

UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
2675 REGENCY ROAD  
LEXINGTON, KENTUCKY

The foregoing hearing was held at the Hazard Community College, Hazard Campus, One Community College Drive, Jolly Center, Room 208, Hazard, Kentucky, on March 30, 2004.

Mr. Beam: Good evening. Welcome to the public hearing of the Department of Interior, Office of Surface Mining Reclamation and Enforcement's (OSM) proposed rule to amend the excess spoil and stream buffer zone regulatory requirements.

Thank you all for coming. My name is Dave Beam. I'm a Regulatory Program Specialist with the Office of Surface Mining from Lexington, Kentucky, and I'm going to preside over tonight's hearing.

The purpose of tonight's hearing is to give you the opportunity to present your views regarding OSM's proposal to amend the Federal surface mining regulation regarding excess spoil and stream buffer zone requirements.

The proposed regular changes were announced in the Federal Register on January 7<sup>th</sup>, 2004.

The summary in the notice states that OSM is proposing

to amend regulations to accomplish two basic goals: (1) Minimizing the adverse environmental effects from the construction of excess spoil fills, and (2) clarifying the circumstances in which mining activities, such as the construction of excess spoil fills, may be allowed within the stream buffer zone, that is, within 100 feet of a perennial or intermittent stream.

By these proposed changes, OSM intends to clarify program requirements and reduce the regulatory uncertainty concerning these matters.

These changes will also improve consistency between regulations under the Surface Mining Control and Reclamation Act (SMCRA) the Clean Water Act.

More specifically, OSM intends to require the coal operators to demonstrate to the satisfaction of the regulatory authorities that, to the extent possible, that (1) the volume of excess spoil is minimized; (2) excess spoil fills associated with a mine are designed to be no larger than needed to accommodate the anticipated volume of excess spoil from that mine; (3) alternative configurations for excess spoil disposal, including alternative sizes, numbers, and locations of fill are considered; and (4) the proposed excess spoil disposal plan minimizes, to the extent possible, adverse impacts to the prevailing

hydrologic balance, fish, wildlife, and related environmental values.

OSM also proposes to amend the regulation commonly referred to as the stream buffer zone rule to more closely in line with its basis in SMCRA and our experience in implementing the rules.

The proposed changes to the stream buffer zone rule will require the applicant to demonstrate that the mining operation has been designed, to the extent possible, to minimize impacts on hydrology, fish and wildlife, and related environmental values and to prevent additional contributions of sediment to streams prior to allowing mining within 100 feet of a perennial or intermittent stream.

OSM proposes to revise rule language that is evidently confusing, has given rise to divergent, conflicting interpretations, has led to litigation, and has raised concern over restrictions that are not required by SMCRA and that might conflict with regulations under the Clean Water Act.

Finally, OSM proposes to amend our stream diversion regulation to comport with the proposed changes to the stream buffer zone rule.

If you have not done so, I strongly encourage you to

read the January 7<sup>th</sup> Federal Register notice.

If you have not already obtained a copy, there are several on the sign up table outside.

If you have internet access, you can also view or download the proposed rule notice by visiting OSM's homepage at www.osmre.gov.

In the January 7<sup>th</sup> notice, OSM established a comment deadline of March 8<sup>th</sup>.

Please note, for this is important, that due to the request of several commenters, on February the 26<sup>th</sup>, OSM extended the time period for the public input by an additional 30 days and the deadline for submitting comments is now April 7<sup>th</sup>.

There are several ways that you can make your views known regarding this proposal. You can mail or hand carry a letter with your comments to: The Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW, Washington, DC 20240. And if you want -- anyone wants that address, see me after the hearing.

You can also e-mail your comments to OSMRULES@OSMRE.GOV.

Finally, you can testify at tonight's hearing if you wish.

This is one of five hearings that are being held tonight. Other hearings are also being conducted in Washington, DC; Charleston, West Virginia; Harriman, Tennessee; and Green Tree, Pennsylvania.

If you've not done so, please sign the attendance sheet out in the hall during your first break. If you want to speak tonight, please fill out a speaker card and give it to the person at the sign-in table.

I'll be calling you to speak in the order in which we receive your card.

At the front of the room, there's a court reporter, who is present to prepare a written record and transcribe the statements made here. Please don't be intimidated by either the reporter or the formal structure of this hearing.

Remember that the purpose of this hearing is to obtain your views on the proposed changes in the regulations so that we can consider your comments when we prepare a final action on these regulatory changes.

We are here to listen to you; and we will not debate the merits of the proposed rule or answer any questions regarding the proposal.

I ask that you limit your comments to the proposal, and ask the audience to remain quiet during the testimony.

Please be respectful of each other.

we have scheduled this hearing for three hours.

Everyone who wants to speak will have the opportunity to do so.

So far, we have twenty people signed up to speak.

In order for us to ensure that everyone has a chance to speak, I ask that you limit your testimony to no more than fifteen minutes. If time allows, speakers unable to complete their statement within the allotted time may be allowed an additional five minutes after everyone signed up to speak has had an opportunity to do so.

In order to keep us on time, we're going to be using color cards to let you know how much time you have remaining. When we show you a red card -- I'm sorry -- when we hold up a yellow card, there will be sixty seconds left in the allotted fifteen minutes, and when you're down to fifteen seconds, we'll hold up a red card.

I will call the name of the speaker and the speaker to follow. When you come forward as the speaker, please use the microphone that is fixed to the podium on the stage. The speaker to follow will sit in the ready back, which will be the green chair up here in the corner. At the beginning of your testimony, please state your name and affiliation, if you choose to provide one. If you have a

copy of your written statement, we will appreciate it if you provide the statement to the person at the sign-in table after you are through. We will provide a copy of your statement to the court reporter. It makes his job a whole lot easier.

We will be taking a ten minute recess at approximately 7:45 p.m.

Again, thanks to everyone for coming.

Anyone who's interested, the court reporter will transcribe the testimony tonight, and it will be put upon our homepage, [www.osmre.gov](http://www.osmre.gov), probably in a week or so.

I'm now prepared to open the meeting so we can hear your comments. The first speaker to the podium will be Mr. Russell Oliver and the next speaker will be Mr. Dan Cash. Russell, if you'll come forward, and Dan, if you'll take the ready seat, please.

