Week 5 – We’re half-way through the 2002 session and things are starting to get interesting. Here’s some bits and pieces of things heard and happening around the capitol this week:

At a meeting this morning with coal industry mining engineers and DEP mining regulators I learned a new term: “exceeds AOC.” I had never heard this expression until this morning. “AOC” was familiar to me, of course – it’s the acronym for “Approximate Original Contour.” Federal law requires that strip miners return the mountains they tear down to their “approximate original contour.”

I was told this morning that some mountaintop removal mines are now being restored to EXCEED approximate original contour, and that DEP thought this was a good idea! What a novel concept – we’ll take all that loose fill material and build a series of Pikes Peaks in southern West Virginia. Wonder where all that rock and rubble will end up after the next torrential rainfalls this spring or summer?

************

Quote of the week comes from Senator Walt Helmick (D-Pocahontas Co.) when asked if you could get high by smoking hemp: “You’d have to smoke a ‘joint’ the size of a telephone pole and then you’d get only a headache!” He made this remark in a senate agriculture committee meeting dealing with an industrial hemp bill (SB 447) sponsored by Senator Karen Facemyer (R-Jackson Co.).

************

After a sub-committee meeting Wednesday on HB 4014, the bill that would enact strict new enforcement measures on over-weight coal trucks, Delegate Mary Poling (D-Barbour Co.) said that she “had taken two pages of notes directly from the testimony of the coal industry mining engineer” that basically contradicted his own arguments for increasing weight limits on coal trucks.

************

Monday was “WV Forestry Association Day” at the capitol, and Senator Helmick (again) as chair of senate Natural Resources Committee took the opportunity to put a pro-industry timber bill (SB 431) at the top of the committee’s agenda just 30 minutes before the meeting. At the encouragement of Forestry Association wag Dick Waybright, an amendment was successfully added that removed language requiring timber operators to file their logging plans before they actually did the logging (another novel concept). However, when the bill was sent back to the full senate for first reading on Tuesday, the new amended language was missing! On Wednesday, in spite of valiant efforts by Senators Jon Hunter (D-Monongalia) and John Mitchell (D-Kanawha), Helmick succeeded in removing the language once again with a floor amendment.

************

A final note: on Monday of this week, members of Trout Unlimited (namely Bryan Moore and yours truly) officially filed with the Environmental Quality Board a nomination to redesignate 951 miles of West Virginia’s highest quality streams (almost 250 individual streams) as Tier 3 streams under the provisions of the antidegradation plan passed last year!

Am I having fun yet? You betcha!

Don’t forget E-Day!
Friday, February 22, 10:00 till 3:00
Overweight Coal Trucks: Death Sits In At The Committee Meeting

By John Taylor

HB 4014, a bill to establish sensible weight limits for coal trucks, and to provide for their effective enforce- ment, came up for public hearing last Wednesday and Thursday afternoons before a Sub-Committee of the House Judiciary Committee. I came a little early and got one of the last seats. All the seats were filled and a lot of people stood in every available space along the walls, two deep in some places.

Death, the Dark Angel, was there, sitting in every chair and standing in every space along the walls. Everyone knew that overweight coal trucks have taken eleven (11) lives on West Virginia roads in the last eighteen months. Most everyone knew that fourteen (14) coal miners were killed in and around West Virginia coalmines in 2001. That’s twenty-five (25) dearly beloveds now gone from their loving family circles leaving behind aching voids of loneliness, pain and grief.

Bill Raney and Chris Hamilton attended for the Coal Association, along with several coal lobbyists and representatives of the trucking industry - such as the W. Va. Motor Truck Association. Our sisters from the Coal River Mountain Watch were there and so were our brothers, Doyle Coakley and Bill McCabe from Citizens Coal Council. Doyle made a good solid statement about his almost fatal encounter with a coal truck on a narrow road in Webster County a few years ago.

