16,000 coal mining jobs statewide. This is down from 125,000 jobs. These 16,000 workers need clean green jobs in solar panel and wind turbine factories. Jobs installing and maintaining solar panels and wind turbines at a decent rate of pay with good benefits.

Before you cast a vote on SB588 would you please consider your constituents and not your financial backers. Recent polls show that 70% of West Virginians are opposed to mountain top removal.

When you look at your children or your grandchildren try to think about the water they will have to drink if the coal companies are allowed to continue this destruction. We all live downstream.

Lorelei Scarbro lives in Rock Creek WV. She is the mother of three daughters and one son who range in age from 18-26. She grew up in Lincoln County and moved to Raleigh County in 1970. She has worked as a cosmetologist, in fast food and a cashier in a local convenience store. She joined the staff of Coal River Mountain Watch in August 2007.

We don't live where they mine coal. They mine coal where we live.



Book News

One of the top downloads from the West Virginia University download website is the Dissertation of Shirley Stewart Burns on mountaintop removal mining in West Virginia. In 2007 people downloaded it 37,501 times. That is nearly 4,000 more than any other document posted in WVU's Electronic Thesis and Dissertation program for that period. More on the Intranet: <http://intranet.wvu.edu/>. This dissertation was the basis for a book, *Bringing down the Mountains*. It was reviewed in the March, 2008, issue of *The Highlands Voice*.

West Virginia Mountain Odyssey



Outings, Education and Beyond

Saturday, May 3 Cranberry wildflower walk and Hills Creek Falls.

This is an easy walk of 3 or 4 miles in the Cranberry Back Country. Meet at the Cranberry Visitors Center on Rt 39 at 10:00 am. Pack a lunch. We'll finish by driving down the road a few miles and enjoying Hills Creek Falls reached by a short boardwalk from the parking lot. No rain date; light showers make the flowers happy and the falls snappy, so bring a rain coat. Contact Beth Little, blittle@citynet.net or 304-653-4277.

Saturday to Monday, 04/19 – 21/08 – AT Shuttle Backpacking Trip,

JNF/GWNF, VA: Strenuous 26 mile Backpacking trip starting at Sunset Field, passing through the Thunder Ridge and James River Face Wilderness areas and ending at the Punch Bowl. Cross the James River on a \$1,000,000.00 footbridge. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday-Sunday, 05/03 – 04/08 – Beginner's Backpacking trip/ White Oak National Recreation Trail/North River Gorge Loop,

GWNF, VA: 10 mile moderate hike for experienced hikers that want to move up to backpacking. Hike 6 miles the first day with an elevation gain of 1000 feet over 3 miles and 0.5 miles of open woods bushwhacking. Camp in a beautiful Pine grove next to the river. Day 2 is a mostly flat hike back to the cars along the river. There will be 7 substantial stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday, May 3, Stonewall Jackson Dam nature tour Birds Before Breakfast.

A little hike and a little talk about air, water, floods, water supply, boats, fishing/hunting/hiking and camping and geology. Nothing difficult. We will meet at the Stonewall Jackson Dam Nature Center at 8:00 a.m. Turn off I-79 at the South Weston exit. At the foot of the exit ramp, turn south (upstream) to the dam About 2 mile. We might wind up at McDonalds after lunch. No notice is needed. If you need more information you can call Don Gasper at 304 472-3704.

Saturday-Monday, 05/24-26 – Memorial Day backpack, Canaan Mountain, Monongahela National Forest, WV:

29 mile hike of moderate difficulty with mature forest, giant Spruce and Hemlock trees, streams, highland bogs and vistas. . Leave from the Rt 32/I-70 Park and Ride at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Thursday to Sunday, 06/05 – 08/08 – Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA: Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Austin Mt/Furnace Mt loop (12.6 miles) and the Rocky Mount Circuit (9.8 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday, 07/12 – 14/08 – Dolly Sods North and Wilderness Area Backpack, Monongahela National Forest:

26+ mile moderate backpacking trip through this wild area that looks more like the Canadian Shield than a typical North American forest. We will explore some seldom visited trails on the first day. Several technically challenging stream crossings possible that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Friday to Sunday, 08/08 – 10/08 – Otter Creek Backpack/Base Camp w/day hike, Monongahela National Forest, WV:

Day one hike approximately 9 miles along Otter Creek and up and over McGowan Mountain visiting the highland bogs of Yellow Creek and Moore Run. Day 2 10 mile day hike visiting several swimming holes on the return leg. Day 3 is a nearly flat 5 mile hike out along otter Creek. Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 08/30 – 09/01/-08 – Seneca Creek Backcountry, Monongahela National Forest, WV:

Day one features a moderate 10 mile hike exploring trails on the western slope of Allegheny Mt before descending to our base camp below beautiful Seneca Falls. On day 2 we'll explore the High Meadows above the creek without packs. On day 3 hike back to cars using the Seneca Creek Tr, Tom Lick Tr and Allegheny Tr (approximately 7 miles). Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

