903-D-03-001

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PUBLIC HEARING
Draft Programmatic EIS
Mountaintop Mining/Valley Fills in Appalachian
Charleston, West Virginia
July 24, 2003

* *

Afternoon Session: 2-5 p.m.

APPEARANCES:

Mark A. Taylor, Chairman, US Army Corps of Engineers

Jeff Coker, Office of Surface Mining

Mitch Snow, U.S. Fish & Wildlife Service

Russell Hunter, WV Dept. of Environmental Protection

John Forren, U.S. Environmental Protection Agency

Kathy Hodgkiss, U.S. Environmental Protection Agency

Katherine Trott, U.S. Army Corps of Engineers

The Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Office of Surface Mining, and West Virginia Department of Environmental Protection, joint public meeting was held at 2:00 p.m., July 24, 2003, at the Charleston Civic Center, Charleston, West Virginia before Michele G. Hankins, Court Reporter.

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1 P R O C E E D I N G S

2 MR. TAYLOR: Good afternoon.

3 I would like to welcome you here to the

4 public hearing on the draft Mountaintop Mining

5 Programmatic Environmental Impact Statement.

6 We will begin with some general

7 information about the facilities here.

8 This is a non-smoking facility. We ask

9 that you go outside the building to smoke.

10 Please note the location of the

11 emergency exits. In the event of an emergency,

12 proceed in an orderly fashion as quickly as possible

13 to the nearest exits from the building.

14 The restrooms for the facility are out

15 the back doors to the left, and again to the left.

16 Approximately every hour, or so, during

17 the course of the hearing, we will call for a

18 five-minute comfort break.

19 Hopefully this will provide sufficient

20 opportunities for everyone to take a break, so no one

21 need miss any of what is said here today.

22 As you entered the forum, you have

23 noticed the registration table. We hope that

24 everyone registered as you came in.

If by some chance you didn't, we ask that you take a moment to register before you leave.

Folks will no doubt be coming and going throughout the hearing, and this is the only way that we have to get a reasonable, accurate idea of the public participation at these hearings.

Even more importantly, if you came in here today with the intent of speaking at the hearing, you must complete a registration card.

If you plan to speak and haven't already registered, please go back and register as a speaker now.

If there is anyone who cannot come up on the steps to speak here this evening, please let me know when you come forward, assumingly, and I will bring them a wireless microphone out to the front of the stage.

Let us all be courteous to the speakers by turning off our cell phones -- at least the ringers on them. And be respectful of the speakers, regardless of their point of view.

Everyone's point of view is important, and in fairness to all points of view, please respect each speaker here tonight.

1 As you may already know as part of the
2 December 1998, settlement agreement, the agencies
3 represented here on stage today, agreed to
4 participate in the preparation of a Programmatic
5 Environmental Impact Statement, on the impact of
6 mountaintop mining and its associated valley fills.
7 The purpose of this Programmatic EIS, as
8 specified in the settlement agreement, was to:
9 ". . . to consider developing agency
10 policies, guidance, and coordinated agency
11 decision-making processes to minimize, to the maximum
12 extent practicable, the adverse environmental effects
13 to waters of the United States, and to fish and
14 wildlife resources, affected by mountaintop mining
15 operations, and the environmental resources that
16 could be affected by the size and location of excess
17 spoil disposal sites in valley fills."
18 In the time period since the settlement
19 agreement, the agencies have diligently worked on the
20 EIS. The agencies' efforts accumulated into the
21 development and release of the draft EIS document for
22 public review on May 29th.
23 The usual review period for a draft EIS
24 is 45 days.

However, recognizing the widespread interest in the document, and the need to provide sufficient time for the public to work their way through the complexities of its content, we have extended the time frame for review and comment.

In 90 days, the public review and comment period will end at close of business on August 29, 2003.

This is the second of two public hearings in association of the development of this document.

The purpose of this hearing is to review your comments on the draft EIS.

We cannot respond to your comments during the hearing. The comments will just be transcribed, and we will write it down in the end as part of the final EIS.

We are here today to listen to you. To hear what you have to say relevant to the continued development of the EIS document.

We recognize that many organizations and individuals want to comment. So we have structured these sessions to offer as many as possible the opportunity to do so.

1 This is a two-part session. The first
2 session will run from 2 to 5, and the second from 7
3 to 11 p.m.
4 So we may be sure that we have provided
5 everyone who may choose to speak an opportunity to do
6 so, we must limit your speaking time to five minutes.
7 Some of you may have more comments that
8 can be addressed in five minutes; if so, you are
9 encouraged to submit these additional thoughts and
10 comments in writing.
11 You do not need to speak here to submit
12 comments. You may submit written comments to the
13 attention of: Mr. John Forren, U.S. EPA, 1650 Arch
14 Street, Philadelphia, Pennsylvania, 19103, through
15 the close of the comment period, on August 29, 2003.
16 This address is on the information sheet
17 that you received at the sign-in register.
18 We also have provided a comment box at
19 the registration table. If you choose to, you may
20 place your written comments on the draft EIS, in that
21 box, and we will see that they are considered along
22 with all other written and oral comment.
23 As we continue today this public
24 hearing, we would like to take a few moments to make

1 you aware of some ground rules for this hearing and
2 describe how we intend to proceed.
3 As indicated at the sign-in entrance of
4 the building, for safety reasons, that all
5 participants that enter the public hearing, we ask
6 that everyone please refrain from bringing in or
7 displaying signs, banners, posters, into the
8 building.
9 We ask that you please be courteous of
10 others that are speaking, and refrain from
11 expressions of support, or opposition, to comments
12 the speaker is making.
13 As we proceed through the hearing, if
14 you have a need, for whatever reason, to reference
15 the draft EIS, or appendices, copies of these
16 documents are available for reference in the foyer,
17 or entrance way.
18 Also, if you did not all receive a CD
19 version of the draft EIS document, a limited number
20 of CD's of the draft document are available at the
21 reference table on a first-come, first-serve basis.
22 If we run out and you would like to
23 receive a CD copy, you may also leave your name and
24 address with the person at the reference desk, and a

1 CD of the draft document will be mailed to you.
2 As previously stated, in order to speak
3 at this hearing, you must register at the
4 registration desk in the foyer, or entrance way,
5 indicating your desire to speak.
6 If you did not come here intending to
7 speak, but change your mind during the course of the
8 hearing, you, too, must register at the registration
9 desk.
10 Our planned five-minute comfort break,
11 approximately every hour, should provide an
12 opportunity for you to register to speak, if you
13 haven't already done so.
14 You may not register to speak, or give
15 any portion of your speaking time to anyone else.
16 If you speak, and do not take the full
17 five minutes allotted, we will proceed to the next
18 speaker on the list.
19 No one person may speak more than once.
20 We will be calling out names for those people who
21 signed up to speak in the order in which we receive
22 them.
23 I will announce each person's name, as
24 well as the next name.

1 In order to keep things moving as
2 efficiently as possible, as a speaker is coming up on
3 the podium to speak, the next person to speak is
4 asked to move toward the podium and sit at the end
5 over here.
6 Again, you must limit your comments to
7 no more than five minutes. At the four-minute mark,
8 we will hold up a card indicating that you have one
9 minute remaining, so that you begin winding up your
10 comments.
11 In fairness to everyone who wishes to
12 speak, when we hold up the card indicating that your
13 time has expired, please end your comments.
14 If you have more comments, or just want
15 to submit written comments, you may place them in the
16 box at the registration table that was provided to
17 receive any written comments, or mail them to the
18 previously identified EPA Philadelphia address.
19 Again, all comments will be transcribed.
20 We ask those that are speaking to please
21 speak clearly, loudly enough to be heard, and be
22 mindful of the fact that the transcriber is trying to
23 catch everything you are saying.
24 If the transcriber is having difficulty

1 hearing or understanding what you are saying, they
2 may stop you and ask you to speak up, or repeat what
3 you have said.
4 Please accommodate.
5 We ask that you begin speaking by
6 clearly stating your first and last names and
7 indicating the community and state that you are
8 from.
9 When transcribed, the oral comments and
10 written comments will be incorporated into a Comment
11 Summary Document and will be a part of the final EIS
12 document.
13 All comments will be considered in
14 development of the final EIS document.
15 Copies of the Comment Summary Document
16 will be available upon request in association with
17 the publication of the final EIS document.
18 Again, I would like to emphasize that we
19 all be courteous to all the speakers.
20 The first speaker this afternoon is
21 Mr. Bill Rainey, and the second speaker will be
22 Ted Hapney.
23 While those two speakers are making
24 their way forward, I would ask each agency

representative to introduce themselves.

MR. TAYLOR: Mark Taylor, Office of Planning, Corps of Engineers.

MR. COKER: I am Jeff Coker, Office of Surface Mining.

MR. SNOW: Mitch Snow, U.S. Fish & Wildlife.

MR. HUNTER: I am Russell Hunter with the West Virginia Department of Environmental Protection.

MR. FORREN: I am John Forren, EPA.

MS. TROTT: Catherine Trott, with the Corps of Engineers.

MR. CHAIRMAN: Thank you.

MR. RAINEY: Thank you, Mr. Chairman.

I am Bill Rainey.

I am here proudly representing the West Virginia Coal Association, from Charleston, West Virginia, and other members of the EIS Committee.

On behalf of the coal industry here in West Virginia, I want to compliment you all and your agencies on the tremendous effort.

Often criticized, often argued, but a

1 huge effort, and a tremendous undertaking, and there
2 are substantial findings in this report.
3 I am proud to represent an industry that
4 is the second-leading producer of coal, from a volume
5 standpoint, in this nation. And the leading
6 producer, from an energy standpoint, in this country.
7 We have been most active in this past
8 four years in this process assisting the agencies
9 every time that we were asked. Developing data and
10 studies to validate the scientific portions of this
11 report.
12 And overall, the people here today are
13 proud of what they are doing. They are proud of what
14 they have done, producing coal here, in
15 West Virginia.
16 Using valley fills, mountaintop mining,
17 underground mining, and conventional contour methods,
18 they are proud of all that they have done in this
19 state for 30 years.
20 The report that is intertwined with the
21 acknowledgment that what we have been doing in
22 West Virginia is right with two fellow court cases
23 that have acknowledged that West Virginia and
24 Kentucky compliance with the laws, and regulations,

1 of the United States, as well as the respective
2 states, Kentucky and West Virginia.
3 Our people, all 16,000 of those that
4 directly dig coal, and the more than 100,000 of West
5 Virginians who depend on a modern coal mine operating
6 every day, somewhere in this state, want to continue
7 to live in West Virginia. They want to raise their
8 families here, they want to continue to hunt in the
9 mountains, and fish in the streams of this state.
10 They can do that, if we continue to mine
11 coal in this state.
12 If we look forward. They cannot;
13 however, if the wrong decision is made in the final
14 report.
15 The EIS is not a side show, like the
16 opponents of the industry are likely to make it.
17 It is a serious document with millions of dollars of
18 research, thousands of hours of discussion,
19 investigation, and analysis.
20 It validates the solid practices of
21 West Virginia mining over the years. It validates
22 what is and has been done in West Virginia, as I
23 said, for the last 30 years.
24 It calls for consolidation of the

1 permitting process to be efficient and meaningful.
2 Alternative 3, of the report, will
3 establish predictability and dependability of
4 competence.
5 Local people. It will allow local
6 people to solve and address local problems. It will
7 allow our people to continue to work, and our
8 companies to continue to invest in West Virginia.
9 The right decision must be made to
10 preserve our people their jobs and their families
11 here in West Virginia.
12 Industry scientists, the best in the
13 world, the ones that have worked side by side with
14 you agencies, together, as well as independently,
15 will provide comments and recommendations to the
16 substance of this report.
17 The bulk of those will be offered at the
18 second session this evening and they will be
19 substantive. Also, the written comments in the
20 industry will be substantive.
21 The people you will hear from initially
22 are worried about their future, and they are, as
23 I have said, proud of what they are doing, and what
24 they have done.

1 They live in West Virginia, and they
2 live in the coal fields. They hunt in the same
3 mountains they are mining coal from, and they fish in
4 the streams that are receiving the discharges from
5 the operation.
6 They raise their family on wages from an
7 honest and long day's work.
8 Please keep in mind as you listen to
9 their concerns, and study the scientific data, and
10 review their outstanding operations, that they are
11 proud West Virginians, bringing this country the most
12 stable and secure fuel known to man.
13 They are mining America's best friend,
14 coal. And they are doing it for homeland security,
15 and they are doing it better than anyone else.
16 We are glad that you are here today, and
17 we are glad that the project is near finished. We
18 want to get on with what we do best, and that is
19 mining coal and in as an environmentally-sound
20 manner, as anywhere in this world.
21 The men and women that you will hear
22 from and meet today, are looking forward, and they
23 want a future, and they do this every day, here in
24 West Virginia.

1 I am very, very, proud to represent
2 them.
3 They are real; their concerns are real,
4 and they certainly do know what they are doing.
5 Thank you all very much for listening.
6 MR. CHAIRMAN: Our next speaker is
7 Ted Hapney, and the following speaker will be
8 Wesley Ball.
9 MR. HAPNEY: My name is Ted Hapney.
10 I am with United Mineworkers.
11 Mr. Chairman, first let me thank you,
12 and members of the panel, to have the opportunity to
13 speak here.
14 Since several reports have appeared over
15 the years in the media, incomplete, or inaccurate,
16 indicating the position of the United Mineworkers
17 with regard to mountaintop removal.
18 I believe that it will be helpful to me
19 to briefly outline our position.
20 The United Mineworkers believe that
21 protecting our environment is essential. We have
22 pointed out many times that our members live in these
23 communities in which mining takes place, and strongly
24 believe that we have a duty to the future generations

1 to protect our environment.