Janice Neace and Patty Sebok from Coal River made strong testimony about the fear they feel as they, or their loved ones, travel on roads occupied by over-weight, speeding and often poorly maintained coal trucks. Randall Boyd, a citizen from Hernshaw, Kanawha County, said a close friend was killed on Route 94 at Hernshaw, and he witnessed the deaths of two children there. Lisa M. Smith, a Delegate (R-Putnam) implored the Sub-Committee members to pass effective safety legislation, stating that public safety is the first responsibility of legislators.

Weight enforcement officials said the average weight of coal trucks in Southern West Virginia is 143,000 pounds, as against 80,000 pounds legal limits on the interstates.

The Coal Association wants the weight limits greatly increased. The coalition backing HB 4014 wants them lowered, and better law enforcement. It’s just that simple except that Bill Raney predicts ‘the end of the coal industry’ and ‘economic disaster’ for West Virginia unless it gets what it wants.

Joseph Erengruber, Pocahontas Coal Association, Welch, W. Va. also spoke for the industry. I hereby nominate him as “Mr. Sensitivity” of 2002. He stated that this issue is “a very emotional, sensitive issue but the Charleston Gazette is ‘overly sensitive’ on it. Why,” he said, “if a person falls from a third story window in Welch into a coal truck and is killed, the Gazette headline will say ‘Man Killed By Coal Truck.’ Furthermore, the coal trucks are not a deadly danger, they’re only a nuisance because most of them go very, very slowly.” [emphasis added]

This issue - this proposed law - the words said at the Hearings, contain the essence of West Virginia History for the past century or so. The public needs the jobs, the sustenance supplied by the industry. The industry wants its money. The industry throws a check down on the ground and says to the citizens: “Here it is. Take it, and take what comes with it.”

“What comes with it” here is over-weight coal trucks and death, destruction and fear on the highways. Why does it always come to this in West Virginia with the coal industry? Explosions, roof falls, black lung disease, ecological degradation, over-weight coal trucks. What’s next?

The Hearings on HB 4014 will continue from day to day “for as many meetings as necessary” so that “everyone has a chance to air their concerns” as stated by Richard Thompson (D-Wayne) Chair of the Sub-Committee when he opened the Hearing on Wednesday. We need to keep on coming out to the Hearings and filling the room and “airing our concerns”. This is shaping up to be one of the pivotal issues of this Legislative Session, and deserves our fullest and best participation.

Rally Against Overweight Coal Trucks!
Thursday, February 14 4:00 p.m.
Coal River Mountain Watch, Citizen Coal Council, WV-CAG, OVEC, United Mine Workers, WVEC, some Legislators and others! On the front steps of the WV state capitol in Charleston.
Say NO! to over-weight coal trucks!
Tier 2.5 Public Meetings

The next phase in the implementation of the antidegradation plan passed in last year’s legislative session will begin at the end of this month. That’s when the Dirty Water Coalition will attempt to find landowners to challenge the designation of individual streams on the “presumptive” Tier 2.5 list of streams that will receive a greater level of protection under the DEP Antidegradation Implementation Plan.

Beginning on February 25 the WV DEP will hold a series of public meetings around the state to hear landowner objections to the Tier 2.5 list. The streams on this list are considered by DEP as our “high quality” or “reproducing trout streams.” Under the law passed last year, the list was “presumptive” pending the objections of landowners who actually own property that a Tier 2.5 stream runs through and who could be adversely affected by the Tier 2.5 designation. In filing these objections, landowners must provide some data that refutes the DEP data that allowed the listing.

Here are the dates and locations for the public meetings for the Tier 2.5 objection process. All meetings will be from 7:00 PM - 9:00 PM. You may want to attend some of these meetings, just to let DEP know that we are monitoring the process, and to possibly speak against some of the objections that may be filed to streams that YOU own – particularly those streams on YOUR public lands.

