

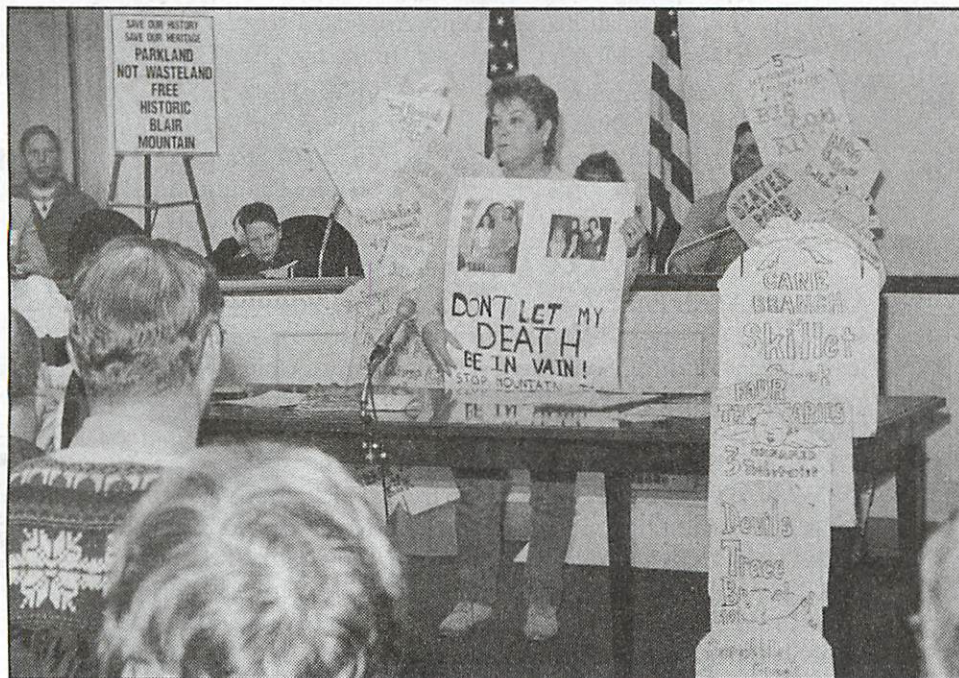


# Reporter

**Citizens Coal Council**

**May 2000**

*Safe homes, clean water & a healthy environment in the coalfields*



Eulla Williams, WV, joined over 100 citizens to speak out in Washington D.C. for protecting their families and lands from strip mining abuse. (Deana Smith)

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**Spoon feeding the poor little baby**  
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## Thanks for feathering our nest with photos, clippings and ideas!



**Norman Benally, Bev Braverman, Linda Brock, Georgia Canfield, Doyle Coakley, Beth Davis, Richard DiPreto, Gary Eck, Laura Foreman, Janet Fout, Jerry Hardt, Ed Heller, Anna Johnson, Jane Johnson, Patty Marsh, Don Mottley, Ruth Nichols, Julia Orr, Barney & Vina Reilly, Jack Scott, Deana Smith, Steve Smith, Jeff Stant, Hendrick Snow, Richard Stout, Ann Tatum, John Wathen, Brian Wright, and all our OSM friends.**

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CCC publishes the **Reporter** and mails it 3rd class from Denver, CO. Please send letters, clippings, cartoons, & photos to the Denver office.

## Citizens Coal Council

CCC is a grass roots federation of citizen groups and individuals who work for social and environmental justice. CCC and its members strive to:

- Protect people and our homes, water and communities from coal mining damage.
- Restore law and order by enforcing the federal Surface Mining Control and Reclamation Act.
- Help each other win our issues.

### Coordinating Committee (Board)

CCC is run by a committee of delegates representing members in their states and Native American Nations.

Wanda Hodge, Tennessee Chair

Doyle Coakley, West Virginia, 1st Vice Chair

John Wathen, Alabama, 2nd Vice Chair

Norman Benally, Diné, Arizona, Treasurer

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Ellen Pfister, MT

Barney Reilly, VA

Richard Stout, IL

Gwen Thompson, ND

Shirley Willie, OK

### CCC Member Groups

**ALABAMA:** AL Envir. Council, Direct Action, Friends of Hurricane Creek

**COLORADO:** Crystal Valley Environmental Protection Association, San Juan Citizens Alliance, Southern Colorado Citizens United for Responsibility to the Environment, Western Slope Environmental Resource Council

**IDAHO:** People's Action Coalition

**ILLINOIS:** Citizens Organizing Project

**INDIANA:** Friends & Families in the Ireland Field, Indiana Citizens Mining Council, Hoosier Environmental Council, Save Our Land & Environment

**KENTUCKY:** Kentuckians For The Commonwealth

**LOUISIANA:** Louisiana Environmental Action Network

**MISSISSIPPI:** Concerned Citizens for the Future of Choctaw County

**MONTANA:** Northern Plains Resource Council

**NAVAJO NATION:** Diné Mining Action Center, Diné Alliance, Nenahnezad Chapter Technical Committee

**NORTH DAKOTA:** Dakota Resource Council

**NEW MEXICO:** Water Information Network, Zuni Mountain Coalition

**NEW YORK:** Protect A Clean Environment

**OHIO:** Buckeye Forest Council, Friends of Dysart Woods

**OKLAHOMA:** Pittsburgh Co. Mineral & Surface Owners Association

**PENNSYLVANIA:** Alice Water Protection Assoc., Concerned About Water Loss due to Mining, Concerned Citizens of New Castle Township, Mountain Watershed Association, People United to Save Homes

**TENNESSEE:** Save Our Cumberland Mountains

**TEXAS:** Neighbors For Neighbors

**VIRGINIA:** Coalition for Jobs & Environment, Concerned Citizens for Environmental Awareness, Dickenson County Citizens Committee

**WEST VIRGINIA:** Citizens for Responsible Mining, Coal River Mountain Watch, Holden Environmental Assoc., Ohio Valley Environmental Coalition, WV Highlands Conservancy, WV Organizing Project.

**WYOMING:** Powder River Basin Resource Council, WY Outdoor Council

**MULTI-STATE:** Center for Environmental Equity, Commission on Religion in Appalachia, Environmental Health Network, Heartwood, Southwest Center for Biological Diversity, Tri-State Citizens Mining Network

# Good news and bad from feds

In December, the U.S. Office of Surface Mining (OSM) issued its final rules on "valid existing rights" (VER) to mine coal located under protected lands such as national and state parks, homes, historic areas, and cemeteries.

The 1977 federal coal law bans strip mining on protected lands unless an operator had a valid right to mine when the law was passed in 1977. Congress never defined VER, and citizens and mining companies have fought over its meaning for years.

The good news is OSM says that if a company wants to strip mine coal under protected lands, it must have made a good faith effort to obtain all the required permits before 1977.

The **Buckeye Forest Council** of Ohio led the national effort to win this "good faith all permits" ruling that will help protect the Wayne National Forest from strip mining.

## 1.8 Million Homes Denied Protection

The very bad news is the rule includes no protection from the impacts of underground mines. The ruling denies the owners of 1.8 million homes the right to decide whether to allow mining under their homes.

Thousands of acres of state and federal parks, wilderness and national recreation areas, and historic properties are also now at risk of severe damage from underground mining.

OSM Director Kathy Karpan said the collapsing of land above an underground mine that can destroy homes, water resources, and trees is not a surface impact of mining. She parroted the argument of the National Mining Association, a coal industry group, claiming that "longwall mining operations would no longer be economically viable" if homeowners had the right to deny mining under their homes.

Karpan's decision was based on a legal opinion written by Stuart Sanderson, a former employee of OSM and the National Mining Association who now directs the Colorado Mining Association.

## Groups Sue to Overturn Harsh Rule

"It is outrageous that the Clinton-Gore Administration would propose such a harsh rule that abandons coal field residents and places their homes and communities in harm's way," said CCC's Virginia board member Barney Reilly.

In February, the Citizens Coal Council, the Kentucky Resources Council, the National Trust for Historic Preservation, and the National Wildlife Federation sued Bruce Babbitt, Secretary of the Department of Interior. They are asking for the rule to be overturned and make the federal coal law apply equally to the impacts of underground mining. The suit was filed in federal court as "Citizens Coal Council v. Babbitt." ♣



**A harsh new federal rule denies 1.8 million homeowners the right to say no to coal mining under their homes. Subsidence from underground mining collapses the land surface and causes extreme damage to homes such as Moses Tenant's and to cemeteries, parks, and forests. (DiPretoro)**

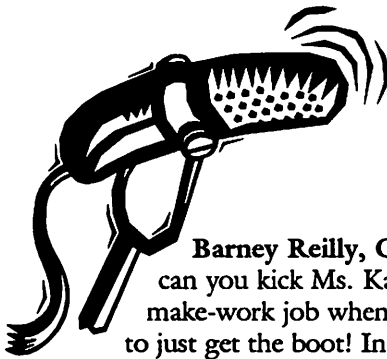
## Great News!

## Karpan out, Henry in

As we go to press, Secretary Bruce Babbitt announced April 7 he had replaced Kathy Karpan as Director of the US Office of Surface Mining with Kay Henry as acting director and kicked Karpan upstairs to be Deputy Assistant Secretary.

This move came after three weeks of controversy. On March 17, the *Charleston Gazette* ran a story that Karpan was seeking to be the new head of the National Mining Association (NMA) and had recused herself from taking part in some agency issues earlier that week.

Coalfield citizens throughout the country have long been outraged over Karpan's actions to promote the coal industry's abusive mining practices. They told Secretary Bruce Babbitt to change his policies and fire Karpan. *See page 4 to read about what people told the media and Secretary Babbitt.* ♣



## A piece of our minds

**Citizens talked to the media and wrote to Secretary Babbitt about the OSM director's job hunt at the National Mining Association\***

**Barney Reilly, Clinchco, VA:** "How can you kick Ms. Karpan upstairs to that make-work job when you know she needs to just get the boot! In the words of the late Hank Williams, give her the 'Dear John' letter and send her saddle home!"

**Ann Tatum, Texas:** "I have personally dealt with Karpan and her staff; OSM does not protect the citizens — OSM historically works for and benefits the coal mining industry. Karpan will not be missed. It's time to wake up."

**Doyle Coakley, Cowen, WV:** "Ms. Karpan has been courting the coal industry from her first day as OSM Director and should be fired. You could say it's enough to make a good Democrat vote Republican."

**Linda Brock, Woodbine, KY,** in the *Lexington Herald-Leader*: "Brock said yesterday that since December, OSM has given the coal industry what she says are favorable rulings. Among other things, they include easing mountaintop-removal mining laws, underground mining subsidence and surrendering its authority to issue permits and inspect mining on federal land to state

regulators. 'I definitely wonder about her motives,' Brock said."

