

ABSTRACT

Five generations have passed since railroads began to take West Virginia's bountiful natural-resource treasures of coal and timber to places outside the region, decimating the state's hardwood forests and diminishing its coal reserves. By 1920, West Virginia's bountiful hardwood forests had nearly disappeared. The repercussions of constantly extracting resources with no thought of the future consumed those within the region. At the turn of the nineteenth century, West Virginia's inhabitants learned a difficult lesson about what such a "dance with the devil" could do. In this present struggle, once again balancing economics with community needs for a safe and functioning environment, this generation has now done the same.

ARTICLE

“There are two roads in life, a right one and a wrong one.

There is no in-between path to take.”

—Pauline Canterbury, resident of Sylvestor, West Virginia

As the nineteenth century gave way to the twentieth, West Virginia’s rural backcounties experienced a fundamental transformation. Natural-resource speculators pervaded the area; chief among them were the coal and timber industries, along with their handmaiden, the railroad industry. Throughout West Virginia, beautiful hardwood forests came crashing down until, by the 1920s, nearly all of them were gone.¹ Railroads penetrated the rugged countryside to whisk the natural treasures of timber and coal away from the state and into the large cities beyond. Older agricultural communities were soon joined by new industrial towns that dotted the landscape for the express purpose of providing a home for workers and their families. The repercussions of this rapid-fire change resonated throughout the southern region. Subsistence farmers accustomed to bartering soon disappeared, replaced by wage-earning laborers who toiled in the mines rather than in the fields.

Then, as the industrial age shifted to the information age, coal miners found themselves struggling for their economic lives. Technology had rendered them nearly obsolete. Underground miners saw their ranks slashed as the continuous miner and longwall machinery replaced tens of thousands of men. Surface workers witnessed the introduction of twenty-story draglines that performed the work previously requiring hundreds of workers. The amount of surface-mined acreage has continually increased since 1982, and surface-mining production has been on the rise since 1991.² This is largely attributable to the newest surface-mining machinery, such as that used in mountaintop removal (MTR).³ MTR is a coal extraction process wherein the tops of mountains are removed in order to expose underlying coal seams near the surface. The resulting overburden (the soil and rock that comprised the mountain) is shoved into adjacent valleys where it often covers

headwater streams. Since the introduction of the twenty-story dragline—instrumental in the MTR process—in the 1980s, coal-mining employment has plummeted from 59,700 in 1980 to 15,200 in 2004.⁴ Coal production has increased, but the bottom line for companies has vastly improved since the highest cost of operating—labor—has been virtually eliminated.

Coupled with increased demand for “cheap” electricity and the desire of the coal industry to cut labor costs, the MTR method of coal extraction became the latest stopover in the trajectory of strip mining history. Companies soon found the fastest and least expensive way to meet the insatiable demand for cheap energy while still meeting federal air quality standards was to utilize low-sulfur coal reserves that are found in the southern West Virginia coalfields. Also needed was the very land the communities inhabited.

These changes in mining methods dramatically affected coalfield residents. Few alternative economic opportunities were available in these areas where coal had been in power for more than one hundred years and where shortsighted politicians had done little to advance economic diversification. While many individuals migrated from southern West Virginia, others stayed because of personal ties to their families and communities. Those who refused to migrate found themselves in the most precarious position of all, caught between dwindling coal jobs and the desire to protect their own homes and families from what they deemed a very unpromising future. Many of those who did not leave remained loyal to the coal industry, but now they found themselves in a predicament where the coal companies needed the mountains and valleys in order to meet the increasing demand for coal. The very land these residents had already sacrificed so much to live on was now itself being obliterated. Quite a few residents flatly refused to leave the land their families had settled more than two hundred years ago, regardless of the conditions or pressures exerted on them by the companies and their agents. These social complexities still pervade the southern West Virginia communities facing depopulation by the encroaching MTR operations.

MORE THAN A NUISANCE

Pauline Canterbury and Mary Miller live in Sylvester, Boone County. Sylvester is a small, incorporated town of some 195 people on the outskirts of Whitesville.⁵ Sylvester was founded in 1952 in hopes that it would be a haven for those who did not want to live inside a coal camp while they made their living by mining coal.⁶ The town has seen a number of coal companies on its fringes during its more than five decades of existence. Both Miller and Canterbury note that previous underground coal companies had bosses and supervisors who lived in the town, which ensured that the companies had a vested interest in the health and safety of the community.⁷ Then came Massey Energy Company, one of the largest coal operators in southern West Virginia, along with their underground and huge MTR operations. Initially, nothing much changed as coal trucks carried out vast amounts of coal just as the other companies had done. All of that changed in 1997 when Massey opened its Elk Run Coal Company preparation plant just outside the Sylvester city limits. This preparation plant cleaned coal derived from some of Massey's underground mines at Elk Run as well as the surface-mined coal from its Progress mine.⁸ With Massey's new preparation plant fully operational, the town and its residents began to experience significant problems.