2 At the same time, we make no apologies

3 for seeking and promoting jobs available in mining,

4 or related to the industry.

5 After all, these jobs pay on the average

6 of $50,000 per year, plus retirement, plus medical

7 benefits.

8 West Virginia is already 49th per

9 capita. We surely do not want to drive ourselves

10 even further into the negative position.

11 Unfortunately, the debate is often

12 between two extreme positions, one calling for

13 abolishment of coal mining, and the other one

14 declaring the type of restrictions of mining that

15 will advantage the power of the people who ruin local

16 streams.

17 We do not agree with either.

18 Some media have suggested that the

19 United Mine Workers, is the only interested in

20 protecting their members' jobs.

21 They work on mountaintop removal sites.

22 Make no mistake, that is also important to us. As

23 the statement of policy makes clear; however, we

24 believe that the circumstances is unfounded since we

1 also believe strong environment and community
2 protection.
3 We do not believe jobs in the -- we
4 believe -- I'm sorry, we believe that jobs provided
5 in coal mining are worth fighting for and preserving.
6 This is particularly true in the economy
7 in which the sector of jobs are often low paying, and
8 without benefits.
9 We are proud of our support for such
10 jobs. At the same time, we support strong
11 regulations, and enforcements of them; for water
12 resources, for our communities.
13 And we believe that families living in
14 these communities should have the protection against
15 blasting debris and degradation of community.
16 We believe that coal companies should be
17 held to the highest standards of protecting us, and
18 the State and the Federal officials entrusting
19 enforcement, have no -- excuse me -- have on
20 occasion, not sufficiently protected our community.
21 We also believe that many sites
22 throughout West Virginia have historical
23 significance. Such as, the historical portions of
24 Blair Mountain, and the Stanley family on Kayford

1 Mountain. These must be preserved, and thus should
2 be off limits for mining.
3 The coal industry remains a mainstay of
4 the mountain state economy.
5 Coal, and coal-burning utilities,
6 account for nearly 60 percent of the State's Business
7 Tax and Revenue, paid by coal companies, which rose
8 more than 35 percent between 1985, and 1996. At the
9 same time, the price of West Virginia coal dropped 26
10 percent.
11 West Virginia companies employed more
12 than 14,000 miners directly and using the economy
13 multiplier, employed a Federal government -- employed
14 by the Federal government, the industry accounts for
15 more than 40,000 jobs.
16 In much of West Virginia, and portions
17 of northern West Virginia, the impact would be
18 particularly pronounced. In Boone County, for
19 example, most of the jobs in the work force is
20 employed by coal industry.
21 In the coal counties in the state, over
22 10 percent of all jobs are directly linked to coal
23 mining; thus, this is not in the interest of our
24 membership that border the interest of the citizenry

1 of the State.

2 The issues resolved in an equatable time

3 and manner. The Union is proudly working --

4 I'm sorry.

5 This Union has proudly, historically,

6 been working on the interest of our members, and on

7 behalf of the working men and women of the

8 communities that live here, and we intend upon

9 upholding our tradition.

10 MR. CHAIRMAN: Sir, your time has ended.

11 MR. HAPNEY: Thank you.

12 MR. CHAIRMAN: Mr. Wesley Ball.

13 Our next speaker is Jeremy Muller.

14 MR. BALL: Howdy.

15 My name is Wesley Ball, and I'm a strip

16 miner from Chapmanville, West Virginia.

17 I am a single parent, with three boys.

18 I moved in and out of this state for the

19 last 20 years trying to make it here. I have a house

20 that I own, that I can't live in because I can't

21 afford to.

22 If I go south enough, and I see enough

23 down there -- this environmental thing? You ought to

24 go down there, and try it, because they are doing the

1 same thing. It only affects us because we are moving
2 coal.
3 It is hard enough to mine it, with the
4 regulations, and safety, and all the other things,
5 because you guys is on us. You all are there every
6 day, you see what we do.
7 There is nothing we can hide; nothing.
8 So why? We mine it the best we can.
9 There is more game in this state than in
10 any other time in my life.
11 We hunt, we fish, we live a good life,
12 and it is thanks to the mining people that we have
13 been able to recreate this habitat for this game, to
14 be able to clean the waters up for the fish -- that
15 has caused it.
16 When I was a boy, I used to fish a lot,
17 and I still do, but not quite as much. There is
18 still fish everywhere I fish. There is game
19 everywhere I hunt.
20 It ain't hurting nothing.
21 If nothing else, it's providing a
22 living.
23 Like I said, I am tired of moving
24 south. I have been south so much now, that I don't

1 even call myself a West Virginian no more, and it is
2 hard to live here.
3 My boys are back here, they are wanting
4 to grow up, and I am tired of moving.
5 You folks think it's easy; you want to
6 end this stuff, stop this mountaintop removal.
7 To me, it is black and white, if we are
8 going to stop it, let's stop it all, everywhere.
9 Let's not dirty a stream, let's live
10 under rocks and cut the electric. That is how we
11 ended up.
12 The point is, if you are going to do it,
13 instead of being a convenient environmentalist, let's
14 do it and end it all.
15 I can live under the rock with the rest
16 of you.
17 That is how it is.
18 MR. CHAIRMAN: Jeremy Muller.
19 Then the next speaker will be
20 Cindy Rank.
21 MR. MULLER: My name is Jeremy Muller.
22 I am the Director of the West Virginia Rivers
23 Coalition.
24 I came down from Elkins, West Virginia.

1 Gentleman, Ms. Trott, I appreciate your
2 time.
3 Mountaintop Removal Coal Mining EIS; is
4 this a joke?
5 Seriously, is this a joke?
6 Agencies were directed by a ’98 lawsuit
7 to report in 2000, to minimize the potential for
8 adverse individual accumulative impacts of mining
9 operations.
10 In 2003, you decide that more agency
11 communication is the answer?
12 Have you been drinking from the Kanawha?
13 724 miles of Appalachian streams have
14 been buried. More than the distance from here to
15 Philadelphia, and you say that agency conversations
16 will prevent that?
17 Currently, permits don’t limit toxic
18 metals.
19 In one aspect of your EIS, 210
20 water-quality samples were taken; 66 of those samples
21 documented in-stream violations of selenium.
22 What is selenium? It causes nerve
23 damage, bronchitis, pneumonia, kidney and liver
24 damage.

1 You say discussing this with other
2 agencies is going to make it right?
3 Because of insufficient monitoring
4 requirements, agencies and the public have no idea
5 what pollutants come off these mine sites and in what
6 quantities.
7 And you say talking is going to fix
8 this?
9 Federal and State regulations clearly
10 ban waste disposal as the primary reason for the
11 Clean Water Act, yet in West Virginia about 4,000 of
12 our 12,000 coal permits, are for in-stream sediment
13 ponds for the sole purpose of waste treatment.
14 Better communication is going to solve
15 that?
16 Your EIS states that nearly 2,200 square
17 miles of forests will eventually be eliminated; more
18 agency talking is going to fix that?
19 West Virginia Rivers Coalition conducted
20 a report on coal mining in April of this year. It
21 started in March, and we finished it April of 2003.
22 It looks at why coal operations still
23 pollute in West Virginia. I believe it cost us 1,200
24 bucks, and it's 26 pages.

1 Yet we came up with 37 different
2 recommendations on how you can minimize the impact of
3 mountaintop removal coal mining on West Virginia's
4 rivers and streams.
5 You spent $8 million, four and a half
6 years, 5,000-or-so pages, and your recommendation is
7 better agency communication?
8 Again, the original purpose of the EIS
9 is to minimize the potential for adverse individual
10 and accumulative impacts of mining operations.
11 But instead of tougher regulations, you
12 guys in the Bush Administration proposed to
13 streamline the review of mining permits.
14 I think this is something that your
15 agencies need to talk more about.
16 Mountaintop removal coal mining EIS?
17 This is a joke.
18 But unfortunately, the joke is on the
19 coal-field residents, and the citizens of
20 West Virginia, who use our rivers and streams.
21 MR. CHAIRMAN: Cindy Rank. Then the
22 next speaker is Vivian Stockman.
23 Again, I would like remind you that the
24 panel is not here to answer questions today. We are

1 here to listen to your comments.

2 All questions will be answered in the

3 final EIS.

4 Thank you.

5 Ms. Rank?

6 MS. RANK: Thank you.

7 I hope all of the questions will be

8 answered in the EIS.

9 My name is name is Cindy Rank.

10 I speak here today as a representative

11 of Friends of the Little Kanawha (Folk), which is a

12 community group in the middle of the state.

13 And I just want to remind people who

14 don't know, or those of you who were around when it

15 happened -- many years ago -- 1980, we had an EIS in

16 our area of the country because we were threatened

17 with 50 years of coal mining that was going to

18 destroy the waters in the area.

19 At that time, EPA, in response to a lot

20 of arm twisting and court action, actually, came in

21 to do an EIS. And at that time, the EIS did some

22 studies and came up with recommendations, which we

23 didn't particularly care for that much, but industry

24 didn't care for that much either.

1 But they were very bold steps, at that
2 time; precedent-setting.
3 And when it came time to agree to, or to
4 suggest to people that indeed the EPA would be able
5 to conduct a fair and accurate study, and come out
6 with recommendations that would help not only the
7 miners, but also the people who were being moved out
8 because of the mines, I said I had only one
9 reference -- a frame of reference -- and that was
10 with our EIS.
11 I said, at least it will give you some
12 time, and the agency some time, to consider what had
13 become a runaway practice that was destroying lots of
14 lands, and lots of streams, and lots of people's
15 homes.
16 I said that there would be good studies
17 done, and hopefully some good recommendations.
18 Unfortunately, I don't think that this
19 EIS has fulfilled -- what I would consider -- half
20 promises made to me, and to the people who wanted to
21 enter into the agreement to do this EIS.
22 True, there are good studies that have
23 been done, and I think some of them are going to be
24 referred to in the future many, many, times.

1 But unfortunately, the recommendations,
2 and the alternatives that have been proposed, I think
3 only further the level of frustration of the
4 communities involved, and to the good people in this
5 audience to go to the people in the communities who
6 have been intimidated, and won't come to these kinds
7 of hearings, and the frustration level on both sides
8 of the fence is going to be increased, and not
9 placated by another -- however many years -- of
10 discussing it, and trying to figure out problems,
11 based on a limited discussion in the communities to
12 the families who even if they don't mine the coal,
13 live in those communities, and have for a long, long,
14 time, and have to move because of the damage to their
15 homes, and because of the fills that are above them,
16 and to the waters that have been destroyed.
17 I think at least some of the people in
18 this room -- even though they will not say so -- know
19 that there is damage being done, and know that this
20 EIS is not going to help resolve some of the
21 problems -- most of the problems -- that are out
22 there -- from the damage to the waters, and to the
23 homes.
24 We will be submitting comments later on.

1 We would also ask that if there is a
2 possibility of extending the comment period a month,
3 we would request it, because it certainly is a lot to
4 digest.
5 One of the things that we will be asking
6 ourselves as we continue to look through this EIS, is
7 that what is the purpose of the Clean Water Act, and
8 what are the goals of the Surface Mine Act?
9 I think we have a tendency to forget
10 that.
11 And if I could read from the Clean Water
12 Act, the objective of the act is to, ". . . restore
13 and maintain the chemical, physical, and biological
14 integrity of the nation’s waters."
15 The Surface Mine Act, the purpose of
16 this act is to, ". . . establish a nationwide program
17 to protect society and the environment from the
18 adverse effects of surface coal mining operations."
19 And in looking at the purpose of those
20 two acts, we will continue to ask ourselves:
21 Does this EIS fulfill, or take us closer
22 to those goals, rather than just mediocre carrying on
23 things the way they are, or backsliding?
24 My initial impression, and probably our

1 comments, will go to the latter.

2 This EIS, in fact, does not take us

3 closer to the goals of either of those Acts, and in

4 the process of doing so, we continue to have the

5 disruption to the families, and to the homes, as well

6 as to the miners in the State of West Virginia,

7 Kentucky, Virginia, and east Tennessee.

8 Thank you.

9 MR. CHAIRMAN: Vivian Stockman.

10 The next speaker will be Liz Garland.

11 MS. STOCKMAN: I am Vivian Stockman of

12 the Ohio Valley Environmental Coalition, which is

13 based in Huntington.

14 And it might surprise some of you to

15 know that we have disabled miners and retired miners

16 among our members.

17 I would also like to ask for an

18 extension of the written comment period.

19 I am opposed to this destruction of

20 community, forests, streams, and ground water that is

21 euphemistically labeled, mountaintop mining.

22 The draft EIS utterly fails to address

23 mountaintop removal's devastating toll on mountain

24 culture.

1 The draft EIS also fails to address
2 mountaintop removal's effect on human health. There
3 will be more people here tonight talking about this
4 and these points, and we will provide much more
5 detail in our written comments.
6 In an eco-cidal act, the Bush
7 Administration has ignored the science in the EIS,
8 and is making recommendations that discard scientific
9 fact in order to appease his campaign donors.
10 Some in the administration, and the coal
11 industry, believe that they can use the term, "low
12 cost energy" to justify any destruction of the coal
13 fields.
14 But politics cannot long ignore
15 scientific reality. We have been paying, and we will
16 continue to pay the extreme ecological and financial
17 toll of mountaintop removal coal mining.
18 For instance, there is reoccurring
19 flooding. And we now have consultants who are
20 recommending that people move out of their ancestral
21 homes and neighborhoods in order to avoid the floods.
22 Let's pretend for a moment that EIS is
23 only about jobs and economic development, as the coal
24 industry would like us to believe.