**Don Mottley, Boonville, IN:** "Your agency can't continue to give in to corporate greed. Dumping CCW (Coal Combustion Waste) into our ground water is not acceptable. Allowing mines to cause damages to homes, churches, schools, and businesses from blasting and subsidence must stop."

**Former OSM employee, name withheld:** "I grew up in Pennsylvania. I used to think the color of water was red not blue due to the severe amount of acid mine drainage. The act of Kathy Karpan pursuing a job with the organization which has repeatedly tried to eliminate SMCRA and destroy OSM is a severe insult to the citizens of this country and the employees of OSM. Kathy Karpan must go!"

**Janet Fout, Huntington, WV** in the *Charleston Gazette*: "This situation places Bruce Babbitt's Department of the Interior in a very dim light. An investigation needs to be conducted to find out just how cozy Karpan's relationship with the mining industry has been."

In the *Washington Post*, April 3: "The fact that the industry association would call her," said **Joan Mulhern**, legislative counsel for Earthjustice Legal Defense Fund, "demonstrates they view her as an ally, not a watchdog." "We see her as

\* Letters were edited for space.

## Groups sue to protect watersheds

In March, the Citizens Coal Council filed notice to join a lawsuit in West Virginia that aims to protect the watersheds near both underground and mountaintop removal strip mines.

The **Ohio Valley Environmental Coalition** and **Hominy Creek Preservation Association** sued Michael Castle, head of the West Virginia Department of Environmental Protection in January. They charge the state agency illegally granted permits for six mines without analyzing the effects of mining on water quality and quantity in the watersheds.

The state granted the six permits without having basic information on stream flows, rainfall, water quality, water monitoring plans, and all existing and anticipated mining in the area. The coalition's Laura Forman said the state should "stop acting as an industry mouthpiece and start protecting the people and their watersheds as the law mandates."

Mining damage to water resources in the Island Creek area has caused flood damage and loss of property values. Residents surrounding Hominy Creek, a native trout stream, fear similar

damage and losses in their area because the state did not comply with the law when it recently approved mining permits.

Federal coal law requires regulators to make a cumulative hydrologic impact analysis before granting a mine permit. The analysis helps the public and the agency know how the mine, combined with other mines in the watershed, impacts underground and surface water and how damage will be prevented. If damage can't be prevented, the agency must deny the permit.

Citizens worked hard to include this section of the law because they had seen how several mines can damage the water in a region. Properly done, an analysis paints a picture of the water resources around the permit and is an important tool for ensuring that mines are protecting water resources.

This part of the federal coal law is critical to protecting water resources in coalfields across the country, but state and federal regulators often ignore it. A successful suit in West Virginia will set an example for citizens to persuade state and federal regulators to protect our water. ♣



# Citizens win big victory for clean water, streams

The Citizens Coal Council won a great legislative victory in November after helping to coordinate a national effort to uphold clean water and stream protection rules.

CCC's member groups, dozens of national environmental groups, and Republican and Democrat members of Congress joined hands to prevent Senator Robert Byrd (Dem-WV) from passing a last-minute amendment that would have allowed coal companies to continue dumping millions tons of mine waste into stream valleys.

Coal field citizens and our allies across the country worked for four weeks — some days around the clock — to stop Senator Byrd from overturning U.S. District Court Chief Judge Charles Haden's October ruling that West Virginia and the federal government had violated federal mining and clean water laws in allowing coal companies to dump millions of tons of mine waste into West Virginia streams.

The judge's decision came in response to a lawsuit filed in 1998 by the **West Virginia Highlands Conservancy** and seven citizens against the WV Department of Environmental Protection and the U.S. Army Corps of Engineers.

## Byrd Set Fire to the Grassroots

Senator Byrd needed to recruit more Congressional supporters beyond the West Virginia delegation so he proposed to weaken the clean water law for all coal and other types of mines. He did gain a few allies — such as Senator Mitch McConnell (Rep-KY) and senators from western states with hard-rock mines — but his efforts also set a fire that engulfed him by galvanizing tens of thousands of outraged grassroots citizens into battle.

They wrote, phoned, faxed and emailed the Clinton-Gore Administration, Congress, and the media to stop Byrd's effort. Newspaper editorials across the country thundered against Byrd and the coal industry and the TV and radio networks began covering the story.

## House Republicans, Tireless Warriors

House Republicans led by Chris Shays (CT) and Rick Lazio (NY) were tireless warriors in the effort to defeat Byrd. At a press conference they called upon President Clinton to veto any Byrd amendment and pledged their votes to uphold a veto. House Democratic leaders also gave good support.

A bus load of **Ohio Valley Environmental Coalition** (OVEC) members came to Washington and erected OVEC member Carol Jackson's "Mountaintop Removal Cemetery" in front of the Capitol. The sight of this cemetery representing the 1,016 West Virginia streams and communities destroyed by mountaintop removal strip mining inspired more support.



A mountaintop removal strip mine owned by Addington has dumped millions of tons of waste rock and buried another stream near Cabin Creek, WV. (Jack Scott)

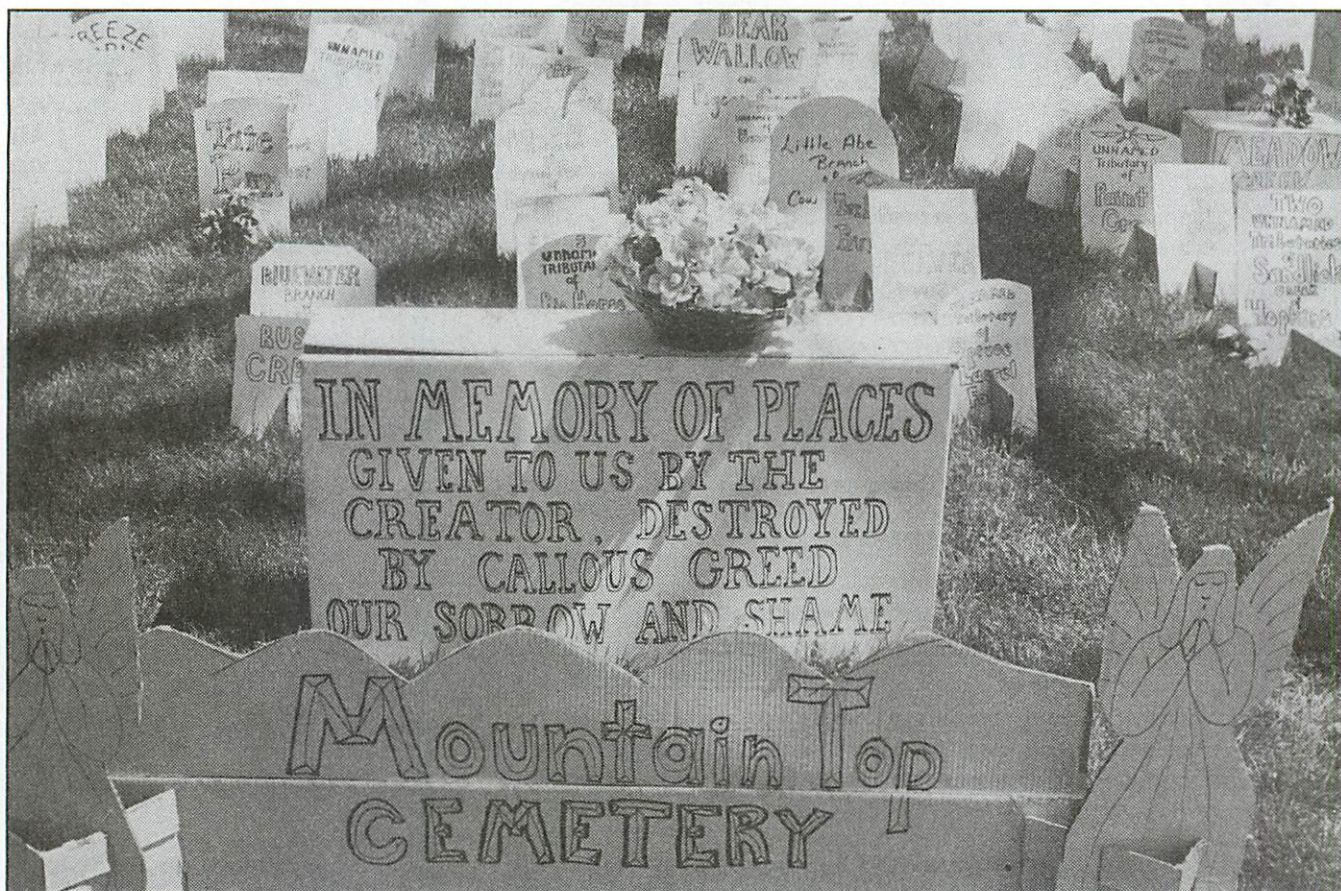
## "Byrd For Sale"

Thanks to the excellent research and media work by the WV Citizens Action Group, coal company donations to Byrd and other state officials received state and national publicity. OVEC members also picketed two fund raisers in West Virginia for Byrd's reelection campaign. At the thousand-dollar-a-plate dinner at the Charleston Marriott hotel, coal company

(Please turn to the next page)



## News &amp; Updates



Members of the Ohio Valley Environmental Coalition displayed this cemetery, created by artist Carol Jackson, in front of the US Capitol in memory of the 1,016 streams and communities destroyed by outlaw mountaintop removal strip mines. Generous donations from the Friends of the Earth, the World Wildlife Fund and others enabled CCC and OVEC to bring a bus load of West Virginians and the cemetery to show the Congress and Administration the importance of keeping and enforcing the stream protection regulations in the mining and clean water laws. (Jack Scott)

fat cats were greeted by Larry Gibbons, Julian Martin and 30 other sign-carrying OVEC members who yelled slogans such as "Byrd for sale!"

Apparently, the criticism wrapped in humor was a new experience for Senator Byrd. In a long, televised speech in the Senate on Nov. 18, Byrd was visibly and vocally upset that citizens had dared to picket him and call attention to his large campaign donations from the coal industry.

The victory is the latest milestone in the long-term campaign to stop the destruction caused by mountaintop removal strip mining in Kentucky, Virginia and West Virginia. ♣

### Thanks, you made the difference!

The Citizens Coal Council thanks all the individuals, grass-roots and national groups, donors, and members of Congress who made this victory possible with your unstoppable energy and dedication!

### News Flash News Flash News Flash News

## Having it both ways?

The Clinton-Gore administration reluctantly opposed Senator Byrd's rider last fall and has been searching for ways to give a little to the citizens and a lot to Senator Byrd and the coal companies. In late April, the Justice Department filed its long-awaited legal appeal of Judge Haden's ruling that dumping mine waste into streams violates the Clean Water Act and the federal coal law.