The first significant change directly related to MTR is blasting. Once blasting commences, the effects can be felt for miles around. Often these blasts disturb properties, separating walls and floors from each other and from the foundation. Blasting can also hurl boulder debris known as flyrock from the MTR site into residential lawns, cause damage to private property, and ruin water wells. Russell Elkins from Rawl, Mingo County, saw the windows fall out of his house immediately after a Massey subsidiary blasted nearby. Elkins estimated that nine out of ten homes in the hollow were affected by the blasting in some way, but he claimed that their owners were afraid to come forward because they or their loved ones were employed by Massey. Dickie Judy from Foster Hollow, Boone County, experienced damage to his home as well, both inside and

out, during a blast on a nearby MTR site. His foundation split, and his walls shook so hard that pictures fell off. Larry Brown, also from Rawl, observed many kinds of blast-related damage in his church and in other structures in the town—cracked foundations, split windows, ruined wells. Summarizing the problems, he noted, “It’s destroying property and the state. The beauty of our state is being cut out . . . torn away from us.”⁹

Those far away from the blasting, in some instances miles away, are able to hear the distant rumbling as the dynamite explodes. Those closer to the blasting may experience tremors in their houses and flyrock on their property. An MTR site close to Carlos Gore’s home in Blair produced flyrock the size of softballs that pelted his house and landed in his front yard. Emphasizing the danger of such flyrock, Gore commented to regulators from the West Virginia Department of Environmental Protection (DEP), “If a rock this big hits you or your car or your house, you’re going to have more than a headache. It’s going to ruin your whole week, because there’s going to be a funeral.”¹⁰ Gore’s family is one of fewer than thirty still remaining in the small, historic community of Blair. As the MTR permits have increased, the small community has been dismantled house-by-house, hollow-by-hollow.¹¹ Similar experiences have occurred and continue to occur throughout the southern West Virginia coalfields.

Federal studies refuse to acknowledge residents’ assertions of the problems resulting from blasting and MTR. One such document, the Final Programmatic Environmental Impact Statement (FPEIS) on MTR, declared that:

[t]he existing regulatory controls provide adequate protections from coal mining-related blasting impacts on public safety and structures including wells [and that] the existing regulatory programs are intended to ensure public safety and prevent damage rather than eliminate nuisances from coal mine blasting activities. Some blasting within legal limits may still constitute a nuisance to people in the general area. As with all nuisances,

the affected persons may have legal recourse regarding blasting nuisances through civil action. Consequently, blasting is not considered a “significant issue” and no actions are considered in this [Environmental Impact Statement].¹²

Coalfield residents tell a different story. Noise, dust, and property damage associated with blasting has been a frequent complaint.¹³ In areas where blasting occurs on a regular basis, cracked foundations, loss of wells, and blown-out windows are commonplace. Unlike traditional contour strip-mining where blasting would last from weeks to months, MTR blasts can last (and affect close neighbors) for years.¹⁴ While legal recourse in civil courts is an option, the residents must prove that damage was caused directly by blasting and not through faulty construction. To do this, they must have an independent assessment of their homes that details all findings and current damages. Residents within one-half mile of the permit area can request a blasting survey, but those further out are on their own.¹⁵ These surveys can be costly, especially in a depressed region where people have problems even meeting basic survival needs. Thus, many outside the one-half-mile radius do not have surveys completed.

The noise and dust created from the constant coal-truck haulage also pose certain problems for communities. In 2003, the legal weight for hauling coal in fifteen southern West Virginia coal counties increased to 120,000 pounds from the previous 65,000–80,000 pound limit. The roads in many of these areas are very narrow, and even at the previous low rate of 65,000-pounds, these behemoth machines got into accidents with coal-community residents on numerous occasions. Sometimes the accidents were fatal.¹⁶

Many individuals living in the fifteen counties opposed raising the weight limits, fearing for their safety. They knew the roads and bridges in their neighborhoods were not meant for so much weight, and they had seen the results of illegal overweight trucks running through their neighborhoods: demolished roads that were rarely,

if ever, repaired, and unnecessary deaths.¹⁷ Protests against the tonnage increase went unheard, and West Virginia's 2003 legislature increased the amount. This should have surprised no one familiar with the history of overweight coal trucks in the southern coalfields. The trucking industry indicated that they were only competitive for contracts if they hauled over the legal limits. Otherwise they risked being underbid.¹⁸