1 The EIS fails to consider an alternative
2 scenario, where miners are put to work cleaning up
3 abandoned mine lands. There is a lot of money
4 sitting around for that kind of work.
5 It also fails to consider a scenario
6 where alternative energy research, development, and
7 manufacturing are promoted in the coal fields.
8 Last year a study shows that 11
9 midwestern states could create more than 200,000 jobs
10 and $5.5 million for workers, by transitioning to
11 truly cleaner alternative energies.
12 If we just took some of the money that
13 we spent on subsidizing the coal industry, and
14 cleaning up its messes, we could do much to bring
15 alternative-energy plants into the state.
16 Imagine jobs that leave an intact
17 environmental legacy for our children.
18 The draft EIS fails to consider the
19 monetary value of eco-system services to the current
20 and future economy.
21 Old-school economics put no value on
22 eco-system services.
23 The emerging field of ecological
24 economics is replacing the older, discredited

1 Enron-style school of economics.

2 According to the Stamford Report,

3 eco-system services are:

4 "The processes through which natural

5 systems support human life, by purifying air and

6 water, detoxifying and decomposing waste, renewing

7 soil fertility, regulating climates, preventing

8 droughts and floods, controlling pests and

9 pollenation plants."

10 "Watersheds may be among the most

11 marketable of all ecosystems, because they provide

12 potential services such as water purification and

13 flood control."

14 Scientists have found that:

15 "The services of ecological systems are

16 critical to the functioning of earth's life-support

17 system. They continue to help human welfare, both

18 directly, and indirectly, and therefore represent

19 part of the economic value of the planet."

20 "For the entire biosphere, the value is

21 estimated to be in the range of 16- to 54 trillion

22 dollars a year, with an average of 33 trillion per

23 year."

24 "Because of the nature of the

1 uncertainties, this must be considered a minimum
2 estimate . . . " -- I am still quoting hear --
3 ". . . many of the human activities that modify, or
4 destroy natural eco-systems, may cause the
5 deterioration of ecological services, whose value, in
6 the long-term, dwarf's the short-term economic
7 benefits society gain from those activities."
8 And I add, that mountaintop removal is
9 one of the most destructive of all planned human
10 activities.
11 My point in bringing up the concept of
12 eco-system services and ecological economics, is that
13 we must begin to think this way, here in
14 West Virginia.
15 We must acknowledge that short-term
16 profits for a handful of individuals, comes at great
17 long-term cost to all of us and our children.
18 Smart mining practices are like money in
19 the bank, mountaintop removal is not smart.
20 It is part of a false economy that is
21 robbing the future; which do we choose?
22 I do hope that the EIS will include the
23 value of ecosystem services when you revise it.
24 Thank you.

1 MR. CHAIRMAN: Liz Garland.

2 Then the next speaker will be

3 Sandi Lucha.

4 MS. GARLAND: Hi. I am Liz Garland. I

5 am with the West Virginia Rivers Coalition. I am

6 also a resident of West Virginia. I am concerned for

7 our rivers and streams, as is the West Virginia

8 Rivers Coalition.

9 We will submit detailed written comments

10 at a later date. Today, I will be brief.

11 The recommendations of the Draft

12 Environmental Impact Statement, includes, giving more

13 authority to the Office of Surface Mining, regarding

14 protecting the waters of West Virginia, by combining

15 permitting processes of the Surface Mining Control

16 and Reclamation Act, and the Clean Water Act.

17 This move undermines the Clean Water Act

18 administered by the EPA.

19 The Clean Water Act is the foundation of

20 water protection in State and Federal mining laws.

21 Another recommendation, giving the Corps

22 of Engineers discretion over issuing a general

23 nationwide permit, or a more protective individual

24 permit.

1 The Clean Water Act requires an
2 individual permit applied to the actions causing more
3 than minimal impact to the waters of the United
4 States.
5 Valley fills cannot be considered to
6 cause minimal impact. The draft EIS demonstrates
7 this.
8 Therefore, the Corps must not allow
9 mountaintop applications as nationwide permits.
10 The most destructive recommendation, the
11 demise of the buffer-zone rule.
12 The buffer-zone rule gives 100-foot
13 buffers to perennial and intermittent streams from
14 mining activities.
15 All sorts of development activities
16 throughout the United States, and elsewhere, require
17 a buffer; construction, agriculture, even forestry.
18 Mining operations should not be exempt
19 from buffering our streams.
20 Let me briefly address economic impact.
21 Jobs are important to West Virginians, but the
22 reality: This study says that surface mining is less
23 than 25 percent of all mining jobs.
24 Surface mining is between .3 percent,

1 and 11 percent of county employment numbers in our
2 coal field counties. Those are figures from the
3 draft EIS.
4 With 2,639 permits allocated, only 342
5 included any valley fills from 1985 to 2001.
6 We can save coal jobs without
7 valley-fill operations.
8 To conclude, the intent of this report
9 is to consider processes to minimize to the maximum
10 extent practicable, the adverse environmental effects
11 to waters of the United States affected by
12 mountaintop mining operations and by valley fills.
13 Based upon all the data set forth in the
14 report, the only alternative which would satisfy that
15 intent has not be proposed.
16 That proposal would be to disallow
17 aquatic life-destroying valley fills in the practice
18 of mountaintop removal.
19 Thank you.
20 MR. CHAIRMAN: Sandi Lucha, and then the
21 next speaker will be Frank Young.
22 MS. LUCHA: Good afternoon.
23 My name is Sandi Lucha.
24 I work for Arch Coal. I work for Arch

1 of West Virginia, which is a division of Arch Coal.
2 Previously, I worked at the Dal-Tech's
3 operation, and personally saw hundreds of people lose
4 their jobs because we were unable to obtain the
5 permitting that we needed.
6 The community I live in, there are
7 approximately eight homes. Of those eight homes,
8 five families work in the coal industry.
9 I would say that would have a great
10 impact on our community if we were unable to work.
11 The gentleman that spoke earlier that
12 said, Let's stop it now, let's live under rocks.
13 That may happen, but personally, I don't want that to
14 happen. I want to work. And I think the coal
15 companies are responsible and they are doing very
16 good jobs. And I would like to see this resolve, and
17 go on with the coal mining.
18 Thank you.
19 MR. CHAIRMAN: Frank Young.
20 The next speaker will be Wayne Coleman.
21 MR. YOUNG: Good afternoon.
22 My name is Frank Young.
23 I am president of the West Virginia
24 Highlands Conservancy.

1 I notice that the representatives of the
2 West Virginia Coal Association praises you for your
3 work on the draft EIS.
4 I would point out, however, that it was
5 the West Virginia Highlands Conservancy, not the coal
6 industry, that set into motion that chain of events
7 that produced this EIS.
8 It was a lawsuit by the West Virginia
9 Highlands Conservancy, and other individual
10 coal-field citizens, that resulted in the State and
11 Federal agencies conducting the first ever
12 Programmatic Environmental Impact Statement on
13 mountaintop removal, and other surface mining
14 practices.
15 The Conservancy lawyers, and our
16 appropriate committee people, will be submitting more
17 comprehensive comments on the EIS during this comment
18 period.
19 It is very difficult for laypersons,
20 such as most of us are, to fully digest a more than a
21 5,000-page document, especially a document that was
22 written mostly by lawyers and government bureaucrats,
23 with perhaps, a bit of input from the scientific
24 community.

1 And two, how can we take seriously the
2 reports of agencies -- the directors of which brag in
3 the media about regenerating hardwood forests on
4 60-year hardwood cycles; but through television, and
5 newspaper photo-ops, plainly show that they are
6 planting nothing but pine trees on sterile
7 strip-mine lands.
8 It is obvious that the director of the
9 United States Office of Surface Mining Control and
10 Reclamation, I noticed that there is a couple of
11 letters left off OSM's identification there.
12 It is obvious that he doesn't -- that
13 Director Jarrett (phonetic) doesn't know the
14 difference between a pine tree and an oak tree.
15 It is even more difficult for some of us
16 to make sense of a document prepared by agencies
17 which argue -- with a straight face -- that while it
18 is illegal to conduct mining operations within the
19 described buffer zones of rivers, creeks, and other
20 streams, that it is okay to just cover over and
21 destroy those same streams with the waste, rock, and
22 dirt generated by mountaintop removal mining
23 operations.
24 The Physical Cause and Effect of

1 Findings, contained in the draft EIS, are exactly
2 what Congress found when it enacted the Surface
3 Mining and Reclamation Control Act, 26 years ago.
4 Congress found back then that, Many
5 surface mining operations resulting in disturbances
6 of surface areas that burden and adversely affect
7 commerce, and the public welfare, by destroying and
8 diminishing the utility of land for commercial,
9 industrial, residential, recreational, agricultural,
10 and forestry purposes. By causing erosion and land
11 slides, by contributing to floods, by polluting the
12 water, by destroying fish and wildlife habitats, by
13 deterring natural beauty, by damaging the property of
14 citizens, by creating hazards dangerous to life and
15 property, by degrading the quality of life in most
16 communities, and by counteracting governmental
17 programs in efforts to preserve soil, water, and
18 other natural resources.
19 The draft EIS that we are commenting on
20 here today, finds that mountaintop removal and
21 valley-fill operations destroy forests, forest's
22 soil, decreased song bird and salamander population,
23 covered streams, and both intentionally, and
24 unintentionally create wetlands that are not of high

1 quality, and cause, or promote, the severity of
2 flooding.
3 The draft EIS findings confirm that
4 surface mining disturbs, and too often destroys,
5 ecological infrastructure.
6 Why has it taken 26 years for government
7 to decide that maybe there was a reason for the SMRCA
8 law after all.
9 I request today that the State and
10 Federal agencies represented in this EIS document,
11 search their minds and their bureaucratic souls for
12 constructive ways to use the Surface Mining and
13 Reclamation Act to restore human and other habitats
14 destroyed for two-and-a-half decades by not enforcing
15 the Act, to administer mining burden such as to
16 reduce, and not increase the severity of flooding, to
17 regulate against, rather than enable unnecessary
18 destruction and to protect the people of West
19 Virginia and their life-support system, the living
20 environment, from soulless corporations whose God is
21 money, and whose idea of progress is to destroy the
22 land and to displace, or bulldoze over the people,
23 over their government, and over anything else that
24 dares show their hellish pursuit of their almighty

1 gold, the conversion of the natural world, into false
2 and fleeting promises of artificial prosperity.
3 Thank you.
4 MR. CHAIRMAN: Mr. Wayne Coleman.
5 I believe the next speaker will be Carol
6 Warren.
7 MR. COLEMAN: Good afternoon.
8 My name is Wayne Coleman. I live in
9 Charleston, West Virginia.
10 I am here today to talk -- to represent
11 Walker Machinery Company, and our 600 employees at
12 Walker.
13 It is in our company's mission statement
14 that we be good stewards of our communities. And in
15 the 25 years that I have been connected with Walker
16 Machinery, which is closely tied to the coal
17 business, I have met so many people in the coal
18 industry, that are presently in the coal industry,
19 that I certainly would deem good stewards of their
20 communities.
21 It is so unfortunate, on the subject
22 that we have become so divided, I think. Because at
23 the time when West Virginia really needs to be coming
24 together, at a time when our economy continues to

1 suffer, at a time when we continue to see our kids
2 move out of this state to seek employment elsewhere.
3 It is more important now than ever, for
4 us, as West Virginians, to come together, and yet on
5 this particular subject, there does not seem to be
6 any compromise from the other side.
7 I have sat here today and listened to
8 chasing the God of money, and I certainly haven't
9 found that to be true in the people that I have known
10 in the coal industry. They worship the same God that
11 I do, and it certainly is not legal tender.
12 We recently celebrated our 50th year at
13 the Caterpillar dealership here in West Virginia. I
14 believe I have said that we have 600 employees, and
15 it is a family-owned business.
16 We were proud to have President Bush at
17 our facility a year ago to make a nationwide talk,
18 and we strongly stand behind his issues, and what
19 this Administration believes in.
20 I believe this coal industry is more
21 highly regulated today that it has ever been.
22 In my 25 years in the business, I have
23 never known it to be as regulated as it is today. It
24 has been witnessed by all of these agencies that are

on this podium today.

I think the bottom line is that if we would just stop and consider the alternatives.

I love the mountains, I love the streams, I love this state, that is why I am still here. That is why a lot of my brothers and sisters are employed by Walker Machinery, are still here in West Virginia, because we love this state.

It is not because we hate the mountains, or hate the streams, but we have got to somehow learn to peacefully coexist, because this state needs coal.

I firmly believe that.

We are rich in this wonderful resource, and this state needs coal to provide jobs for this state, to provide good-paying jobs for this state, and for the people that want to stay here and continue to try and make a go of it with a family in West Virginia.