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RUSSELL OLIVER

My name is Russell Oliver and I live here in Hazard. I sometimes joke that I consider we had real terrorists long before 911 in New York, terrorists of East Kentucky coal companies. They're like gophers, digging holes all over the place, blasting like lightning, with no regard for anyone if they can get by with it, and in many cases

profits are the main concern. This new law is a bad one, it's a convenient law for coal companies, but an inconvenient law for the people who live near this mining.

Bottled water is at an all time high. In Arizona, a long time ago, a man came up with the idea to bottle water. People laughed at him and said he was crazy. Who will buy bottled water. Now bottled water is a necessity in Eastern Kentucky. Water is endangered in this area. In many cases you have to pipe city water and other water to these places where once before they had drinking water in their wells, but their wells are going dry, because people are blasting and the mining is destroying well water. There's not enough inspectors to monitor what's going on. As the coal companies get more space aged technology, they need fewer workers, so coal jobs are on the decline, coal profits are up. They have fewer workers because they have fewer workers to compensate and pay. One of the few resources that this area has that's more than any other part of the country is its water. We have more water in the streams here draining than anywhere, but if we destroy our water, companies that come into this area won't even have water to use with their companies, and, so, you know, it's pretty important that when coal leaves here that we have a good

supply of water. It's also important that when coal companies leave here that we don't look like Mars or someplace, you know, our hills destroyed, our lands polluted with all this mining waste and so forth, so I'm going to say again, I am opposed to this new law.

MR. BEAM: Mr. Oliver, thank you very much. Our next speaker is Dan Kash, and Randy Wilson, if you'll please take the ready chair.

DAN KASH

Thank you. My name is Danny Kash. I'm from Ashland, Kentucky, and I want to say first before I begin my remarks, that part of this meeting is geared toward the EPA, who I know are important people. Tonight, people are gathered here in Hazard, Kentucky, as well as in Washington, D.C., Charleston, West Virginia, Reading, Pennsylvania, and Harriman, Tennessee. We, for the most part, are ordinary, decent citizens, who are against doing away with the stream buffer zone rules, one of the key components of the Surface Mining Control and Reclamation Act. They think they are empowered, people who that enjoy by the coal industry, but this is not the case. They believe their voices and what they have to say tonight will

mean something, but they are wrong. They feel that the government is in place to protect them, not the coal industry, but, again, they are wrong.

I say these things because this rule change is a done deal and they know it. For those unfortunates who have to live around a mountaintop removal job, there is tyranny, even though they live in homes with cracked foundations, sagging walls, ruined wells and the like, caused by mountaintop removal coal mining, there is no peace. No matter where they turn, no matter who they turn to in government for help, they are simply shuffled back and forth from one agency to another, until they finally give up. This is tyranny, the real thing. A suspension of democracy for the life of the mines.

As far as EPA is concerned, burying our streams under millions of tons of spoil is seriously affecting our environment. What could be worse for our environment than mountaintop removal strip mining, and the death of our streams.

As for OSM and the other agencies involved, there is a bias, of course, especially in OSM, where just about anything goes. Even though this agency exists to oversee the state's efforts in reclaiming our strip mine land. Every single person on this stage knows full well that

ruining our streams forever is wrong-headed, stupid, and insane. Look into your hearts OSM, and say this rule change is wrong, and that I'm not in the environmental destruction business, but the protection business. OSM, do the job your charter calls for. You have a clear mandate to limit the effects of the strip mining by doing away -- by doing away with the stream buffer zone rule, sends you clearly in the other direction.

If only a few of you take a high road, your actions will make a difference now and in the future. At least you can go to bed with your character intact.

MR. BEAM: Thank you Mr. Kash. Our next speaker is Mr. Randy Wilson, and Mr. Charles Howard, please take the ready seat.

RANDY WILSON

My name is Randy Wilson. I live on Sugar Creek in Clay County. All my neighbors are miners and retired miners, and my preacher that works on the strip job, a good preacher, the greatest speaker in the world. My dad, he sold our birthright to mining to go to college. There's nothing left up there anymore. The mountain is gone, the trees are gone, the creek oozes yellow. My dad is a good

guy, he just didn't understand. Our water, you know, our well water, we can't drink it, our dogs won't drink it. They're good dogs. We can wash, you know, with water, when it's good weather.

The buffer zone, there is no damn buffer zone. There is no buffer zone. It effects, it's entangled in all our lives here in the mountains. There's no buffer to it, and it's a shame that good people, good hard working people like my neighbors and my father and all my kin who have long since moved off, it's a shame that we all seem to be entangled in an economy that is fighting to the destruction of its own nest. That's a shame.

I've been to these kind of hearings for the last twenty years. It's the same thing. It's like going to a wake, to a funeral, you look down at the mountains -- you don't need to be a scientist, you know, you look down at the body of the mountains and you say, "Doesn't it look good, it's so peaceful lying there." Every year I come to these hearings and it's the same thing. Ten years and what effect on our people in our county, we've lost the economic effect, and all my kin, they've moved off, there's nothing left for them there after it's been mined, and in Leslie County itself, in the last five years, we've lost a whole school. So there is not a great migration of people to our

area to enjoy this boom, economic boom here. When it's gone, you can't send your family up to graze on any of those mountaintops. They will be leaving as well.

So, you know, I wish we could just be honest and say we are the sacrificial victim, we are the sacrifice here, it's your own lives, our streams, our mountains, and our lives, we are the sacrifice. You know, I could stand the honesty, that honesty, that means. Now, they can troop out as many letters and figures and scientific data as they can, and as they want to, but you don't have to be a scientist, if you've lived here in the last few years, to know that there is destruction going on every day.

But, because there are no options, there's no options to turn on the electric lights, there's no options for the economy, to find jobs, because of that, we have to repeat the mantra every day where I live, my neighbors, and destruction is good. More destruction is better. All science, all politics, all the economics, all have to bow down before that premise.

And now, my good friends in OSM, I ask you will you bow down too?

MR. BEAM: Mr. Wilson, thank you very much. Our

next speaker is Mr. Charles Howard, and will Mr. Terry Blanton please take the ready chair.

CHARLES HOWARD

Hello. My name is Charles Howard. I live on the Middle Fork of Masons Creek. It is a subsidiary of the North Fork of the Kentucky River. I am very concerned with your proposals in changing the stream buffer zone because I believe by doing so you are destroying our future.