The appeal agreed with Haden that the stream buffer zone rule under the coal law bans dumping mine waste into streams, but it opposed his ruling on the clean water rules. On April 20 the Corps of Engineers proposed a new rule to allow dumping mine waste in wetlands. The comment period ends June 19. CCC will oppose weakening the Clean Water Act rules. (See cartoon on page 11.) ♣



# Jobs campaign faces union challenge

CCC's *Jobs & Justice* campaign to create jobs cleaning up abandoned mines has helped win over \$30 million in increased funding for cleanup since 1998. Last year, citizens convinced Congress to approve a \$10 million increase over last year.

Now the campaign faces a new challenge from the United Mine Workers union. It wants Congress and President Clinton to change the law and require all the interest earned from the Abandoned Mine Land (AML) trust fund to pay for health and retirement benefits for retired miners or their widows.

In 1992, Congress allowed \$70 million in interest from the AML trust fund to go into the Benefit Fund. In 1997, the union signed on as a supporter for CCC's *Jobs & Justice* campaign with the understanding that the \$70 million transferred yearly to the benefits fund was not threatened by our effort to get more AML monies released.

Over 11,000 abandoned mines still haunt the coalfield communities causing landslides, water pollution, and the loss of water supplies and property values. In 1977, Congress set up a trust fund to repair and reclaim abandoned mine sites by charging mine owners a fee on each ton of coal mined.

Last October, the CCC board passed a resolution to urge Congress to secure needed money for the benefits fund from other sources and to oppose the union's effort to transfer more badly needed cleanup money to the benefits fund.

This year, CCC is asking Congress to approve a \$102 million increase in AML funding. In March, CCC Chair Wanda Hodge wrote Congressman Ralph Regula (R-OH), urging him to push for full funding for AML cleanup. Regula chairs the House committee charged with OSM funding. ♣

## Virginians say, "We need more vital cleanup funds!"



Board members of the the Dickenson County Citizens Committee are national leaders in working for more funds for cleaning up the many abandoned coal mines in Virginia. Their efforts are helping 100 families on Brushy Ridge finally get a new supply of clean water. The families have had to haul water since the early 70's. (C. Johnson)

but the case stayed alive because OSM refused the groups' request for an attorney fee award.

OSM claimed the groups' appeal to the Interior Board of Land Appeals had nothing to do with the reclamation of the mine site or the many changes OSM made during the appeal to streamline handling citizen complaints. The Board agreed with OSM and refused to award fees so the groups went to federal court.

In 1998, the US District Court for the Eastern District of Kentucky rejected OSM's claims and reversed the Board's denial; it said said citizens are entitled to awards when OSM changes position in a citizen's favor while an appeal is pending at the Board. It told the Board to award fees and expenses in the case and rejected OSM's claims that the groups had "over-lawyered" the case and the lawyer fees were too high.

The case went back to the Board. Again OSM made the same arguments and asked the Board to reduce the award. This time the Board said absolutely not and awarded the citizens' groups 97 percent of the amount they requested.

This decision allows the groups to pay their attorneys for their work in getting the mine site reclaimed. It should encourage lawyers to represent coalfield groups and citizens in other cases who cannot afford to pay a lawyer to take a case. ♣

### Good News!

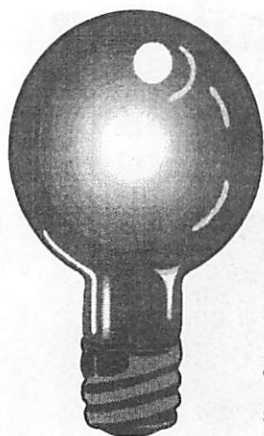
## Citizens win legal fees from OSM, finally

On January 18, 2000, citizens won a major decision that stopped the Office of Surface Mining's (OSM) effort under Director Kathy Karpan to deny legal fees to citizens groups.

The Interior Board of Land Appeals awarded \$51,365.41 to the Kentucky Resources Council, **Kentuckians For the Commonwealth**, and the National Wildlife Federation in a lawsuit these groups brought to enforce SMCRA, the federal coal law. The award enables the groups to pay their lawyers, Tom Galloway of Boulder, CO, and Walt Morris of Charlottesville, VA, for investigating and prosecuting the groups' claim that Branham & Baker Coal Company, Inc., owned or controlled an abandoned, unreclaimed eastern Kentucky mining operation carried out by Deep River Mining Company.

As a result of the groups' complaint, Branham & Baker long ago completely reclaimed the abandoned mine and paid fines,



**Dirty, Cheap and out of Control**

# Dark side of the light bulb — toxic coal waste

**U**tility companies spend millions advertising electricity as a clean, cheap source of energy. General Electric tells us repeatedly that it "brings good things to life." What the TV ads don't show is the dirty, expensive process of mining coal and burning it in power plants.

The fact is the electric utilities make 55 percent of the nation's electricity by damaging our land, air, water, homes and health.

Millions of people have seen the destruction caused by coal mines and still must breathe the pollution that coal-fired power plants spew into the air, but not many have seen the one other dark side of the coal cycle: millions of tons of coal waste dumped by the electric utility companies into strip mine pits and landfills.

## More Air Pollution Controls = More Waste

There are three sources for the waste: the ash left from coal burning, at least 10 percent of the coal doesn't burn; the pollutants removed by scrubbers from the power plant stacks; and the chemicals used to scrub the air and clean the boilers. Coal is such a dirty fuel that cleaning up the air doesn't mean

that the pollutants disappear. Instead, pollutants removed from the air become solid waste pollution and, as more air pollution controls are added, the amount of solid waste increases.

This waste can contain very high levels of metals and chemical compounds that poison people and the environment: arsenic, lead, mercury, cadmium, chromium, selenium, boron, sulfates, and radioactive elements.

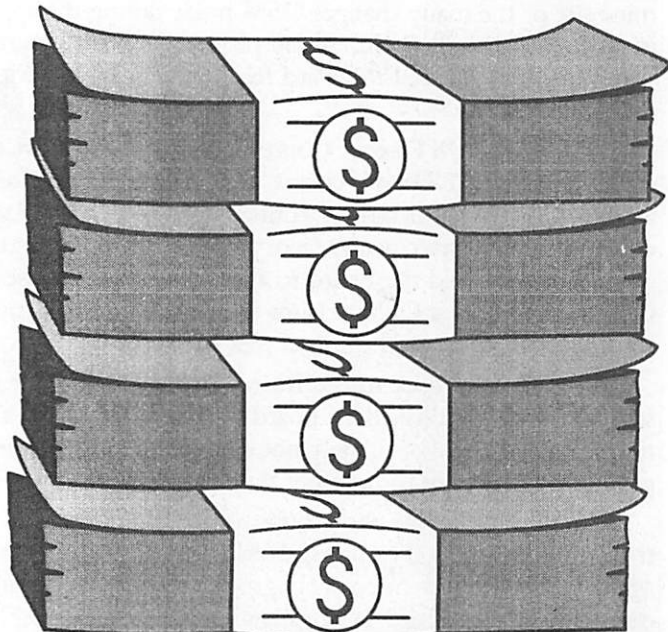
Each year, the utility companies produce over one hundred million tons of waste and dump three quarters of it at 750 sites across the country. About 25 million tons is separated and recycled into construction materials. Few states have effective disposal rules and nearly every state has several unregulated waste dumps.

In many states, strip mines are being turned into coal waste dumps with no environmental controls to protect ground water. The practice is growing and mines in Kentucky, North Dakota, Illinois, Pennsylvania, Texas and other states are being used as waste dumps instead of being reclaimed as soon as mining is done. For example, Indiana mine operators dump millions of tons of coal ash in direct contact with ground water.

In less than two years the **Hoosier Environmental Council (HEC)**, a state-wide grassroots group in Indiana that

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## Big buck\$ for favor\$



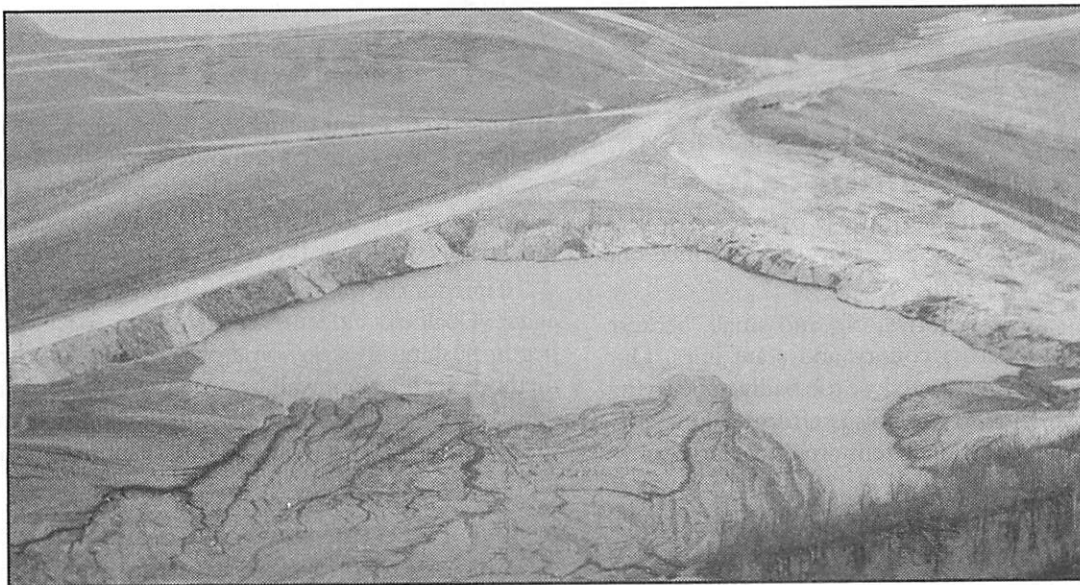
**E**lectric utilities fork out big bucks for ads estimated to cost hundreds of millions of dollars each year — exact amounts aren't available. We found the costs for one of the industry's smaller budget items that pays off in tax breaks and weak environmental rules: lobbying in Washington D.C.

Here are the top 10 in 1998. A trade association occupies first place followed by 9 utility companies. (Data from the Center for Responsive Politics, [www.opensecrets.org](http://www.opensecrets.org)).

Rank	Company	Lobbying Expenses
1	Edison Electric Institute	\$11,020,000
2	Florida Power & Light	3,220,000
3	Entergy Corp.	3,060,000
4	Southern Co.	2,600,000
5	DTE Energy Co.	2,514,277
6	Pacific Gas & Electric	2,260,000
7	PacifiCorp	1,737,251
8	Puget Sound Energy	1,590,000
9	Texas Utilities Co	1,500,000
10	So. California Edison	1,320,000



## Dirty, Cheap and out of Control



Ash from a power plant owned by Indianapolis Power and Light is dumped into this water-filled strip mine in southwest Indiana. Ash contains arsenic, mercury and other toxics. (Steve Smith)

belongs to CCC, has found more than 60 cases across the country where toxic pollutants from coal waste dumps have polluted ground and surface water and drinking water supplies. The Council believes far more exist and will be found as their research continues.