This country needs coal. When one considers the alternatives, it is easy to say, Let's shut it down, let's close it down, but when you start looking at the alternatives for energy in this country, natural gasses -- there is a fine-line

1 amount, there is not enough of it to go around.
2 Nuclear energy, people don't want nuclear energy
3 built in their backyard.
4 Do we want to rely on Middle Eastern
5 oil? I would hope that the past year, has shown you
6 that is certainly not the way we want to go.
7 This country needs coal, the state has
8 an abundance of it.
9 I thank you for your time today. I hope
10 that we can get these issues behind us, because I can
11 tell you this: The coal companies that work in this
12 state, right now you cannot -- these people, when
13 they go before their boards, they cannot do five-year
14 plans, or three-year plans, or even a one-year plan.
15 At our place of business, we cannot do a
16 five-year plan, we can hardly do a six-month plan
17 because of all of the dark clouds that have been held
18 over this industry.
19 I wish you God's speed in putting these
20 issues behind us, and God's speed in letting this
21 state continue to mine coal, and for us to continue
22 to try and make a go of it here in West Virginia.
23 Thank you.
24 MR. CHAIRMAN: Ms. Carol Warren.

1 After Ms. Warren speaks, we will be
2 taking a five-minute break. When she finishes,
3 I will announce the next two names to come up and
4 speak before the break so that they will be prepared.
5 Thank you.
6 MS. WARREN: Hi. My name is Carol
7 Warren. I live in Webster County. I am a 10th
8 generation West Virginian, and I work at the Council
9 of Churches as co-chair of Peace and Justice Program
10 Unit.
11 As people of faith, we believe that we
12 are called to care for all of that God created and
13 pronounced good.
14 I think, in these mountains we see God's
15 Majesty, and in the rocks we understand God's
16 strength, and in the mist and clouds, we know God's
17 mystery. And in the hollows and coves, we feel God's
18 embrace.
19 We truly are in the midst of a sacred
20 space.
21 That being said, I would like to talk a
22 little bit more about our direct experience over the
23 last three years, which has been dominated by two
24 words, "flood relief".

1 We have been putting together projects
2 to provide housing for people who have lost their
3 homes. We have been trying to console and help
4 people put their lives back together after losing
5 everything they had, not just once, but sometimes two
6 and three times.
7 We have been there counseling the
8 children, who are so frightened by what they have
9 experienced, that they can't be put into the bathtub
10 without screaming.
11 We have poured millions of dollars of
12 church, and church aid, to put resource into these
13 efforts. We have diverted church personnel from
14 other jobs that they would normally do, to be in the
15 area of flooding to help people. We have hired
16 dozens of additional full-time employees to work on
17 flood relief.
18 We have done that because we have wanted
19 to help, because we have compassion for the people
20 who have suffered so much.
21 But our resources are not infinite. The
22 Council of Churches just sent out another letter to
23 our judicatory head asking for more donations,
24 because we don't have the money necessary to do all

1 the things that we would like to do to try to help
2 people in the community to recover.
3 And so, we have to come to a point where
4 we ask ourselves whether these resources are actually
5 going into making life better again for the people
6 who have suffered so much, or whether we are in fact
7 subsidizing damages practices that are not being
8 adequately regulated.
9 And we have come to that point, and we
10 are asking that question.
11 So we have been in the southern part of
12 the state for the last three years trying to do our
13 job, and trying to be a compassionate presence there
14 for people.
15 Now we want to ask you to do your job,
16 and to be sure that regulations are in place that do
17 not cause the flooding and the disasters that people
18 are experiencing, to get worse.
19 Thank you.
20 MR. CHAIRMAN: Okay, we are going to
21 take a five-minute break now. But the speakers after
22 the break will be Jack Henry and Diana Wood.
23 If you have not registered, I would ask
24 you to register, and especially if you wish to speak,

1 you need to register.

2 Thank you.

3 Please be back in five minutes.

4 (Break.)

5 MR. HENRY: Good afternoon, everybody.

6 My name is Jack Henry.

7 I am a pastor in the Kanawha Valley, and

8 have been for the last 25 years. I used to be in the

9 coal business, and left the coal business for

10 full-time ministry.

11 One of the things that I soon learned in

12 the ministry, was that we had a incline in our youth

13 leaving the state.

14 We were one of two states that continued

15 to have a decline in population. But the primary

16 interest to me was our youth that we were leading,

17 that we were losing, that was graduating from our

18 schools, but had nothing they could do after

19 graduation.

20 The second thing that I noticed is that

21 in our areas of the state, we had the largest

22 percentage of homes being destroyed, broken, most of

23 it from lack of income.

24 Yes, we have a pollution problem in West

1 Virginia, it is called poverty. I think that it is a
2 sad thing to have that situation of poverty.
3 We have such riches in our natural
4 resources, the Lord has given us great natural
5 resources and he said in his word, he said, I know
6 the plans that I have for you. Plans for you to
7 prosper and not be harmed. Plans for you to have a
8 hope and a future.
9 But He leaves that up to us to implement
10 what he has already put in place. He has put the
11 wealth of these natural resources in our mountains.
12 He wants us to utilize them efficiently, and
13 competently. But it is Him that put them here, we
14 didn't put him here. But I am thankful that he did
15 put them here.
16 We are the richest state in the nation
17 on a per capita basis in these natural resources, but
18 yet we are last on the list of everything negative.
19 That don't hardly make sense to me.
20 So I think that we need to look into
21 what we have in these natural resources and to
22 develop them to their maximum, coal being at the top
23 of our natural resources.
24 We do get some wealth out of the mining

1 of the coal, and the transporting of the coal, but I
2 am learning that there is great, great, wealth that
3 is untapped yet, in the ultimate raw material in the
4 final product that can be made from coal.
5 We are involved in searching and working
6 in cooperation with the Universities, WVU and
7 Marshall, and others -- but mainly WVU -- that there
8 are new products from coal, something called coal
9 pitch.
10 I don't have the time to get into it in
11 detail, but it is already developed, it is patented,
12 and there is already contracts that have been
13 negotiated and completed with organizations that are
14 out to better the quality of life in West Virginia,
15 who are qualified chemists, and others now, to put in
16 place a chemical -- a part of Dal-Chemical, to
17 commercialize this product.
18 This product is so fantastic that I
19 think that coal will one day be too valuable to
20 burn. It's going to cause, I think, new demands for
21 coal, new jobs for coal, the manufacturing jobs is
22 what we need in this state.
23 There are a lot of jobs, but there's a
24 lot that don't have jobs.

1 But the biggest number of jobs that we
2 have in this state, are people that are on minimum
3 wage, or barely over minimum wage, and that doesn't
4 have to be. With all of these resources, we ought to
5 be able to give our people living wages. Jobs that
6 they appreciate. Jobs that they can have esteem in.
7 And when I think about all of the
8 negative things that goes against our
9 natural-resource industries, I think it is a shame
10 that we should have that.
11 It seems like for coal, for example,
12 that we have an attitude about mountaintop removal,
13 that we could have mountaintop removal, or clean
14 streams.
15 I think that is sad. We should be able
16 to say with all of our technocracy that is
17 represented here on this platform, and throughout our
18 schools, with all of our technocracy and our
19 abilities, we ought to be able to say that we can
20 have mountaintop removal and clean streams.
21 We ought to be able to utilize and
22 maximize and provide more jobs for our people.
23 For each industrial job that is out
24 there, such as the harvesting of coal, there are 7-

1 or 8 other jobs that are equally providing good
2 living wages that is associated with that one
3 excavation job, or harvesting job of harvesting coal.
4 It is too vast of a cost for us to just
5 want to throw away a major industry. We just can't
6 do it.
7 But I really believe that if we look
8 hard, we could find a way to coexist, and to be
9 profitable, and to have the blessings of the Lord on
10 us.
11 I would like to see the reversal of
12 these entities that have come in our state.
13 You don't have to read the newspaper, or
14 watch the Tonight Show very long, to see somebody
15 making comments about us being 49th, or 50th, in
16 everything that we do.
17 So I would like to see us become the
18 head, and not the tail of all of those things, and
19 with a good utilization of our natural resources.
20 MR. CHAIRMAN: You are out of time.
21 MR. HENRY: I believe that we can do it.
22 I am all for it.
23 Thank you.
24 MR. CHAIRMAN: Diana Wood.

1 Then the next speaker is Natalie
2 Spencer.
3 MS. WOOD: My name is Diana Wood, and I
4 am from Beckley, West Virginia.
5 My husband and I own a small store in
6 Beckley, and at the same time, I work for a coal
7 mine.
8 It seems like anymore, it takes two
9 people working just to make it.
10 I drove my son to the airport today. He
11 is in the service. He left this state, went into the
12 service, and that is the job that he had to take
13 because there wasn't one here.
14 And as I drove him to the airport, he
15 was telling me, Mom, when I get out of the service, I
16 want to come back here and work. What kind of jobs
17 are there?
18 I said, Well, there is not a lot. There
19 is really not a lot. And he said, Well, look around
20 and tell me what there is that I can do here when I
21 come home. I want to go to college, and get my
22 degree, and everything, but tell me what kind of jobs
23 that are here, because I want to live and work in
24 this state.

1 And as his plane took off, I thought,
2 God, what do we all need to do, buy an airline ticket
3 and fly out of here? Because it seems that we have
4 just been totally commissioned out of everything.
5 I never thought that my job would be
6 fought. I never thought that I would have to fight
7 for the right to work. I just thought that I would
8 be able to work and someday retire, and sit out on my
9 front porch and rock, but that is not how it is. Now
10 we have to literally fight to have jobs.
11 In working for the coal mines, I see all
12 kinds of paperwork, where we apply for permits and
13 all this kind of stuff. I don’t understand it all,
14 because I am not an engineer, but I can tell you
15 this: There is a lot of paperwork already. There is
16 a lot that we have to do already, to apply for these
17 permits and do these things.
18 And as I drive down the road, I look and
19 I see all of the things that have changed over the
20 years that I have grown up in West Virginia.
21 You don’t see a lot of people dumping on
22 the side of the road, and different things like that
23 that used to be.
24 I lived in a coal community as I grew

1 up, and people would drive to the end of town and
2 dump their trash. Nobody does that anymore. We are
3 all becoming more environmentally wise, and we are
4 trying to take care of what we got.
5 I am very proud to be a West Virginian,
6 and I am very proud to live in this state.
7 Yes, I think it is beautiful, but I
8 don't want to make it the kind of beauty that the
9 tourist drive through and they enjoy it, and I can't
10 work, and I have to leave here because I can't work.
11 One of the gentleman said, Is this a
12 joke? No, this is not a joke. It is my life. It is
13 my family's life. It is your life. We want to work
14 here.
15 We want to work here, we want to do it
16 safe, we want to do it clean, we want a job, and we
17 want to provide jobs for our children, that we don't
18 have to put them on an airline ticket out of town
19 because there is nothing here for them.
20 The schools are all coming together in
21 one, we are junking everybody together, because so
22 many people are leaving here because there is
23 nothing.
24 Yes, it is beautiful, oh, my God, it is

1 beautiful, and God gave it to us. But everybody
2 wants to blame everything on the mines, or something
3 else.
4 You know, I live on a hill, and there is
5 nothing on that hill but these houses. And we have
6 had so much rain over the past few years that I have
7 a two-level house, and one day it came so hard -- it
8 was the day that 8- to 10 inches of rain.
9 It came so hard, that it came down the
10 road, and the ditches couldn't take it, and my
11 bedroom on the lower level flooded. I couldn't blame
12 that on the coal mines, because there isn't one in
13 miles of my house.
14 Do you know where the rain came from?
15 It came out of the sky. And it fell, and it came so
16 quick, I could do nothing about it.
17 I cleaned up my mess, and I thought,
18 well, God, thank you that it didn't get my whole
19 house. Because I looked in the paper and I saw
20 people that lost their homes, and they lost
21 everything. And I thank God that I live on top of
22 that hill, because I knew that is what saved me. It
23 wasn't anybody that made that happen to me, it just
24 was life.

1 I have lived there for 50 years. And in
2 that 50 years, I have never seen rain like we have
3 had in the last few years, and I have never seen some
4 of the hardships that we have had.
5 And I look at the people around, and I
6 see all the energy, and all of the things that we put
7 together here, and I think, Why can't we do something
8 really good with this? Why can't we put it all
9 together, all of our smarts?
10 Let's put it all together and make a
11 place for our children to work.
12 Let us work.
13 Let us provide for them.
14 You know -- and I am not using this name
15 as a grand stand, but when I read in the paper that
16 Jessica Lynch went into the service to be able to go
17 to college when she came out and be a teacher,
18 I thought, that is my son. That is my daughter.
19 That is our children, because that is what we have
20 given them because we fight over things.
21 To say that it is a joke, no, it is not
22 a joke, it is my life.
23 People, we just want to work. There is
24 enough regulation.

1 We are regulated to death.

2 MR. CHAIRMAN: Natalie Spencer.

3 The next speaker will be John Metzger.

4 MS. SPENCER: My name is Natalie

5 Spencer.

6 I am from Kingston, West Virginia.

7 I work for coal.

8 I can't understand why in the State of

9 West Virginia, with all the economic problems that we

10 are having, why anyone would want to ruin a few

11 industries that helps us survive.

12 I don't condone destroying the

13 environment, as much as the next person, but I also

14 believe that some groups are not looking at the whole

15 picture of this mountaintop removal, as they call

16 it.

17 They are trying to make people believe

18 that the whole state will be leveled by the time the

19 coal industry gets through with it.

20 This isn't true. What good are

21 inaccessible mountains? With the type of reclamation

22 that the mining industry has to do nowadays, this

23 otherwise unusable piece of land could be used for

24 many things, and it is.