More on the next page

More Outings

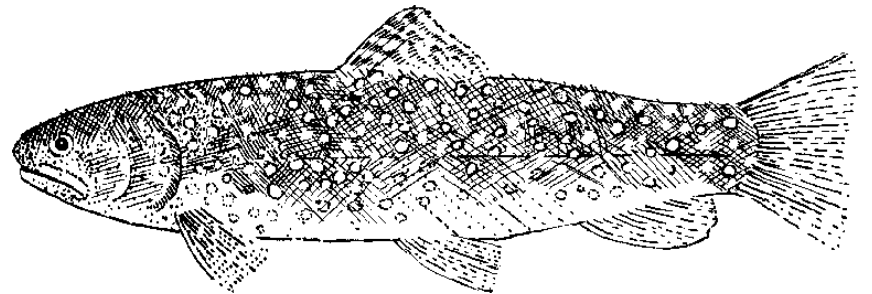
Saturday to Tuesday, 09/13 – 16/08 - Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA: Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Rip-Rap Hollow Loop (9.5 miles) and the Turk Branch/Moorman's River Circuit (9.7 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday, 09/20 – 22/08 – Roaring Plains Backpack and Base Camp with Day Hike: Day 1 hike in 2.5 miles and set up camp at the entrance to the Hidden Passage. Day 2 features a 12 mile day hike along the Canyon Rim with possible side trips. Day 3 backpack out the way we came in. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 10/25 – 27/08 – Cold Mountain/Mount Pleasant Backpack Base Camp w/Day Hike, George Washington National Forest, VA: Easy 3 mile backpack into and out of camp with a sensational moderate 12 mile day hike in between with some of the most breathtaking views in central VA. Suitable for experienced hikers who wish to move up to backpacking. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 11/01-03/08 – Hog Camp Gap to Spy Rock Backpack/Base Camp: Strenuous rating but with low daily mileage. We will hike 7 miles over scenic Tar Jacket Ridge and set up a base camp at the Seeley-Woodworth shelter. The next day we will hike packless to Spy Rock. The round trip will only be about 6 miles. If the weather is good we will linger a bit at Spy Rock, enjoying its 360 degree view for as long as we can. On the hike out we will add Lovington Spring Tr to add some variety to the third day. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Open Dates: Visit Kayford Mountain south of Charleston to see mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totally surrounded by MTR. Bring lunch for a picnic on Larry's mountain. Call in advance to schedule. Julian Martin (304) 342-8989; martinjul@aol.com or Larry Gibson (304) 542-1134; (304) 549-3287.



CHANCE TO GO TO FISHING CAMP

From June 22 through June 27, 2008, Trout Unlimited is sponsoring a week long fishing camp at Graves' Mountain Lodge, Syria, Virginia (Adjacent to Shenandoah National Forest). Participants will enjoy an exciting week of hands-on action packed fun in our mountain stream environment that will help them become skilled anglers and conservationists.

Participants will learn firsthand from officials of the National Park Service, professional conservationists with state natural resources agencies, environmental educators, professional fishing instructors and guides, and experienced members of Trout Unlimited.

Participation is limited to 24 high school students (currently in the 8th, 9th, 10th, or 11th grade), both males and females, who will spend most of six days outdoors experiencing mountain streams and their environments to learn about successful and responsible fishing, conservation, stream life and restoration, wildlife, outdoor skills, team challenges, leadership, and lots more, all while having fun.

They will enjoy delicious generous meals and snacks, and sleeping in modern lodge facilities overlooking the surrounding mountains and valleys.

No special experience or equipment is required—the Camp can provide it. All you need is to be interested and want to attend. The cost of the six-day, five-night Camp is \$550. Trout Unlimited will provide full

or partial funding for any camper who requests assistance to attend the Camp..

To apply, either:

(1) fill out the application form online at www.tucamp.org,

(2) fill out the form (available on the website) including essay

and email the file to: application@tucamp.org, or

(3) print the form from the website, fill out by hand including essay and mail to:

TU Tri-State Conservation & Fishing Camp
c/o Suzanne Malone
P.O. Box 6463
Alexandria, VA 22306

For Information contact Suzanne Malone at (703) 768-8175 or email malone@tucamp.org or Paul Kearney at (540) 229-0563 or email kearney@tucamp.org

To attend the camp, applicants must include an essay addressing these three questions: (1) Why are you interested in attending the camp? (2) What do you want to get from the camp? (3) If selected to attend, what would you do to help make the camp successful?

Our Readers Write:

Editor:

I am enclosing my "An Old Man's Lament" that I wrote to show my feelings about Mother Earth. If this is suitable for your publication, please use it.

When I returned from WWII, I hunted and fished in the West Virginia mountains every chance I got. I especially loved the trout fishing in the various streams, ponds and rivers. I have fought the destruction of our environment ever since the war. I have written letters, put articles in the newspapers, donated (from my small income), etc. but we seem to be losing the battle because of lack of money to show the devastation on TV stations which are controlled by Friends of Coal.

Short of winning a big lottery, our economic hands are tied. There is no way we can give up on Mother Earth, so we must continue the battle until the end. Even though our monetary sources are limited, we will continue to write letters, articles, support ecology magazines and talk to our friends.

Keep up the battle!

Charles M. Douglas
Ona, WV

A fisherman's complaint

My name is J.E. (Squirrel) Wood. I have lived at this residence since 1960. This section of the New River, from the dam to Sandstone and the upper New River above the dam, was a fisherman's paradise until our political legislature got in the picture with the spraying program which led to the destruction of the food chain in the river for a few years.

The gnats were controlled until the fish and other inhabitants in the river were slowly being eliminated. This created an increase in the gnat population which prompted the Legislature to increase the spraying budget and start spraying the Greenbrier and Upper New in 2001. This led to the food chain being destroyed. By 2006 it had been completely destroyed.