- 2/25/02 Morgantown — Lakeview Resort, Chestnut Ridge Ballroom
- 2/25/02 Richwood — Richwood High School Auditorium
- 2/25/02 Moorefield — Moorefield High School Cafeteria
- 2/26/02 Franklin — Pendleton County High School Auditorium
- 2/26/02 Canaan Valley — Canaan Valley State Park Lodge, Pine Room
- 2/26/02 Snowshoe — Snowshoe Mt. Lodge, Lower Level, Condo Marker #10
- 2/27/02 Philippi — Philippi City Hall, Basement
- 2/27/02 Lewisburg — East Greenbrier Junior High School Auditorium
- 2/28/02 Elkins — Davis & Elkins College, McNeel Auditorium
- 2/28/02 Webster Springs — Webster County High School Theater
- 3/4/02 Chapmanville — Chapmanville High School Band Room
- 3/5/02 Hinton — Summers County High School Auditorium
- 3/5/02 Wayne — Spring Valley High School Auditorium

US House to vote on “Soft Money” Ban

By Gary Zuckett

This coming week Congress will vote on the Shays-Meehan Bill to ban contributions to political parties called soft money. Soft money is now unregulated and corporations dump millions of dollars into the coffers of the major parties to buy influence and get favorable legislation. This is going to be a close vote and all our West Virginia Delegation is needed to pass this major clean up of our federal elections. Contact your Representative and ask them to vote to ban soft money by voting for the Shays-Meehan bill. Below are listed phone numbers and web pages for West Virginia's Congressional Delegation:

Allan Mollahan (202) 225-4172 www.house.gov/mollohan/
Shelly Moore Capito (202) 225-2711 www.house.gov/capito/
Nick Rahall (202) 225-3452 www.house.gov/rahall/

There's Still Time - To Be Our Valentine!

If you haven't done so, why not send us a Valentine and renew your WVEC membership? And if you've already renewed, why not consider making an extra contribution for Valentine’s Day to help us pay our lobby team costs? Remember, we need both your love and your money, and we're always working hard to gain your respect!!

In exchange for your Valentine gift, we'll have Hershey’s Kisses for you when you stop by the office!

Thank You WVEC Volunteers!

Thanks to all the folks who have been stopping by the office every Friday around 4:00 to help us get Update out!

"Regulars" include: Julian Martin, Reginia Hendrix, Dot Henry, Larry Gibson, Mary Ellen O’Farrell, Mary Wildfire, Cynthia Wildfire, Liz and Fred Sampson, Barbara Smith, and Max The Dog!!!!
Farmland/ Open Space Preservation

By Clint Hogbin (chrhogbin@cs.com)
Vice-Chair, Berkeley County Farmland Protection Board

During the past few months there have been many discussions regarding the loss of farmland and open space across the Eastern Panhandle and several other areas of the State. Locally, members of the Land Trust of the Eastern Panhandle and the three county farmland protection boards have been quietly meeting, discussing, debating and soliciting ideas regarding the status of on-going efforts to preserve some farmland and open space.

Undoubtedly, the Voluntary Farmland Protection Act was a giant leap forward in addressing the loss of farmland/open space in West Virginia. However, the legislation suffered one “draw back” -- the lack of a permanent and significant funding mechanism.

Tuesday (February 5) a strong step was taken in the WV Senate to advance the need for farmland and open space preservation. Senator Unger has introduced three pieces of legislation in that regard:

* **SB 492** (Unger, Helmick, Ross) authorizes the county commission of growth counties to establish a program for the transfer of development rights (TDR). This legislation mirrors **HB 4270** which was introduced 6 days ago by the Morgantown area Delegates Beach, Williams, Stemple and Fleischauer).

* **SB 493** allows the use of the existing hotel - motel tax for farmland preservation as defined by the Voluntary Farmland Protection Act. This legislation is sponsored by Unger and has an amazing 17 co-sponsors. That’s right ... over 50% of the WV Senate supports this concept!!!!

* **SB 498** (Unger, Snyder) mirrors **HB 4331**, which was introduced by Doyle and Manuel 6 days ago. **SB 498** (HB 4331) represents the best funding mechanism for farmland/ open space of the two concepts. It allows the county to assess an additional property transfer tax to fund county farmland protection programs. It has some minor flaws, however, but efforts are under way to address them.

