

of those activities. But those are results that can occur with mountain top removal mining. We have reviewed on a regular basis other mountain top sites for other development, residential areas, and numerous sites for industrial areas. And we continue to search for places that will give us something that will last beyond what coal mining does. We cannot stop one activity prevent another activity.

Reasonable minds can differ on reasonable things. I never wanted to prevent reasonable regulations for surface mining and I don't think anyone in this audience would object to reasonable regulations for surface mining. There is a difference between accepting those reasonable regulations and wanting to prohibit an activity. If you think about where your position is in regards to prohibition of activities and reasonably regulating, and I think you can work to a common good for everyone. I think these particular regulations with the excess spoil minimizations needs to be looked at from the standpoint of minimization, not elimination. And I think once we do that, it will allow for surface mining to continue in a reasonable proximity.

One of the things that I heard that is most troubling

was in a Courier Journal article was quoted. That in and of itself is troubling to me. But there was quoted over seven hundred and twenty-four miles of stream buried. The rest of the story was there was seven hundred and twenty-four miles of stream buried out of fifty-nine thousand miles of stream affected, 1.2 percent of the total streams in the mined area was affected. Now we start talking about what level of satisfaction are we looking at. Do we want 1.2 percent, 1.1 percent, 0.9 percent? Somewhere we need to recognize that if we as an industrial nation are going to go forward, we need to go forward with reasonable regulations that can be applied.

And the last point that I would like to make is that there be clear understanding of the rules of the buffer zone being implemented to within one hundred feet downstream of the last point of disturbance. I think the language as written is not clear enough and I think it can use a little better wording. Thank you very much.

MR. BEAM:

CHRISTINA WOLF

This is a letter. Dear Mr. Bush, Mr. Chaney, Ms.

Norton, Director of the OSM, I don't know that person's name, and you folks here. I came from Virginia today to Hazard to be at this hearing and I am hearing the same stories that I hear all across the country, from Virginia and West Virginia to Kentucky and Indiana, Montana and Oregon. People are saying, you all won't believe this, people are saying "our lives depend on a healthy environment". And already, Mr. Bush and the Bush administration, your sneaky behind-the-scenes piece by piece gutting of America's environmental laws is taking people's lives, their homes and homelands, their towns, their health. The impacts of your efforts are worst here in Appalachia. As far as I can tell, Mr. Bush, you don't care a whit about the people of Appalachia, just your big coal buddies and making more money for the few while the many lose their homes and homelands, their lives, their communities, their health and eventually, even if they work for the coal industry, they are going to lose their job.

Mountain top removal, industrial logging, oil and gas drilling, all the old extractive industries that you, Mr. Bush, are making so much happier these days are causing this damage to a healthy environment and to people's lives.

In my neck of the forest in Virginia's Blue Ridge the

impacts are less visible than a mountain top removal moonscape. But our forests and people suffer from mountain top removal and coal. The air pollution levels are killing our mountain forests. Hospital admissions for asthma are through the roof on hot summer days. And formerly healthy trout streams, they are not orange with acid mine drainage, but they are dead, too acidic to support life.

The folks that I work with through my job in Virginia Forest Watch in southwest Virginia fight ship mills that are built on old strip mines. The ship mills are taking their forests and leaving mountains bare so that flooding, erosion, polluted streams are the outcome. So why, Mr. Bush, do you make every effort to increase these problems? You are pushing as fast as you can to make it as easy as possible to flatten mountains, tear down diverse beautiful forests, kill rivers and streams, and pollute our clean air. Don't you understand that these things are irreplaceable? That coal and oil are not renewable resources on a human scale.

Now it gets a little messy. Mr. Bush, Mr. Chaney, Ms. Norton, OSM, and everyone, I believe that human communities and human attachments to our homelands are spiritual bonds. I think you and everyone else can understand that. And I

ask you, Mr. Bush, if you would please look within your hearts, and Mr. Chaney, and OSM, and see that our lives depend on a healthy environment. Your lives depend on a healthy environment. Continuing mountain top removal does not create a healthy environment. Keep the buffer zone rule, enforce it, and the other regulations and then take a big, big, big leap of faith and stop mountain top removal mining. And then come and take a walk with me. Come and take a walk with me into a national park on a high ozone day and we will have a good discussion. I think you have a lot to learn. Sincerely, Christina Wolf, Virginia Forest Watch. Thank you.

MR. BEAM: Thank you, Ms. Wolf. Our next speaker is Perrin de Jong.

MR. PERRIN DE JONG: I'll pronounce it for you. It's Perrin de Jong

MR. BEAM: Please do.

MR. PERRIN DE JONG: No need to try that again. A lot of people have a hard time with it. It's Perrin de Jong.

MR. BEAM: And our next speaker will be Cor de Jong.

MR. PERRIN DE JONG: Okay. Good deal.