Electric companies and their industry associations have worked hard to downplay the dangers of coal waste dumps by claiming the waste is harmless "swamp dirt" and hiring university professors to do research and testify at hearings. These claims — plus the utility industry's very large donations to political campaigns — have convinced states like Indiana and Texas to adopt toothless rules on waste dumping.

### Dirty Dumps of Death

Electric company ads can't show pretty pictures of the dumps because they are dirty places of death. The US Environmental Protection Agency (EPA) predicts that children drinking ground water polluted with arsenic from coal waste have a one-in-one hundred chance of getting cancer; that's ten thousand times higher than the Agency's goal of reducing cancer risks to less than one-in-one million.

Pollution from coal waste not only directly threatens human health, it also has caused deformities and genetic damage to frogs, snakes, fish and other animals and insects. At five lakes in Texas and North Carolina, citizens must limit how many fish they eat because coal waste has so badly polluted the lakes.

Toxins like selenium and mercury are passed up the food chain to any animal or human who eats a fish or other contaminated plant or animal, bringing home the old saying: "You are what you eat."

### Where Is EPA?

EPA has the power to set standards for coal waste disposal but hasn't done so. CCC, HEC, and the Clean Air Task Force have been joined by 280 local, state and national groups in demanding that EPA name these wastes as "hazardous" and set environmental controls such as requiring liners, monitoring the groundwater, and collecting the chemicals that leach out of the wastes so it can't pollute streams and groundwater.

Opposed are utility companies, the National Mining Association, the Office of Surface Mining and the Department of Energy who have persuaded the White House to block EPA's efforts at writing protective rules. ♣

### What you can do to...

#### **Protect our water!**

The Citizens Coal Council, the Hoosier Environmental Council and the Clean Air Task Force are coordinating a national campaign to win strict rules from EPA so power plant waste dumps won't pollute the groundwater.

Please tell President Bill Clinton and Vice President Al Gore that you *support* an EPA effort to set national rules for disposing of these wastes. Send your letter or e-mails to:

1600 Pennsylvania Ave., NW

Washington D.C. 20500

e-mail:

President Clinton: [president@whitehouse.gov](mailto:president@whitehouse.gov)

Vice President Gore: [vice.president@whitehouse.gov](mailto:vice.president@whitehouse.gov)

# Hit the road, Jack!

## Citizens can win against King Coal's big bamboozle

Coalfield citizens have shown their muscle over the past year and put the coal industry on notice: we won't sacrifice our homes and environment for you.

We are winning more victories, big and small, because we're working together across county and state lines. Our attitude is shifting from trying not to lose too badly to believing we can often win by waging bigger, noisier efforts. Like a feisty underdog sports team, coalfield citizens aren't rolling over in the face of tough opposition.

Coal industry officials have not handled this change well. That's an understatement. They moan. They whine. They resort to calling us names: "anti-mining, anti-job activists" and "radical environmentalists" are the printable ones.

The kings of the coal industry in their hand-tailored suits — such as Steven Leer of Arch Coal or Richard Lawson of the National Mining Association — curl up in a fetal position and try to act like victims of our tee-shirt army when we rally, sue, wave posters, and shout slogans to press our demand that the coal companies protect our health, homes and environment.

### Kings Wearing Tin Foil Crowns

Like all outlaws and tyrants, the coal kings excuse their actions as necessary, though maybe painful, and try to bully those who oppose their tyranny. Yes, these kings wearing tin-foil crowns are victims all right, victims of their own bamboozle that mines must damage and destroy the lives of coalfield residents to provide the level of profits sought by the mine owners who give capitalism a bum rap.

Citizens aren't fooled by industry's big bamboozle, the Big Lie that they must sacrifice their homes, streams, and communities so the rest of the nation can have cheap electricity.

Every one should scoff when coal kings claim they need to blast apart the Appalachian mountains and dump them into streams so they can compete with cheap coal from western states. They should point and jeer when companies claim that underground longwall mines must destroy homes and lands in order to make a profit or that safe disposal of power plant wastes will put utility companies out of business. Nonsense!

### Profits Are Private, Costs Are Public

It's a no-brainer that companies must make a profit or get out of business. It takes maybe three brain cells to figure out that companies must charge a price for their coal that includes the costs of protecting communities and the environment.

Electricity is artificially cheap when the full costs of protecting homes, water, and air aren't reflected in the utility bill. With public disgust building, coal company executives are

dummies to risk their businesses by relying on the old ploy that the lights will go out and computers will shut down if they are forced to mine responsibly. They took a similar head-in-the-sand approach in the 70's and the result was Congress passed the federal coal law at the behest of citizens.

Time for the mining industry to shape up is slipping away again. Coalfield citizens are marching for justice and have begun pushing to stop some of the most destructive mining methods such as longwalling and mountaintop removal. That line from the old Ray Charles song is making a comeback, "Hit the road, Jack, don't you come back no more, no more, no more."

### Slaying the Byrd Amendment

Citizens joined together across the country in November and defeated Senator Byrd's amendment to weaken the federal coal and Clean Water laws. They took it on despite Byrd's reputation of being unbeatable and despite heartfelt advice to avoid certain loss and find a compromise.

The advice came from both a fear of Byrd and blind partisan politics. Byrd holds a life and death grip on federal spending and he's a Democrat. Leaders of the Democrats, with President Clinton and Vice President Gore at the top, act as if their party has a lock on environment issues. They often take the support of grassroots citizens for granted. When citizens object or turn away from this insulting treatment, party leaders smugly advise, "take the small crumbs we offer because where you gonna go, to the Republicans?"

### Fighting To Win

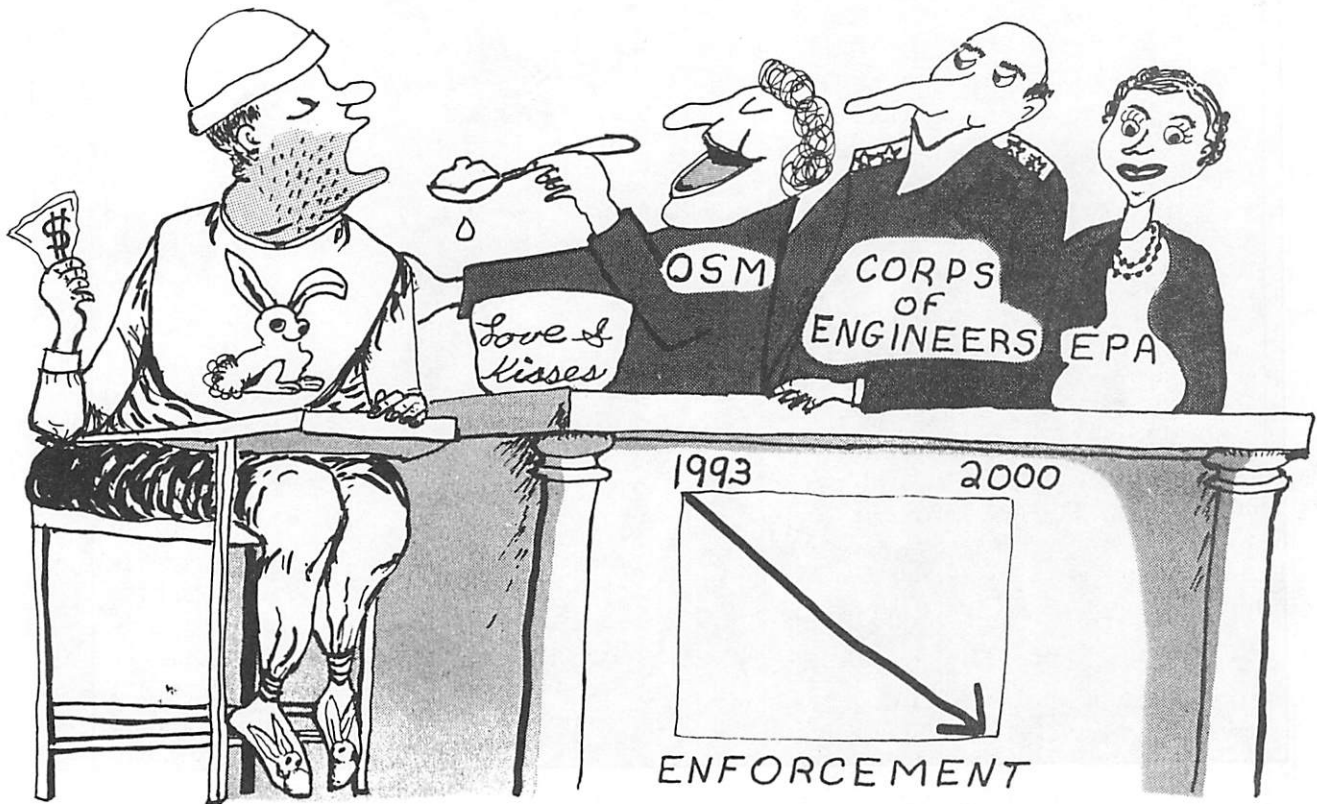
Coalfield citizens rejected the advice and didn't run. They knew it would be a toughie but lined up on the field against the coal industry, Byrd and the industry's other rented puppets in Congress and fought to win.

And, yes, citizens did go to the Republicans for support and thankfully got it; many principled Democrats also broke ranks with leaders like Byrd. Even the White House swung around and gave support. None of this would have happened if the citizens had backed down.

The victory proved once again that protection from coal mining abuse — as well as other environmental issues — is nonpartisan and has broad support across the political spectrum, right, left, and center. Citizens and many legislators don't like to see their concerns reduced to a political club used to bash members of another party.

We expect our officials to take action. Those who give hollow speeches, write a book, or paddle a canoe in front of the cameras don't fool us long. It's deeds that count and convince, not the empty words or posed photos. ✦



*Carolyn Johnson DO*

**HERE, SWEETIE, THE CLINTON-GORE ADMINISTRATION WON'T  
MAKE YOUR COAL MINES STOP WRECKING STREAMS AND HOMES**

## Mars??? Save our water here!

Dear CCC,

Our government just lost over 330 million dollars of tax payers' money trying to find water on Mars. President Clinton, the EPA, and NASA can come here to Marshall County, West Virginia, on planet Earth and I will show them water, real water. It won't cost the tax payers anything.

But they had better come quick. It's not going to be around long. The same government trying to find water on Mars is letting Consolidated Coal Co. destroy and drain the water from the surface of our planet in Marshall County.

[Consol's expanded longwall mine will damage homes, farms and groundwater under thousands of acres in the county.]

If you don't have water, your environment isn't worth anything; everything else is useless. About as useless as Mars.

Water is priceless. Everyone I talk to feels the way I do. Our whole beautiful state is being trashed and turned into a waste land by the coal companies. Our children are going to inherit this mess, thanks to our Government and the coal companies.

It's all about corporate greed. Mountaineers are always free but not in Mountaineer land!