In the 1980's for two summers one week each summer the VPI conducted studies of the river from the shoals below the dam and the Richmond Bottom. They concluded that this was the best breeding grounds for small mouth bass east of the Mississippi. Either something has happened to that breeding or when the bass spawn there is no food to permit them to survive. Things got so bad that I gave up on fishing in 2000.

In 2002, with the problems worsening, I decided to get involved again, writing to United States Senators who answered my letters referred them back to the departments in charge of the spraying. Like having the fox guard the henhouse. Someone in the Agriculture Department questioned my mentality because I differed with their scientific findings with the condition. I value my common sense judgment as good as their way of assessing the problems we are faced with.

All of the National Park Service or Agriculture employees I have talked with on these problems have been employed five years or fewer. I wrote several letters to state political representatives. None of them would answer my letters; they think they cannot get elected without supporting the spraying.

The Beckley Register Herald had a reporter do a story on my complaint on April 14, 2002. The reporter declined to report many of

AN OLD MAN'S LAMENT

By Charles M. Douglas

Goodbye Mother Earth

I hear you whispering in the evening
and early mornings.

"It's time to go my Son" your Loved Ones are
waiting"

I've loved your woods, waters, mountains,
smells and sounds.

I've wasted too much of my time being a
muckraker,

Pushing for worldly gains

Listening too long to crooked lawyers,
politicians and false religions.

I could have had a heavenly crown

But the false promises of civilization
deadened my soul.

I have seen your mountains violated,
streams polluted and mountain people
ignored.

Oh! that my mountain kinsmen would awaken
and put an end to your destruction.

my complaints because she believed they was undocumented. Were I to get some four or five fishermen together she would print anything we agree to. My complaints had to do with inside as well as outside of the river.

After no one would listen in 2002, I decided since nobody was concerned with what was happening to the river why should I be. This was my list of concerns: (1) very few fishermen (2) fish are slowly getting fewer each year (bass, catfish, blue gills, redeyes, carp, crappies, perch, river chubs, bluegills) (3) helgramites, crawfish, snakes, mosquitoes and other insect life in the river appear to be diminishing.

Outside of the river the gnats are fewer. After the spraying does its thing to the gnats the wasps, hornets, honey bees, yellow jackets, bumble bees, and tent caterpillars are victims of the bacteria which is only suppose to only do its damage in the river.

Ever since the program started fishermen have been sprayed on, something the Department of Agriculture denies.

The purple martin birds come to this area to nest and raise their young. They come in April and used to leave in the first week of August, raising two litters. Since 2002 they only nest one time and leave in June after the gnats (their food chain) have been destroyed.

I tried to get this problem addressed in 2006 and no one would listen. After the Agriculture Department established an office in Hinton they listened to my complaint for four hours on July 9, 2007. We disagreed about the food chain and agreed with my complaint out side the river.

The reports of the ecological monitoring of New River Gorge National River convince me that the spraying was excessive.

J.E. Wood
Hinton, WV

More Letters

Editor, Highlands Voice

My current land responsibilities lie about half way between the horrors of mountain top removal/valley fill coal mining and the massive potential for wind-powered electricity. I must suggest that Highlanders would be well to fully recognize the abominations perpetrated upon their lowerland neighbors. Wind-generated electricity is orders of magnitude less destructive to us and our environment than electricity generated from coal.

As a self-directed, 30-year owner/steward of some West Virginia hillside? with an equal previous period experienced around the world, eg, the highlands of Nepal, I have been reviewing the February and March *Highlands Voices*.

I first note February's two wind-power-related letters suggesting a review of the Highlands Conservancy's current most-wholly negative stance on wind systems.

I also note two more letters in March that also suggest that a full review is in order. Unfortunately, the only articles on wind power are penned by avid detractor Peter Shoenfeld. In his first article, Peter devotes nearly one half of his space to Pam and Art Dobbs' perspectives as though they encompass the last word and final nail in wind electricity development. There is no balance from any of the billions who increasingly recognize the necessity of the renewable energy transition.

Nearly all of the Dobbs' concerns can and will be handled by engineers when they have to deal with as many producers as consumers as well as ecologist dealing with biological concerns. The point-by-point ecosystem destruction necessary for very large wind towers, while nearly insignificant compared to Mountaintop Removal/Valley Fill mining, could be somewhat ameliorated by the inclusion of concentrating solar collectors terraced into the ridge top sites. The infrastructure is already there and there would be much greater generation.

In his second article, Peter suggests that a wind farm near Harman should continue to be totally opposed as a matter of course. He suggests that this is justified by a January, 2003, vote by the Conservancy Board to oppose the project.

Several years ago the Highlands Conservancy appeared to have a policy of recognizing the potential for large wind systems and working with developers to mitigate their most egregious faults. Unfortunately, due to a couple changes in the Board, those attempting to follow this path were totally repudiated and the Conservancy has for several years remained in total opposition to large wind-power development.

Nothing we see in the highlands is pristine. All has been impacted by humans for tens of thousands of years. IMHO, a wind mill sitting on a hill top surrounded by concentrating solar collectors would look a lot better than a Mountaintop Removal/Valley Fill site and a coal-fired generation plant. I beg that the Conservancy Board revisit its stance on all wind power systems.