My dad grew up in these hills. He is dead and gone now. He has told me on several occasions of how he used to go and play in the creeks and be able to go to the different creeks and be able to swim. The very creek that he took me to to show me where he once played is no longer there. It is dry. The mining that was performed in the area actually dried the creek up.

Now, and I, you know, I believe that the coal companies already has a two sided law with them. You know, they tell us that, you know, they have a law out there for them. And when it comes down to them following the law, they don't have to do so. They do as they want and how they want. You know, we have a very large problem because there is no enforcing their law because really they have no

law.

I have been fighting with the coal companies for several years. I came from the north and I knew nothing of the mining area. Since I have been down here, I used my whole life savings to build my family a home and bought property and it is now destroyed to where possibly within the next few years, it will be condemned and I won't have that no more. I can't pass that on to my children as what my dad wanted to do for me, which he couldn't do because it was taken from him also.

You know, the problem is, you know, it opened my mind when I went down the road and thinking that it was just my problem and I started seeing the bigger picture when it was in my neighbors' yards also. And in my friends' and family and then in people that I didn't even know is living with the same problem that I am living with. And it just opened my eyes up to the large picture that there is really nothing that we have been able to accomplish in fighting this and to holding to our own heritage.

You know, our ancestors did leave us with a way of life that was easier and a heritage that we should all be proud of, which I am proud of my heritage. You know, and when they do take the, you know, clean air act, the clean

water act, and the, you know, buffer zone away, what will be left for our children? I find that there will be nothing left for our children. You know, we have given them false promise that we would leave to them, you know, what was ours. But if it's taken from us, then we don't have anything to leave for them.

You know, and, you know, further, you know, the State Division of Water has listed these streams as a first priority and are in the most need of being cleaned up. All of these streams have been polluted by resource extraction, mining, logging, or oil and gas drilling. It is -- it is dangerous to swim in these streams or they will not support life. And, in some cases, both. And that, you know, three of them are the Roaring Punch Creek in South Fork of Cumberland River in McCreary County; Rines Creek of Jellico Creek in McCreary and Whitley Counties; Stony Fork of Straight Creek in Bell County. I thank you.

MR. BEAM: Mr. Howard, thank you. Our next speaker will be Terry Blanton, and will Patsy Amburgey please take our ready seat.

TERRY BLANTON

Hi. My name is Terry Blanton and I live on Silver Creek. This is the creek I grew up on. It's called Ewen Creek. It now runs orange with acid mine drainage. I am here to urge OSM to maintain the current stream buffer zone and excess spoil disposal rule and to simply enforce existing regulations.

The Surface Mine Control and Reclamation Act of 1977 are to protect society and the environment from the adverse effects of surface coal mining operations and to assure that surface coal mining operations are conducted to protect the environment. The law further states that mining operations must minimize disturbances to the prevailing hydrologic balance at the mine site and minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values.

Allowing coal companies to mine in streams, to bury miles of streams with millions of tons of waste, to destroy all aquatic life and adversely impact the health of waterways downstream clearly is not consistent with the law. It is not necessary to dump mining waste into streams and valleys. It is only more convenient and more profitable for the coal companies.

This is not about jobs. One could argue mountain top

removal or what I refer to as bomb and bury even eliminates jobs. This issue is not about allowing any certain type of mining practice to continue. It is about corporate greed and the Bush administration's support of energy company profits at all costs.

The focus of the U.S. Office of Surface Mining should be on enforcing the law, not changing the law to accommodate the coal industry's lawlessness. Failing to enforce the law and then attempting to change the law to make it consistent with practice shows disrespect for Congress, our system of government, and the people and the communities the law is designed to protect.

Healthy streams are essential to healthy communities. Valley fills destroy streams and harms lives downstream. In fact, the federal government has found selenium only in coal field streams below valley fills. Selenium is a metheloid that according to the EPA can be highly toxic to aquatic life, even at relatively low concentrations. Amphibians and other aquatic life forms, including fish, in impacted areas in downstream of valley fills are being harmed or killed, changing the entire native species balance in Appalachia.

Streams and impacted watersheds have higher base flows

and are subjected to higher runoff rates during larger rainfall events. Both of these facts contribute to the increased frequency and severity of flooding in Appalachia and the loss of life and property in our communities due to flash flooding.

Eliminating the rule would violate the Clean Water Act. The primary goal of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Destroying a stream clearly violates the nation's goal of protecting our streams.

I also have with me and want to enter as of record copies of a hundred and fifty letters that sixth and seventh graders at Foley Middle School in Madison County wrote to the President about the importance as they see it of the stream buffer zone. They at this young age realize the importance of headwater streams and the effect that it has on their drinking water source from the Kentucky River. After all, it does seem a little elementary that to change the formation of a stream from a once alive running through a forest land now into a stream running rapidly through rocks, land that once contained the most diverse hardwoods into a barren land of swell. That's your word, swell.

Land that no longer has the plant life to filter the water, but instead washed the top into the streams, creeks, rivers, and lakes of Kentucky.

We can only listen to the words of Dr. Alice Jones of Eastern Kentucky University when she says sedimentation and siltation from resource extraction in the upper regions of the Kentucky River is a silent polluter that is wreaking havoc on the River's ecosystems.

And according to the 2002 list of impaired waters issued by the Division of Water, siltation and providity, cloudiness from suspended materials, from resource extraction is the major pollutant source for the majority of the listed eastern Kentucky tributaries. Water is our life's blood. It is our way of living. Yet it is being muddied and buried for the profits of a few.

In closing, I reiterate my statement for clarity. We urge OSM to maintain the current stream buffer zone and excess spoil rule and simply, but most of all, enforce existing regulations.

I also, like the other fellow, have a list of impaired streams. All of these streams have been polluted by resource extraction, mining, logging, or oil and gas drilling. It is dangerous to swim in these streams or they

will not support life and, in some cases, both. Laurel River of the Cumberland River, Left Fork of Straight Creek, Marsh Creek of Cumberland River. Thank you.

MR. BEAM: Thank you, Ms. Blanton. Our next speaker will be Patty Amburgey, and will Ruth Coburn please take the ready seat.

PATTY AMBURGEY

Good evening. My name is Patty Amburgey. Just a second. My name is Patty Amburgey and I live on Whitaker Branch, which leads into Rockhouse Creek of Letcher County and from that into the North Fork and the Kentucky River. This is just three areas that I am listing to you. In my area this would be three waterways that would be affected and changed by the loss of the buffer zone.

