

Summary of Scoping Letters Received

(With Selected Quotations)

C	Letters Raising Significant Concern and Considered Opposed to MTR/VF	49
C	Letters Raising Significant Issues but Considered Neutral	29
C	Letters Supporting MTR/VF Operations	<u>17</u>
Total Number of Letters Received During the Scoping Period		95

I. ENVIRONMENTAL ISSUES RAISED

A. Aquatic Issues

1. Hydrologic: Flooding/Runoff (31)

“A growing number of hydro-geologists and scientists believe these cumulative effects may cause flash flooding and loss of life and/or property to the residents of the coal fields.”

“Flattening a mountaintop and filling a valley will cause unknown changes to the hydrologic cycle. We don’t know if valley fills cause increased flooding or increased drought. No one knows if a filled valley will recharge groundwater at the same rate than if its left with its original topography and plant cover.”

2. General Biology (25)

“What are the impacts of mountaintop mining on... biota?”

“Seasonal benthic surveys should be conducted to determine potential immediate and long-term, and cumulative impacts of valley fills caused by area mines, mountaintop removal or other surface mine activities.”

3. Groundwater (24)

“Entire aquifers have disappeared with the heavy mechanization of the coal industry. Our region once had wonderful and productive artesian wells, absolutely everywhere throughout the region.”

“There has been no scientific study done addressing how this type of work effects the health of the aquifer. By eliminating these ephemeral and perennial streams, and their associated wetlands, there must be direct effects on the seasonal recharging of the aquifer.”

4. Chemistry (22)

“Not only is the chemical quality of the water affected by the condition of the headwater areas, but the complex food webs and life cycles of stream organisms are dependent on use of these critical areas.”

“The effects of MTR on the release of heavy metals and other toxic elements into water and air should be evaluated.”

5. General Stream Issues (19)

“Already we have lost hundreds of miles of streams to valley fills.”

“...our streams once had tens and tens of species of fish which are no longer present. There once were at least 10 species of bass for example, and now only two. The same applies to Pike and other species.”

6. Erosion/Sediment Loads (18)

“What are the short- and long-term effects of sediment runoff downstream from mountaintop removal operations? Before mountaintop removal was implemented in the headwaters of the Little Coal River, for instance, the river was 10-12 feet deep, and now flows less than a foot deep in places. What does such sediment buildup mean for the health of those waterways, for both plant and animal life? What implications does sediment buildup have for our drinking water and recreational opportunities?”

“The sedimentation issue may also be addressed through Section 404(b)(1), Section 230.45, paragraph (b) (to paraphrase) “The discharge of dredged or fill material which alters stream hydrology may cause scouring or sedimentation of riffles and pools. Sedimentation induced through hydrological modification or as a direct result of the deposition of unconsolidated dredged or fill material may clog riffle and pool areas, destroy habitats, and create anaerobic conditions. Eliminating pools and meanders by the discharge of dredged or fill material can reduce water holding capacity of streams and cause rapid runoff from a watershed. Rapid runoff can deliver large quantities of flood water in a short time to downstream areas resulting in the destruction of natural habitat, high property loss, and the need for further hydraulic modification.”

7. Water Supply/Wells (14)

“We were informed by a DEP geologist that our well water had a very high sodium content. The origin of the sodium was traced up to the mouth of Beech Fork which directly feeds from the coal prep plant and the mountaintop mine operation.... We would like to see further studies done to help determine the cause of this problem and hopefully keep it from happening in the future.”

“We need to see if changing the topography of acres & acres of WV and burying hundreds of miles of streams will affect water supplies for cities and states in the eastern U.S.”

8. Watersheds (13)

“Valley fills, whether related to mountaintop removal in surface mining or longwall removal in underground mining, have significant adverse impacts on entire watersheds. The impacts include the loss or degradation of streams, wetlands, and terrestrial and aquatic wildlife and their habitat.”

“Your record of compromise is disgusting! How can there be compromise with absolute destruction of watersheds, wildlife, endangered species, water quality on and off site, indeed far downstream!”

9. Headwaters/Energy Budgets (10)

“The EIS should determine the immediate, long term and cumulative effect of stream losses due to valley fills and watershed vegetational alterations to aquatic ecosystems. In addition, the study should determine how energy budgets, water quality, and water quality downstream of buried streams compare to a stream that has no headwaters filled.”