Bob Hamburg
Orma, WV

P.S. I also beg that anti-wind activist develop their own OFF-THE-GRID systems before advocating the consigning lowerland coal field residents to continued destruction. I admit that I am on the coal-fired grid but I'm working toward alternative wind and solar electricity as fast as I can and would welcome a large windmill on my hilltop. I experience significant cognitive dissonance when I run into people using the coal-fired grid playing into King Coal's hands by fighting against wind systems. I must wonder from whence cometh Peter's and Pam and Art Dobbs' electricity?

Mining Threats to Cerulean Warblers

I read with great interest Michael Parr's article about conservation of the Cerulean Warbler (September/October 2007, pp. 24-27). I am pleased that the American Bird Conservancy and its partners are publicizing the threats of mountaintop removal mining to the deciduous forests of Appalachia. Not only are these forests the major stronghold for breeding Cerulean Warblers, they are also home to numerous rare species of aquatic invertebrates, endemic fish, amphibians, and plants.

These forests constitute one of North America's most biologically diverse ecosystems. Parr's figures on deforestation are conservative and most likely come from a 2002-2003 EPA environmental impact statement (EIS) on mountaintop removal. Since that EIS was released, many more miles of streams have been buried, and thousands more acres of forest have been cleared. A study that I performed for Appalachian Voices has documented that at least *one million acres* of Appalachian forest have been destroyed by surface mining since the 1970's. These once-rich Appalachian forests are now largely barren wastelands, and reclamation cannot replace what was lost.

The article neglects to mention one of the most critical things people can do the help Cerulean Warbler conservation: Support the Clean Water Protection Act, H.R. 2169, a bill that the American Bird Conservancy publicly supports. This bipartisan bill will stop the practice of mountaintop removal and valley fill mining by reestablishing the appropriate definitions of "waste" and "fill," terms that have been redefined by the Bush administration. The bill currently has 91 cosponsors but needs more. I urge members of the ABA to contact their representatives and ask them to become cosponsors.

More information on the Clean Water Protection Act and maps showing mountaintop removal mining in Appalachia are available online. In particular, the Appalachian Voices website <ilovemountains.org> enables users to take a virtual tour of the coalfields, courtesy of Google Earth, and to witness the scale of the destruction for themselves.

Ross Geredien
Annapolis, Maryland

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Marcellus Shale Natural Gas Drilling Coming to a Town Near You!

WEST VIRGINIA: THE NEW TEXAS?

By Pamela White

Underneath the great states of West Virginia, Pennsylvania, Ohio, and New York lies one of the largest areas for natural gas in the country, the Marcellus Shale. Many have known about the Marcellus for years, yet recovery methods were unknown. However, due to recent discoveries in stimulation technology, many natural gas drillers now believe that they have the ability to recover much of the natural gas that had been trapped in the thick black rock. Because of this, drillers from Texas (fresh from their own natural gas boom in the Barnett Shale) have begun to frequent the Mountain State and neighboring states in hot pursuit of leasing mineral rights from landowners.

While an all-out protest of natural gas drilling may seem like the route to take, unfortunately it is my belief that efforts would be wasted considering that some leasing contracts have already been signed. In addition, protestation could fall on deaf ears considering the country's desire to acquire as many of their own natural resources as possible. What then is the route to take when drillers from Texas and others begin knocking on your doors?

As an employee of the oil and gas business and as a former resident (I was born and raised near Union, WV) I strongly urge each and every landowner to carefully read these leasing contracts, consult with your neighbors about what they are being offered, ask questions, familiarize yourself with oil and gas terms, and definitely examine how the citizens of North Texas have responded to its recent natural gas boom within the Barnett Shale.

I am not saying (by any means) that citizens of West Virginia and other states emulate Texas. Yet, I am saying that there is a lot to be learned from the mistakes and benefits that

these citizens encountered.

The local media in North Texas has done such a superb job of educating the public about natural gas drilling. Many citizens here know just as much as the drillers themselves. With this information at hand, citizens have been able to put this knowledge to use by protecting their rights and their land. The energy elites could have easily taken advantage of people here, but fortunately for those that pay attention to newspapers, television and blogs, they were prepared to deal with those elites on their level and reap the rewards as well.

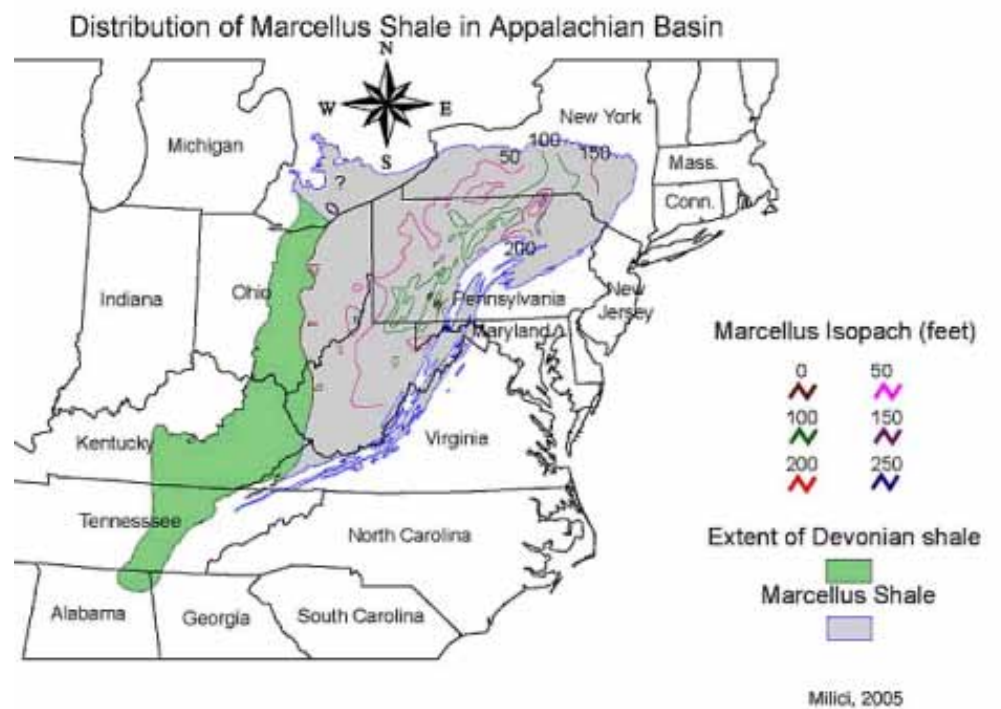
Natural gas drilling (where I currently reside) has brought an abundance of economic rewards to the area. Although there are definitely down sides to the drilling, this can be offset by investing the rewards properly.