It is common knowledge in the industry and coal communities that these trucks had run illegally for at least twenty years while authorities turned a blind eye.¹⁹ This inaction resulted in the purchasing of even larger trucks while the state continued to ignore their illegal activity. When the state tried to address the situation in late 2001 through increased fines on overweight trucks, effectively shutting down operations for several days, truckers in the southern coalfields complained bitterly.²⁰ Bickering between the two factions continued for months. In March 2002, about a dozen coal-truck drivers rallied around the state capitol, blowing their horns in support of new, higher weight limits. At the same time, a group of close to one hundred legislators, community activists, and union members gathered at the capitol in a rally focused on keeping and enforcing the current weight limits.²¹ Proponents of the increase saw livelihoods at stake; opponents cited public safety. Caving under pressure, the state continued its watered-down enforcement efforts and, in the end, legalized an activity that had been occurring illegally for decades.

Perhaps the best example of the consequences of the coal dust associated with processing as well as the hauling of coal in overweight trucks is the town of Sylvester. The town experienced firsthand the noise, dust, and other problems caused by huge coal trucks. So troublesome was the dust in Sylvester that in 2001, 154 of the town's residents filed a lawsuit against Elk Run, a subsidiary of Massey. Mary Miller stated, "You're a prisoner in your own home, breathing this coal dust twenty-four hours a day."²² In what was for many an amazing turn of events, Boone Circuit Judge E. Lee Schlaegel Jr. ruled against Massey and declared that the coal company must contain the dust that was polluting the town or

cease operations. Massey originally asserted that the pine trees they had planted in front of the plant were enough to keep the dust to a minimum, but the trees were small and in no way could have cleansed the area. Eventually, the company complied with the order by erecting a huge nylon dome over their preparation plant. The dome worked better, but has ripped twice since its construction and has had to be replaced.²³ The extent of the dust problem is evident by a quick drive through the town: coal dust blankets almost everything, including patio furniture that is protected by a cover. Even spraying homes with power hoses becomes futile, considering that a few weeks later, they will once again be coated with coal dust. Residents remain concerned about the possible health hazards the coal dust presents.²⁴

The process of cleaning coal is a dirty one. The plant washes the coal to remove the ash, leaving a thick, gooey substance known as slurry, which is contained by an impoundment that holds vast amounts of the impurities and wastewater remaining after the washing.²⁵ The holding capacity for a coal-slurry impoundment can range from millions to even billions of gallons of slurry. In addition, slurry impoundments are frequently hundreds of feet deep and encompass several acres. One such impoundment is the Brushy Fork impoundment, built about five miles from the Sylvester-Whitesville neighborhood. This impoundment, owned by Massey, is nine hundred feet high and will hold 8.166 billion gallons of slurry once it is completed. It will be the largest impoundment in the nation.²⁶

One of the main fears voiced by Sylvester residents is the exit route on file at the DEP in case of a break has the community leaving *toward* the flow of the impoundment break. Hydrogeologist Rick Eades performed a survey of the Brushy Fork impoundment. He, too, was alarmed that the evacuation plan prepared by the Massey subsidiary, Marfork Coal Company, which owns the impoundment, instructed the citizens of Sylvester to travel four miles into the path of any sludge release. He called for a new emergency evacuation plan to be constructed, one that would not have inhabitants driving into the danger.²⁷ Mary Miller noted, "They are . . . trapping us down here in these valleys with no hope of escape."²⁸

In October 2000, a Massey slurry impoundment in Martin County, Kentucky, broke through the underground mine it rested above. From there, the 300 million gallons of slurry poured through local creeks, eventually making its way to the Tug Fork of the Big Sandy River, on the border between West Virginia and Kentucky, as well as into the Ohio River.²⁹ While no one died, the slurry polluted one hundred miles of streams and obliterated any life forms in its path.³⁰ Eades noted that consultants who work for the coal companies are under a huge amount of pressure to provide data that is favorable to the consultant's client. He stated that "consultants must find the 'least-case scenario' of environmental risk, somewhere within their credible methods, to enable coal companies to do whatever they want to do." He did not make such assertions lightly, noting that he had been employed as a government and commercial consultant for sixteen years.³¹ In fact, he worried that the mine's pillars did not have enough coal left in them to support the additional load from the Brushy Fork slurry impoundment, despite Eagle Fork Mine's claims that all was well. Constructing impoundments over underground mines could leave the impoundment vulnerable to breakthroughs, putting the communities near the impoundment in harm's way. Eades's concern stemmed from the fact that coal companies would never leave that much coal in a mine, and to suppose that the company had any prior knowledge that a slurry dam would be built above it is illogical.³²