“Research should be conducted on the ecological function of head-of-hollow streams, and their role and significance in preserving the quality and quantity of water downstream.”

10. Wetlands (9)

“A comprehensive update of wetlands inventory is necessary. The updated wetlands inventory list (1999) must be then compared with 1980 database which was developed by WV Division of Natural Resources. This will give an idea of wetlands acreage that has been lost due to surface mining.”

“Cattails wetlands have an important place in mine reclamation. But they are just one type of wetland. There are other types that should be encouraged on backstacked areas to increase productivity, water quality, and biodiversity.”

11. Riparian Zones (7)

“There is a need for a thorough analysis of the consequential effect of mountaintop mining & valley fills on riparian resources and their watersheds.”

The US EPA, OSM, Army Corps, and US F&WS should include in the EIS an assessment of the following:... 3) The impact on species dependent on riparian habitat”

12. “Sponge Effects”/Base Flow (6)

“From what I have seen in my 28 years of mining experience, the valley fills created due to surface mining makes the downstream more productive for aquatic life because the valley fills act as water reservoirs and provides a reliable stream of water downstream - without valley fill the stream might dry up in extremely dry weather.”

“The experience of the industry is that once valley fills are completed and hydrologic balances reach equilibrium, peak flows after large storm events are reduced and base flows actually increase even over extended periods of dry weather. The net effect is that stream segments that were once ephemeral and that supported only sporadic benthic life before mining, now flow perennially and support benthic life throughout the year.”

13. Nitrates from Blasting (5)

“Blasting methods utilized at MTR sites include the use of large amounts of ammonium nitrate and diesel fuel. There is scant data on the effects of these chemicals on springs, wells, or other water resources.”

“The drinking water hazard due to nitrates from the use of ammonium nitrate blasting should be studied and appropriate recommendations considered in the study report.”

14. Stream Mitigation (3)

“...suggest that as a part of the EIS that a contractor be obtained who is familiar with the Rosgen classification system for natural rivers, and that extensive survey work be done utilizing this system to identify the stream type and make appropriate evaluations (hydraulic geometry relations, sediment supply/availability, flow resistance, ...) relative to mountaintop removal mining and valley fills.”

15. Acid Mine Drainage (1)

B. Terrestrial Issues

1. Forest Fragmentation/Reforestation (34)

“If the goal is to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to forest and wildlife resources from mountaintop mining, it would be my recommendation that more emphasis be put on reforestation of the disturbed land.”

“The EIS should determine to what extent West Virginia’s valuable hardwood forests are becoming fragmented and determine what immediate, long-term, and cumulative impacts fragmentation has upon fauna.”

2. General Wildlife (24)

“Terrestrial habitat studies or HEP’s (Habitat Evaluation Procedures) could also be collected in and around mining areas during this time period to give an indication of what is going on with wildlife during the mining and reclamation process.”

“At a time when loss of habitat for wildlife, (and I mean all wildlife not just game species) is a very real threat to the continued existence of many species, it is unacceptable that we allow the removal of mountains and the destruction of streams.”

3. Soils/Topsoil (11)

“The EIS should determine the immediate, long-term and cumulative impacts of mountaintop removal, area mines and other high extraction mining techniques on soil erosion and soil chemistry.”

“We would also like to see included in the study... saving topsoil for reclamation.”

4. Neotropical Birds (7)

“To what extent are neo-tropical bird populations being affected. It has been found that the Spruce No.1 Mine site, located in the Northern Cumberland Plateau physiographic region of southwestern West Virginia has been recognized as one of the largest areas of contiguous forest remaining in the Northeast, as a core area for many southern-affinity species of neotropical migrant birds, and a ‘hot spot’ for forest interior species of concern in the Northeast United States”.

“It would seem imperative, given the wealth of evidence on the detrimental effect of forest fragmentation

on avian species, that the environmental impact of mountaintop removal be thoroughly examined. Baseline data on the occurrence of breeding neotropical migrants at specific sites should be collected to assess possible impacts.”

5. Reclamation (5)

“According to Bill Maxey, ex chief of WV Division of Forestry, MTR will ruin WV’s only renewable resource - it’s timber, as planting trees on MTR sites is like planting trees in concrete.”