The schools here have been revamped, once deserted towns are now flourishing with activity, and the employment growth is spectacular. Also growing are the efforts to rebuild and reconstruct so that damage to the natural and aesthetic environment is limited. It would be a shame and almost a repeat of the past, if West Virginia were to sacrifice their natural resources and get

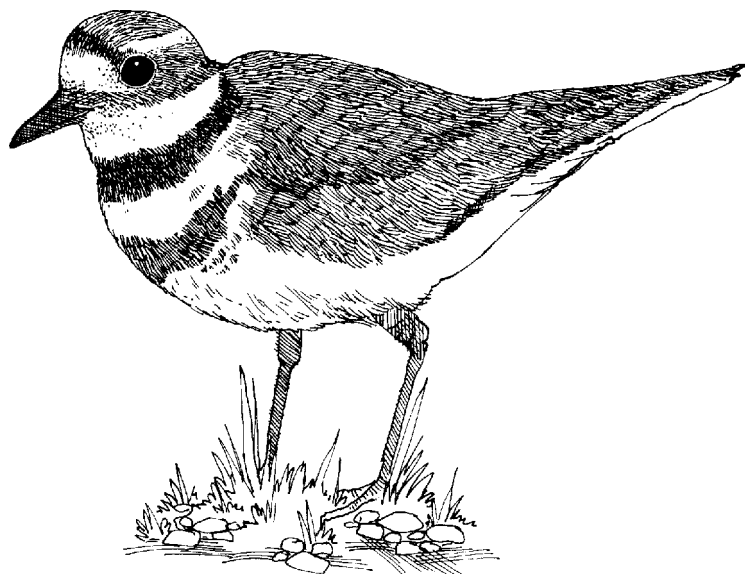
nothing in return.

West Virginia is a place I still call home even though I have not lived in the area for fifteen years. I love and respect the people and the land very much. This adoration is the sole purpose for this article. While many readers may not agree with my acceptance that drilling in the Marcellus Shale is to be expected, at least use this disagreement to educate yourselves about this topic and prepare for the day that mineral rights solicitors knock on your door.

Pamela White recently completed her Master thesis, "Media as a Catalyst for Civic Engagement and Change in North Texas: The Barnett Shale Case" She can be reached at txwv@hotmail.com.



Retrieved from <http://www.aapg.org/explorer/2008/03mar/marcellusDistribution.gif>



WIND FARM PROPOSED FOR GEORGE WASHINGTON NATIONAL FOREST

A wind energy project consisting of 131 turbines has been proposed for Hardy County, WV and Shenandoah and Rockingham Counties, VA. It appears that all but one of the wind turbines (440 feet tall) are to be sited within the George Washington National Forest. More information about this project is available at www.vawind.org.

A FIELD TRIP TO RECLAIMED (SORT OF) MOUNTAINS

By Julian Martin

I was told this story by an expert naturalist who visited a “reclaimed” mountain top removal mine site—

“They took us to their show piece site. It sure didn’t look very good to me. It was at the head of a hollow, the slopes had been dumped and reclaimed. The contrast between the undisturbed forest and the reclaimed mine site was stark. The best of the reclaimed mine land was hostile to most West Virginia native species of plants and animals, both terrestrial and aquatic.

“We drove eight miles on land that had already been mined and reclaimed. Normally in an undisturbed forest there would be about 30 species of trees and 100 species in the shrub and herbaceous layers. On this best of all reclaimed mines there were seven or eight species of grasses including a few shrubs—mostly Autumn Olive and even it has trouble growing on reclaimed mine land. Instead of the 130 species there were only seven or eight and they were mostly alien species not native to West Virginia.

Very little succession was taking place. After many years all that was growing were the species that had been planted as part of the reclamation. The soil was mainly crushed rock, there was no organic matter and lots of exposed areas where nothing was growing. Erosion channels were evident on the slopes, even under vegetation that was planted to control the erosion. Roots couldn’t take hold.

There was a series of ponds. It was late April and in a normal pond we would see evidence of amphibian breeding success—egg masses, tad poles of three or four species of frogs. There was no evidence in this pond of breeding success. No eggs, no tadpoles. We could hear adult green frogs and Spring peepers coming from the undisturbed woods below the last pond.

Small, undisturbed streams in that area have a conductivity of less than 100 micromhos/cm. There ponds were at 2700—over ten times the dissolved solids as in a normal healthy stream. This is very negative for aquatic life.