Ed Heller, Wheeling, West Virginia



# ACTIONLINE



Jeanne Charter tells a Montana state official that mine reclamation must include reestablishing groundwater resources and protecting them from contamination. (Dennis Short, CCC)

## Montanans push reclamation, now

For the past three years, members of the **Northern Plains Environmental Resource Council** have researched and publicized the snail's pace of reclamation at Montana's huge strip mines. Now their efforts are having an impact.

In September, Ellen Pfister — CCC board member for Montana — joined Northern Plains members Jeanne Charter and Nick Golder, CCC staff, state and federal regulators and for a tour of the Spring Creek and Decker mines.

Montana law, as well as the federal law, requires mines to reclaim as they mine. In 1997, Pfister found Spring Creek had reclaimed only 4 percent of the land mined during the past 15 years and state officials had ignored the requirement during their monthly inspections of the mine.

Spring Creek officials showed the group they had recently reclaimed more lands in response to the group's citizen criticism. The citizens were pleased to see progress and urged the company to commit more resources to reclamation.

At Decker, mine personnel were creating diverse areas with different types of soils, overburden and plants instead of the usual practice of one-size-fits-all across the mine site.

Northern Plains and CCC members were pleased their efforts have convinced mine operators to pick up the pace of revegetation. They were alarmed, however, that neither the mines nor the state and federal agencies had tackled the second part of reclamation — decreasing the impacts on water resources and rebuilding the groundwater system.

Jeanne Charter said, "Backfilling needs to include both restoration to approximate original contour and measures to confine and direct intersected groundwater across the area to minimize contact between groundwater and unconsolidated spoils material. Reclamation is more than growing plants."

Kennecott Energy, a subsidiary of RTZ, owns the Spring Creek mine. Decker is owned by Peter Kiewit Sons' and Kennecott. ♣



# Help on the way for citizens fighting methane gas wells

**T**he coal bed methane gas industry is growing — and wrecking — communities from Wyoming to Virginia. Backers of gas development say theirs is the “clean alternative” to mining and burning coal. Citizens living among coal bed methane gas wells know these claims are false.

Coal bed methane gas development contaminates water wells, produces loud and constant noise, lowers property values, and causes explosions. Citizens often feel helpless when they learn they have no legal right to stop companies from drilling on their land. Development is concentrated in rural areas where poverty is persistent and the impacts fall heaviest on the poor and people of color.

Thousands of wells have been drilled in Alabama, Colorado, Virginia, Wyoming and other states.

To coordinate and support citizen efforts on methane gas, the **San Juan Citizens Alliance** has

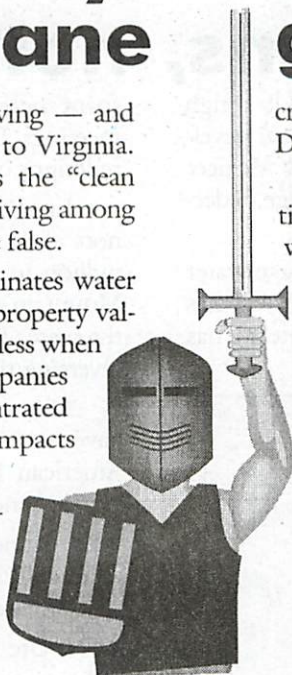
created the Citizens Oil & Gas Support Center in Durango, Colorado.

The Center will provide technical and organizational assistance, coordinate strategies, and spread the word about what has, and hasn't, worked.

In February, over 60 citizens attended the Center's first conference in Denver, Colorado. They came from across the country and Canada to share their experiences and set priorities. ♣

## For more information:

Citizens Oil & Gas Support Center  
c/o San Juan Citizens Alliance  
PO Box 2461  
Durango, CO 81302  
970-259-3583  
glachelt@fone.net  
www.sanjuancitizens.org



# Gibson, Martin walk for the mountains

West Virginia activists have kept up their tireless efforts to stop mountaintop removal strip mining in Appalachia. Last August, Larry Gibson and Julian Martin completed a 493-mile “Walk for the Mountains” across the state to educate people about the devastating impacts of mountaintop removal strip mining.

The walk was organized by the **Ohio Valley Environmental Coalition** and supported by the **WV Highlands Conservancy**, **Coal River Mountain Watch**, **Heartwood**, **CCC**, and other groups.

Throughout, supporters joined Larry and Martin to walk for an hour or even several days. They held community meetings and informal discussions at night about the impacts of mountaintop removal. Members from the **Kentuckians For The Commonwealth** also came to walk.

The walk was a huge success and many West Virginians who had never heard of the problem voiced their support for the campaign. Intense media coverage resulted in television, radio and newspaper features running daily. ♣



For the love of mountains, Larry Gibson, second from left, and Julian Martin, second from right, walked 493 miles across West Virginia to educate the public about the damage from mountaintop removal strip mines. Many joined the walk organized by the Ohio Valley Environmental Coalition. (J. Fout)



# High-cost water for coal and subdivisions, not Indians

Members of the **San Juan Citizens Alliance** tackle tough issues and perhaps the toughest involve water and coal development in southwest Colorado and northeast New Mexico. Here, local promoters and state officials worship huge, federally subsidized water projects as a birthright.

For over 20 years, a proposed dam project to take water from the Animas river and pump it uphill to a reservoir has haunted area residents. The US Department of the Interior has

spent nearly \$150 million of taxpayer money on studies, meetings, Ute Indian Tribe Development payments, and many redesigns of the project.

Interior Secretary Bruce Babbitt and the Colorado governors claim the dam project must be built at a cost of \$257 million in order to satisfy the legal water rights of the Ute Mountain and Southern Ute Indian Tribes who, they say, need the water for drinking and farming. They tout the project as reversing this country's long history of stealing from Indians.

Although the sentiment is noble in theory, many observers have noted it's a fraud in fact and reeks of racism by using American Indians to justify building a project designed to largely benefit energy developers and land speculators:

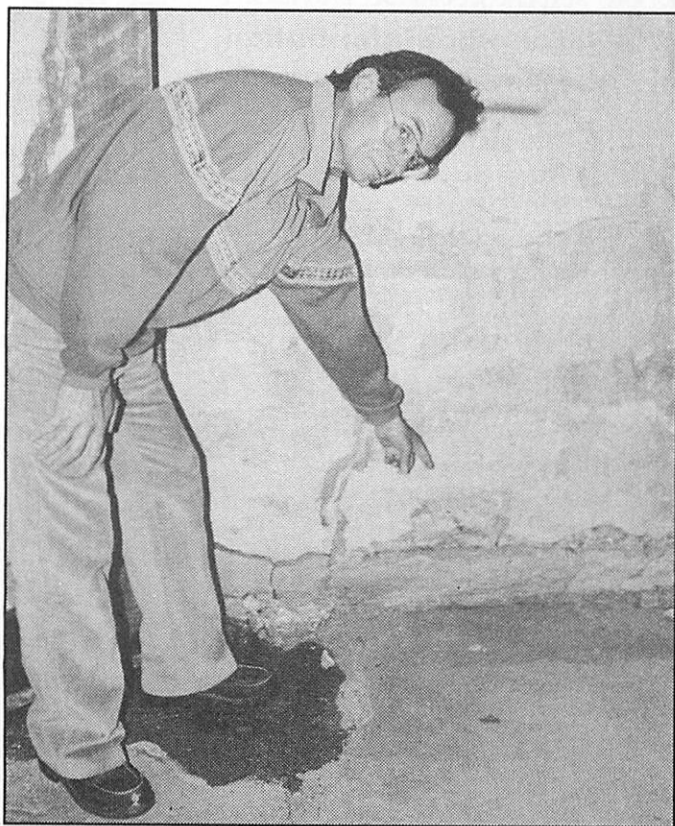
- As planned, the project can't deliver one drop of water to either Tribe because it doesn't include any canals, pipelines or other delivery system;
- The Ute Mountain Tribe doesn't own any water rights and the amount the Southern Ute Tribe could legally claim is so small — about 5,000 acre feet — that it could be satisfied at a fraction of the \$257 million sought from taxpayers.

## Let's Have an Honest Fight

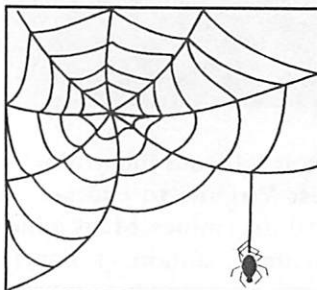
Opponents call the project a "boondoggle" and point to the area's growing cities and big ranches as hiding behind the Tribes to obtain a water supply so they can build subdivisions to attract thousands of new people and mine and burn coal.

According to Jack Scott, Alliance member and CCC board member from Colorado, "This project has always been about coal and government hand outs and always will be." Scott points out that the Southern Ute Indian Tribe has over 16 billion tons of high quality strippable coal beneath the reservation that Peabody Coal and BHP have tried to lease. "The Tribe and corporations want a government-subsidized source of water before leasing and mining these coal resources."

"The dream of government subsidies for industrial and municipal water has kept this project alive for too long," said Scott. "I just wish everyone would admit it so we can have an honest fight, instead of project backers and politicians pretending to be doing what's right for the Ute Tribes." ❖



Jack Scott has worked for years to protect water resources from damage by coal and gas extraction and boondoggle dam projects in Colorado and New Mexico.



Catch CCC's new web page at

**[www.citizenscoalcouncil.org](http://www.citizenscoalcouncil.org)**



# Kentuckians sue Addington, demand OSM enforce law

In June, eight members of **Kentuckians For The Commonwealth (KFTC)** filed a lawsuit against Addington Enterprises for blasting damages to homes and water systems caused by three of its mountaintop removal strip mines.

"We tried to settle this out of court but they would not," said Pauline Stacy of Ary, KY. "We have had to picket them to even have the meetings" to discuss settlement.

Last Fall, three of the citizens joined CCC's past chair Linda Brock to inspect Addington's blasting records at a public library after the company refused to let citizens inspect records on its property. Federal law says citizens have a right to inspect a coal company's blasting records on request.

## Grandmothers Demand Blasting Records

Waiting for the four women, all grandmothers, were company representatives and state and OSM federal regulators — eleven in all. "It was 11 coal people against four grandmothers," said Brock. "It was an attempt at pure intimidation."

Brock said that they were able to learn what was in the records only after Addington officials handed them to the company's attorney who then showed it to an inspector. Next, the inspector wrote down the information in his notebook, then held up the notebook for citizens to see.

"It was the craziest thing I've ever seen," Brock said, "we weren't allowed to touch anything. And it took eleven of them to do it!"

## OSM, Do Your Job!

On December 9, about 30 KFTC members from 8 counties in eastern Kentucky traveled to the US Office of Surface Mining (OSM) in Lexington to demand enforcement of the law. Many had experienced damage to their homes and water wells from blasting at strip mines.