The fear of impoundments and dust problems grip the entire town of Sylvester. Even employees at the now-closed Sylvester grade school felt MTR's effects during the course of their workday. In the school cafeteria, coal dust blanketed the cooks' equipment so heavily that the cooks needed to wash it off before they could use it. Finally, the cooks decided to store their pots and pans in plastic bags to keep from having to wash them twice.³³ Just a year before the elementary school closed, it had conducted emergency evacuations of the students in case of a slurry-impoundment break. Officials at the school timed the children as they moved from the school to the tallest knoll in the area, which most of the town would be clamoring to reach if an actual slurry-impoundment break occurred.³⁴ The

problems associated with the stoker plant above Sylvester and the dust it created were severe enough to cause the Boone County Board of Education to close the Sylvester school, rather than maintain its newer facilities, and consolidate it with Whitesville Elementary, an older school prone to repeated flooding.³⁵

Unfortunately, Sylvester and Whitesville are not isolated cases in southern West Virginia. Companies have constructed huge coal-slurry impoundments above schools elsewhere, and in some instances, local districts have built schools in valleys below a dam. In Wyoming County, for example, the county built its new high school less than two miles from the high-hazard Itmann Preparation Plant impoundment (formerly the Joe Branch impoundment), which had existed for twelve years. Like the Martin County, Kentucky, impoundment that dumped more than 300 million gallons of coal slurry into tributaries that flow into the Tug Fork,³⁶ the Itmann Preparation Plant impoundment sits partially over underground mines. The March 14, 2003, emergency evacuation plan that Consolidation Coal Company submitted to the DEP indicated that if a “fair weather break” were to occur, the slurry would crest at 21 feet at New Richmond (home of the school), 11 feet at Pineville, 11.4 feet at Mullensville, and 11.4 feet at Marianna. These communities are 2.4, 7.7, 13.7, and 17.9 miles, respectively, from the impoundment. The high school consists of nearly six hundred students and employees; is downriver from any potential breakthroughs; and, as illustrated by the company’s own evacuation plan, would be devastated should a breakthrough ever occur. (The company is quick to note in its evacuation plan the unlikelihood of this ever occurring, in spite of the dam’s categorization as a high-hazard impoundment.) It is unclear if the Board of Education did not realize the danger existed or simply chose to ignore the fact when it decided to construct the school in its present location. Also downstream from the impoundment is a retirement home in New Richmond and several small communities. It is likely that Pineville, the seat of Wyoming County, would be hurt drastically by any breakthroughs, since it is a mere seven miles from the site.³⁷

The danger associated with these impoundments being so close

to communities is real, as is the potential for a disaster resulting in the deaths of schoolchildren. On October 21, 1966, a similar impoundment in Wales spilled over its boundaries and landed in the coal town of Aberfan below. The disaster resulted in a loss of 144 people, 116 of them schoolchildren who met their death after the rushing sludge completely covered three classrooms of their school.³⁸ Disasters such as Aberfan should be cautionary tales for those constructing coal dams above communities. The British government created and distributed warning documents to interested parties both inside and outside Britain. One of those interested parties was the coal company operating above Buffalo Creek in Logan County, West Virginia. The company even consulted with British experts. Yet in 1972, the collapse of a coal dam above Buffalo Creek destroyed the town and killed 125 people. Only after this loss of life would coal-dam failures receive attention in the U.S.³⁹

COMMUNITY IMPACT OF COAL'S MONO-ECONOMY

All of the problems associated with MTR notwithstanding, there was an unquestionable need for jobs in an area where the unemployment rate ran as high as 11 percent, representing some of the highest numbers in the state. The loss of thousands of residents in search of work has resulted in a population made up mostly of the elderly and disabled. The few remaining working-age individuals lucky enough to have jobs work for the coal companies, the school system, or the supporting welfare system. Well-paying jobs are sparse in the coalfields, and while many southern West Virginians oppose MTR, others staunchly support it. Some of the most vocal protectors of the practice are the workers whose livelihood depends on the continuation of MTR.