“We would also like to see included in the study: Reclamation - the compaction of soils, thus preventing reforestation. Virginia Polytechnic Institute and State University’s College of Forestry and Wildlife Resources has conducted research on developing improved land reclamation/reforestation.”

6. Exotics/Invasive Species (5)

“They are planting pine, Locust and a grass that nothing can eat, and this is to cover up their damage to our mountains. They are planting Autumn Olive which is not permitted in West Virginia except here in our southern counties where nothing else will grow.”

“I would like the EIS to determine whether native plants and trees of all types grow and reproduce prolifically on all reclaimed MTR sites. This should include a count of the native species by type and abundance. After mining, coal companies should be required to return native species to pre-mining populations. Coal companies should be held responsible until at least 90% of native trees and plants reach maturity.”

7. Ginseng (3)

“I would like the EIS process to include a ginseng study to determine the economic value of this sought after plant which plays an important role in the economic lives of many who live in southern WV, where valleys containing this plant are being filled.”

8. Salamanders (1)

9. Medicinal Values of Native Plants (1)

C. Quality Of Life Issues

1. Airborne Dust, Silica, Metals (23)

“The risk for development of chronic silicosis in mine workers, intermittent site personnel and the community exists but is not yet quantified. The appearance of symptoms may well occur after these companies have left the area.”

“We are affected by the dust. The company has washed our houses frequently, but the dust still prevails. We have had numerous contacts from the mines and also promises to no avail. Some of our people have had bad irritating and agrivating synisus infictions.”

2. Health & Safety (15)

“One important aspect of the EIS should be to determine acute and chronic impacts on human health, focusing especially on respiratory illnesses of on-site workers as well as community residents. ...EPA should conduct monitoring for PM10 and PM2.5 to help determine exposure on and off-site of the mines.”

“Acute and accelerated acute silicosis has been identified in drillers and other site workers in western Pennsylvania & West Virginia according to NIOSH & reported in eastern Kentucky according to the UMW.”

3. General Blasting Issues (12)

“The EIS should address the impact of blasting on both the wildlife and human habitats within a 5-mile radius including affects on wells and groundwater, dwellings and other structures, and wildlife ecology.

“How does it affect the community to have the hail of rocks from improper blasting raining down on it. How does it affect the lungs of our youth and animals to have the huge dust clouds rising from each blast...”

4. Blasting Effects on Gas Wells/Sewers/Underground Mines (7)

“Please pay particular attention to the fact that much of southern WV is already underlain by extensive deep mines, which may lead to a greater risk of blasting damage to groundwater flow and quality, over a larger region.”

“Research is needed into the effects of MTR blasting on groundwater hydrology and quality...This problem is only exasperated by the fact that many of the MTR areas are underlain with extensive old mine works. In addition, this same region is peppered with thousands of active natural gas wells. Does MTR blasting have any negative effects on natural gas wells?”

5. Blasting Effects on Structures (7)

“Similarly, an objective study must be done on the effects of blasting on structures such as houses, churches, farms, water, sewer lines, etc....Minimum distances from property and wells should be based on science and standards set for the adequate prevention of damage. Current laws, which were written by industry set arbitrary distances and assume its alright to damage property.”

“Those that refuse to leave are subjected to noise, dangerous fly-rock, potential harm to health from breathing dust, and structural damage to their homes and water wells.”

6. Noise (7)

“The enforcement of the provisions relating to the Noise Control Act 1972 is non existent in coalfields. The mining operations work round the clock & use mining equipment & trucks. The coal preparation plants also work round the clock. Further, blasting of 2-3 million pound shots is a common practice for big mines. The noise levels recommended in an EPA study in 1980 may be in violation. The noise levels

recommended were in the range of 55-70 decibels to protect humans against hearing loss”

“The blasts are so loud that I called the EPA in Logan, WV to see if they could tell me where the blasts were coming from. In that report the EPA tells me that the blast were legal because he went to the Coal company and their records said it was a legal blast... If this is true I sympathize with those that live close to the blasting sites...”

7. Air Impacts from Burning Coal (5)

“It is not just the mining of coal that I object to, but over the years I’ve learned how the burning of coal and the associated pollution are decimating the forests with both acid rain and acid clouds. One only has to drive from Ohio into West Virginia on a sunny day with a west wind to see the pollution from the power plant in Nitro and the facilities in Charleston spreading a plume of poison for hundreds of miles downwind. There has got to be a better way.”