There is no magic path to follow to pass legislation into law. Just hard work. As with the Voluntary Farmland Protection Act, we will need your support and energy throughout this process. The farm that you treasure next county to assess an additional property transfer tax to fund county farmland protection programs. It has some minor flaws, however, but efforts are under way to address them.

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There is no magic path to follow to pass legislation into law. Just hard work. As with the Voluntary Farmland Protection Act, we will need your support and energy throughout this process. The farm that you treasure next door or just down the road may depend on you. The first step is simple, please contact the Chair of the House Finance Committee (Delegate Harold Michael) and ask him to place HB 4331 on the agenda. That’s the only message needed – “place HB 4331 on the agenda.” He can be reached at his capitol office at 304-340-3230 or by E-mail at hmichl@mail.wvnet.edu.

Green Legislative Update

What a long, strange trip it’s been... … … ...

By Chuck Wyrostok (chuckwyro@hotmail.com)

Hemp…cannabis sativa L., that mysterious, much maligned plant whose fibers were woven into the sails on the ships that carried Columbus here in 1492, is making a big comeback. Although grown worldwide without interruption for centuries, hemp was successfully squashed in the U.S. by a DuPont/Hearst/Mellon smear campaign in 1937. They had synthetic fibers made of petro-chemicals in mind for the future and didn’t want something as easy to grow as hemp interfering with their manufactured product. Now, with China, Russia, the European Union and Canada growing huge amounts of hemp to supply an ever-increasing market, American farmers stand a chance to survive by getting on board the hemp train.

In 1998, when Canada lifted its 60-year-old ban on commercial hemp cultivation, Canadian Health Minister Allan Rock said, “This new crop has a tremendous potential for creating new jobs in agriculture, industry, research and retail”. New crop, indeed. The hemp industry has always been with us, from the dawn of civilization. It is THE major fiber in China. India has used hemp in all its forms for 2,000 years. The first American flags and the original draft of the Declaration of Independence was on hemp paper.

Unfortunately, American farmers have been out of the loop for 65 years because of government “drug war” mania associated with hemp’s more potent botanical cousin, marijuana. But the difference is enormous. Pot typically has a THC level (the active ingredient that gets you high) of 10-20%, where hemp has about .03%. About a half dozen states like Maryland have passed legislation legalizing the licensed growing of hemp and now there is activity in the West Virginia Senate to do the same.

Sen. Karen Facemyer (R-Jackson) is pushing the Industrial Hemp Development Act (SB 447) and when the bill was introduced in the Senate Agriculture Committee this past Wednesday, there was nothing but positive inquiry and discussion ending in a request for more information from interested parties including the WV Department of Agriculture. The bill will be taken up again when the committee meets next Wednesday, Feb. 13, and with a little help from our friends, it might get passed out to the next destination, the Senate Judiciary Committee. (By now, some of you are shocked into disbelief. For what it’s worth, I hereby certify that I was there and this story is true).

Sen. Facemyer is looking to help tobacco growers in her area by transitioning them into hemp. She needs your support. The committee would like to hear from any continued on page 5... .......
Clean Money Elections: The Reform to Make Other Reforms Possible

By Gary Zuckett

We in the environmental movement tend to have a narrow focus on the critical problems of pollution, degradation, and destruction of our life support systems in WV and around the world. When the topic of Campaign Finance Reform came up at the fall conference some wanted to pass it over as one of our priorities and attend to the various crisis at hand.

We’ll forever be putting out the “brush fires” of weakened water (air, solid waste- you name it) rules, lax enforcement & regulators and a plethora of attacks on environmental quality, UNLESS we become really “radical” (getting to the root) and change the way our lawmakers are elected. As long as the polluters are funding the politician’s election campaigns we are going to keep getting the same midnight rules changes gutting the anti-deg rules, or more tax breaks for burning more coal, or less regulation of chemical plants and on and on…..

This is where the WV Clean Elections Act comes in. PERC-WV (WV People’s Election Reform Coalition) is working to introduce this bill to help level the playing field against special interest funding of elections. It would set up a public fund for campaigns of qualifying candidates instead of private, special interest money.