In 1998, when Arch Coal's Dal-Tex mine tried to secure a controversial expansion permit, workers at the operation showed up in droves at a public DEP hearing. They complained about the high unemployment rate in their area and spoke of the desperate need for good jobs. Dal-Tex encouraged their outspokenness: before the hearing, the company enclosed notices with their employees'

paychecks that read, “There will be people there who don’t want this permit issued. They don’t care about your job. Please attend this hearing and show that you support the future of our jobs here at Dal-Tex. Encourage your family and friends to join you. Arrive early to get your ‘I’m proud to work at Dal-Tex’ T-shirts while supplies last.” At the hearing, one miner, a resident of Boone County who was employed at the Logan County mine, asked, “What are we going to give the next generation to live on? How are they going to make it? What are we going to do for jobs for our families?”⁴⁰

Others whose livelihoods depended on MTR were also quite vocal in their support and were suspicious of the negative environmental-impact studies. Stephen Walker, the president of Walker Machinery, said, “Do not blame the modern coal industry for water-quality problems in Southern West Virginia today. Modern coal mining does not pollute.” Coal-industry representatives were indignant. At another hearing about mountaintop mine permits in October 1998, Bill Raney, lead lobbyist for the West Virginia Coal Association, told EPA representatives at the Logan County hearing, “Today’s hearing isn’t about streams. It’s about jobs, and families and kids, and a way of life.”⁴¹ At this hearing, opponents of MTR may have far outnumbered proponents, but proponents at the meeting were still especially vocal.

On the other side of the issue were citizens in the local community. Carlos Gore, a resident of Blair, asked the supporters of the permit how many of them lived in the area where the MTR was taking place. No one in the audience resided in Blair. Gore then asked all of the audience members who did not live in the area to raise their hand. His request was met with a flurry of hands in the air. Gore then emphasized, “We’re not trying to shut you people down. We’ve got rules and regulations that these [DEP] people are supposed to enforce. That’s all we want.”⁴² The president of the local UMWA spoke in support of the community. He tried to calm the audience and explain that the residents wanted the mining to be done according to law and that the company had an obligation to either mine around the residents or buy them out at a reasonable price.⁴³

Still, those depending on the mine to support their families were not easily consoled. Noting that the mines provided one of the few avenues to secure a livable wage, a worker at Hobet described how his household consisted of ten people, including a son and daughter-in-law who traveled to Charleston every day for \$7-an-hour jobs. He asked a very good question: “What are we going to do for jobs?”⁴⁴ It was a question that neither state nor federal politicians have adequately addressed. Community leaders in the affected towns were just as adamant as the MTR employees. An administrator for the Logan County Commission declared that there was no other way for the county to support itself except through the coal industry, stating, “If the mining process is stopped or impeded, Logan County would suffer devastating consequences. The county commission is not saying coal mining is perfect. But we cannot lessen the degree of dependence on coal that currently exists.”⁴⁵

Rather than addressing legitimate concerns posed by opponents of MTR, one union member working for Arch Coal lashed out at opponents and questioned their legitimacy as productive community members when he said, “Most of the people who are doing all the talking couldn’t tell a dozer from a loader. Most of them are on a check or too old to have a family to raise.” A company manager added, “All we have are Chicken Little environmentalists claiming the sky is falling, and they have a sympathetic press to help their cause.”⁴⁶ Opponents implored the EPA to ignore the pleas about jobs and to stick to their duty of enforcing the law and protecting the environment.

As in the previous meeting, Carlos Gore was vehement about his right to protect his home, even though he understood the workers’ desire to keep their jobs: “You put a pond and valley fill in my hollow. I had two streams running, and I had well water. Now I don’t have anything. I’ve got a right to live there. I lived there before the mountaintop removal came in, and I’ll be there long after it’s gone.”⁴⁷ Supporters of MTR expressed anger with what they perceived as flawed priorities. UMWA member Terry Vance, a vocal proponent and employee at an MTR mine, stated, “You need to take a good look around at what you’re impacting. We’re people, not crowdads or

spotted salamanders . . . We're not going to go into the ranks of the unemployed quietly."⁴⁸

In January 2007, the U.S. Army Corps of Engineers issued a Clean Water Act permit for Arch Coal's Spruce No. 1 Mine. While scaled back from 3,113 acres to 2,278 acres, this was essentially the same permit that was at the core of the 1998 Dal-Tex controversy, which resulted in a series of protests by UMWA members. Since that time, Arch Coal transferred the operation to its Mingo Logan Coal Co. subsidiary and will operate the mine with non-union workers.⁴⁹