Why I'm here tonight, there's three reasons, simply three reasons. I have listened to the people here talk about the future. What future? Our future is our children. Number one, our children. Number two, their future. Number three, most of all, our water. Number one, children. We need water to live in the hills of Kentucky. Yet over three thousand miles of stream in the Appalachians

alone has been buried and gone by strip mining. This is a shame.

Number two, the future. What is our future? That's our children. Future. What is a future without water for our children? We need water to drink and air to breathe. Yet our air and our water is being polluted by the strip mines.

Number three, water. What is something you can't live without? My mother always said "you don't miss your water until your well goes dry". Well, the wells are going dry and the streams are drying up, and every day due to strip jobbing.

The Federal Strip Mine Law, the Federal Strip Mine Law currently prohibits strip mining or mining activities within one hundred feet of a stream. I am here to ask to keep the buffer zone law in effect and save what's left of water that we have for our future, our future, our children. This is a small thing to ask. Let's unite and send the Bush administration a message. Keep the buffer zone. We need -- we need to as adults to stand up and be accountable and take responsibilities for our actions. Save our water. That's all.

I also have something here of water that has been

destroyed. And it says the State Division of Water has listed this stream as a first priority. That means first priority. That means something has happened and something is wrong. And the most to be cleaned up of the streams and it is from mining, logging, oil and gas and drilling. It is dangerous to swim in, this stream. And it doesn't even support life of fish or anything. These streams are Spring Fork of Quicksand Creek in Breathitt County, Grapevine Creek of North Fork Kentucky River in Perry County, Quicksand Creek of North Fork Creek in Breathitt County.

I feel to me these streams are dead. How many more do we have to let die before someone stands up to take action tonight? Thank you.

MR. BEAM: Thank you, Ms. Amburgey. Our next speaker will be Ruth Colvin and would Patty Wallace please take the ready chair.

RUTH COLVIN

Good evening. My name is Ruth Colvin and I'm from Louisa, Lawrence County, and I live on the -- the Big Sandy River. And when we lost our water for a long time due to the Martin County spill, we really appreciated what water

was when we got it back, let me tell you. And I'm very concerned with your proposals to change the stream buffer zone and I'm opposed to damaging our streams, water, and I'm opposed to your suggested changes. I do want the Office of Surface Mining to protect the water, protect the streams, protect our communities, and we need to strengthen our laws and not weaken them.

And we all have a list of streams that have just about bit the bucket. And my streams are Beaver Creek of Levisa Fork in Lawrence County, my home. The Levisa Fork of the Big Sandy River in Pike County, my former home. And the Newcomb Creek of Little Sandy River in Elliott County. Thank you.

MR. BEAM: Ms. Colvin, thank you. Patty Wallace is our next speaker and the next speaker will be Amanda Moore.

PATTY WALLACE

My name is Patty Wallace and I live where the Tug and the Levisa meet to form the Big Sandy River. And when we had the first -- the worst environmental disaster ever to occur in the southeast, the slurry pond disaster in Martin

County, the water in Louisa, although we were -- our water plant was back up the Levisa Fork and should not have been affected, there was a fault and the water from the Tug River came through under the hills there and got above the water plant. Fortunately, I was on a well. But my neighbor Ruth here across the road was on city water. They had to string, Martin County Coal, we let them put a pipe three-fourths of a mile at least over some property that we owned in order to get clean water above the point where the fault was. So that was a major disaster. They were hauling in water. And, as Ruth said, it was a big problem.

The Tug Fork of the Big Sandy is one of those that is considered first priority. Also the Rockhouse Creek of the North Fork of the Kentucky River in Letcher County, and Troublesome Creek of the North Fork of the Kentucky River in Breathitt, Perry and Knott Counties. All of these are heavily impacted and polluted by resource extraction, mining, logging, oil and gas.

The proposed rule to weaken the stream buffer zone, the Bush administration has proposed clarifying, that's a catchy little word, the stream buffer zone rules. The proposed changes will legalize. The illegal coal companies will be given free rein to destroy streams and fill valleys

with hundreds of millions of tons of mine waste. And, as Judge Hayden ruled in West Virginia, you don't have a stream. When you fill it full of this debris, it's gone. There is no longer. So that's why he ruled that we were breaking the Clean Water Act when we allowed that to happen.

The current stream buffer zone rule protects streams from valley fills, as it is now if it's enforced. The Federal Surface Mining Laws mantra currently prohibits surface mining or mining activities within a hundred feet of perennial or intermittent streams unless the government finds that the mining, get this, won't adversely affect the water quality or quantity. Filling an entire stream with waste, as is done in mountain top removal, is a violation of this rule. But the Bush administration won't enforce it.

So, the Bush administration has decided to change the rule instead of following it. The proposed rule would allow companies to mine next to or through streams if they can show whatever the damage that the mining operations won't increase suspended solids within a hundred feet downstream, and will minimize the destruction of fish and wildlife "to the extent possible". This is a non

enforceable standard that means nothing.

Ignoring public comments -- ignoring public comments and listening to big coal, the Office of Surface Mining director, Jeff Jarrett, proposed this change weeks before the comment period ended on the mountain top removal draft environmental impact statement, which addressed changing the stream buffer zone rule. OSM totally disregarded the over eighty thousand people who sent in comments. And so when we were up here the last time making our talks, it was -- it was a done deal. As Dan said, it was already settled, you know. We wasted our time getting up here, giving our opinions, because they weren't listening. They had already decided.

I want to read a little quote that was in the Courier Journal. "The Bush administration has proposed a rule that will make it far easier for coal operators to savage Appalachian Mountains at will. The new regulation will be a Godsend for so called mountain top removal. A euphemism for scraping the peaks off and dumping them into the valleys below, often destroying water courses. Over the past fifteen years seven hundred and twenty-four miles of streams have been subjected to this mistreatment in the Appalachian coal fields in Kentucky, West Virginia,

Virginia and Tennessee. Instead of making operators protect the land within a hundred feet of waterways, the rule would require them only to prevent damage to the extent possible using the best technology currently available. Coal operators could easily push one of their monster draglines through weasel words like those and they will."