“Coal fired power plants that continue to be grand-fathered (instead of installing pollution controls) and are not required to comply with the 1990 Clean Air Act, burn inefficiently and produce millions of tons of nitrogen and sulfur dioxides and particulate matter that have been shown to induce respiratory illnesses and death in tens of thousands of citizens.”

8. Vibration (1)

D. Cumulative Impacts

1. For studying (25)

“The Fish and Wildlife (Service) estimates that 31% of the Mud River headwaters are currently filled! How much is too much, what are the cumulative effects on water quality, aquifer recharge, and surface water flow.”

“Mountaintop mining and valley fill permits should no longer be issued on an individual basis without first considering the cumulative impacts on the watershed. Coal companies should be required to conduct pre-mine environmental HABITAT ASSESSMENTS for each permit in relation to the impacts of the mine project on the biota of the individual watershed. Habitat Assessments would include qualitative and quantitative information on aquatic and terrestrial resources.”

2. Against studying (1)

E. Unique/Endangered Species (13)

“Immediate, long-term and cumulative impacts on endangered species or species of special concern should be conducted. Green and Pauley (1987) noted 62 records of different species of amphibians and reptiles in the southern portion of the Allegheny Plateau Region of West Virginia.”

“There may be a loss of P. Clava and Club Shell Mussels buried in loose sand in Elkwater Drainage shed. Such watershed which have endangered species of mussels must be identified.”

F. On-site Management of Fuels/Oils/Chemicals (7)

Does hazardous waste & petroleum product storage and/or spills effect ground or surface water?"

"The EIS should determine to what extent hazardous materials, tank farms, dumps, etc., may pollute ground or surface water."

G. Biodiversity (7)

"They should also study the impact on biodiversity. How much is there in a meadow compared to a forest? How much of the food chain is disrupted by this practice?"

"Comprehensive field surveys should be conducted to determine what plants, mammals, amphibians, birds, etc., currently inhabit southern West Virginia, including studies of diversity, species richness, and community dynamics on mined and un-mined sites."

H. Sustainability (4)

"Mining and environmental protection are not mutually exclusive."

"One thing is clear. The decisions we make now will determine whether we leave the future generations a healthy liveable world."

I. Weather Patterns (3)

"...I believe that there has not been adequate research into possible meteorological disruptions. Every school student learns of the role that mountains play in the distribution of rainfall. The connection is obvious and well known. With this being so obvious a concern, I cannot but wonder about the total lack of discussion of this topic in the controversy over this mining technique. Perhaps the lowering of a few peaks in a complex mountain chain would not be a major problem, but with our ever increasing ability and willingness to remove huge portions of mountains, it is paramount that we take a serious and through scientific look at the possible outcomes. If we find that serious climatic changes occur after the fact it will be too late."

J. Fertilizer Application (1)

K. Geomorphology (1)

L. Need to Identify Key Indicators of Stress (1)

M. Global Warming (1)

N. Coal Seam Fires (1)

II. SOCIOECONOMIC ISSUES RAISED

A. Cultural, Religious, Ethical, Community Values (31)

“Beyond my “born-in” love of these “useless piles of dirt”, is the almost endless list of good things living here has given me (and others). To start off- backbone, toughness, ability to come up against hardships and not give in.... How do the hills tie in? The hills presented problems that had to be solved. In solving them, the individual became strong, inventive, and naturally intelligent! The hardships the hills presented created strong, loving people... Home. That is what these hills are.”

“I am 60 years old now- and as I look back to my childhood day growing up in this hollow I now realize how precious they were. The mountains were ours to roam on, to play in, to hunt, camp, or just walk in- I now realize this was my inheritance from my 4th Great Grandfather...This also is what is sometimes called “cultural attachment”. This is part of our right to be who we are and I today resent what the coal companies have done to me & many others.”

B. What Jobs Will Be Available When Coal Runs Out (14)

“With removal of all resources (coal) estimated within 20-25 years by the Governor’s Task Force, the cumulative effect on MTM will be devastating to local, regional, and state economies... unemployed miners have no other job skills and so are left on unemployment, worker’s compensation, or welfare.”