Members of the Kentuckians For The Commonwealth demanded that OSM protect their homes and water from blasting at mountaintop removal strip mines. (KFTC)

Mart Shepherd, Jr. on Kelly Fork said described blasting damage to the homes in his community. "About every one of them has damages. If something is not done, the place that I enjoy raising my family is destroyed."

They also were upset with OSM's attempt to re-interpret the laws on mountaintop removal strip mining and reclamation, hiding the fact that Kentucky has given illegal permits to the companies and turned a blind eye to the violations.

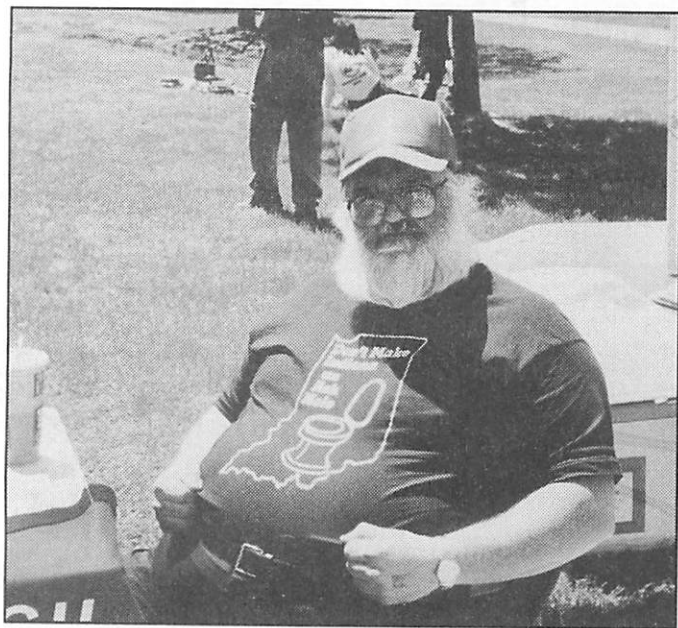
## Mines Reclaimed to Turnip Patches

OSM proposed new reclamation guidelines, but the group was having none of it. Dan Kash said, "This post-mining land use document is so biased, it was written by and for the coal industry. A coal company can get out of post-mining land use by planting a turnip patch."

"If OSM would move as fast to protect citizens as they moved to change this mountaintop removal law, we wouldn't have to be here," said Brock. ♣

**For more information** about preventing strip mining damage in Kentucky, contact Kentuckians For The Commonwealth, Box 1450, London, KY 40743, 606-878-2161, [stonehouse@kih.net](mailto:stonehouse@kih.net)

# Victories piling up in Indiana



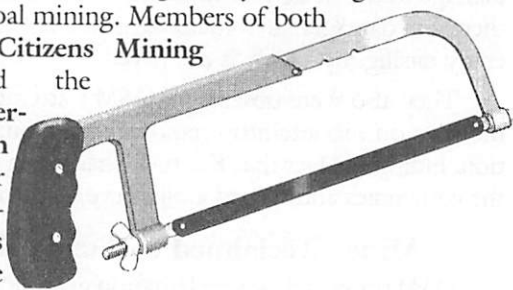
Don Mottley, CCC board rep from Indiana, helps people organize against irresponsible coal mines. (Dennis Short)

## New tool for property owners

Pennsylvania citizens have a long history of dealing with the impacts of coal mining. Members of both the **Tri-State Citizens Mining Network** and the **Mountain Watershed Association** have used their experience to develop citizens guides to educate people who may be facing the destruction caused by coal mining for the first time.

Their newest guide, *So You Want To Lease Your Coal?*, is designed for landowners with coal beneath their land that a coal company wants to mine. The fact-filled guide focuses specifically on Pennsylvania, but its information is useful for citizens of all states. It offers lots of useful tips and advice and urges landowners to talk with others who have leased their minerals and to join (or start!) a citizens group.

To obtain a copy, contact Tri-State at 730 Valley View Rd, Eighty-Four, PA 15330, phone: 724-228-2746 or Mountain Watershed, Box 408, Melcroft, PA 15462. ♣



## Running start for SOLE

**Save Our Land & Environment (SOLE)** is one of CCC's newest member groups and they jumped off the starting block with the help of Don Mottley, Indiana's CCC board representative and SOLE member.

Members are fighting a proposed strip mine owned by the ALCOA aluminum company that would disrupt their rural community in the southern part of the state with blasting, truck traffic, dust, and noise from heavy equipment.

The proposed mine permit boundary is 1,400 feet from a local school and within 300 feet of many homes. Residents are worried about both blasting damage to their property and dangerous flyrock leaving the permit boundary. State regulators have long allowed coal operators to cause serious blasting damage to homes and residents' lives.

Members have benefited from Mottley's experience and are engaged in a letter writing campaign. They have identified endangered species and wetlands within the permit and forced ALCOA to make many changes to its application.

Last October, SOLE members met with ALCOA officials who said they were planning on changing their permit in response to SOLE concerns. ALCOA said they would reduce the strip pit by half, increase the distance to the closest home to 1,000 feet and reduce the amount of timber cut.

SOLE members are staying active because ALCOA officials said they would make these changes only after they get their permit. "Even if we don't beat this mine, we know we have made big progress and won changes that will preserve and protect our community," said Mottley. ♣

## Ireland friends and families have big impact

The **Friends and Families in Ireland Fields** have only been together for one year, but they have already had a big impact, forcing a coal company to change its plans for a strip mine in southern Indiana.

Members live near where Solar Sources Inc. proposes to strip mine 2,481 acres of farmland. According to Gary Eck, one of the group's leaders, "We want the coal company to obey the letter and intent of the law."

They have organized the community around the proposed mine and done a thorough job of reviewing the company's permit application.

Their efforts have paid off. Solar Sources planned to open the mine last June, but now, according to Indiana regulators, members have raised so many issues with the permit that the mine is not certain to open. ♣



# Citizens watchdog Consol mine

***"Never trust what Consol or any other coal company says"***

Over 15 years ago, a longwall mine operated by Consolidation Coal Company passed beneath the property of Patty and Toby Marsh in northern West Virginia. They fought to protect their land then, and today are still working to protect homes and the environment from destruction caused by Consol.

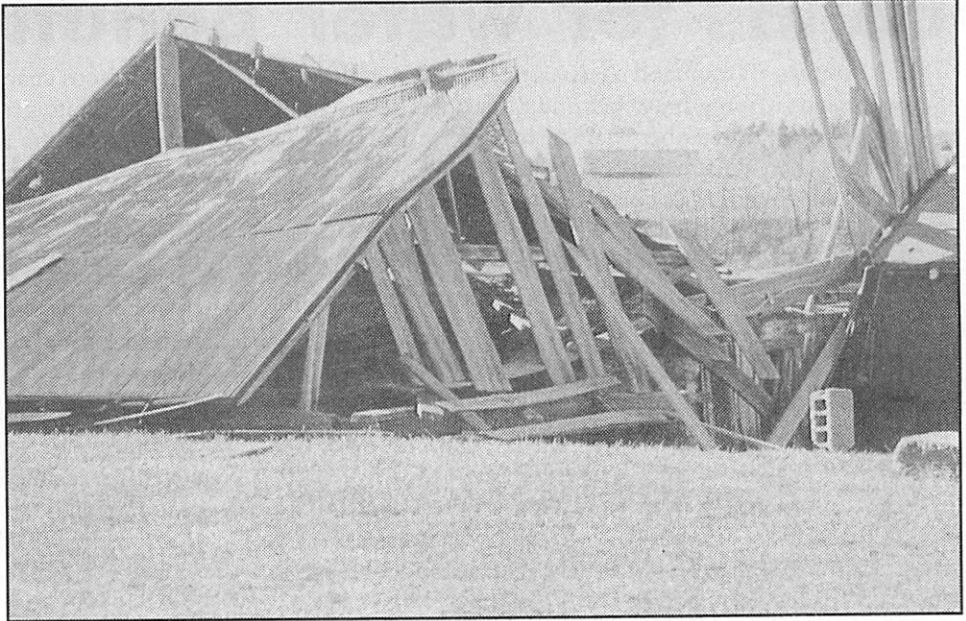
"I learned a long time ago never to trust what Consol or any other coal company says and that's why I'm still here fighting them," said Patty.

Patty has helped organize CCC's newest member group, **Citizen for Responsible Mining (CRM)**. Members are working to make sure that Consol's attempt to greatly expand its Shoemaker operation, a longwall mine, in Marshall county doesn't damage other residents.

Longwall mining removes all the coal in an underground mine. Removal often causes the surface to shift, collapse and crack, thus destroying homes, farms, trees, water supplies, and roads and making a living hell for residents.

Companies like Consol inflict this destruction despite the objections of landowners. State agencies and the US Office of Surface Mining refuse to protect citizens from such violence. "The West Virginia Department of Environmental Protection gives the coal boys whatever they want so citizens have to be involved if we want the environment protected," said Patty.

CRM members have found problems with Consol's subsidence and water resource information. Consol and DEP have tried to block citizens from reviewing the permit application.



**Patty and Toby Marsh's barn is still collapsing after Consol undermined their WV property 15 years ago. Now Consol wants to longwall under many other homes and farms in the area. Residents are fighting back. (Marsh)**

Members have a lively public education and media campaign and in March invited two survivors of the Buffalo Creek Disaster to speak to community members and the media about how coal companies often operate.

In 1972, a poorly constructed coal waste dam built by the Pittston Coal Company broke, sending a tidal wave of coal sludge and water down Buffalo Creek in southern West Virginia that killed 125 people and destroyed over 600 homes.

Pittston claimed it was blameless and the flood was an "act of God." Survivors sued and won \$18.3 million. Public outrage over Pittston's callous neglect energized citizens across the country to convince Congress to pass the federal coal law. ♣

**K**now what's up and be part of the action by joining CCC's e-mail list. You'll receive essential news and alerts from us, up to 4 a month. Send your e-mail address to [ccc@netone.com](mailto:ccc@netone.com) and you'll get two bonuses!\*

\***Bonus #1:** You will be part of fast-moving — even fun — actions that win victories such as the recent removal of the OSM Director.

\***Bonus #2:** The e-mail list saves CCC thousands of bucks on postage, phone and staff time so we devote more money to our campaigns. ♣

**WUASSUP?**



## News from the Grassroots

# PA lawsuit demands more bonds for water pollution cleanup

The Mountain Watershed Association (MWA), the Tri-State Citizens Mining Network and three other Pennsylvania groups filed suit in October against state and federal officials. The groups charge Secretary of Interior Bruce Babbitt, Office of Surface Mining (OSM) chief Kathy Karpan and Pennsylvania Department of Environmental Protection (DEP) Director James Seif with failing to collect enough reclamation bond money from coal companies to pay for environmental cleanup if the companies go bankrupt.