1 There's golf courses, recreation areas,
2 schools are put on these, shopping centers. There is
3 always a useful place for this land when it is taken
4 care of.
5 That is going to be where all those
6 tourists can stay that we are expecting this state to
7 have that is going to save us.
8 All we ever hear about is the
9 bad things -- the bad issues. Go look for yourselves
10 at some of the useful projects on these lands.
11 Then the West Virginia employment rate
12 has gone from over 47,000, in the month of May, they
13 said, now it is 51,000, in month of June.
14 The statistics are out there showing how
15 many types of jobs are affected. What impact will
16 this situation have if we run coal off?
17 I suggest that you take a right on Route
18 19, in Fayette County, heading from Mt. Hope to
19 Beckley. The mess there was not created by the coal
20 industry. No one seems to complain about all of the
21 run-offs from the rains from these future
22 developments.
23 As you drive by, you can clearly see
24 where the water runs down and it has to go somewhere,

1 it has to cover up some creek areas.

2 No one complains about all of the fill

3 that the Highway Department makes when they clear

4 these roads, or when they make a duel lane.

5 I cannot think of another industry in

6 this state that is constantly having to fight to keep

7 going on.

8 There are legitimate, neglectful,

9 problems sometimes, but coal in West Virginia is

10 blamed for everything.

11 If it was not such a needed industry, I

12 could understand. Are there really people here that

13 want to pay higher heating and cooling bills?

14 The electric companies, they will have

15 to import it from other states, and that is going to

16 be at a higher cost, and who is going to pay for

17 this? The consumer.

18 We are going to be paying higher taxes

19 with so few people left working. Somebody is going

20 to have to support all of these unemployed people.

21 You, truthfully, and factually, cannot

22 blame all of this on the coal industry for the

23 problems it faces and suffers from the flooding.

24 The State needs to start regulating

1 citizens, and themselves.

2 There are so many more bridges on

3 creeks, and also the little culverts that they are

4 putting in because all of the people from the city

5 want to go out into the country and live next to

6 nature.

7 There is trash along the roads out in

8 the country, creek banks are full, and then when

9 these floods come down, they wash it down and they

10 get stuck in all of these culverts.

11 State-road ditches are rarely cleaned up

12 after they are filled with run-off from the many

13 rains that we have had. And I said earlier, the land

14 developers that start different projects are never

15 finished. All of these factors contribute to the

16 problem.

17 The only reason most of those groups go

18 after coal companies is because they have money, and

19 you can’t sue God.

20 In the majority of the floods in this

21 state was due too much rain, in too short of a time.

22 I suppose all of the bad flooding in

23 Charleston is due to coal mining?

24 There is severe flooding all over the

1 United States. The largest portion of these occurred
2 in the states where there is no coal mining.
3 So let's quit putting all the blame on
4 the coal industry.
5 The West Virginia coal industry is more
6 regulated than any other industry in this country, or
7 probably in the world.
8 The Federal government isn't as hard on
9 us as this state. How many more jobs will this state
10 lose to extremist groups?
11 How many people are going to have to
12 move out of the State if they want and need the jobs
13 to support their families?
14 With the economy as it is in this
15 country, there won't be many places to go.
16 I read a letter in one of the local
17 papers about a man who said, We might as well just
18 sell our land to the Federal government and turn it
19 into a State park, then we will have a place for all
20 the tourist money to come in.
21 But people need jobs. We need to wake
22 up. We need to protect the environment. It is
23 getting out of hand.
24 Why have the doctors left?

1 No more Super Walmarts, or K-marts, if
2 there is not any flat land to put on there either.
3 If no one has jobs, and West Virginia
4 needs coal, coal produces jobs, and coal-related.
5 Thank you.
6 MR. CHAIRMAN: John Metzger.
7 The next speaker will be
8 Randy McMillion.
9 MR. METZGER: Hello.
10 My name is John Metzger.
11 I am a surface coal miner.
12 I guess I believe that I am a
13 law-abiding citizen, and I believe the company that I
14 work for is a law-abiding citizen.
15 I believe in our system of government,
16 which basically says that we vote on what laws we
17 want, we give those laws to you folks, you folks
18 interpret them, and enforce them, and our company
19 follows them.
20 The issue that I see is that we have a
21 lot of groups out there that want to -- just as soon
22 criticize, instead of coming up with meaningful
23 solutions to some of the problems that we have.
24 It is easy to say, I will stop the coal

1 mines, but it takes a better person to come up and
2 say, Hey, what do we have to do here? What do we see
3 wrong?
4 I hear about all of these metals,
5 whatever, we have in the streams, okay, what do we
6 have to do to clean that up?
7 I think you look at our company, and
8 most all of the companies, and most all of the
9 individuals work in these coal mines.
10 We want to do the right thing.
11 Every now and then, yeah, we stub our
12 toes, but we are out there to do the right thing.
13 I don't want to flood the ground, my
14 kids have to live on this earth, too, and their kids
15 do, too.
16 So I would say that we have got to start
17 looking at what we are doing here.
18 Our company, if we do something wrong,
19 we are penalized. Either one of us will go to jail,
20 or we will pay a fine.
21 But one of these groups can come up here
22 and run frivolous lawsuit, after frivolous lawsuit,
23 and what recourse does the company have, or any of us
24 as an individual?

1 We are out there in the coal, yet they
2 can keep channeling this stuff through our court
3 systems, blocking it, and killing us economically.
4 Where is the justice there?
5 What is our recourse?
6 Also, this land that they all talk
7 about, saving our mountains, it is owned by
8 individuals.
9 What rights do those folks have?
10 I hear about, well, we have to put
11 everything back to original contour; what does the
12 landowner have to say? Don't they have a say in what
13 is their property?
14 This same group of people would be
15 thoroughly upset if you told them that they could not
16 plant their garden in such a way in their backyard.
17 Also, they will sit and criticize
18 everything we do, and they will tell you how bad we
19 should cut out coal mining, these same people get up
20 in the morning, flip on the light switch, take a nice
21 hot shower, get on the Internet, and they do it all
22 with coal; with all of the energy that the coal
23 produced.
24 The same group of people will get in

1 their car and talk about the greenhouse effect, and
2 use fossil fuel to drive down to get to the airport.
3 When I hear about the forests, those
4 same people will sit up here with their nice-written
5 notes on a piece of paper, and as far as I know, the
6 only place paper came from was wood.
7 So I would like to say that we need to
8 start working together here.
9 Don't criticize, but help make us
10 better. We are willing to learn.
11 Thank you.
12 MR. CHAIRMAN: Randy McMillion.
13 The next speaker will be Karen Keaton.
14 MR. McMILLION: Good afternoon.
15 Thank you for the opportunity to speak.
16 I guess I am a little perplexed.
17 I am a native of West Virginia. I have
18 lived here for 46 years of my life, and grew up in
19 the mountains, and somehow I am struggling to
20 understand the vast destruction that this industry is
21 accused of having in the area.
22 I was growing up as a kid -- and as a
23 lot of other folks have stated -- environmentally,
24 this state is the same in significant means, over the

span of my lifetime.

You look at the streams and the countryside, it is twice what it was when I was kid.

As you read this EIS, or as you try to read it, it is obvious that there are no fatal flaws in this industry.

This industry is responsible. This industry has made significant gains, and strives in protecting the environment.

What is needed is logical, affordable, gains in environmental protection in the future. This industry is very vulnerable in economics.

It cannot burden significant cost impacts. So a little sensibility, a little understanding of where we have been, and a little bit less idealistic views of the future.

There is a reasonable solution here. This industry provides a great resource to this state, and to the nation.

The opponents that oppose coal, are also going to oppose hydroelectric bands, they don’t want these rivers plugged up.

They are also the ones that are unwilling to let land masses be consumed by

windmills.

At the same time, if you look at gas, the gas prices yesterday closed at $5.12 per million BTU's.

On the equivalent basis, your electric bill -- your electric being generated by coal -- would be three times of that today if you used gasoline.

I would just say, look where we have been, look at the advancements we have made, have a realistic view of the future, and do something that is sensible and reasonable.

Thank you.

MR. CHAIRMAN: Karen Keaton.

The next speaker will be Terry Brown.

MS. KEATON: I just want to say that I am proud that I work for the coal company.

I have never worked for such a good group of people. They are marvelous.

Every day when I go to my job, I feel my job is going to be over. No one should have to live in fear to work.

Thank you.

MR. CHAIRMAN: Terry Brown.

1 The next speaker will be Doug Waldron.
2 I think I butchered that name.
3 MR. BROWN: My name is Terry Brown.
4 I am from Fayetteville, West Virginia.
5 I have lived in West Virginia all my
6 life.
7 I am a miner.
8 I think this issue is far out of hand.
9 Because, like I said, we have lost a lot of farmland
10 due to Interstates. These mountaintop removal jobs
11 make beautiful farmland, beautiful housing
12 developments.
13 You look across the river and look at
14 the houses up on the hill, you could have a beautiful
15 house up on a hill on these abandoned strip mines.
16 How many of you live in log homes?
17 Nobody lives in a log home?
18 Nobody lives in a stick home?
19 Everybody lives under a rock, do they?
20 Interstate 64 shut down a month ago;
21 flooding.
22 What was it, the strip mine right beside
23 of it?
24 No, too much water.

1 Two years ago my house got flooded; too
2 much water. No strip mine around.
3 So why are we getting blamed for it?
4 There is no reason for it. Like they say, there are
5 a lot of issues being covered, and this could come to
6 an agreement and everybody work, and have a good
7 life.
8 Thank you.
9 MR. CHAIRMAN: Doug -- and I will let
10 you say your last name.
11 The next speaker after Doug will be Mike
12 Vines.
13 MR. WALDRON: Thank you very much for
14 your time today.
15 My name is Doug Waldron. I have it
16 written there.
17 A very important issue, and I will just
18 wait to say a few words: First of all, I am glad
19 that we live in the State and in a Nation, where we
20 can all get up and express our views and opinions,
21 and not have to worry about retaliation.
22 Also, I am glad that we live in a state
23 that back in 1863, when West Virginia was created,
24 that the founders of this state came up with a seal,

1 and on this seal they represent two people standing
2 beside of a rock. The person on the left-hand side
3 was sometimes called a logger, but I believe he was
4 actually a farmer.
5 The person on the right-hand side was a
6 coal miner. It has never been disputed that it was a
7 coal miner.
8 Coal mining in West Virginia -- about
9 some 70-, 40-, 50 years ago here in West Virginia,
10 and it was very important, and today it is more so
11 important because coal is West Virginia.
12 Over 90 percent of the electricity,
13 folks, was generated here in West Virginia, comes
14 from coal. Through the plants, over 50 percent of
15 the electricity across our nation, again, comes from
16 coal, and there is no replacement for coal at the
17 cost savings that we have right now.
18 Yes, with have an environmental problem,
19 and yes, we have been working on it.
20 In my lifetime -- I am 57-years-old --
21 we have made strides way far and beyond of what
22 anybody ever anticipated.
23 I was born and raised out in Lincoln
24 County on Coal River. Coal River, back then, was

1 generally used to wash coal in. The coal, even
2 today, is still in the river, but today, it is
3 cleaner than -- I think that it has been, even back
4 in my father's lifetime.
5 Coal here in West Virginia -- what would
6 our economy be here in West Virginia today without
7 coal?
8 We can blame ourselves, we can blame our
9 government, but without coal, would there be a Civic
10 Center, would there be a 119, or would there even be
11 a Walmart, if we didn't have coal here in West
12 Virginia.
13 There is no replacement for it.
14 And what would be in the future, if we
15 didn't have coal?
16 We will mine coal, and we will mine coal
17 safely, and environmentally, I believe, responsibly
18 and not to destroy the Mother Earth.
19 I was born here in Lincoln County, here
20 in West Virginia. I have lived here all my life. I
21 have been married 36 years, and I am proud to be a
22 West Virginian, and I am proud to be a proud
23 supporter of the West Virginia coal industry.
24 Yes, I am like Mr. Coleman, I work with

1 Walker Machinery Company and I get my paycheck from
2 coal, but if I didn't, I would still support the coal
3 industry.
4 Without coal here in West Virginia,
5 folks, I don't really see where there will be any
6 replacement.
7 I will say this in closing, I don't care
8 if you like it, if you don't like it, if you want it,
9 if you don't want it, we are stuck with it, and we
10 need to mine it responsibly.
11 Coal is West Virginia.
12 Thank you.
13 We need to mine it responsibly.
14 MR. CHAIRMAN: Mike Vines.
15 And then the next speaker will be Jeremy
16 Fairchild. As you come to the stand, I will remind
17 you to state your name and where you are from.
18 Is Mr. Vines here?
19 MR. VINES: My name is Mike Vines. I am
20 a salary employee of a large mountaintop mine in
21 southern West Virginia.
22 They are a very responsible company, and
23 hopefully, all of us workers are very responsible
24 people.