There were few insects. Tree swallows dipping in for a drink were the only birds near the pond. The only other birds we saw on the reclaimed site were buzzards, morning doves and crows. The beautiful song birds were not there. In the adjacent undisturbed forest we could hear three species of warblers.

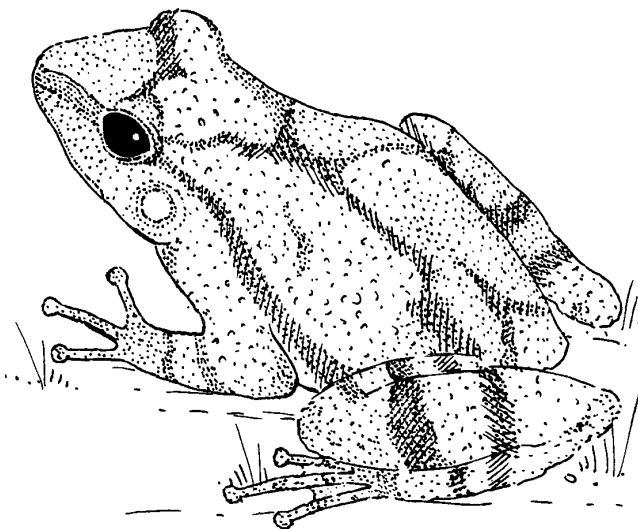
There are extremely high magnesium, calcium, sulfates and selenium in valley fill discharge. Biological communities down stream of valley fills are negatively impacted.

Because of mountain top removal entire towns like Mullens were destroyed by floods. There is only one house left in the community of Mud and it was saved by a Supreme Court of Appeals ruling. Water tables are destroyed, creeks are ruined, houses are rocked by the blasting.

An aerial study has shown that 500 valley fills were not even on the DEP list. 9700 acres that the Department of Environmental Protection didn’t even know about. That is the size of Kanawha State Forest which itself has

mountain top removal on both its north and south sides.

We don’t have a good picture before and after mountain top removal and other types of strip mining. We don’t know what we are losing. The biological inventories are slim. We may be threatening endangered species because of this poor inventory. “



COAL TO OIL: IS IT WORTH THE PRICE WE PAY?

By Mike Harman

The thought of West Virginia being energy independent by building five new coal to liquid plants is the definition of insanity. Never mind the careful research that should be done to demonstrate the feasibility of such an undertaking. Never mind the tax revenue, oil company and coal company finances that will have to pay for this boondoggle. That money will be coming out of someone’s pockets— Guess whose?

West Virginia has seen nothing but destruction, devastation, wasted resources, impoverished people, ruined communities, and destroyed mountains ever since the decline of proper coal mine regulations and the dismantling of sensible energy policies, beginning in the Reagan years.

All one has to do is travel to the most heavily mined areas of West Virginia, or to the historical, mined-out communities of yesterday, where nothing but dilapidated, neglected, abandoned store fronts remain. This is coal’s legacy for West Virginia. This is what the Governor wants for the rest of us. To hell with all that. What we need is the leadership of rational, thoughtful people who will fight for sane energy policies that allow people to use far less energy and be just as comfortable, travel just as easily, and be entertained just as well as we are today, but without so much waste.

After he declared a budget surplus when the state’s agencies were crying out for enough money to provide health care to the poor, or crying out for enough money to repair the roads,

or enforce the laws, well. I just decided this governor was brain-dead. No amount of make believe fantasyland rhetoric is going to improve the governor’s record.

We need to fight back. We need to say no to the energy bandits, and instead, say yes to real leadership, real ideas, sensible policies and sensible programs.



WIND POWER: IS IT WORTH THE PRICE WE PAY?

By Larry Thomas

In December 2004 it was announced that an application for siting an industrial wind energy project in Pendleton County had been filed with the West Virginia Public Service Commission. Because I had no idea of the effect the proposed project would have on our county, I embarked on a monumental fact-finding project to determine what industrial wind energy projects are all about and whether the claims advanced by the project developers and the industry were valid.

I started my fact finding with a review of websites of both proponents and opponents of industrial wind energy, attended meetings and had conversations and interviews with representatives of both groups as well as individuals living close to existing industrial wind energy projects. I have even traveled to as many as six industrial wind energy projects. Some of them with repeated visits, to see first hand the industrial wind energy projects in action.

Based on that research, I have concluded that the cumulative negative impacts, environmental and others, far outweigh the benefits to be attained and that it is not in the public interest to permit the industrialization of one acre of the pristine mountain tops in the Eastern United States, the Commons owned by "We the People", with industrial wind energy projects.

The current political wind is in favor of the developers and industrial wind energy interests, thereby significantly influencing the pressure on our natural environment. If the trend continues, how much of our National, State and Private Forests will remain when our fast expanding population will likely be desperate for a little breathing room in the future—25, 50 and 100 years from today?

I am well aware of the issues of "Global Warming" and the nation's energy requirements and am totally convinced that industrial wind energy projects on the ridge tops of the mountains in the Eastern United States are not the solution and unworthy of the billions of dollars that we are bestowing upon this industry.

A major reason for the increasing opposition to the development of large industrial wind projects in the mountains is loss of visual amenity, the effects of highly visible vertical man-made structures with rotating blades located in predominantly horizontal, static natural hillscapes. The loss of beautiful scenery, favorite views and inspiring landscapes are objections dismissed by large corporate developers as emotional and subjective. Locating large industrial wind projects in the scenic mountains throughout the Eastern United States is not appropriate. They are in the wrong place. They just don't fit. That assessment is neither emotional nor subjective.