“The coal miners who do lose jobs from reducing mountaintop removal can retrain or reeducate just like the hundreds of miners before them. I have family to prove it can be done! Actually, I believe reducing MTR will create more jobs in the long-run and save our precious environment.”

C. Aesthetics (14)

“The loss of scenic Beauty of West Virginia due to mountaintop removal mining is not replaceable. The practice of Mountaintop Removal Mining needs to be controlled and restricted to certain areas of the mountain state.”

“This used to be a beautiful land. Tall majestic mountains, heavily forested. Streams fed by spring water you could drink, animals and plant life everywhere. The old settlers called this the land of milk and honey, a place of peace and security. Not so today.”

D. Effects on Tourism/Recreation (13)

“As we try to nurture environmentally and economically sustainable industries such as tourism in this region, more and more people want to boat, fish and swim in the waters affected by mountaintop removal. Others want to hike and bike in the area, but will choose not to visit a scarred landscape where legendary West Virginia mountains once stood.”

“This destruction of our scenic mountains will completely ruin our state’s tourist industry, a major source of income for many of our citizens. Countless jobs will be lost as our mountains are flattened and our waterways filled with rock and dirt. No tourists will want to visit the ravaged moonscape that the mining companies leave behind. The sport fishers will stay away in droves as our streams are buried by

thousands of tons of mining debris in the pursuit of profit.”

E. Effects on Existing Jobs (12)

“I recently received a newsletter from your agency about meetings being held in WV concerning the mountaintop removal effects on our environment. The one thing that was not mentioned was the economic impact this is having on the few good jobs left in this state. I feel that this should be our government’s No. 1 concern, at least it is with the 100 employees at our company, whos jobs are on hold until your agency makes a decision.”

“There will be no jobs for the miners in West Virginia, these people will be out of their jobs, layed off . And they won’t be able to support their families. This will cause them to fall back on unemployment and eventually welfare.”

F. Effects on Tax Base/Revenues/Worker Benefits (9)

“The notice in the federal register indicates that impacts of valley fills on nearby residents are going to be addressed. If this means that socio-economic impacts are to be included, then a detailed assessment of the positive economic impacts of mountaintop mining on local communities, the state, and the nation must be included as well. If the intent of the EIS is to study the overall impacts, then annual payrolls, severance taxes, property taxes, sales taxes, indirect jobs and medical benefits of workers should be evaluated to determine the net impacts.”

“Local governments depend on revenues and taxes from this industry in order to provide police and fire protection, ambulance service, and for education.”

G. Environmental Justice (7)

“Is it any wonder what has happened in the coalfields of West Virginia? Is it any wonder that significant infrastructure development, education and school performance, improved standards of health, or alternative business development are so minimal in the West Virginia coalfields compared to the rest of the country? Is it any wonder that our status as poorly educated, lacking in economic diversity, and suffering from comparatively poor health relative to the rest of the country persists today despite record coal production of some \$4.4 billion dollars just last year? From the coal industry perspective, this is good for business. Keep the people totally dependent on one and only one industry. Keep the people poorly educated. Keep them vulnerable to health concerns. Drive away talented youth, who might effectively challenge coal’s practices or develop other businesses which could erode almighty coal’s dominance. Keep the people desperate. That’s just good business.”

“-these “friends” quotes hired out of state thugs to terrorize and intimidate honest working men asking for a living wage- not to mention their skull duggery in grabbing the mineral rights from poor and badly educated West Virginians.”

H. Timber Values (5)

“The value loss in removing mountains and filling valleys should be assessed. Lost potential for timber, wild harvested products, spring and well water, aesthetic/scenic, and other parameters of existing

landscapes should be considered against the benefits for every permit.”

“The deforestation involved in this mining practice is my other concern. We’ve already lost over 300,000 acres of valuable hardwood forests to mining activity.”

I. Loss of Jobs from Mechanization (4)

“This industrial scale mining has also displaced many jobs. Coal mining jobs have decreased from 130,000 in the 1940’s to 22,000 in 1996, while coal production has steadily increased.”

“They talk of employment- but they will employ as few human beings as possible- machines are cheaper and quicker and more capable- and will probably be operated by out of staters.”