1 I have got two children, three
2 grandchildren, and we all rely on my job.
3 At the present time, my daughter is in
4 Charlotte. No employment here for her.
5 My son is a surface miner, equipment
6 operator for another company. He asked me last
7 night, he said, Dad, what is going to happen to the
8 mining industry. I said, Son, I don't know. I said,
9 the regulations are overtaking us. It is kind of in
10 the government's hands and you as a family.
11 But I think maybe we are losing vision.
12 This is not just a mountaintop issue. This
13 valley-fill issue also is deep-mining orientated.
14 The refuge (inaudible) impoundments requested.
15 So if this law goes through, and you
16 guys see fit to stop us, the next phase is deep
17 mining. The next step, this is a ghost state, as far
18 as I am concerned.
19 McDowell County, is a ghost town. We
20 are not only impacting my job, you are impacting my
21 children, my grandchildren, so for everyone of us,
22 there are 10 to 15 more behind us.
23 I am very proud of this state. I have
24 been in this business for 30 years. I have seen it

1 come from pre-law in the 70's, to where we are today;
2 high schools, golf courses, roadways, and I think we
3 can all work this in a responsible manner, and help
4 each other.
5 The environment would be better after we
6 are finished.
7 I would love to see my kids be able to
8 stay here. I have got a mother that is 90 years old.
9 I do not want to leave the state. I care for her
10 now, because she can't care for herself.
11 I appreciate the opportunity to speak
12 before you.
13 Thank you.
14 MR. CHAIRMAN: Jeremy Fairchild.
15 Then the next speaker will be Andy
16 Ashurst.
17 Remember to also say where you are from.
18 MR. FAIRCHILD: Hi. My name is Jeremy
19 Fairchild.
20 I am from Beckley, West Virginia.
21 I am a friend of coal, and proud to say
22 that.
23 I am the third generation in my family
24 to work in the coal industry. We have a company

1 called Fairchild International, and we manufacture
2 mining equipment.
3 I am here today to show my support for
4 coal, and I would like to say that I agree with the
5 opinion of most of the people who have come before me
6 on the importance of coal to this state.
7 I don't really see how anybody can say
8 that it is not vital to the success of this state,
9 and for the people to be able to live here.
10 It is an industry that -- like I said,
11 it is essential.
12 I would like to touch a little bit on
13 something that a lot of people can't, that have
14 spoken before me, I am just coming into the
15 industry.
16 I graduated college about two years ago,
17 and I was faced with a very important decision, I
18 either had to move away from the state where I was
19 born and raised and loved, to try to find a job so
20 that I could have a successful life, or I could go to
21 work with my family, and support the coal industry.
22 What it came down to was, I wanted to
23 stay here. There is nowhere else that I want to be.
24 Nowhere that I would feel like I would be as happy as

I am here.

I just hope that coal can do good, and can thrive, and we can all be prosperous.

I have a lot of friends who would like to have a situation similar to what I have, and have the choice of whether or not to stay, or leave this state.

Unfortunately, they don't, and I am losing friends and family all the time, so that they can go off and find work and move away.

I think that is really sad because the people in this state, and from this state, who are living in other places, are truly great people, and I feel honored to know them, and I am really upset that I have to say good-bye to them.

Of course, there are visits, but visits just isn't the same.

So I am just asking that instead of trying to do away with the coal industry, or do things to hold it down, I think everybody should focus their attention on working out ways that pretty much we can coincide. We can have our streams and rivers, and enjoy all that. It is a great part of the state that most of us love. And at the same

1 time, we can mine the coal and we can all live
2 together happily.
3 Thank you.
4 MR. CHAIRMAN: Andy Ashurst.
5 Then the next speaker will be
6 Lee Barker.
7 MR. ASHURST: Hello. My name is Andy
8 Ashurst.
9 I am from Williamson, West Virginia.
10 I am married, have a son two years old,
11 John. I have heard a lot of people talk that they
12 were born and raised here.
13 I am a little bit opposite. I am going
14 to say it, I was born in Brooklyn, New York. And I
15 moved to Pennsylvania when I was a teenager.
16 In Bethlehem, Pennsylvania, was
17 Bethlehem Steel, Mac Truck, a lot of heavy industry.
18 In high school, I would have loved to
19 have stayed in Pennsylvania. But due to regulations
20 and the EPA on air standards, Bethlehem Steel
21 basically shut down their plant in Bethlehem.
22 I was forced to look for another
23 alternative for a job, going to college, and I picked
24 coal miner.

1 I am proud to be a coal miner. And I
2 have been doing it for 15 years. It moved me away
3 from my parents. I have lived away from parents for
4 15 years now. I don't want my son, who was born in
5 West Virginia -- he is going to be born and raised in
6 West Virginia.
7 Moved out to Illinois, my first job,
8 after that year working, I was laid off due to EPA,
9 again, on air standards. We were in high sulphur
10 coal, we were shut down. We don't need to be over
11 regulated any more than what we are, and that is
12 where we are going.
13 Thank you.
14 MR. CHAIRMAN: Lee Barker.
15 The next speaker will be Gail Resdon.
16 MS. RESDON: I would like to pass.
17 MR. CHAIRMAN: You are not going to
18 speak? Okay.
19 The next speaker will be, Larry Keith.
20 MR. BARKER: Hello, ladies and
21 gentlemen, distinguished members of the panel.
22 My name is Lee Barker. I am a direct
23 descendent of one of the first settlers of Boone
24 County, and I still live there with my wife, and two

1 children.

2 When I got old enough and growing up and

3 became old enough, I had to make a decision on what

4 choice of career I would have.

5 My decision came down to this: I wanted

6 to stay in that county, I wanted to stay in West

7 Virginia; therefore, my only decision was to work for

8 the coal industry. So I went to school to become a

9 mining engineer.

10 Yes, that's right, I design those valley

11 fields, and those impoundments, and stuff like that,

12 that everybody is worried about.

13 I can tell you one thing, the way I

14 design them, and the way we are required to design

15 them, nobody has a problem.

16 But I want to talk a little bit about

17 Boone County. That is where I grew up, that is what

18 I know.

19 Boone County was the place where coal

20 was first discovered by James Peter Sally. They've

21 been mining coal shortly thereafter, ever since. So

22 it has been a long time. It has been over 100

23 years.

24 I have heard people say that we have 300

1 years of coal left in this United States to mine, we
2 don't have that long in Boone County. We have been
3 mining for a long time already.
4 So, therefore, we do need these
5 mountaintop removals, and the flat lands that they
6 create, so that we can have future jobs for my sons,
7 and daughters, and hopefully, my grandchildren.
8 Also we need, on these mountaintop
9 removals, everybody says, Well, let's just make the
10 coal companies put something up there. That is not
11 their job, their job is to mine coal.
12 It is people like me, and people who
13 live Boone County's job to get other industries in
14 there and we have a place to put them.
15 I also would like to see wildlife
16 habitat reinstated of high-end use for reclaimed
17 mountain land.
18 I like to hunt and fish. I also would
19 like to see regulations made where that we could
20 leave ponds, and small impoundments like that in
21 place, for recreation use in wildlife habitat.
22 Right now, we are required to remove
23 them.
24 And Boone County, could use just about

as much flat land as possible.

Here I have heard a lot of talk about flooding and here is a simple fact: Boone County consists of rugged terrain, mostly it is considered steep hillsides, and small narrow valleys, which inevitably; that is the flood plain.

That is just the way it is. That is just the way God made it, and we got to live with it.

Well, we're smart. We can do things, we can put mountains, and we can make flat land up out of the flood plains.

One thing I would like to say is, the other thing is the stream quality.

Well there has been a lot of issues involved that have been about stream quality, and I am not that old, but I'm old enough to remember Big Coal River being pretty much choked with sediment, but since all the regulations, the mining industry is living by -- and we are doing a wonderful job -- that is no longer the case.

Due to what the mining industry is doing today, the river is probably -- it is starting to be classified as a high-quality stream, which it

1 wouldn't have been before.

2 Also, there are other streams and rivers

3 in Boone County, where we were able to stock trout.

4 That is the result of the mining,

5 People, that is not because of the natural

6 environment of the trout, they could have never lived

7 there before.

8 We've been talking about everything is a

9 joke. I'll tell you what I think the joke is, I

10 think a joke is when outside environmental groups

11 come around and tell me, and other fellow people that

12 live in that community, what is the best for us.

13 Thank you.

14 MR. CHAIRMAN: Larry Keith.

15 The next speaker after Mr. Keith will be

16 Robert Wilkerson.

17 MR. KEITH: I am Larry Keith, and I am

18 from Hazard, Kentucky.

19 I have been employed in the engineering

20 profession for 26 years, and have been involved in

21 the mining industry during that time.

22 What I would like to take a look at is

23 the impact of mining on our communities and towns in

24 the coal fields.

1 First, mining provides jobs. It also
2 produces flat usable land out of the flood plains,
3 sometimes in which coal-fill areas are not blessed
4 with.
5 For instance, approximately one-square
6 mile area surrounding the Hazard, Appalachian
7 Regional Medical Center; there are five apartment
8 complexes, 104 dwellings, 28 medical and healthcare
9 facilities, including the ARH Professional Office
10 Building, the ARH Psychiatric Center, and the
11 University of Kentucky Center for rural health, which
12 is currently being constructed on reclaimed mine
13 area.
14 There are also 89 businesses, including
15 Days Inn, Winn-Dixie, Food City, Applebee's, just to
16 name a few.
17 Six churches also got the landscape.
18 City, Federal, and State agencies also use flat
19 surface mined areas to construct their building.
20 The so-called devastated areas, have
21 also left behind golf courses, the cypress trees and
22 goose ponds, grazing fields for elk and deer, and the
23 list goes on.
24 As for polluting the waterways, the

1 mining industry has been placed under such strict
2 regulations, to meet the affluent standards set forth
3 by these laws, I can attest firsthand, that in
4 monitoring discharge from ponds and active surface
5 mine sites and reclaimed jobs throughout eastern
6 Kentucky, the water is clean.
7 About a month ago, a biologist from the
8 Northern Kentucky University, was doing a study, what
9 he called a "bug count" at one of the pond sites that
10 I was monitoring.
11 We were standing at the discharge pipe
12 for this pond, and he made the remark that in his
13 findings, throughout the eastern Kentucky area, that
14 the water coming out of these ponds, was
15 substantially cleaner than any water, in any open
16 channels in Louisville, Kentucky.
17 Now what does that say for the mining
18 industry?
19 In leaving Hazard today to come over
20 here, I passed a construction site for a new Walmart
21 center. On this site, I surveyed the area, which I
22 determined to have 24,000 tons of coal, which had to
23 be destroyed and disposed of.
24 But through the coal regulations, and

1 the company doing the work, could not sell this coal
2 and donate it to needy charities in the area, but
3 could give away 25 tons.
4 Now what does this say for the
5 regulations?
6 Thank you.
7 MR. CHAIRMAN: Robert Wilkerson.
8 After Mr. Wilkerson speaks, we are going
9 take another five-minute break, and when that
10 happens, I will tell you who the next two speakers
11 will be.
12 MR. WILKERSON: Good evening.
13 My name is Robert Wilkerson, and I live
14 in Princeton, West Virginia, with my wife, two
15 children of six that we raised in West Virginia.
16 After high school, I moved to
17 Washington, D.C., in 1961, simply because of a lack
18 of employment opportunities at that time.
19 After nine years in Washington, I
20 realized that I wanted to live a different and
21 slower-paced environment.
22 I began my mining career in 1970,
23 working as a general inside laborer, operating
24 various machinery, and not underground, and then

1 after three years I got my mining certificate for
2 mine foreman.
3 I am currently employed with a
4 landholding company as a mine inspector.
5 How important is mining to our
6 livelihood?
7 In 33 years, the average coal miner had
8 the potential to earn between $900,000, and
9 $1.5 million, depending on the job duties, or your
10 willingness to work.
11 A family of four, would contribute
12 $200,000 in Federal taxes, $60,000 in West Virginia
13 State taxes, and $90,000 in FICA taxes.
14 Between 1995, and 1999, 5,798 mining
15 jobs were lost in West Virginia.
16 If you use the average rate of $50,000
17 per year, per miner, per employee, you multiply that
18 times 5,798 jobs -- that is just for those four
19 years -- we have lost -- West Virginia has lost
20 $289,900,000 in wages. And that doesn't account for
21 the other taxes it paid.
22 How important is mining to your
23 community?
24 I recently spoke to a small convenience

1 operator in Mingo County, West Virginia, who has a
2 store close to the Marrowbone Development that
3 recently closed down.
4 He told me that the one family owner of
5 this store is losing $800 per day in sales, and this
6 is just one store. And you can multiply that over
7 the industry.
8 I think one of the things that is
9 interesting is that we can use the West Virginia
10 Office of Miners' Health & Safety Training Coal Tax
11 Sheet -- you can find it on their website page -- and
12 it is interesting some of the comments that they have
13 here.
14 The taxes paid by the coal industry,
15 using West Virginia coal, accounts for over
16 two-thirds, or over 60 percent of business taxes paid
17 in this state.
18 The coal industry pays approximately
19 $70 million in personal property taxes. Coal
20 severance, $160 million in West Virginia economy for
21 this year. $24 million of coal severance taxes
22 collected each year, goes directly into the
23 Infrastructure Bond Fund.
24 The coal industry's payroll is nearly

1 $2 billion a year. Coal is responsible for more than
2 $12 billion annually in overall economic impact.
3 These are some of the facts that comes
4 from West Virginia's agencies.
5 Also, I think we need to realize that we
6 are all biased. I am biased, and some of the other
7 people are biased, as well, who have stood up on this
8 platform.
9 I am biased based on my life
10 experiences. I am biased based on my background, or
11 my upbringing, as you well, please.
12 I was raised in the strong
13 Judeo-Christian belief system, believing that the
14 creator should be worshiped and not creation.
15 In Genesis 126 through -31, God gives
16 man the right and the responsibilities, to subdue
17 creation, including all living creatures.
18 Let me explain, I enjoy God's creation.
19 I enjoy what I see in West Virginia, and I really
20 believe that the beauty of West Virginia is probably
21 just as great as any other state.
22 It appears that the environmentalists
23 have placed creation above and before the creator,
24 Genesis 125.