In 2000 election cycle less than one half of one percent of West Virginians donated to a political candidate. In other words, a small minority decided who would have enough money to run for office. Large, special interest donors to campaigns usually expect a “return” on their investment in the form of tax breaks, weakened environmental rules or other legislation that benefits their “bottom line.” In the process the “public interest” is left out.

Several states have already enacted a “Clean Money” public financing law including Maine and Arizona. In Arizona, a full one third of the candidates running for state elections from all parties opted for this new approach. It works like this: Candidates who agree to forgo all private money and who collect a certain qualifying number of signatures (along with $5 donations to the state’s public election fund) are invested with an equal amount of public money and who collect a certain qualifying number of signatures (along with $5 donations to the state’s public election fund) are invested with an equal amount of public financing for their campaign. Public financing reduced the number of uncontested races and increased the number of women and minorities running for office.

The WV Clean Elections Act will not solve all our environmental problems. However, it can help put more enviro-friendly faces in the legislature and this alone will help move conservation measures forward. In other words, getting “Clean Money” into politics is a sure way to a cleaner environment.

Green Legislative Update

What a long, strange trip it’s been... ... continued from page 4

people who see a future in hemp production in West Virginia. Other senators on the committee who will be voting on this are Leonard Anderson, Shirley Love, Larry Edgell, Walt Helmick, Jon Blair Hunter, John Mitchell, Mike Ross, John Unger and Sarah Minear. If you live in any of their districts, contact them and tell them “Hell, yeah! I’ll grow hemp!”

Don’t be put off by previous experiences with some of this cast of characters. Sen. Helmick has already spoken glowingly of the potential of hemp during Wednesday’s discussions. More surreal discussions are sure to follow.

Feature Lobby Team Member: Denise Poole ~ Path To Activism

Looking back, I’ve been on a path towards environmental activism all my life (at least as far back as I can remember). As a child of three, our new brick house in Roanoke, Virginia was the third one built on a street paved over what was formerly a long driveway to a farm house (still standing and occupied at the time). I preferred climbing in the apple trees remaining from the orchard, in the field -anywhere outside.

My play house was the horse stables across the street from our home. When my parents informed me that the stables had to be torn down for new houses, I was highly upset, and couldn't understand why a house for people was more important. Why not leave it alone, and build next to it? I had hoped horses would some day return.

Growing up in the 1960's, I was influenced and shaped by the events occurring in the world. The assassinations of President Kennedy, Martin Luther King Jr., Robert Kennedy. Then there was the Viet Nam War, Three Mile Island, Chernobyl. You name it. Peace - not war.

I also hated living in "chemical valley" (we moved to WV when I was five). Never could understand pollution, greed, urban sprawl. As an adult, my family and I lived in Germany for four years (strict enviro laws - and lots of issues there too). Fate brought us back to West Virginia in 1991. I discovered that while away, the WV Enviro Council had been formed. The proposed Mason County Pulp Mill was a hot issue. I soon began attending the Anti Pulp Mill Rallies, and attended my first WVCE Conference in the summer of 1994, where I met many activists! It was overwhelming, yet I was anxious to get more involved.

West Virginia is a beautiful place and I am passionate about doing my part to help save it. I have worked for several organizations since 1995, and now am still active with WVCE, work part time for OVEC, and focus on sustainable alternative initiatives.

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Bills Introduced This Week

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"Floods of Problems ~ Mountains of Solutions"

The 13th Annual **E-Day!** will be held in both the Lower Rotunda, as well as the upper Senate & House hallway, and around the "Well" area. Approximately Thirty (30) groups, organizations and "green" businesses are joining us this year!

If you would still like to reserve a space, please contact Denise at the WVEC office soon.

**Displays:** open from 10:00 till 3:00

**Program:** 11:30 - 1:00 p.m.

**Award Presentations to 2002 recipients for:** Mother Jones, Chuck Chambers Public Service, Linda Schnautz Courage, Grassroots Activists, and Green Entrepreneur (new this year).