And I would like to say that we need to tell President Bush to buzz off the buffer zone and to remember Ghandi, remember Ghandi said to be the change you want to see in the world. We have -- we have spoken. I mean I have traveled these mountains with my husband in construction work and road building, and even strip mining, for years. I have lived in all these counties. And I have watched. You can tell by looking at me I've been around. But I have watched them piece by piece haul it off. And I have been up on Pine Mountain with my Girl Scout troop and saw them so moved by that beautiful view and then we went down and we talked to Harry Caudill and he spoke to them and he told them how precious these mountains were. And that was in the -- that was the late sixties or the early seventies, seventies, I guess. And they were so incensed that they wrote to Carl Perkins. They wrote about the Red River

Gorge, the dam on that. And we -- they -- they were just so inspired by that and to watch this happen. And as we set there, we were at a coal company cabin. But we could look out on the porch and see that vista. And now it's changed a lot. Of course, when we see these programs like -- what was that Kentucky program on KET and Pine Mountain that showed you how beautiful it was? Noticeably, they did not show the mountain top removal scenes.

But, folks, we have got to save it because that's -- that's all we have left. We have our beauty. We have our rivers. And is that what we're going to leave our kids, just a moonscape? And I'd cry if it would help. But it won't. But all we can do is just keep trying, keep plugging, and as Dan says, you know, it's probably a lost cause. But, you know what? We can say to our grandchildren "we tried". And you -- all you have to do is fly over this place. You fly over and you can't believe it, the destruction. And all you see is dirt in every direction. And the people in the valleys have no clue because they can't see it. And they are not allowed up there. Coal companies don't allow them up there. But if everyone could fly over, it would just tear your heart out. Thanks.

MR. BEAM: Ms. Wallace, thank you very much. Our next speaker will be Amanda Moore, and would Bill Marcum please take the ready seat.

AMANDA MOORE

Thank you. Good evening. My name is Amanda Moore. I'm an attorney with the Appalachian Citizens Law Center of Prestonsburg, Kentucky. We represent coal field citizens on various coal related issues, including environmental issues. We also represent miners once they become disabled and apply for black lung benefits and we represent miners who are retaliated against at work for complaining of unsafe work conditions.

My comments tonight are going to follow up on the written comments I have already submitted on behalf of the Law Center to OSM. I just want to reiterate a couple of points from that tonight. The Law Center is opposed to this rule change for several reasons. But, before I get into the substance of that, I want to talk a little bit, as Patty did, about the timing of this proposal.

Last summer the Bush administration released a very large problematic environmental impact statement on mountain top mining and valley fills. Part of that, they

called it an EIS. Part of that included different alternatives that the administration could take to address the problems caused by mountain top mining. This stream buffer zone proposed rule was part of those alternatives. That was one of the alternatives.

Now, there is a law called the National Environmental Policy Act, NEPA. NEPA's purpose is for the public to have a voice in environmental decision making. Part of that is like what you are seeing here tonight. The public can come and state how it feels. No matter how it feels, you have the right to say that. And the agencies are required to consider those comments and then make a decision.

Interestingly, though, the comment period on this environmental impact statement, which included this rule, the comment period, as Patty said, ended in late January of this year. However, OSM proposed this rule, which was part of that, on January 7th, weeks before the comment period was even closed on the EIS. This flies in the face of the purpose of NEPA, which is public participation and considered environmental decision making by the government.

Now, moving on to some aspects of the substance of this proposed rule change. The stated purpose of the proposed change is to clarify the conditions under which a

stream buffer zone waiver may be granted. But the proposal does not clarify the standard so much as it decimates it. It is true that this SMACRA of the Surface Mining Law does allow waivers from the stream buffer zone rule. But those waivers are to be granted only when the stream and water quality will not be harmed by granting the waiver. But the proposed changes to this rule weaken that standard and turn it on its head and moves away from the environmental protection purpose of SMACRA.

Essentially, this proposed rule is a reaction to a federal court determination that OSM and industry practices are illegal. But rather than enforce the law to protect communities and their environment, OSM is changing the law to prevent any harm to the coal industry. OSM should not change the law and weaken headwater protections just to ensure that its practice of granting extreme buffer zone waivers actually complies with the law.

The Appalachian Citizens Law Center strongly encourages OSM to abandon this proposed rule change and to maintain and enforce the existing stream buffer zone rule. Thank you.

MR. BEAM: Thank you, Ms. Moore. Our next

speaker will be Bill Marcum and will Paul Mattney please take the ready chair.

BILL MARCUM

Thank you. I'm Bill Marcum with the Kentucky Coal Association. We support this rule making and we have submitted tonight written comments and I just want to highlight for public record. We support the rule making as an improvement over existing regulations. We believe that level land is needed for development. Minimizing excess spoil to the maximum extent possible should not be taken so far as to preclude leaving landowners with flat developable property. We believe economics is important. The requirement to minimize fill should take into account what is economically and technologically doable. Twenty-seven years of enforcement is important. The new rule should not be interpreted in such a way as to prohibit practices allowed under the old rules.

Clearing up misunderstandings is important. We support the deletion of language which reference state or federal water quality standards. In the past this language contributed to a misunderstanding of the stream buffer zone rule. And that misunderstanding led to expensive and

unnecessary litigation.

OSM should not redefine streams based on studies conducted by other agencies. OSM should apply its own definition to fill and to streams. Thank you.

MR. BEAM: Mr. Marcum. Paul Mattney will be our next speaker and would Bob Zink, I'm sorry if I mispronounce your all's names, but Bob Zink will be our next speaker.

PAUL MATTNEY

My name is Paul Mattney. I'm director of personnel for Teco Coal Corporation. I grew up in Pike County, Kentucky, off the foot of Pine Mountain, Elkhorn Creek. Let me declare unto you that Elkhorn Creek is cleaner today than it was when I grew up. Let me declare unto you that if it wouldn't for the straight pipes, I wouldn't have any problem swimming in Elkhorn Creek today. Most of the pollution in eastern Kentucky on the streams where they are unfit to swim in has to do with e coli and straight pipes.

I have something else before I get into what I really want to say. But I have another item that really I feel very strongly about and that's illegal garbage dumps. I

really believe that in eastern Kentucky a large part of the reason -- and let's say that it is, I'm a native son, Pike County. Our forefathers, our parents, our grandfathers, our grandparents took garbage to the head of the hollow and let the water seep through lead acid storage batteries, solids, and all of this, and leech into the water supply. I'm not say I can prove it. I really believe it has a lot to do with the reason we have high cancer rates in eastern Kentucky. Okay. We need to clean all of that up.