1 I see great strides being accomplished
2 in the methods of safe removal of mountaintop
3 operations.
4 Operators are satisfying the role of
5 good stewardship.
6 In the past years, the regulatory
7 agencies, demanded that the materials placed in
8 valley fills were on slopes, and be compacted in
9 order to control erosion. Erosion, of course, we
10 know can't be controlled by compacting material.
11 Through information, and studies done by
12 West Virginia University and Virginia Tech, they have
13 now found that if you leave the material there very
14 loose, that it will actually absorb the ground water
15 as it falls. That is common sense.
16 In the midst of our bias, we must find
17 common ground and be responsible and accountable to
18 our states and community, and at the same time,
19 provide jobs to enjoy the benefits of living in West
20 Virginia.
21 This is common ground. This common
22 ground cannot be reached, when we continue to see the
23 exodus of our young children.
24 MR. CHAIRMAN: You need to wrap up.

1 MR. WILKERSON: -- leaving West Virginia
2 and finding employment in other states.
3 Thank you very much.
4 MR. CHAIRMAN: Okay. We are going to
5 take a five-minute break.
6 The next two speakers will be
7 Fitz Steele and Luke McCarty.
8 Also, remember if you do wish to speak,
9 you need to sign up at the registration table out
10 front.
11 Thank you.
12 (Break.)
13 MR. STEELE: My name is Fitz Steele. I
14 am from Hazard, Kentucky.
15 I have been a coal miner for 20 years.
16 I am also a treasurer for the Hazard/Perry County
17 Industrial Board.
18 I am also on the board of the Pride
19 Board for Perry County.
20 I'm vice president of the Buckhorn Lake
21 Bowler's Association.
22 I am a strong supporter of mountaintop
23 removal for my family and my community.
24 Where I live, we would not have nothing

1 if it was not for the coal industry. Our local
2 hospital, doctors' offices, high school, hotels,
3 restaurants, several small businesses, large
4 businesses, Wayne Supply, a CAT dealer, our Coal
5 Field Industrial Park, and airport, are also built on
6 hollow fills.
7 Hollow fills make it possible for our
8 region to attract new businesses. Without the level
9 land to build and create better living conditions,
10 what would we have? We wouldn't have nothing.
11 We would be dependent on the government
12 to take care of us, and coal miners don't want that.
13 We are a proud, hardworking group of Americans that
14 go to work every day, to provide for their families
15 and communities. We do not want to be dependent on
16 no one.
17 Also, I would like the definition of a
18 stream. I would like to see a stream be called a
19 stream, and a run-off ditch, be called a run-off
20 ditch.
21 Coal was formed through the
22 (inaudible) broadening of a swamp many years ago that
23 area was level, each seam started when all that was
24 (inaudible) seen was a swamp. Silt came in, covered

1 the swamp, it started all over again.

2 As far as caring for the environment, we

3 do.

4 We have over 300 head of cattle on our

5 property, over 20 head of horses, many deers, turkey,

6 coyotes, and we have some elk that wonder by, we have

7 some black bears, also.

8 Every spring in eastern Kentucky, we

9 have a thing -- we have a committee called Pride.

10 Every spring we have a Pride cleanup.

11 This year 50 people went 23.4 tenths

12 miles, cleaning both sides of Highway 28. We got 531

13 bags of garbage.

14 The following week, I was in the creeks,

15 digging up under old appliances, dodging copperheads,

16 rattlesnakes.

17 On our side of the hill, we have the

18 Kentuckians for the Commonwealth. In Perry County, I

19 did not see one Kentucky for the Commonwealth helping

20 us clean it up.

21 Also, Tuesday night, we had this same

22 hearing in our new Hal Roger's Center, and off to the

23 right where you all were sitting, after the hearing

24 was over, we picked up their water bottles, and their

1 Diet Pepsi bottles after that.

2 We are, at least, out there cleaning up

3 after generations before us, and cleaning up after

4 our current ones. We do get out and clean up our

5 backyard, we don't just talk about it.

6 Now, there is a river, it is called

7 Nenana River, that drains around The Denali National

8 Park, where Mount McKinley is, and it is a

9 glacier-fed river.

10 A glacial river is very silty. It

11 doesn't have very much aquatic life in it. I talked

12 to a ranger up in Alaska before I came in here, and

13 it is a fish called a burbot, which is something like

14 our catfish.

15 Then on the salmon, if they can make it

16 all the way up the stream and spawn then they do, but

17 also they die out.

18 As far as alternative sources of energy,

19 we have solar, we have nuclear power. You know, that

20 is real safe, what is going to happen when a

21 terrorists hits one of our nuclear plants; how many

22 will die?

23 Then we have natural gas. We don't even

24 produce enough natural gas to meet our needs.

1 Now, next month, August 17th,
2 St. Petersburg, Florida, one of our energy
3 committees, they are going to sit down, they are
4 going to chat with the Russians. They are going to
5 try to cut a deal with Russia to buy natural gas off
6 of them to supply us for power.
7 We already have that power, it is called
8 the Middle East.
9 Coal is here. We have it to supply
10 power to our country. I would much rather have my
11 trust and faith in a bunch of coal miners, than
12 people from the Middle East or Russia, to help and
13 depend on them to meet our energy needs.
14 I do have an Environmental Leadership
15 Award, because I get out and clean it up. And my
16 company does take care of the environment.
17 MR. CHAIRMAN: Luke McCarty.
18 The next speaker will be William
19 Runzon, Jr.
20 MR. McCARTY: My name is Luke McCarty.
21 I have been a coal miner for 35 years. I have been a
22 union official, safety mine committee.
23 I also own a home that has -- within the
24 next two, to three years, will have approximately 7-

1 to 8,000 acres of strip-mined land within four miles
2 of my house draining into the river that goes by my
3 house.
4 I am not here to speak on behalf of the
5 strip miners, or the environmentalists. I am here
6 for my family.
7 I am not going to try to convince you
8 people to stop mountaintop removal, it ain't going to
9 happen. It ain't going to happen.
10 I am not stupid enough to think that
11 you, or anybody else is going to stop it.
12 What I would like for you to do is
13 regulate it.
14 What do you mean, Mr. McCarty, regulate
15 it? It is regulated to death.
16 Well, I had some pictures here that I
17 was wanting to show you all, but the way the forum is
18 here, I can't do it.
19 Now, I am going to try to explain it to
20 you.
21 Now we have a strip mine in the head of
22 this hollow. We cut a ditch, and put rock in it,
23 shot rock, maybe as big as this podium here, half as
24 big, or as big as this podium.

All right. We make that ditch 30-feet wide, 4-feet deep. Now every fork, just about, will have one of these in it.

They dump into a hollow that has a capacity to carry a stream about three- to four-feet wide, about six inches deep is what it usually runs.

Now why is this ditch this big?

We are getting rid of our water. That is what it is.

Now my problem is, this goes down the hollow, hits the base of the hollow, we have what we call sediment ponds.

Okay, Mr. McCarty, our sediment pond is going to take care of everything.

No, sir, your sediment pond does not take care of one drop of water. If any stuff washes off that fill, it catches it into the sediment pond.

That sediment pond runs full all the time.

I have three or four pictures here showing you that they run full all the time, and there is water running over off the spillway.

So if it rains, if they have 500 acres uncovered up there, or 300, or 15 -- all the water

1 off that, hits your spillway, comes down the hollow,
2 over the dam, and right on down to me, and whoever
3 lives below it.
4 What I would like is for that water to
5 be contained, and let loose slowly off of their
6 property, so that me, and the other people that lives
7 below me, can survive.
8 Other than that, it is the dust that is
9 created.
10 Whenever you go on a job that they know
11 you are coming, I guarantee you that you will be able
12 to see just like you can in this room.
13 But when you are not there, Brother,
14 listen, you better wear you a mask.
15 And a lot of these fellows, when they
16 get my age, are going to have what I have, only they
17 probably have brown lung, instead of black lung.
18 Now I don’t think that anybody besides
19 me in this room, believes that strip mining is going
20 to be stopped.
21 There is not very many people in this
22 room old enough to remember the 1969 Health and
23 Safety Act.
24 What did I hear? I worked in the mines

in 1968, do you know what I heard? This is going to shut mining down.

Lookie here, I am here 34 years later, and I am still kicking, and I'm still working in the coal mines.

Somebody was wrong.

Like I said, I am not here to stop strip mining, it ain't going to happen. You know it, I know it, and the people in this room know it.

It ain't going to happen.

But you do need to take care of the people that lives in the area of the mines.

They say, well, now you had this big rain, and strip mining had nothing to do with it. Don't get me wrong, Brother, logging has a big part in this. Logging has a major part in what is going on, but we are not here about logging -- we are going to let it slide.

Now we talked about coal mining, we are all going to give our jobs to our kids. Since I have been in the coal mines, we have lost jobs every year. We lost them the year before last, we lost them last year, we are going to lose them next year.

Why? It ain't because the report you

1 write; it is going to be because we have got bigger
2 machinery, and we got western coal to contend with,
3 that is what is killing coal mining.
4 It is slowly, slowly, dying.
5 But how much protection are you going to
6 give us until it is finished?
7 I have heard the word of God spoken here
8 two or three times.
9 One quick quote, The name of God -- the
10 same God we all worship -- said in a book called
11 Revelations, that he will bring ruin to those who
12 ruin the earth.
13 So we all have to answer to what part we
14 had in damaging this earth while we was here.
15 MR. CHAIRMAN: William Runzon.
16 The next speaker will be Benny Dixon.
17 MR. RUNZON: My name is
18 William Runzon, Jr.
19 I am a lifetime resident of southern
20 West Virginia.
21 I am an employee of Arch of West
22 Virginia.
23 I am proud to be an employee of Arch of
24 West Virginia. I am here today of my own choosing.

1 My company afforded me the opportunity, but I am not
2 here to speak on behalf of Arch of West Virginia, as
3 a whole, I want to speak for myself, and my family,
4 and the relatives, and the family and friends that
5 live around where I do.
6 Our lifetime has been in the coal
7 industry, and our desire to work and earn a living
8 for our family.
9 I heard a statement earlier today that
10 really kind of offended me, talking about false
11 prosperity.
12 The coal industry has been good for me
13 and my family, my ancestors, and also those around me
14 that live in our community.
15 Not only do I work for a surface mine
16 operation, but my house is located just a few hundred
17 feet from a competing coal company, who is doing a
18 surface mine operation -- from my house.
19 They are very good neighbors.
20 I keep hearing about the problems with
21 water, and flooding, and those types of issues; I
22 live beside a stream, I live beside the Pope Creek,
23 (phonetic) at Campus, West Virginia. I have to say
24 that operation also is a good neighbor.

1 I would just make an appeal to this body
2 today that you would hear the voice of the small
3 people, the people that live in the areas that are
4 doing this mining.
5 I heard people speak that were from
6 Elkins, and people that lived in Huntington. But I
7 live in the region where I work, and I want to tell
8 you that I want to continue to live there. I want to
9 continue to work there. I don't see any other
10 opportunity for us in that region but to mine coal,
11 and I am proud of the company that I work for, and I
12 think that they do a good job at mining.
13 I thank for the opportunity to speak
14 today.
15 Thank you.
16 MR. CHAIRMAN: Benny Dixon.
17 Then the next speaker will be
18 Mike Comer.
19 MR. DIXON: My name is Benny Dixon.
20 I live here in Charleston,
21 West Virginia.
22 I work in Logan County.
23 I work for Arch Coal.
24 I am proud to say that I have worked for

1 30 years in the coal industry, and I don't believe
2 that could have chosen a better industry to work in
3 than the coal industry.
4 We are a responsible industry. We take
5 care of the environment.
6 About 30 years ago, I was asked to
7 defend this country, and I did that with honor and
8 I am a proud American.
9 Today, I am still a proud American, and
10 I will defend it, this job, and this environment,
11 against anybody who wants to take away my ability to
12 make a job my livelihood.
13 I grew up in eastern Kentucky.
14 When I was boy, I hunted and fished. I
15 was 17-years old before I ever saw a deer.
16 I was almost 25-years old before I saw a
17 wild turkey.
18 Today, everywhere you go, you got to be
19 careful driving down the road that you don't run into
20 one.
21 The best place to deer hunt in Kentucky
22 and West Virginia, is on strip-mined land.
23 We have elk in eastern Kentucky today.
24 It has not been there for 100 years. They live on

1 the "sterile" strip land, it is not fit for anything
2 else.
3 Imagine that.
4 What do they live on? They live on
5 grass, trees, that our coal companies have planted.
6 With all that being said, it sounds like
7 a pretty good place to live to me.
8 To some of the groups before us, they
9 keep bringing God into this. I love God, and I
10 respect God, but I believe God puts coal in these
11 mountains for me to mine, to make a living.
12 The people that want to take it away, I
13 don't have much for them. And I defend my right.
14 Some of the groups before us that spoke
15 about the recent floods. I watched it on national
16 TV, the FedEx truck washing through downtown
17 Charleston. I don't believe I saw a strip mine
18 anywhere close. Can anybody tell me where it's at?
19 Where the run-off from this strip mine flooded
20 downtown Charleston, over near the airport?
21 I drove around there the other day.
22 I saw a house that was washed off its foundation, not
23 too far from where I live, but I don't hear no
24 blasting, I don't see no run-off from no strip mine.