J. Pay Inequities (4)

“Don’t believe these rogues- they are not our friends. They are not doing this for West Virginia- the reason they are doing this is not progress- its greed. The sole reason for mountaintop removal is to keep the rich people in fine houses, fine clothes, and fine cars. Coal never enriched West Virginia, one of the poorest states in the union. It only enriched the big coal operators and that’s what they want it to do now!”

“If the coal industry was banned from this state, it might be a wonder to see how much better jobs our people might inspire themselves toward...It might bring forth a group of children who see more to their future than digging in the dirt to supply the coal industry with riches...”

K. Property Values (4)

“... a study of property values for individuals living near and next to MTR sites compared to the value of their property before MTR permits were issued. Also, a study of all larger properties for which coal companies may obtain future mining permits and the locations of these large tracts of land in southern WV in order that potential home builders and home buyers can be forewarned of the possibility that strip mining, including MTR, could be in their future before purchasing and/or building. This information should be kept in each county courthouse.”

“It is quite obvious that land and environmental qualities often are increased after mining. There is diversity in the environment in that land exists which can be used by humans for something other than to look at, timber, or ride 4-wheelers.”

L. Property Rights (4)

“...the reclaimed land is much more useful to the landowner... The current permitting process includes the landowner in the decision-making process relative to his land and how it will be reclaimed. Doesn’t the landowner have the right to reasonably use his property as he wishes? It seems to me there are those who do not want this--- they want to tell the landowner what he can and cannot do. Their opinion is somehow more important than his ownership rights.”

“I refuse to sell my home, as does my mother, tho we have been offered a pretty penny by Arch Coal.

They want to use our hollow and our home for valley fill. What Arch Coal does not understand, or want to understand, is that Blair is my home, and the home of my ancestors. In 1921, my grandfather fed starving miners as they marched, and lost their lives, on Blair Mountain trying to form a union. I will not sell my heritage, nor should I be put in a position to do so.”

M. Psychological (2)

“The mining companies will not stick around to live with the psychological carnage. Once they are “finished” they will pack up and leave. They will not have to listen to their children and grandchildren curse their selfish shortsightedness. That is for us who will remain.”

“My son was shopping with my wife the other day and wanted a beef stick, he then said “never mind Mommy, save your money, Daddy may be getting laid off”. The worry of getting laid off is a lot of stress on everyone in the family. It is even more frustrating when the work is there for us and we are willing to work but can’t because we have no permits.”

III. POLICY ISSUES RAISED

A. Post Mining Land Use (34)

“... the whole charade of post-mining land use (PMLU) must be reformed. There is a need for more flexible regulations to allow for the difference in sites, which must go hand-in-hand with real enforcement. Depending on the site, realistic PMLU could include anything from simple forest growth to shopping centers. The intended PMLU should be the determining factor for reclamation techniques.”

“Development issues need to be thoroughly examined. What happens to a mountaintop removal site after mining? The recent OSM study indicates that illegal post-mining land use is pervasive. How have the economics of a human community been affected once mining activity ceases? “

B. Effectiveness of Mitigation/Restoration (19)

“Please support a prohibition on this strip mining in the future. It should be obvious in the EIS that “no action” (no further strip mining) or any other alternative approach would be much less environmentally dangerous and damaging. In this case, mitigation measures may be more public relations than substance, akin to putting lipstick on a corpse.”

“... we would like you to include in your study the effects of the 250 acre watershed mitigation allowance since it would appear that it does not meet the Clean Water Act requirements. It is our observation that many cumulative miles of stream have been covered/destroyed without any mitigation.”

C. AOC/Variance (16)

“There is a need for clear and concise rules on maintaining the Approximate Original Contour (AOC) at both the permitting and reclamation stage of mine operations. I urge tighter regulations on AOC, that assures binding long term compliance by states. There is tremendous variability in the West Virginia program, which requires more oversight by Federal agencies responsible for implementation of the

Surface Mine Control and Reclamation Act (SMCRA).”

“... variances given to AOC requirements such as grazing lands, forestry, and wildlife enhancements are apparently not currently legal. Such variances should not be granted now... Any consideration given to the codification of such variances should only occur after extensive impartial objective proof of conclusive economic benefits is obtained. Detailed documentation must be required for any economic development-based application for AOC variance, and enforcement against failure to meet AOC variance requirements should be vigorous.”