In 1993, an independent audit found that state agency was facing a shortage of between 1 and 3 billion dollars for cleaning up existing and future mine sites, many with acid water discharges that require long-term treatment.

OSM estimates 37 mine sites with forfeited bonds dump 179,000 pounds of acid per day into Pennsylvania streams and reports another 300 active mines have acid pollution discharges and could forfeit their bonds.

Citizens charge that the state's bonding system is so weak that it encourages companies to abandon their mines to avoid cleaning up the site. According to MWA's Bev Braverman, "The system is designed for failure. It encourages companies to take the coal, do the damage, and abandon the site and the community."

The suit asks the court to force OSM and PA DEP to set up a bonding system to cover the full cost of environmental restoration and curb companies from abandoning their cleanup duties.

Since the suit was filed, Robert Dolence, DEP Deputy Secretary admitted the state hasn't collected enough money to cover the cleanup costs. He also announced the state will begin requiring all new mines to obey the law and post enough bond to cover the full cost of reclamation. He was silent on how the agency will pay for the current shortage. ♣

## Closer to victory in Tennessee



Mike Hodge, right, showed Jack Scott, CCC board rep from Colorado, the Fall Creek Falls State Park area that SOCM is working to protect from strip mining. (H. Snow)

Ten years ago, members of Save Our Cumberland Mountains (SOCM) began a long effort to protect the watershed around Fall Creek Falls State Park from the impacts of strip mining. Fall Creek Falls is Tennessee's most visited park and has the highest waterfall east of the Rocky Mountains.

SOCM's work may have paid off in March when the U.S. Office of Surface Mining (OSM) partly reversed a previous decision and recommended banning strip mining in 72 percent of the park's watershed.

The decision to protect the park is not final until Department of Interior Secretary Bruce Babbitt signs off on the recommendation. Babbitt is expected to approve the decision in May. SOCM members are pushing to have the entire watershed declared off limits to mining.

In 1995, SOCM filed a petition with to declare the park's watershed off limits to mining. Research by members shows that any mining in the watershed is very likely to cause acid pollution that will foul the park's streams.

OSM's 1998 draft report recommended that mining be allowed within 300 feet of the park's boundary. SOCM members were strongly critical and flooded the agency with 651 comments, more than any mining issue in Tennessee's history. The members publicized the issue and recruited support from local, state, and national groups and officials. The broad support forced OSM Director Kathy Karpan to make more of the watershed off limits to mining.

"Water quality is a people issue. It affects every citizen in the nation. The partial protection of the park is a step toward assuring future generations that the water quality at the park will be maintained," said Landon Medley, chair of SOCM's Strip-mine Committee. ♣



# Coalition forces Arch Coal to say 'guilty' for water pollution

In October 1996, Arch Coal's Lone Mountain operation spilled a huge wall of black water filled with coal waste into the St. Charles river. The spill from the underground mine, one of the worst spills in Southwest Virginia in 20 years, polluted over 30 miles of tributaries to the Powell River and killed more than 11,000 fish.

Now members of the **Coalition for Jobs and the Environment** are celebrating a big victory. "Arch did everything to cover up what they'd done," said Beth Davies. "We really wanted Arch to admit their guilt; this wasn't an act of God."

Much of the credit for bringing Arch to justice belongs to the coalition. Davies said, "The real story of this three-year struggle is that in the face of overwhelming odds, ordinary citizens were determined to hold the nation's second largest coal company accountable."

"The media focused little attention on the magnitude of the spill and the reasons for it. They chose rather to report the company's rhetoric," said Davies.

The coalition filed a notice of intent to sue Lone Mountain in December 1996. This prompted the state of Virginia to step

in and sue the company, forcing the coalition to drop its lawsuit. The state won and collected a \$1.4 million fine, which will be used to improve the St. Charles sewer system, but the company admitted no wrongdoing.

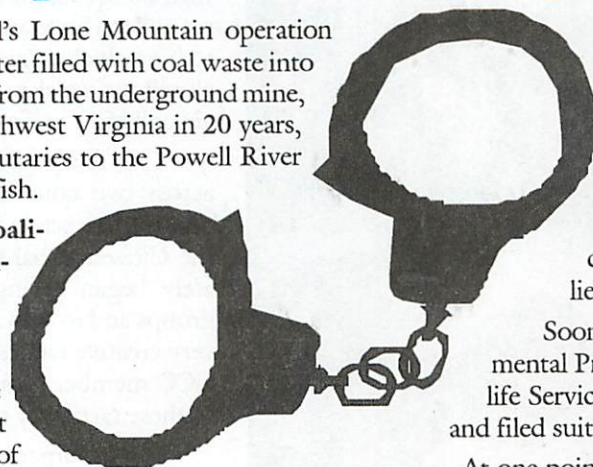
Arch portrayed those who challenged the company and the regulatory agency as not caring for working miners, their jobs and families.

Soon after the state suit was filed, the Environmental Protection Agency and the U.S. Fish and Wildlife Service launched a three-year criminal investigation and filed suit.

At one point during the suit, Arch President Steven Leer traveled from St. Louis to southwestern Virginia to try to negotiate a private deal with Davies. Davies told Leer she'd be more than happy to talk with the him, "along with our attorney and the entire board." Leer quickly returned to his office.

A federal judge in November 1999, found Lone Mountain had violated the Clean Water Act. He sentenced the company to two years probation, an \$85,000 fine, \$1.5 million for the St. Charles sewer system, and \$15,000 to the national Fish and Wildlife Foundation.

The judge found Arch officials could have prevented the spill if they tried, and Arch had to admit its guilt. ♣



## Friends work to save their river

Members of the **Friends of Hurricane Creek** have worked for years to clean up the area — they picked up trash, educated the public and organized a group of committed people who care about their river in central Alabama.

Members now face their biggest challenge. Black Warrior Minerals wants to open a 474-acre strip mine that would pollute Hurricane Creek, dry up wells and disrupt the local community with blasting and truck traffic. Members now believe the Alabama Department of Environmental Management (ADEM) is illegally giving a permit to Black Warrior.

In 1997, the agency issued a permit to another company to mine the same area but the company never began mining. ADEM has transferred this permit to Black Warrior despite state rules that say a permit becomes invalid if a company doesn't begin mining within 18 months of receiving the permit.

On November 15, Friends recruited over 120 people to a rally and town meeting where they learned about protecting their community. Rally supporters included **Direct Action** and

members of the United Mine Workers union. Ansel Strickland of Direct Action is providing legal help for the group.

John Wathen, a leader of Friends and CCC board member from Alabama, told the crowd if they worked together they could continue to see the river improve and keep Black Warrior from damaging the area.

Wathen says the state has ignored important Native American religious sites within the permit boundary and folks are fed up. "We are not going to have another bunch of outlaw mine operators come in here, take our coal, rape our land, destroy our homes, and then run away." ♣

### For more information, contact:

John Wathen, Friends of Hurricane Creek, 5600 Holt-Peterson Road, Tuscaloosa, AL 35404, fohurricane@simple-com.net

Ansel Strickland, Direct Action, P.O. Box 371111, Birmingham, AL 35237, anselstrickland@mindspring.com



# Texans tackle strip mine, plant



Neighbors for Neighbors accepted a Texas Sierra Club award in February for outstanding work to protect the environment in their battle against Alcoa's stripmine, water depletion and power plant pollutions. (NFN)

Neighbors for Neighbors (NFN) has tackled giant Alcoa corporation's plan to strip mine more than 23 square miles and suck out the groundwater under a huge area in central Texas. Alcoa wants to burn the low-grade lignite coal in its Rockdale aluminum smelter, one of the largest sources of air pollution in Texas.

The feisty group has organized members across two counties, reached out to allies, and designed an active media campaign. NFN joined the Citizens Coal Council last fall and immediately began giving support to other member groups and to CCC's campaigns. It is using some very creative tactics that can be adopted by other CCC member groups. You can learn about one of these tactics by turning to page 22.

NFN's organizing is paying off and it has attracted hundreds of members. Two county governments and the city of Elgin have officially opposed the mine.

In January, the Austin City Council unanimously passed a strong resolution calling on state regulators to deny Alcoa's application for a mining permit. "We deeply appreciate this stand by the Austin City Council," said NFN President Travis Brown. "It increases pressure on Alcoa's Rockdale plant to change its outrageous and destructive methods of operation."

## Alcoa's Water Scheme

The Austin Council objected to Alcoa's plan to pump out ground water that could dry up thousands of wells on hundreds of ranches and residential properties, as well as put at risk two State parks, and many streams, forests and pastures.

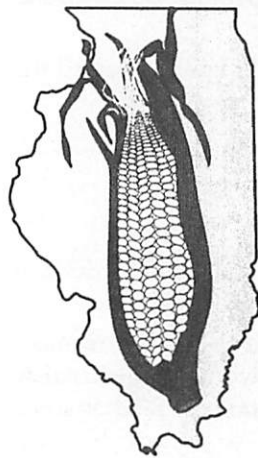
Part of Alcoa's plan includes expanding its strip mine 20 miles from Austin, pumping over 10 billion gallons of water every year from the aquifer and selling it to the city of San Antonio, about 100 miles away. NFN says this scheme will cause a steep drop in the water table under 1,400 square miles.

The group's media campaign is shining a spotlight on the dirty facts like Alcoa's aluminum smelter spews out more air pollution than any other electric power plant in a state full of dirty plants.

Alcoa's plant is exempted under state law from meeting many pollution limits. The US Environmental Protection Agency says Texas has the most industrial air pollution of all the states, thanks to oil refineries, chemical plants, and filthy power plants like Alcoa's. ❀

Neighbors to Neighbors, P.O. Box 661, Elgin, TX 78621  
512-273-2983; e-mail to [travisbrown@totalaccess.net](mailto:travisbrown@totalaccess.net)  
[www.neighborsforneighbors.com](http://www.neighborsforneighbors.com)

# Victories in Illinois



Members of the **Citizens Organizing Project (COP)** have worked for over 25 years to protect their community from the impacts of coal mining and they are still going strong.

This year their dedication has already resulted in two big wins. In January, the state Supreme Court told the Natural Resources Department to pay COP's lawyer fees in a case against a permit issued to Midland Coal Company in 1994.

Although COP was unable to stop the permit, its challenge forced a state administrative rule to be overturned. The court said state law requires legal fees be paid when such a rule is overturned.

In March, the state Attorney General and Knox County State's Attorney General filed suit against the Silver Creek Construction Co. for failing to get a water discharge permit for its Bear strip mine in violation of the Clean Water Act. Project members have watch dogged Silver Creek for nearly three years since it came into the state from Oklahoma.

The state's suit came after Project member Jane Johnson discovered and publicized Silver Creek's failure to apply for and get a water discharge permit. ❀



# Two myths shattered on Black Mesa

***In a tribute to the human spirit, Navajo and Hopi people still work together despite attempts by the Interior Department and Peabody Coal to divide and conquer them.***

For over 30 years, the US Department of the Interior has worked with Peabody Coal Company and its supporters in Congress in an attempt to divide and conquer the Navajo (Dine' or Dineh) and Hopi people living on the lands above and near the coal seams on Black Mesa, Arizona.