Workers and others who depended on MTR to make a living, sometimes used violent rhetoric when speaking of judicial attempts to monitor it. One operator of a local trucking company commented on Judge Haden's decision to halt the expansion of the Dal-Tex site: "It could get ugly. I'm surprised that some of these guys that have lost their jobs haven't taken it into their own hands with this judge."⁵⁰ Tensions boiled over in September 1999. When trying to commemorate the Battle of Blair Mountain, a group including long-time West Virginia political mainstay Ken Hechler was attacked by proponents of MTR who erroneously blamed the re-enactors for lost jobs. Hechler served as a United States congressman from West Virginia from 1959 to 1977 and as West Virginia's secretary of state from 1985 to 2001. Throughout his tenure as a congressman, Hechler was a true friend of the coal miner and, typically, enjoyed an excellent relationship with the UMWA. He was such a staunch ally for the miners that he had confronted not only the coal interests but also UMWA leadership when he felt its actions were not in the best interest of the miners it represented. Such was the case during the corrupt UMWA presidency of Tony Boyle when Hechler stood up for stronger safety measures and accountability from coal companies. Hechler's public service saw him repeatedly speaking up for the blue-collar worker even as others remained silent.⁵¹

History did not seem to matter to those lashing out at the re-enactors. Acting more like the company thugs, who historically strong-armed the union, than actual union members, laid-off UMWA workers and others kicked members of the re-enactment group, ripped the signs from their hands, and pelted them with eggs.

Some re-enactors even had their eyeglasses broken. Hechler himself was slightly injured. The protestors would have been better served to lay their anger with the company who failed to obey the law and used quick extraction methods that would hasten the end of coal.⁵²

Clearly, those who stand to lose their jobs if government regulation halts or curbs MTR have a vested interest and will do whatever is in their power to ensure its continuation. Still, while MTR does provide a few high-paying jobs, the jobs typically are not long-lasting. Companies obtain the coal at MTR sites so quickly that it dwindles at a faster rate than mining using traditional methods. Coal communities have always struggled to strike a balance between their need to maintain jobs and their need to preserve the environment, but with MTR, the balancing act has become even more delicate.

BY ANY MEANS NECESSARY

Julia (Judy) Bonds, a past director of Coal River Mountain Watch (CRMW), a Boone County grassroots organization fighting MTR, has become nationally and internationally recognizable among American environmental activists, winning the Goldman Prize—the Nobel Prize for the environment—in 2003. Her passionate fight against MTR climaxed in 2001 when her family history came full circle. It was then that she became the last of six generations to leave Marfork, a casualty of MTR. Holding out was sometimes a dangerous venture for her. She remembers being “run off” the narrow hollow roads into ditches by supporters of the mine. Bonds spent the first forty-eight years of her life in what she found to be an ideal place to raise children, to live, and to die. According to her, there had been continuous mining on Marfork Hollow for decades, but it had not been so intensive and its effects not so devastating environmentally. In 1993, Massey began actively moving people out of the hollow and started its rigorous MTR operations. Bonds could only watch as her small town died:

When they first moved in there, we had a thriving community. It wasn't as thriving and prosperous as it was when I was a child . . . but it was still a thriving community with children and, of course, people that were retired lived there and it was still a thriving community. We had our little store that was always there—the Pantry Store—but I noticed people started moving out . . . the houses at the head of the hollow first from Marfork and Birch . . . Old Man Pop Aliff was the last house in Marfork, and he did not want to move. They moved him out because he was living on company land. He had a lifetime lease. He lived six months after he moved. . . . He was heartbroken. Certain people there that didn't own their own land that was just leasing land, they were the first people to be moved out.⁵³

Bonds witnessed the annihilation of her small community as one by one the families sold out to the coal company as the MTR operation came closer and closer to their homes. The majority of people in the hollow owned their own land, but they trickled out of town as the incessant blasting, noise, and coal dust worsened, driving them to quieter, more stable locations. Marfork Hollow no longer exists except in the memories of its former residents. Except for one family cemetery, MTR has consumed the rest of the hollow. The company quietly accumulated acreage, expanding its presence before residents realized what was happening. While some changes seemed subtle, they were actually drastic. The mountains provided protection from the sun, wind, and floods. As the mountains have disappeared, so has that protection. In late 1997 and early 1998, Bonds first became aware that the mining had begun its slow encroachment on her home. She related how the company put up cameras along the mine to monitor the activities near the company's property:

The camera they had pointed at the house sitting in front of me and one right up above my house. Legitimately they

could say that they had the camera on the one in front of [me] and on [their] property. They bought up around me . . . So it was an intimidation factor.⁵⁴

Less than four years later, she moved from her ancestors' homeplace. Bonds had not wanted to leave, but, as she noted, "the last blackwater spill . . . came right up to the bank of our creek that was right in front of our house."⁵⁵ The blackwater spill—combined with the noise, the safety issues, the dust problems, and her family members frantically encouraging her to leave—was enough to make Bonds pack up and move out of the hollow in 2001.