Now, having said that, I want to speak on behalf of over two thousand families whose livelihoods depend on Teco Coal operations. I also want to speak for the many hundreds of thousands of small individual property owners who receive royalty checks from the mining of coal on their property. I own property in Pike County. You know, we are blessed to live in a wonderful country where if you have property or you own property, if you wish to have it surface mined, you should have that right. We should have that right to provide for our sons and daughters to send them through college. We should have that -- that right in Kentucky and in the United States, if we so choose.

You know, we have a surface mining operation. We have surface jobs that we mined fifteen years ago in Whitley

County. And there have been some groups do water sampling on those post -- on those post mining jobs that were mined fifteen years ago. The water quality on those jobs is better than it was when the water was sampled before we mined it. I believe OSM even did some, and I'm thinking black sided day studies, and actually at one time precluded us from continuing in the surface job because of that.

By the way, the populations of those are much higher now. But you'll never hear anybody mention them. But they are actually much higher in the areas where the mining occurred in those streams.

And I do want to correct one thing I heard somebody say. Because I'm also very personally familiar with the Tug Fork. I lived in Phelps for several years. Let me tell you there is some of the best small mouth fishing in the Tug Fork from Delorum upriver of anywhere that I know of. I know people that come in from out of state and people where you think their water is pristine to come in because they have wonderful small mouth bass fishing.

But I do want to say -- mention a couple of things. We need jobs in eastern Kentucky. We need development in eastern Kentucky. I am personally familiar with Raven Rock Development Company and Raven Rock Golf Course. We have an

eighteen hole golf course at Jenkins, Kentucky, and we are starting to do housing development around the golf course. It will be a beautiful community there at Jenkins. Of course, if you look from where the golf course is and look right over there, of course the golf course sets on one of our surface mining jobs. The housing development will set on one of our surface mining jobs. And if you look right across from it, you will see the Gateway Regional Industrial Development Park. We need to do more of those. We need jobs in eastern Kentucky. We don't need to discourage those. It's the only way.

You know, we differ a little bit in that we think the future -- we have different visions of the future. But without enough jobs, we will not have jobs for our kids and our kids won't be here.

And I'm also familiar with one of our surface jobs. We are -- we do have a surface job where the coal seams, none of them are more than twenty-two or twenty-three inches. Now when people say there are alternate ways to mine a block of coal reserves, let me tell you that without surface mining that block of coal reserves, it's not going to be mined. The people who we are paying royalties to that own the surface on that and that own the coal would

not get those. The families that we have that earn their livelihood from that job, my friends and neighbors, some of my relatives, a lot of other people, people I went to school with, their sons and daughters, their livelihoods depend on that job.

We need -- we need to work hand in hand to find a solution. I am in favor. But we need to find solutions so that we allow surface mining so we have the jobs. We allow economic development. We find ways to utilize the property. In Hazard, if you look, if you take away the development in the City of Hazard that sets on surface mined land, you take away eighty percent of the town of Hazard. We need to find ways to utilize those things instead of discouraging them. Thank you.

MR. BEAM: Thank you, Mr. Mattney. Our next speaker will be Bob Zink and would David Cooper come to the ready chair.

BOB ZINK

My name is Bob Zink. I work for Teco Coal. I'm vice-president of operations. Paul reiterated both of the points I wanted to say. We have just over two thousand

families that we support through our mining operations. You know, we all need to work together in order to solve problems. We don't need to be adversarial, because if these two thousand families don't have a job, they are going to leave the area. If that's what you want for your community, so be it. So I just want to say I support the rule changes. I don't want to say anything else.

MR. BEAM: Mr. Zink, thank you very much. Mr. David Cooper is the next speaker and then Damon Morgan will be our next speaker.

DAVID COOPER

My name is Dave Cooper. I'm a member of Kentuckians For The Commonwealth. But tonight I am actually here representing the forty-five hundred members of the Cumberland Chapter of the Sierra Club. The Sierra Club is a national grass roots environmental organization. We have over seven hundred thousand members. We do grass roots advocacy on behalf of the environment. We also offer backpacking trips, hiking trips, canoeing trips, bicycle trips, throughout the Commonwealth of Kentucky, across America, and internationally as well. Many of our members

are also hunters and fishermen.

The OSM proposal to allow coal mining companies to dump waste into our streams will have an adverse impact on the water quality of the streams of Kentucky. This will make our streams less fishable, because it will bury the headwater streams. These headwater streams give life to millions of tiny aquatic organisms. These organisms are called leaf shredders. They are things like hellgrammites, which some people call grampus; catesquine nymph, damsel fly nymphs, and so on. These small organisms take the leaves and convert them into protein. The fish eat these small nymphs and that's how you get fish in a river. You can't have fish in a river unless you have smaller things for them to eat. Kind of like the plankton in the ocean. If you remove the plankton from the ocean, pretty soon you are going to have a dead ocean. If you remove the leaf shredders from our headwater mountain streams, pretty soon you are going to have a dead stream.

Judge Charles Hayden, late Judge Charles Hayden of West Virginia, understood this because he was a fisherman and he went when Kentuckians For The Commonwealth brought their lawsuit saying that mountain top removal valley fills violated the Clean Water Act, Judge Hayden met with

freshwater biologists who showed him these leaf shredders and explained to him. So that's one of the reasons why Judge Hayden ruled that mountain top removal valley fills are a clear violation of the Clean Water Act and are extremely destructive to the water quality of mountain streams. When you kill the stream, you are killing our future economy here in eastern Kentucky. Coal is not going to last forever. After the coal runs out, what are we going to have left?

Business publications, like Fortune Magazine, are saying that clean fresh water is going to be the next oil. So we have a tremendous amount of fresh water here in the State of Kentucky. Are we going to save it for our future economy, for our kids, to provide jobs for people here in eastern Kentucky, or are we going to bury it for the convenience of coal mining companies? If we are smart, we are going to protect our headwater mountain streams and provide for the future of our children.

I am really glad to follow a couple of speakers from Teco Coal. I've got a few things to say about jobs and the economy of eastern Kentucky. Two weeks ago I went and visited Asheville, North Carolina. If anyone has ever been there, they will know that it is a beautiful thriving city.