**Keynote Speaker:** **Dave Peyton**, Well known Columnist

**Fundraiser:** **The Empty Glass**, 5:00 till 9:00 p.m. Featuring Live Music, with a suggested donation of $5.00 (or whatever you can afford).
Calendar of Events

February 14: Rally to rein in HB 4014 (Overweight Coal Trucks) - 4:00 p.m. on front steps of state capitol (Kanawha Blvd.). **Keynote speakers:** Attorney General Darrell McGraw and Cecil Roberts, Pres. UMWA.

February 15: Deadline for Young Writers Green Space Coalition "River of Words" competition. *For more information:* Chad Pierskalla, 304-293-2941 ext. 2410 or e-mail: cpierska@wvu.edu

February 22: 13th Annual WVEC E-Day!: "Floods of Problems ~ Mountains of Solutions". State capitol, Charleston, 10:00 a.m. - 3:00 p.m. **Keynote speaker, Dave Peyton.** *For more information:* WVEC office 304-346-5905 or e-mail: deniseap@earthlink.net

February 22: Annual E-Day! Fundraiser. The Empty Glass, 410 Elizabeth Street, Chas. 5:00 - 9:00 p.m. $5.00 donation (or whatever you can afford). Live music!


February 26: 30th Anniversary of Buffalo Creek coal waste dam disaster.

March 9: "Propagation of Lavender, Cultivation & Harvesting" workshop. LaPaix Herb Farm, Alum Bridge WV - 1:00 till 5:00 p.m. Cost: $15. *For more information:* Myra Bonhage-Hale, lapaix@iolinc.net.

March 9: Legislative Session 2002 ends at stroke of midnight!

March 26: UC Speakers Series: **Erin Brockovich,** speaker. University of Charleston - Geary Auditorium, 6:30 p.m. Free and open to the public.

April 13-14: West Virginia/Pennsylvanlia Wilderness and National Forest Planning Training & Volunteer Weekend. *For more information:* contact Dave at WV Highlands Conservancy: 304-284-9548, or e-mail: daves@labyrinth.net

April 26: WV-CAG Annual Earth Day Fundraiser. Coonskin Park. Music, great food & drink and an auction. To donate to the auction or for more information: Linda Mallet, 304-346-5891 or e-mail: linda@wvcag.org.


May 4: "Propagation of Culinary Herbs, Cultivation & Uses" workshop. LaPaix Herb Farm, Alum Bridge WV - 1:00 till 5:00 p.m. Cost: $15. *For more information:* Myra Bonhage-Hale, lapaix@iolinc.net.

May 24: Dr. Kevin Danaher with Global Exchange speaks about the global economy. Charleston Unitarian Univ. Church, 7:00 p.m. *For more info:* Linda at WV-CAG, 304-346-5891.

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Don't Forget E-Day! Friday, February 22......10:00 till 3:00
State capitol, Charleston

Support the West Virginia Environmental Council
1324 Virginia Street East, Charleston WV 25301
Phone: 304-346-5905

_____ Renewed Membership  _____ New Membership
_____ Change of Address  _____ Donation

Name: __________________________________________________________
Address: _______________________________________________________
City, State, Zip: _________________________________________________
Phone: __________________ e-mail___________________

Membership Levels

_____ $ 10 Student / Senior  _____ $ 25 Regular  _____ $ 50 Seedling
_____ $ 100 Sustaining  _____ $ 250 Enviro Steward  _____ $ 500 Canopy
_____ $ 1,000 Old Growth  _____ $ Other

Green Legislative Update
Friday, February 22, 2002

13th Annual E-Day!
10:00 till 3:00, State Capitol
"Floods of Problems ~ Mountains of Solutions"

Fundraiser: The Empty Glass
Live Music! ~ 5:00 till 9:00

West Virginia Environmental Council
1324 Virginia Street East
Charleston, WV 25301

First Class
Time Sensitive
Please Rush
Thanks!

www.wvecouncil.org