When Massey first arrived, company officials held a town meeting with community residents and assured them that Massey would be a good corporate neighbor. Many of the residents were not convinced since they had already heard otherwise from neighboring communities. Residents recalled that Armco Inc., the previous underground coal company in the area, was more sensitive to its workers and the community than Massey. Armco managers lived in the area, which helped to create a sense of community between the company and the town and made the company more mindful of the effects that mining had on the area. In contrast, Massey had no high-level officials living in either Whitesville or Sylvester. Prior to the onslaught of MTR, the underground coal companies like Armco had an unwritten policy of doing more neighborly things such as sending cards and food to employees and their spouses when a loved one died. With large companies such as Massey, civic gestures were no longer part of the corporate culture.⁵⁶ Instead, the companies were large, multinational corporations directed from distant headquarters and too removed from the community to entertain such ideas.

In a written response to the Draft Environmental Impact Statement (DEIS), the Ohio Valley Environmental Coalition collected responses from coalfield residents to present to the government. One man commented, "We live in fear. The whole hollow is in a state of anxiety now every time it floods."⁵⁷ The same OVEC document noted how people in these affected communities

had lost insurance on their homes. In some cases, local officials condemned the homes; other residents have houses with cracked foundations, walls, and ceilings; destroyed water wells; and overall devaluations. The value of Mary Miller's home fell from \$144,000 to \$12,000. Hers is a beautiful, large brick house with hardwood floors that in a different setting would certainly be appraised for more than \$144,000. Miller blamed the lower appraisal on the extensive mining occurring near her home, particularly the huge preparation plant, complete with nylon dome, that sits just behind her home, visible from her well-maintained lawn.⁵⁸ Additionally, her town has experienced a decrease in population and has recently suffered the closing of its elementary school.

Nevertheless, many of the people continue to live near the coalfields, even if it means putting their property, and themselves, at risk. They do so largely because of ties to the land, their communities, and their families. On the surface, it would seem far easier for the companies to simply buy out these homeowners, securing complete control of the entire area. In many places where significant MTR has occurred, this tactic has been used. The town of Blair, for instance, has seen a sharp decline in its population. By 1998, fewer than thirty families still remained in the area, down from 180 families just years earlier. In Blair, Arch Coal bought out both residents and businesses; the businesses were purchased first, resulting in a loss of taxes. Residents soon found themselves traveling miles for milk and bread. Then, massive buyouts of the residents in the area took place, and population decline forced the closure of school systems, often the death knell for a small community.⁵⁹

From the standpoint of the company, it made perfect sense. David Todd, vice president and spokesman for Arch, provided the company's philosophy in a court deposition: "Our philosophy is not to impact people and if there are no people to impact, that is consistent with our philosophy."⁶⁰ In its quest to limit the adverse effect MTR has on communities, the best solution equaled removal of the communities. In truth, only by eliminating the communities can corporations expand mining operations. Whether this

elimination comes from paying someone to leave or by creating nuisances so severe that they force people to sell out is not the issue. The end result is the same: depopulation of the coalfields and easy access to the coal. Arch Coal and its Logan County operations usually did not offer to buy out residents. Rather, they relied on the increased activity at the mines to force residents to ask them for a buyout, thus ensuring that Arch could pay less money for the residents' property. Residents then signed an agreement stating that they would not come back to the communities, would not speak out against the mining activity, and would withdraw any previous complaints they had made about the mining. Such wording is illegal, but the people who signed the agreement often were not aware.⁶¹ These buyout plans affected eleven hollows near Blair Mountain.

Arch Coal is not the only entity to embrace depopulation as a solution. Some industry lawyers openly applaud and encourage the removal of people. In 2000, an attorney in Charleston, West Virginia, made multiple presentations about that very subject. Employed by a well-respected Charleston law firm that handles labor, government, environment, and energy litigation, the firm boasts of its wide-ranging experience in identifying and minimizing environmental liabilities for its clients. The lawyer, who asked to remain anonymous, represents corporations in obtaining permits, in penalty negotiations, and in appeal hearings and rulemaking proceedings. One of the presentations detailed the problems facing MTR in southern West Virginia. The attorney presented the idea of ridding the area of its inhabitants for the sake of the company's growth as worthwhile—an example of the ends justifying the means. The effects on wildlife were inconsequential; he asserted that saving wildlife, particularly any endangered species that might be affected, was not worth the social or economic cost: "People will always be more important than insignificant species whose only value is spiritual."⁶² The attorney did not address the environmental problems that would remain regardless of population numbers. The hundreds of miles of streams affected, for instance, run into other streams, negatively affecting those water outlets as well. In the course of arguing in favor of MTR, the attorney lauded reclamation,

noting the “hardwood saplings up to three feet tall” that are the result of successful reforestation practices on reclaimed land.⁶³ Left unmentioned was the scientific evidence that such endeavors have rarely been successful.