It has a very good economy bursting at the seams. People are moving there. All kinds of new businesses, all kinds of new restaurants, music, live music, whatever you want. Why are people flocking to Asheville, North Carolina? Because it has beautiful mountains and beautiful streams. It is very important for people. They want to live in a place that's beautiful. They don't want to live in New Jersey anymore. They don't want to live in Newark. They want to live somewhere where the air is clean and where they have beautiful mountains and beautiful streams. That's how you build the economy. You don't do it by wracking the environment. That makes people want to leave.

Now, I have been traveling across America for the last six months giving presentations about mountain top removal and what its impacts are on the environment and the people and the culture of southern West Virginia and eastern Kentucky. And I have been finishing my talks with a letter that is written by a man named Granville Burke, and I would like to read this letter. This appeared in the Kentuckians For The Commonwealth newsletter, Balancing The Scales.

"I lived at the head of Chopping Branch Road in McRoberts, Letcher County, Kentucky, with my wife, Debra, just beneath Teco Coal's mountain top removal strip mines.

Living beneath this mine has been a frightening experience. Teco set off explosives daily that would shake the entire house. I had to go underneath the house more than once to try and repair the damage to my foundation. The blasting was bad. But it was the floods of 2002 that destroyed us. My house and my son's are located just beneath one of Teco's valley fills. During the spring and summer of 2002 we experienced more than four flash floods that would leave rocks as big as a cow's head in our garden. We depend on canning and food from that garden to help us through the winter. One of the floods from Teco's valley fill caused a tree to fall on my dog house. Teco then tried to tell me that my dog house was on their property. These floods got up under my son's floor and the clay and mud shifted the posts under his house. One flood even washed out his tool shed, destroying his weedeater, kerosene heaters, and chainsaw, to name a few things. The worst fallout came on Christmas morning of 2002. My lovely wife decided that the challenges our family was facing were simply too great and she took her life that morning. She left eight letters describing how she loved us all, but that our burdens were getting just too much to bear. There were a lot of things that led to my wife taking her life. But Teco Coal's

aggravation was the straw that broke her will. She had begged for Teco to at least replace our garden. But they just turned their back on her. I look back now and think of all the things I wish I had done differently so that she might still be with us. But mostly I wish that Teco had never started mining above our home. Protection for families like ours is supposed to come from state and federal officials. But instead they look the other way as coal companies destroy entire communities for the sake of profit."

MR. BEAM: Thank you, Mr. Cooper. Damon Morgan is our next speaker and would Danny Delenger please take the ready chair.

DAMON MORGAN

My name is Damon Morgan. I'm from Leslie County, Kentucky in the head of Big Bad Creek. I've been a long time member of Kentuckians For The Commonwealth. We've heard some sad stories here tonight over what's happened to people as a result of coal mining. Well I was raised in a coal mining area and I am well aware of the damage that can be done by unregulated mining. We were raised back in the

head of Camp Creek, the Long Fork of Camp Creek, along beside of a creek. Beech trees and all kinds of timber grewed on each side of that creek. We raised hogs and chickens and they would eat beech nuts and acorns. And of course that was right next to the Huckleberry Ridge. We picked huckleberries from the Huckleberry Ridge and gathered herbs and hunted when I was growing up. We dug wild sallet and things for food. Now that Huckleberry Ridge is gone. That mountain -- that creek where we lived beside of where we raised our hogs for so long, the gentleman from the coal company said they didn't pollute that water. It's not polluted. It's just not there anymore. It's got about sixty feet of dirt over top of it.

I have been personally affected. I live across the mountain now on Bad Creek now by a coal mine. I've had two houses, both of them been damaged by blasting. And I just noticed yesterday right below my house the coal companies are clearing out a whole mountainside. Beautiful trees are laying on the ground. I guess they are going to strip that. I don't know what they're going to do with them trees, whether they'll burn them up or what.

But coal mining in eastern Kentucky, whoever says that it's going to be better for the people and communities and

get them to buy a story like that, you wouldn't have no problem at all selling the sky to them. After the damage that is done there, it's terrible. I -- we brought out -- we have -- the damage -- the next question is what can be done about it. What are we going to do about it? We need to do something about it. You hear an awful lot today about endangered animals and endangered plants. If this trend continues on as it is, us human beings are going to be on the endangered list. We live on a planet that's seventy-five percent or three-fourths water and less than one percent of that is fit to drink. A quart of water right now will cost you more than a gallon of milk would a few years ago. So what are we going to do? What are we going to do about it? We have met like this before and we've strategized and they are still polluting the water. They are taking out our coal and timber. So the question I have today -- tonight, what are we going to do about it? Thank you.

MR. BEAM: Thank you, Mr. Morgan. Danny Delenger will be our next speaker and would Edna Farley please take the ready chair.

DANNY DELENGER

Howdy, folks. I feel like I've been to about a million of these things over the past fifteen years of my life. And I understand that I can't ask these folks any questions. But I can ask you all a question because we are working on this together. How many of you all want to see these changes? How many people don't want to see these changes?

AUDIENCE MEMBER: I don't want to see these changes.

DANNY DELENGER: I don't want to see these changes. That's a fair part of the crowd here. You know, you talk about two thousand people who are employed by Teco Coal and I'll tell you what, you know, you three gentleman, and you, sir, they don't pay you enough to be the face of the lie. They don't pay you enough to come out and look at these people and be the face of the lie. They couldn't pay me enough to do it. I just don't know what to say. Every time I come to something like this, I'm just so disgusted with -- with the ability of people to look you in the face and lie. And there's a chain of command that goes all the way up to the top right now that has to do with lying. And these proposed changes came through the Bush administration

and they are lying to you. The media is lying to you outside of your small town papers where your letters to the editor can be seen and heard. And that's the place where -- and local government and in your local paper and in meeting amongst yourselves. Because what we're doing here is we are recognizing the people who say this is a lie and I will not stand for it and I will not have my future generations sacrifice for one generation of folks to send their kids to college so they can move out because there's nothing left. It's a lie. And talking to these folks means nothing. But talking amongst ourselves and meeting each other, there is power. There is power locally. There is power in joining together and not accepting it. And you folks, I very, very strongly suggest that you say your prayers and that you think about the stories of Judas Iscariot and Pontius Pilate. Thank you.

MR. BEAM: Thank you, Mr. Delenger. Edna Farley is our next speaker. Edna Farley is our next speaker and would Barney Riley please take the ready chair.

EDNA FARLEY

Hello. I'm Edna Farley and I am from Leslie County.