D. Compliance with Existing Laws (12)

“A strong emphasis on effective regulation is necessary to ensure that mining is actually done in compliance with the law. After-the-fact enforcement is important, but all too often it is inadequate or non-existent.”

“Kentucky, Pennsylvania, and West Virginia together have issued several hundred permits to mines that do not meet SMCRA or the Clean Water Act standards. Companies are violating legal standards that provide crucial protection; among them are standards for approximate original contour, post mining land use, performing a cumulative hydrologic impact analysis, and anti-degradation of streams. Based on the collective experience of our members over the past 21 years, we have reached the sad conclusion that the US Office of Surface Mining (OSM) lacks the will and leadership to enforce most parts of the federal mining law and has rejected its duty to protect the people and their environment.”

E. Permitting/Segmentation (4)

“We are very much concerned about the “unexplained” delay in the processing of “pending” permit applications... our concern becomes deeper as there are hundreds of employees, whose jobs are “hanging in the balance”, waiting on the “unified federal government!”.”

“The size of mountaintop permits must be reduced. This is necessary if the adverse impacts of surface mining are to be minimized and controlled.”

F. Need to Resolve Regulatory Inconsistencies (4)

“Many of the rules of West Virginia’s DEP regulatory branch responsible for mining issues is in direct conflict with the intent of SMCRA? Within the DEP program, there is a considerable amount of regulatory language that is different from Kentucky, Ohio, and the OSM, which results in conflicting and confusing implementation.”

“MTR is only cheap because we collectively do not write definitive enough laws or enforce uniformly and completely those laws we do have to govern the industry.”

G. Need for Better Pre-Mining Data (3)

“Sufficient biological data are not presently available to characterize the importance of headwater streams. In addition, the data that is available is unreliable. New biological studies are needed to generate this data.”

H. Economic Consequences of Changed Regulations (2)

“Encourage your people to speak up, listen to their opinions, review their facts (they have 20 years worth) and make your conclusions but do not even consider making the coal companies wait for the results of your study or process before they can get the required permits to continue mining at their operations. That is asinine! That is criminal! There are jobs and lives that are directly at stake, not to mention the additional adverse economic consequences that will result from such a decision.”

I. Consistency of VFs with Antidegradation Policy (2)

“What are the regulatory limitations on valley fills in terms of state water quality standards? How can valley fills be consistent with anti-degradation requirements under the Clean Water Act?”

J. Biological Monitoring for NPDES (1)

K. Fine \$\$\$ Should Go Toward Local Mitigation Projects (1)

L. Bond Forfeiture Policy Too Lax (1)

M. Permit Coordination w/Public Needs Improvement (1)

IV. MINING & TECHNOLOGY ISSUES RAISED

A. Need to Evaluate Alternative Mining/Excess Spoil Disposal Options (24)

“The EIS should consider alternative methods of mining coal, such as deep mining, that create more jobs and are less environmentally destructive.”

“An EIS should determine the viability of other alternatives of disposal of “overburden” in valleys where mountaintop removal and area mining is conducted.”

B. MTR Cost Efficiency Calculations Do Not Account for All External Costs (13)

“The economic costs of this type of mining needs to be studied. Mountaintop removal mining creates an artificially low cost of energy. The true costs are being externalized- these costs are the physical and biological destruction that occurs, and the displacement of people and homes/communities. These costs are being passed onto future generations. They must be considered and accounted for.”

“...include a rigorous economic impact evaluation of Appalachian coal mining along the following line: The Department of Energy has concluded that coal can be burned much more efficiently and cleanly with available or evolving technology; The present economic calculus assigns no cost to the environmental consequences of mining beyond the immediate, minimal, direct costs of reclamation.”

C. Need to Map Future Coal Reserves/Identify New Mining Areas (12)

“The ultimate areal extent of MTR mining should be examined, based on realistic assessment of coal reserves, topography, and current or pending permit requests. The citizens of WV have a right to know if 1, 10 or more percent of our mountain areas can be expected to be removed.”

“Verbally, coal company officials and consultants have told us that coal reserves that can be mined in West Virginia using mountaintop removal will be exhausted in 15 years at the present rate. We know of no published data on this, but a literature search needs to be done across the region’s coal fields. Such data is necessary to give context to the destruction caused by mountaintop removal and the industry’s claims for providing jobs.”