The West Virginia Public Service Commission is responsible for the review and approval or disapproval of applications for siting of industrial wind turbine projects in the State of West Virginia and has published siting application rules and requirements for these industrial projects. In addition, the Public Service Commission has made efforts to safeguard and protect the public interest through special provisions in licenses issued to such projects.

While these are admirable efforts, these provisions remain inadequate until such time as all appropriate studies are completed concerning the cumulative effects of the industrial wind energy projects sited throughout the mountains. In West Virginia there are currently nineteen

industrial wind energy projects that have been identified, one completed, one in the construction phase, two approved and not yet started, one with an application filed with the West Virginia Public Service Commission and the remainder in some level of the planning stage. Two projects that are in the planning stage would be located in the George Washington National Forest in Pendleton and Hardy Counties. Where are they being planned for the Monongahela National Forest?

Currently licensed projects have had and will continue to have irreversible effects on our environment by destroying important wildlife and wildlife habitat, killing huge numbers of bats, destroying highly prized scenic vistas (the viewshed surrounding these projects extends for miles), impacts on local tourism-dependent economies (in West Virginia tourism is our fastest growing industry and in our mountains it is critical to local economies) and residents by impairment of property values, significant noise pollution created by the rotors and mechanical

equipment for residents living in close proximity to the turbines and undue stress to the health and safety of residents living in close proximity of the turbines.

In the February 2006 edition of The Voice, I asked the question, what is the cumulative affect of siting thousands of industrial wind turbines in the Mid-Atlantic Region? Although some attempts have been made to answer that question, the question has not been answered. Additional studies of the cumulative effects of industrial wind energy projects on the environment, citizens, state and

community economics and the cost effectiveness of wind power as an alternative energy source must be completed before any additional industrial wind energy projects are approved.

State of West Virginia agencies, which by their own admission should be involved in these studies, are playing catch-up and not empowered to examine questions concerning these projects and their potential impacts. Even worse, the West Virginia Public Service Commission is not required to seek the assistance of those same agencies (where the professional experts in matters significant to these applications are employed by the state and paid for by our tax dollars) in its review of a proposed industrial wind energy project application and the required information provided therein. There are more than thirty state agencies with the expertise to provide a state wide governmental review of applications submitted to the Public Service Commission.

The claims of the benefits of industrial wind energy facilities on important public policy goals, such as the reduction in our use of imported petroleum, green house gas emissions and electrical grid reliability have been proven to be non-existent.

The claim that industrial wind energy facilities will reduce our use of imported petroleum is misleading. Given that the bulk of our oil usage is for transportation, industrial and residential purposes and given that we use so little oil for electricity production, even if large numbers of industrial wind turbines displaced the small percentage of our electricity now produced by oil, we would still be heavily dependent on traditional sources of electricity and we would still be mightily dependent on foreign oil.

)More on the next page)



MORE ABOUT WIND

The claim that industrial wind energy facilities will reduce green house gas emissions was addressed in the National Academy of Sciences' Committee on Environmental Impacts of Wind Energy Projects, National Research Council study "Environmental Impacts of Wind Energy Projects" summary concerning Co2, SO2 and NO2 emissions. The Committee concluded that "development of wind powered electricity generation using the current technology probably will not result in a significant reduction in the total emissions of these pollutants from the electricity sector in the mid-Atlantic region".

The claim that industrial wind energy facilities will benefit electrical grid reliability is also misleading. Industrial wind turbines have variable electrical power outputs. The amount of electrical power generated at any moment in time is determined by the wind speed at that particular moment. In addition, industrial wind turbines produce electricity only when the wind is blowing within the right speed range. Today's models may begin producing some electricity at wind speeds of about 8 miles per hour, reach rated capacity around 33 MPH, and cut out around 56 MPH.

Because their output is intermittent, volatile and largely unpredictable, the electricity they produce has less value than electricity from reliable ("dispatchable") generating units. Elec-

tricity grids must be kept in balance (supply & demand, voltage, frequency etc.), so one or more reliable, dispatchable generating units must be immediately available at all times to "back up" the unreliable wind generation. The reliable, backup units must ramp up and down to balance the output from the wind turbines, producing more pollution in the process. Wind turbines therefore detract from grid reliability and would be of no value in restoring an electric grid when there is a blackout. Wind turbines have virtually no "capacity" value.

Industrial wind turbines are huge structures that produce an insignificant amount of electricity, only when the wind blows within certain speed ranges, as explained above. Electricity generated from industrial wind energy facilities does not reduce emissions from traditional fossil fueled generating plants which must be available immediately because of winds intermittent nature. Those generating plants will be running at less than full capacity or in "spinning reserve" and will be producing emissions while in a backstopping mode.

Developers of industrial wind energy facilities have not demonstrated through supported and documented information the "substantial positive impact on the local economy" nor do they provide realistic "estimates of the effect of a project on the local and state economy." They have portrayed economic ben-

efit through the use of computer modeling which does not portray reality for small study areas such as the rural counties that cannot absorb the tremendous economic benefits that are portrayed.

In conclusion, the negative issues, problems and drawbacks of siting industrial wind turbines on the pristine mountains is not the answer our nation's need for energy sources. Why are we allowing them to infiltrate our ecologically fragile landscapes and cause huge negative impacts?