I live on Greasy Creek. And in our little community we have been in about for the last thirteen or fourteen years where our coal has been illegally mined. Our streams is destroyed. Our Greasy Creek in the late eighties, in the early eighties they wanted to make it a wild river. We didn't want them to. But now our river has sludge ponds running in it. Sometimes it's white. It looks like milk flowing. Sometimes it's black. And our children don't have nothing when we're gone, our timber is gone, our coal is gone, our water is gone. And why give them anymore of a hold on what our forefathers and our parents has left for us? Our young generation won't have nothing. And I think instead of giving them more opportunities to do worse, stand up and fight the battle and see what we can do to bring this to an end. I can wash my dishes. You can set a white bowl in my sink, you can turn the faucet on and in the bottom of the bowl, when the water comes through, is all kinds of little black pebbles of little pieces of coal in it. And I just wish that we could make things better. You know, God give us these rivers and these little streams, and these mountain tops and we don't want to see no more of them destroyed no more than what they already are. Thank you.

MR. BEAM: Ms. Farley, thank you very much. Barney Riley will be our next speaker and Harry Fields please have the ready chair.

BARNEY RILEY

Good evening. My name is, excuse me, my name is Barney Riley and I'm with the Dickenson County Citizens Committee from over in Clinchco, Virginia. The Dickenson County Citizens Committee is also a member, like KFTC, of the Citizens Coal Council. Our committee objects to and condemns the proposed new rules concerning mining and the placement of mine spoil within the buffer zone of perennial and intermittent streams. That's the reference at 30CFR816.57. That's the rule that covers it. We support maintaining the existing one hundred foot stream buffer zone. We feel it is the responsibility of OSM to enforce the protection of stream buffer zones, not contribute to their demise.

The machinations of OSM are just disingenuous and reflect an egregious attempt by the agency to subjugate their mandate to protect the public trust to the greed of the coal industry. Coal mining regulatory authority, both federal and state, are charged with the protection of

perennial and intermittent streams in our nation. They are further charged with the admonition to not let coal mining activities adversely affect the water quantity and quality or other environmental resources of those streams. Allowing valley fills and the placement of excess spoil that completely obliterates a stream surely has that adverse effect. Not only on the water itself, but all the other life forms that rely on that water, from mackerel invertebrates to humans. By continually ignoring the meaning and intent of the law, and by approving mountain top removal permits that destroy streams, the regulatory authorities themselves are criminally negligent and will one day be brought to justice.

The streams, rivers, and bays of this nation belong to the people. They are supposed to be held in trust for the people by the trustees, our government, under the Public Trust Doctrine. The Public Trust Doctrine dates back to the Roman Empire and was made part of English common law. It is part of the law in the original thirteen colonies and became part of the law of the several states at the ratification of our Constitution. Unfortunately, our federal and state coal mining regulatory authorities have proven themselves unworthy trustees. Under the Public

Trust Doctrine the water resources, water supply, and water quality are to be held in trust by our government. This means that the government is not to convey those resources to individuals or corporations or allow those resources to be degraded to the point that their value to their owners, the public, is reduced.

OSM actions in West Virginia are indicators of what you now propose for the rest of the nation's coal fields. You have approved mine permits that snuffed out supposedly protected streams. You have allowed hollow words from coal operators that mining had been designed to prevent stream or other environmental damages. You have allowed coal operators to cover their act of violence to America by claiming the best technological and economical practices were to be followed. You have been willingly duped. It is time that OSM remembered that it's not just a coal mining permitting agency, but a coal mining regulatory agency as well. You are there to protect as well as permit.

Our committee recommends suspension of consideration of the proposed new rules. They fly in the face of the primary purpose of SMACRA and the primary mission of OSM, the protection of America's environment and America's people from the ravages of irresponsible coal mining.

Thank you for this opportunity to comment.

MR. BEAM: Thank you, Mr. Riley. Our next speaker will be Harry Fields and would David Sanders please take the ready chair.

HARRY FIELDS

Thank you. I'm Harry Fields. I'm a mining engineer and I've been working for the mining coal and permitting since 1972. I fully support the bill for changes, clarification. When SMACRA was written in 1977, the intent was to have hollow fills and for mining, mountain top, stripping. And the clarification is needed. A lot of the people -- we are mining the resource that we need. Electricity in the United States, I think fifty-two percent of it is generated from coal. And we need to have the ability to mine this energy.

The Clean Water Act, everybody has talked about how the water is destroyed. I think that if you go down -- if you have ever fished in any of the ponds that are built below the hollow fills, a lot of them have -- if you put fish in them and the water is good in creeks below it. We control a lot of runoff that you normally wouldn't have.

We are monitored a lot heavier on water quality than most areas. So that runoff from the mines have to make the water quality standards that have been set by our government. And I think that, you know, a lot of people I'm sure will disagree with me. But I think the mountain top mining is needed. We need it for development.

All of our families -- one thing about mining, you can't mine a person's property without their written permission. So, obviously, the ones that have had their property mined have agreed with it. They have reaped the benefit. They have got the royalties from either the surface or coal or both. And that money stayed here at home. And this area, if we didn't have mining, most people wouldn't even live here. They would go to Lexington and Detroit or wherever because there wouldn't be any jobs here. So I want to restate that I support the clarification changes.

MR. BEAM: Thank you, Mr. Fields. David Sanders will be our next speaker and would Christina Wolf please take the ready chair.

DAVID SANDERS

My name is David Sanders. I work with Summit Engineering in Pikeville, Kentucky, my hometown. I've got an office here in Hazard. We have been located in this area for five years. We have been involved in surface mining activities and permitting activities during that time. I would like to say that I support the rules and I support the Kentucky Coal Association's position on the rules. And I would like to say at least for the record, all of us in this audience have one thing in common. Neither of us believe the Office of Surface Mining has given us a fair shake. But, with that regards, I have seen not so much the support of mountain top removal. I have seen the results of mountain top removal and its benefits to eastern Kentucky. And I have been personally involved in a number of post mining land use activities that I can recall within the last few years. There's been at least three industrial parks, been at least three residential subdivisions. There's been one slurry impoundment converted to a clear water lake and made as a recreational park. There has been at least two airports constructed, regional airports constructed on mountain top removal areas, the Pike County Regional Airport and the Big Sandy Regional Airport. I did not have any involvement in either