The starkest argument in the presentation, however, was the claim that MTR-assisted depopulation was a good thing, and the only way to solve the long-term poverty found in the coalfield counties. Rather than encouraging economic development in the area, the presentation noted the huge financial drain on the miners who, it asserted, pay the majority of the taxes, with two-thirds of the taxpayers dependent on the one-third that worked as coal miners. The “core problem,” as the presenter saw it, “is too many people. Way too many people.”⁶⁴

The attorney set out various proposals to handle this problem. One proposal encouraged the state to eradicate dilapidated coalfield homes. Another proposal suggested that the state provide grant money to help people settle outside of West Virginia and to revoke the grant if they moved back to the state. Yet another idea entailed offering free college education for coalfield kids whose families relocated, as well as to single adults and childless couples. One final suggestion concluded: if “stubborn people” refused to move, their land could be condemned, taken over by the state, and sold to companies who wanted it for MTR. The companies would then reimburse the state for any expenses incurred in securing the land.⁶⁵ In the end, the main goal focused on getting people to move.

In the presentation, the attorney admitted that a West Virginia government would likely never embrace such suggestions, declaring that the government lacked the political fortitude to depopulate the southern coalfields. The attorney nevertheless believed the coalfields would be depopulated, but in a more agonizing way than necessary, and without the assistance that the attorney outlined in the presentation. It is certain that such depopulation would allow the companies total control of the coal-rich southern counties. It is also certain that the tactics employed thus far by many coal operators seem to embrace the idea of depopulation, which increases the power of a coal corporation.

CONCLUSION

As companies currently practice MTR, three distinct stages of power relations can be discerned among communities affected by MTR. Stage one is the infancy/beginning stage. In this stage, community members often trust that the company has their best interests at heart. They welcome the company for the employment and tax revenues it will generate. Initially, the community sees the company as the savior who will deliver it from its economic plight.

Stage two is the intermediate or middle stage. Community members become shocked, dismayed, and angered as MTR begins to directly affect them in a negative way. Those with jobs at the site may still praise the company for providing them with work and see the company as protecting their homes. Many others leave in search of work or to escape the effects of MTR, and steady migration from the area begins. As the company begins to offer to buy out households, residents band together in an effort to save their communities. The role of savior begins to crumble, and the company instead finds itself in the dual role of protector of jobs and robber baron of the land.

In stage three, the final stage, massive buyouts of homeowners and businesses take place, and intense depopulation and out-migration occurs. The coal company essentially gobbles up the community as MTR expands, consumes the surrounding land, and displaces residents. Once established, stage three cements the company in the role of destroyer. The stage is complete when all members of the community have moved and the community itself is dissolved, with all associated local businesses and schools closed.

As the stages progress, the number of residents plummet, MTR acreage increases, and employment begins to slightly increase, followed by a tapering off of employment as MTR expands. The need for manpower is replaced by the need for huge draglines. It is expected that more and more southern West Virginia communities will experience these stages as MTR becomes more widespread there. Throughout all three stages, the power relationship remains the same; coal corporations enjoy the upper hand.

The old argument pitting jobs against the environment remains.

Five generations have passed since railroads began to take West Virginia's bountiful natural-resource treasures of coal and timber to places outside the region, decimating the state's hardwood forests and diminishing its coal reserves. By 1920, West Virginia's bountiful hardwood forests had nearly disappeared. It took eighty years for the forest to replenish. Coal is a finite resource and will not replenish. The repercussions of constantly extracting resources with no thought of the future consumed those within the region. There were jobs, but at what cost? At the turn of the nineteenth century, West Virginia's inhabitants learned a difficult lesson about what such a "dance with the devil" could do. In this present struggle, once again balancing economics with community needs for a safe and functioning environment, this generation has now done the same.

NOTES

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This essay is based on Chapter 3 of my earlier study, *Bringing Down The Mountains: The Impact of Mountaintop Removal on Southern West Virginia Communities*. Morgantown: West Virginia University Press, 2007.

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