Under the pretense that members of the two tribes don't live peacefully as neighbors, the Interior Department has forcibly removed over 12,000 residents from their homes and ancestral grazing lands during the last 20 years. The purpose is to clear the land for Peabody's strip mines and the associated facilities such as power lines and a coal slurry pipeline owned by utility companies.

## Human Rights Abuses

Despite the fact that members of the two tribes have lived as neighbors for hundreds of years, the Department of the Interior has continued the relocation and mounted a nasty harassment campaign to drive the remaining residents out.

Members of the **Dineh Alliance** in the Big Mountain area have resisted relocation and worked tirelessly to bring national and international attention to the human rights abuses by the US government.

One favorite tactic of the Interior Department, under the leadership of Bruce Babbitt, is to remove and impound the livestock on which the families depend for survival. This forces families already below the poverty line to either starve or pay hundreds of dollars to get back their sheep, cows, or horses.

When the last deadline to move occurred on February 1, 2000, the Dine' resisters met with Hopi supporters at the fence built by Department of the Interior to separate the two tribal areas and showed their unity.

## Both Tribes Sue Peabody for Fraud

The Navajo Nation recently shattered the second myth: that the Peabody Coal Company has been a good corporate neighbor. Last June, the Navajos filed a lawsuit charging Peabody with using its political muscle during the Reagan Administration to cheat the tribe out of at least \$600 million in coal royalties at its Black Mesa and Kayenta mines in Arizona. The suit also included two utility companies, South-



Showing their unity, Hopi and Navajo residents shake hands across the fence built to divide them on Black Mesa, Arizona. Under Bruce Babbitt's leadership, the Interior Department has waged a campaign of human rights abuse to drive Navajo residents out for Peabody's huge coal strip mines. From left, Dennis Kootsie, Ruth Benally, Mae Shay, and John Benally. (Julia Orr, Los Angeles Support Coalition, 310-396-3254)

ern California Edison and Salt River Project, that burn coal mined by Peabody in their electric power plants.

Norman Benally of the **Dine' Mining Action Center**, said, "We've always known Peabody has no interest in the welfare of the tribe or its people. The only surprise is that the tribal government decided to go up against Peabody." Benally serves on the CCC board from Arizona.

## Secret Deal Between Peabody and Interior

The Nation charged that Peabody's lobbyist Stanley Hulett worked secretly with former Interior Secretary Don Hodel in 1985 to block a decision from the Bureau of Indian Affairs to increase Peabody's royalty payments to the tribe from 2 percent to 20 percent.

In court papers, Hulett was described as a "close friend and later business associate" of Hodel. The suit claims Peabody committed fraud, obstruction of justice, and influence peddling. Hodel allowed Peabody to negotiate directly with the Nation which agreed to a 12.5 percent royalty because it was strapped for money and didn't know the government had backed a higher rate.

In March, the Hopi Tribe joined the lawsuit against Peabody and the two utility companies. The court has not reached a decision yet. ♣

## Organizing Toolbox

# Getting noticed in election season



The Ohio Valley Environmental Coalition organizes feisty actions, such as picketing Sen. Byrd's parties, that get attention. (OVEC)

**G**rassroots groups must be creative to snare news coverage at any time, but campaign season offers some great chances to both link your issue with the upcoming election and be creative.

Campaigns are news and attract lots of media attention. Reporters and television crews follow many candidates like shadows, but they get mighty tired of listening to the same boring speech and taking the same photos day after day.

You can end the media's boredom and get your issue covered, a two-fer! How? Go to where the media pack swarms around the candidate and hold a lively action that gives a different angle to the candidate's positions or record.

And this is all perfectly legal because your group is not endorsing a candidate or party, which no group with non-profit tax status can do. You are educating the public about your issue. Here's how two CCC member groups do it.

## Goring The Sacred Cow: Campaign Money

Members of the Ohio Valley Environmental Coalition are known for organizing feisty actions, but last fall they topped themselves when they picketed two campaign fund-raising events of US Senator Robert Byrd, Democrat of West Virginia.

The members greeted coal company executives and others attending a 1000-dollar-a-plate dinner with posters and chants, including "Byrd for sale." OVEC got heavy television and

newspaper coverage on the link between mountaintop removal strip mining and campaign donations from the coal mining industry to Byrd and other West Virginia elected officials. (See p. 5 for Byrd's reaction.)

## Roast and Toast, Texas Style

Governor George W. Bush's participation in this year's Presidential campaign offered Neighbors for Neighbors a special opportunity to draw attention to the ugly way Alcoa is operating in central Texas and put the heat on the Governor to do his job at home. (See story on page 20.)

The group sent a letter (see below) to the editors of daily newspapers in towns and cities in the states that held primaries. Travis Brown, president of Neighbors said, "Citizens in the states where it appears may or may not ask Governor Bush about it, but the letter will certainly be noticed by the Governor's campaign staff, by national media following the campaigns, and will very likely come to the notice of Alcoa's corporate offices in Pittsburgh."

## Can George W. Bush Stop It? Yes!

Each letter was addressed to the editor and said:

"We urge citizens there to ask Texas Governor Bush if he believes elected officials should allow giant corporations to ruin the lands and lives of those they are elected to represent.

Here in central Texas, just 30 miles from the State Capitol, Alcoa proposes to strip-mine 15,000 acres for coal to fuel one of our state's worst air-polluting plants. In the process, the company plans to deplete the groundwater from beneath the lands and homes of hundreds of families.

Does Gov. Bush know about this ugly plan, and can he stop it? Yes! Hundreds of letters from constituents have implored him to direct State agencies to stop Alcoa's outrages. It's troubling that Alcoa's Texas law firm is a major contributor to the Governor's campaign, but we hope it will have no influence.

Neighbors for Neighbors is a Texas citizens' group working to protect our homes, property rights and quality of life. While Governor Bush is there on the campaign trail, please remind him not to ignore the pressing needs of his constituents' back home." ♦

## For More Information:

Call the state offices of each political party to find out the fund-raisers planned for candidates. Many campaigns have web sites where they list the appearances a candidate will make; you can use this information to send letters to the local newspapers.. Check with your local library or search the web for names and addresses.



Don't break a sweat,

**Stay cooler when  
you join CCC\***

**\* 7 cool reasons to join CCC:**

1. We're more organized than the bureaucrats.
2. We don't have a dress code or secret handshake.
3. We're the only national group with a labrador retriever as a full-time volunteer who cleans up streams.
4. We get results *and* have fun.
5. We put the heat on the bad guys.
6. We believe building membership means building power. **We need YOU to help win justice for the coalfields.**
7. **You will get:** 10 percent off any information ordered when you join; a year's subscription to *The Reporter*; and the backing of all CCC members and allies.



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	Each	Quantity	Total
Strip Mining Handbook: A Coal Field Citizens Guide	\$5.95		
How to Protect Your Land and Water from Underground Mining	\$2.00		
<b>New!</b> Mountaintop Removal Strip Mining (fact sheet)	5/\$1.00		
The Campaign for Jobs and Justice in the Coal Fields (fact sheet)	5/\$1.00		
Working with Churches (fact sheet)	5/\$1.00		
Yes, Virginia, We Still Mine and Burn Coal in the US (fact sheet)	5/\$1.00		
How to Target the Company (fact sheet)	5/\$1.00		
SLAPP Threats and Lawsuits (fact sheet)	5/\$1.00		
Postage and handling: \$5.00 or less = \$1.00; \$5.01 to \$10.00 = \$2.00; \$10.01 to \$15.00 = \$3.00; \$15.01 to \$20.00 = \$4.00			
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Total Enclosed			\$



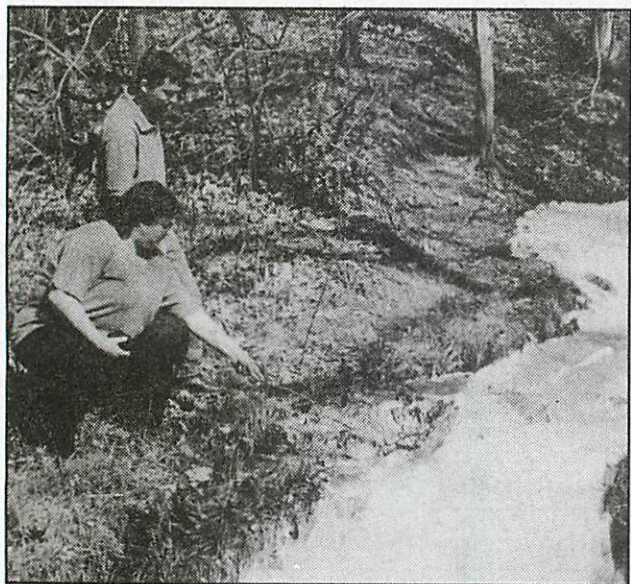
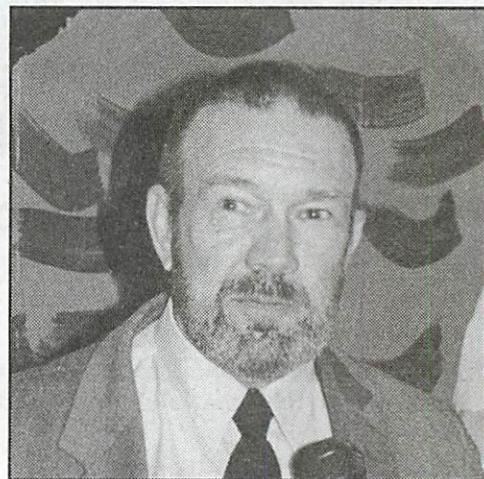
# Meet the folks of CCC

Last winter **Doyle Coakley**, CCC First Vice Chair and Board member from West Virginia, received the Mother Jones award from the WV Environmental Council for his outstanding leadership and volunteer work on coal mining issues. (Photo by Deana Smith.)

Below left, **Lisa Helms and Jason Tockman of the Buckeye Forest Council** on the banks of a stream in southeastern Ohio that is highly polluted with aluminum from unreclaimed coal mines. In April, the Buckeyes hosted the CCC board meeting and led

a tour of both cleaned up and still unreclaimed abandoned mine sites in the Monday Creek watershed near Athens, Ohio. (Photo by Carolyn Johnson.)

Below right, members of the **Powder River Basin Resource Council** in Wyoming show pictures of the air pollution from blasting at strip mines owned by Arch Coal and RAG. The poisonous nitrous oxides released during the huge blasts endanger residents and lower property values. From left, **Jill Morrison, Luann and Dennis Borgialli, Carol Roe, and Karla Okanen.** (Photo by Carolyn Johnson.)



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