Editor's note: Recent experience has shown me the necessity of updating the old aphorism: The only things certain are death, taxes, and that anything said about wind power in the Voice will produce controversy. Whether it calls itself news or commentary, any story is a mixture of objective facts and the author's point of view. Others would consider the same facts and reach a different conclusion. Mr. Thomas' point of view is not an official position of the West Virginia Highlands Conservancy. It is, however, my subjective opinion that there are a substantial number of our members who would agree with that point of view as well as a substantial number of our members who would disagree. I expect to be hearing from them.

T- SHIRTS



White, heavy cotton T-shirts with the ***I*** ***Mountains*** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$10 total by mail; **long sleeve** is \$15. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.

COAL ASSOCIATION NEEDS TO LIGHTEN UP

Commentary by John McFerrin

For the Ohio Valley Environmental Coalition, there is good news and bad news. The good news is that they not living in a third world dictatorship where those in power round up dissenters and have them shot. The bad news is that they find themselves sharing a state with people who share the mentality—if not the tactics—of third world dictators. People who haven't enough confidence of the strength of their position to tolerate any opposing views.

The ongoing dispute is over whether mountaintop removal mining is a wise practice. This has been going on for years.

The current round is over the Kroger gift card program. Under that program, one may buy a Kroger gift card from any one of dozens of non-profit organizations. Kroger then donates a small fraction of purchases made with that gift card to the non-profit organization that the customer designates. Kroger has no role in selecting the organization that gets the donations. Customers may select a church, a school, or any other non-profit organization that participates in the program. One of the participants is the Ohio Valley Environmental Coalition.

This is more than the Friends of Coal and the West Virginia Coal Association could stand. They announced that they planned to inform all their members both in West Virginia and in other states of Kroger's perfidy. While not explicitly urging a boycott of Kroger, the Coal Association announced a plan to "get the word out" to the people who work in the coal industry and "spend hundreds of thousands of dollars weekly to put food on the table."

Since the announcement, letters from miners or their families attacking Kroger have started to pop up in the newspaper. While there is no way of knowing for sure, such campaigns usually mean there has been some persuading going on at work.

Let's get this straight. Kroger didn't do anything to the Friends of Coal, the Coal Association or anybody else connected with the coal industry. It only gave its customers an opportunity to choose to donate to the Ohio Valley Environmental Coalition. It didn't tell its customers they had to donate to it or to anybody. It didn't suggest that its employees write letters to the editor condemning the Coal Association.

So what is this Ohio Valley Environmental Coalition? Is it so evil that a small, neutral connection to it, the kind Kroger has, warrants the wrath of the Friends of Coal and the Coal Association?

In the first place, they are espousing a majority view. According to polling data, mountaintop removal mining is opposed by two thirds of the population of West Virginia. It is also opposed by the Ohio Valley Environmental Coalition.



In its opposition, what does the Ohio Valley Environmental Coalition do? Do its members burst into boardrooms of mining companies with explosives strapped to their chests? Never. Do they sneak onto mine sites and blow the big dozers? No. Do they ever do anything that anyone could suggest with a straight face is illegal? No.

On the contrary, its tactics are solidly American. When it has the opportunity to speak, it criticizes mountaintop removal mining. Its position is that such mining is destructive to the land and people of West Virginia and that it should be eliminated. It is not a remarkable message. It is an opinion held by a majority of West Virginians.

Even the minority of West Virginians who disagree should realize that speaking out is what American democracy is all about. People have a right to be heard.

OVEC's other tactic—the one that has the Coal Association and its publicity arm, the Friends of Coal, all riled up—is surprisingly conservative. They go to court to seek enforcement of environmental laws. In the instance that has the coal guys in an uproar, OVEC managed to persuade a federal judge to enforce the federal Clean Water Act. The result of the enforce-

ment was a restriction on mountaintop removal mining.

While the coal guys characterize anyone who disagrees with them as a radical, the Court system is inherently conservative. It enforces laws approved by the United States Congress. The Clean Water Act was passed during the Nixon administration by an overwhelming majority of the United States Congress. In the case of the coal industry, it is being enforced by a federal judge.

The federal courts are not the forum of choice of radicals. To get to be a federal judge, one has to be appointed by the President and confirmed by the United States Senate. It is a system designed to weed out lunatics. One doesn't get to be a federal judge without being acceptable to two branches of government and being more or less acceptable to the prevailing political system. The judge who decided the most recent mountaintop removal case, Hon. Robert Chambers, was nominated and approved without controversy.

The Coal Association needs to lighten up. This is America. If you do something illegal someone is going to call you on it. Someone is going to go to court to make you stop. If you do something that a lot of people find abhorrent, someone is going to criticize you. What the Ohio Valley Environmental Coalition does is not some aberration; that's the way things are supposed to work.

The Coal Association has more lawyers than Carter has little liver pills. If it doesn't like the result in court, it can appeal.

OVEC believes that mountaintop removal mining is harmful to our state. If the coal guys think otherwise, they can say that. They already have billboards everywhere. Within walking distance of my house there are two pro-coal billboards. They can buy some more of those TV commercials with the cutesy animated bug talking about how great mountaintop removal really is.

What they shouldn't do is attack their opponents and threaten boycotts of anyone who is remotely connected to its opponents. It's not just that such tactics are the province of those who know in their hearts that their position on the merits is untenable. Worse than that, it's un-American.