1 God rained on Charleston,
2 West Virginia, not Arch Coal, not Massey.
3 So I would ask you panel members:
4 Protect my ability to make a living in West
5 Virginia. I think it is a God-given right, and I
6 will defend it against anybody who wants to take it
7 away from me.
8 Thank you.
9 MR. CHAIRMAN: Mike Comer.
10 Then the next speaker will be Nelson
11 Jones.
12 MR. COMER: Good afternoon. It is a
13 pleasure to be here this afternoon.
14 My name is Mike Comer. I am from
15 Charleston, West Virginia, but I was born and raised
16 down in Bluefield, West Virginia, Mercer County,
17 southern West Virginia.
18 The same time my grandfather -- both my
19 grandfathers -- were railroad engineers, hauled
20 coal.
21 My father was a salesman for a
22 distributor in southern West Virginia, and traveled
23 the coal fields all of his life. Many times during
24 the summer, I would travel with him.

1 I can say that I was educated in West
2 Virginia, and I choose to live in West Virginia.
3 At the same time, from what I have been
4 able to see, coal has been a great friend to
5 West Virginia.
6 Through the contributions back to the
7 communities, through the payrolls, through taxes
8 paid.
9 At the same time, now I am associated
10 with United Bank. United Bank is the largest
11 independent bank in West Virginia. We have got
12 $3 billion assets in West Virginia, and about 1,000
13 employees.
14 At the same time, we are dependant upon
15 the West Virginia economy. The West Virginia economy
16 is dependent upon coal, both directly through taxes,
17 and indirectly through payroll.
18 Our customers mine coal. Our customers
19 are people who work in the mines, our customers are
20 also businesses that mine coal.
21 At the same time, we have to represent
22 other customers that have supported, and depended,
23 and served those businesses directly in the coal
24 industry.

1 Coal is important to the part of the
2 quality of life for our families throughout
3 West Virginia.
4 Coal is important to our future; coal is
5 vital for West Virginia.
6 I am happy to say that I am a friend of
7 coal.
8 MR. CHAIRMAN: Nelson Jones.
9 The next speaker will be Bob Gates.
10 MR. JONES: Good afternoon.
11 Thank you for the opportunity to speak
12 here. I will be brief.
13 I think the group preceding me, has done
14 an outstanding job of presenting our case.
15 I have lived in Charleston all my life.
16 Our company has been in the coal business for four
17 generations.
18 I think we have been a responsible
19 employer. Our payroll today, primarily in marine
20 transportation of coal, exceeds $16 million annually.
21 Without coal production in
22 West Virginia, it will diminish our company. There
23 is no place for our employees to go. There is not
24 any government jobs for them here, there are no jobs

1 in the chemical industry. Those are the only jobs
2 that pay any money in West Virginia.
3 The chemical industry, the government,
4 and the coal industry. There is just one industry
5 left that offers a future for our employees, please
6 think of that as we are deciding what course our
7 regulation will take.
8 You know, we used to attend the
9 Mississippi Valley Coal Exporters' Conference in New
10 Orleans, to talk about the export of coal going
11 overseas. There isn't any anymore.
12 What we are hearing about, is the
13 imported coal coming into this country. The more
14 regulation we place upon coal production here, the
15 less coal we produce, the more we import.
16 That is bad for all of us.
17 We need to do a better job in all that
18 we do, but please offer us the opportunity to work,
19 to continue to raise our families here, to make this
20 state great.
21 For over 40 years, I have attended and
22 participated in events in this auditorium. This
23 auditorium was paid for, in large part, by the
24 employers in this area. Most of those are gone now,

1 but please let the rest of us continue to work.
2 Thank you.
3 MR. CHAIRMAN: Thank you.
4 Our next speaker will be Corky Griffith.
5 MR. GATES: I am Bob Gates.
6 I live in Charleston.
7 My daughter was born in Logan County.
8 As a filmmaker, I have gone down to the
9 flooded areas and talked with coal-field residents,
10 discussed with them, and asked them where they
11 thought these incredible flash floods came from, and
12 what they thought the causes were.
13 Scrabble Creek, Seng Creek, Bulgher
14 Hollow at Dorothy, White Oak Creek, walls of water
15 came down those streams.
16 I have, not only talked to the
17 residents, I have looked at the mines, I have gone
18 over the mines, those walls of water came from
19 mountaintop removal/valley fills.
20 Not to mention the Lyburn disaster a
21 year ago.
22 Between mountaintop removal in southern
23 West Virginia, and steep-sloped timbering, 47
24 communities have been destroyed, or damaged; 12,000

1 homes and businesses, destroyed and damaged.

2 MR. CHAIRMAN: Corky Griffith.

3 The next speaker is Ed Painter.

4 MR. GRIFFITH: Thank you for the

5 opportunity. Thank you, guys.

6 I am a football coach, that recently

7 took a job with MRS out of Holden, West Virginia,

8 public relations for them, and the coal industry.

9 I call on approximately 50 different

10 mines in one month. I go around and I see them all.

11 I have not seen any that are not trying their best to

12 take care of the environment.

13 I am not a coal miner. I am a football

14 coach. Now the reason they hired me was because I

15 know those guys. I know guys at Arch, I know guys at

16 Massey, and I know guys at Peabody, Kanawha River

17 Terminals, I know those people.

18 And everywhere I go, they are taking

19 care of the environment. And I know because bear are

20 running over me. I was out at Milford the other day,

21 and two bears run over me getting to a garbage can.

22 I was up in Clay County, where I grew

23 up.

24 Which I should have told you where I

1 grew up. I grew up in Clay County, in a small mining
2 community named Widen.
3 I am 64-years old. When I was 10, they
4 timbered that place, the creek ran black. You
5 couldn't swim in it. Today, the timber is back, it
6 is this big around, (indicating), 50-year growth.
7 The stream is clean and running with trout, all
8 because the coal company went up there and cleaned it
9 up.
10 They made that place beautiful again.
11 It is amazing how nature can refurbish a
12 countryside. With the coal people's help and nature,
13 it can be done.
14 You know, I would also write stories for
15 the Charleston Daily Mail about old high schools that
16 have disappeared.
17 In the last 50 years, the State of West
18 Virginia, because our kids have to leave, we have
19 lost 151 high schools.
20 Damn. That is a lot of people; 151.
21 And I am writing about them, and I am up
22 to 15. And the reason I am doing it is I want those
23 old towns to start getting redone.
24 You are saying, this is about coal,

1 those places are gone because it is about coal. It
2 is about jobs.
3 And anytime you get a chance to get up
4 in front of this many people and say something, and
5 nobody is not going to let you talk, you need to take
6 a chance of doing it.
7 Because I see old Hunter over there --
8 I had him in Civics in 1969, at Ripley High School,
9 and he has turned out to be quite a gentleman, and
10 nice-looking guy over there.
11 You guys need to help us with
12 Workers' Comp.
13 Don't forget it. Workers' Comp is our
14 enemy.
15 Another thing I want to tell you is
16 this: I talked to all the coal owners, the biggest
17 thing that they are worried about is over regulation,
18 and Workmans' Comp.
19 Out of those 50 mines that I have talked
20 to, half of them, 25, are talking about shutting down
21 because of over regulation, and because of Workmans'
22 Comp.
23 Don't be the enemy, you guys.
24 I have got a question for you: How many

1 of you all on the panel have ever worked in the coal
2 industry?
3 Would you raise your hand?
4 MR. CHAIRMAN: Again, I remind you, the
5 panel does not answer questions.
6 MR. GRIFFITH: Oh, I'm sorry.
7 I didn't really mean it.
8 The other thing is this: If I am going
9 to coach football, and I need to know something, I am
10 going to see Don Nehlen.
11 If I am going to mine coal, I want to
12 talk to a coal miner; they know.
13 These guys that are getting up here that
14 are coal miners know, that you don't go get a lawyer
15 to have a good football team, you go get another good
16 coach.
17 Talk to the miners.
18 Talk to owners.
19 They know what is going on.
20 Thank you very much.
21 MR. CHAIRMAN: Ed Painter.
22 Then the next speaker will be Warren
23 Hilton.
24 MR. PAINTER: Hello. My name is Ed

1 Painter and I live in Hurricane, West Virginia.
2 I have three daughters, and a son. Two
3 of my daughters are attending Marshall University.
4 And as many of you know, college is very expensive,
5 even at a State-supported university.
6 I am a graduate of West Virginia
7 University, and I have worked for Walker Machinery,
8 Caterpillar dealer in this area for 27 years since
9 graduation.
10 One of our major markets, is the selling
11 of Caterpillar earth-moving equipment to the coal,
12 and surface mining industry.
13 Walker Machinery employs nearly 600
14 people. And a strong coal industry is necessary for
15 our company, because it enables our company to
16 provide 600 high-paying jobs, for some very highly
17 skilled people that support our equipment in the
18 mining industry.
19 You hear over and over in the press that
20 mining employment is down, and yes, direct mining
21 employment is down. But what you don't hear, is that
22 a lot of those jobs -- many of those jobs, are not
23 directly done by the coal industry to support their
24 operations, are now done by the companies that offer

1 vendor services to the mining industry. And we are
2 one of those companies.
3 I am the oldest of three boys. My
4 mother is a retired schoolteacher, and my father is a
5 retired steelworker. My brothers and I all graduated
6 from State-supported universities.
7 Upon graduation, I was the only one that
8 found employment in this state, and without the
9 mining industry, and my company's role in supporting
10 that industry, I would have had to have left the
11 state, also.
12 Because of the mining, I have been able
13 to accomplish what most of us wish to accomplish in
14 our lives; own a home, raise a family, send your
15 children to college.
16 I hope to continue to be able to do
17 that.
18 I know that many of you marvel, just as
19 I do, at the retail growth at Corridor G. I have
20 often wondered where the people and the money comes
21 from to support that level of growth.
22 Well, I don't think that it is coming
23 from the number of manufacturing jobs that we may
24 have been able to attract to this state in the last

1 decade, it comes from mining wages, and the companies
2 that support that industry.
3 Thank you.
4 MR. CHAIRMAN: Warren Hilton.
5 MR. HILTON: Thank you, gentleman, for
6 your time today, and ma'am.
7 Two ma'ams, I didn't see you.
8 Thank you all for coming out today.
9 My name is Warren Hilton.
10 I am from Beckley, West Virginia.
11 I am a very strict environmentalist.
12 I see an awful lot of mouths drop, at
13 that point.
14 I do appreciate very much the people
15 that have spoken here today, the environmental people
16 that have come out and spoken what they feel.
17 I also appreciate these coal miners that
18 have come out today.
19 I will give you just a little bit of
20 history, my company, my family, was involved in the
21 coal business since the early 50's.
22 We had over 1,000 people working in
23 different kinds of businesses, such as farming,
24 cattle business, the real estate business,

1 convenience stores, hotels, timber business, sporting
2 good, hardware store, horse business, construction
3 business, and excavation business, and yes, also, we
4 do a little mining.
5 Since Jay Rockefeller introduced the
6 Reach Back Bill in 1992, Federal regulations -- over
7 regulations -- of the mining industry, have taken us
8 from 1,000 employees, some of which worked for me
9 that are sitting out in this room today -- quite a
10 few of them -- we're down to 33.
11 All I ask you people to do is use a
12 little common sense. We have 105 State and Federal
13 regulatory agencies looking after mining.
14 What we need is two, or three more, the
15 environmentalists will get their way, we can move our
16 kids out of here, we can quit worrying about security
17 for our kids and our jobs.
18 We just want a place for our kids to
19 work. We want some kind of security, some kind of
20 thing like you gentleman have -- and ladies.
21 You have a little security in your
22 futures and what you are doing. That is all we are
23 asking for.
24 Today is a good day. You are listening

1 to us, and I want to give you just a slight bit of
2 history.
3 There was an Admiral, in the Japanese
4 Navy named, Yamamoto.
5 He was the guy on the flagship that
6 bombed Pearl Harbor. He said -- after he finished on
7 Pearl Harbor Day -- we have awoken a sleeping giant.
8 I thank the environmentalists today for
9 being out here, but I think you mostly for waking the
10 sleeping giant.
11 Thank you.
12 MR. CHAIRMAN: That was actually the
13 last card I had for speakers.
14 We do have about 15 minutes before this
15 evening session was planned to end.
16 Does anyone else wish to speak now, or
17 would you rather wait for the evening session?
18 (No response.)
19 MR. CHAIRMAN: I would like to thank you
20 everyone for coming out this afternoon.
21 Again, I will remind you that we are
22 having another session this evening from 7 to 11.
23 The doors will open at 6:15, for
24 registration.

1 Thanks again, and have a good afternoon.

2 (Hearing adjourns.)

3

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Michele G. Hankins, a Notary Public and
3 Court Reporter within and for the State aforesaid, do
4 hereby certify that the testimony of said hearing was
5 taken by me and before me at the time and place
6 specified in the caption hereof.

7 I do further certify that said hearing was
8 correctly taken by me in stenotype notes, that the
9 same was accurately transcribed out in full and
10 reduced to typewriting, and that said transcript is a
11 true record of the testimony.

12 I further certify that I am neither attorney
13 or counsel for, nor related to or employed by, any of
14 the parties to the action in which these proceedings
15 were had, and further I am not a relative or employee
16 of any attorney or counsel employed by the parties
17 hereto or financially interested in the action.

18 My commission expires the 29th day of December
19 2003.

20 Given under my hand and seal this 29th day of
21 August 2003.

22

23 ----------
Michele G. Hankins
Notary Public
24 Court Reporter