D. Evaluate Alternative Energy Sources (9)

“Its about time America bit the bullet. We used to be the first to take up new ideas and new ways- now we are the last. We are way behind the other developed countries in our mass transportation and the use of wind and solar power for energy.”

“...the EIS should look seriously into the development and utilization of alternative, sustainable energy as a clean, renewable, and economically viable option.”

E. MTR is an Efficient Means of Extracting Coal (5)

“Federal law requires that resource recovery be maximized. Mountaintop mining, where feasible is the most effective method of mining to accomplish this.”

“Some advantages of mountaintop removal mining methods are (1) complete recovery of the resource; ...”

F. Evaluate the Stability of Fills (4)

“I am concerned that coal companies will be making their valley fills too short for maximum stability. The face of the valley fill should be located on the flattest section of the valley. If not the whole face at least the toe of the valley fill should be placed there.”

“What is the stability of valley fills?”

G. Where does Locally Mined Coal End Up/What Plants (1)

H. Consider the Costs of Alternative Fuels (1)

V. PROCESS ISSUES RAISED

A. Study Must Be Impartial and Free of Political Influence (20)

“I request that all studies be carried out by unbiased, independent parties with no ties to the coal industry.”

“Unbiased professionals who are knowledgeable about mining should prepare the EIS. Individuals identified in the settlement agreement dated 12/23/98 are not unbiased and, therefore, should not be retained to assist in developing the EIS. They should be afforded an opportunity, like all other interested parties, for constructive input into the process.”

B. Evaluate Impacts both Before and After Reclamation (5)

“...I urge you to walk up the streams labeled by some as pristine. Witness the true “waste” first hand. The tires, sofas, washing machines, pampers, milk jugs and raw sewage are what confront you, not devastation from valley fills. Yes, valley fills cover up dry drainage areas, but this does not mean that the sources of the streams are forever lost. At worst, there is a temporary loss, and in less than a few years this particular headwater stream is completely replenished. All original biota are abundant and the stream itself is much cleaner and clearer than before. How can one ignore the human garbage, and yet, cry out that the valley fills created by mountaintop mining are killing the streams? It does not.”

“A proper study should compare before mining, during mining, and after mining.”

C. Compare Impacts from Other Types of Land Use in Affected Watersheds (5)

“...the review of mining must not exclude other activities that effect streams in areas where coal is mined. For example, untreated sewage and discriminate garbage dumping is a persistent problem in southern West Virginia. Activities such as logging and recreational vehicle traffic also add significant sediment loads to streams. While coal mining is the focus of the EIS, a fair and complete review of the impacts of mining cannot be conducted without fully considering all activities that affect streams in areas surrounding mining.”

“... other land uses such as road building, sewer construction, and logging have an impact on watersheds and can provide sources of comparison for surface mining activities.”

D. Use Existing Information (5)

“The experience of the surface coal mining industry, OSM, and the state implementation programs provide a wealth of information regarding reclamation and remediation of mountaintop mining activities... The EIS should draw primarily upon this existing and readily available information rather than reinventing the wheel.”

“Many if not all of these issues have been discussed, dissected, and analyzed numerous times in the preceding years. I personally am aware of and was involved in the efforts by the Office of Surface Mining to evaluate the safety and stability of durable rock valley fills in the late 80's and early 90's. I would guess several hundred thousand dollars were expended in the study...In summary, my comment is go ahead with your study. However, I think it can be accomplished by using the information you currently have in your files.”

E. Use Representative Control Sites (3)

“You are requested to choose control streams which have similarities to the situations in which real valley fills have been constructed, or will be constructed. Please concentrate on physical relevance.”

“West Virginia has good examples of mountaintop mines that have been responsibly mined and reclaimed. Those mines should be a major part of the EIS review... reclaimed mines are available for study that offers a full array of reclamation phases. These mines represent a practical laboratory for study that reduces the need for subjective and inconclusive theoretical analysis.”

F. OSM Should be the Lead Federal Agency for the EIS (2)

“The Office of Surface Mining should be the lead agency in the EIS development process. Since enactment of SMCRA, many of the issues being considered have already been reviewed in detail by OSM or by state agencies familiar to OSM. OSM’s knowledge and direction is essential to conducting a fair evaluation of complex mining issues that are involved.”

G. Open the Process to the Public via a Web Site (1)