PERRIN DE JONG

Well, it's good to be here. I am the coordinator for Kentucky Hardwood, which is a public lands advocacy organization here in Kentucky that advocates for protection and restoration of native forest ecosystems on public lands. That said, I want to step back for a second and say how good it is to be here tonight with all of you. This is a really exciting thing in a way. I know, as Patty mentioned before, you know, these things are often so much like wakes because the devastating reality and destruction of people's lives and streams and mountains and ecosystems that is the consequence of this practice that we are talking about here tonight.

But I do for a moment want to acknowledge how good it is to be able to come together in a room with other local residents of eastern Kentucky, other environmentalists, coal industry employees and executives, and whoever else may be in the room here, to exchange for a moment ideas, especially the folks who are here from the coal industry. It's really exciting to be here with you tonight because so often, I think, we look at each other through our web sites and through our quotes that we get in the paper and we can snicker and, you know, sort of make fun of each other's

positions and imagine what must be going through each other's heads. But it's good to hear it straight out of the horse's mouth. And I thank you for coming here to share your side of the story tonight and I hope that you might be able to take something away from what I have to say and what all these folks have come here to say tonight as well. So I hope it's a two way thing.

Democracy, though it seems to be on the way out, is a pretty good idea. So maybe one day we'll get there. But this is a good start and I do sort of feel sorry for you guys that you have to take the brunt of the -- all of this anger and angst and resentment for the agency and administration and agenda that you are here representing tonight because I know you don't make the decisions. But you are sent here by people who do make decisions who would rather not have to sit here and listen to all of this. Maybe they will get a summary of what we have to say tonight. Maybe one of their staff members will read it.

So I'm here representing public lands in Kentucky tonight. But, first and foremost, I want to reiterate and kind of hammer home this issue that's been brought up again and again tonight of the impact to water, Kentucky's waterways and what damage mountain top removal is doing to

those. And while I'm just devastated to hear the stories of people's wells drying up and people's foundations cracking, and people's streams drying up, you know, where did the water -- where did the streams go? Like wow! Does that not just kind of make your head spin for a second? The streams are gone. The bed is there, but the water is gone. Well, it's going down into the mine, I guess.

But while that reality of people here -- living here in eastern Kentucky is just a stain on my conscience and a stain on my soul, the reality of what you are living through so that we can keep the lights on in Lexington, where I live. I want to point out that these water impacts are not isolated to eastern Kentucky. In Lexington, the second largest metropolitan area in Kentucky, we draw the majority of our water from the Kentucky River. And, of course, much of the water from eastern Kentucky is draining into the various forks and then the main stream of Kentucky River where we pull our water from. It's too bad that we can't drink the water in Lexington, you know. How many -- how many decades ago was it that people would have laughed at you if you had told them that they would be buying bottled water, like Dan said, you know. Why do we have to buy bottled water? Doesn't it seem like certain things

should be free, right? Air, water. Like didn't that kind of blow your mind the first time you saw air for sale, you know, and water too. Like it wasn't even that long ago, you know, that we could drink the water. Well, it's kind of a sad state of affairs when only the people with the economic resources to drink clean water can drink clean water. That's a reality in eastern Kentucky as well as Lexington. Who can afford clean water? Who can afford good health? It shouldn't come down to that, folks. Like there's some things that the government should make sure everybody has a chance at. Two of those things are clean air and clean water.

So I just want to hammer home that water is I think the preeminent issue at stake here. Water is going to be the preeminent ecological issue that all of us are going to be dealing with as soon as coal and oil run out, which is not too far on the horizon from a reasonable economic perspective for the energy industries, that will recede as the preeminent environmental issue and water is going to be the big thing. I believe it was Daniel that said, you know, less than one percent of the water on the earth is fit to drink and that cut of the pie is shrinking. That's a cause for concern when you consider that people are

already fighting wars in other parts of the world to decide who is going to get the water.

So, public lands, what does all this have to do with public lands? Well, on Buckhorn Lake, which is not far away from here, the forest service just entered into a land exchange with Leslie Resources Coal Company to trade away a tract of land that's on Buckhorn -- just above Buckhorn Lake, a popular recreation destination there, so that they could mine it by mountain top removal and unlock a vast area of land past the former forest service land and be able to mine that all the way up to within the watershed of the lake, burying over a mile of the stream and dumping five hundred and ninety tons of sediment into the Middle Fork of the Kentucky River right there on Buckhorn Lake. And that's just according to agency estimates.

So public lands don't often get mined by mountain top removal. But I'm bringing this up to make the point that nowhere is safe from this activity right now. The way things are and the way that the OSM or the way that all of these agencies are not enforcing the Clean Water Act and are not enforcing SMACRA that says you can't dump mining waste into the nation's waterways is insuring that nowhere is safe. And then you say well, you know, well at least

there's the federal lands, those will be still standing. Well, pieces of the forest service just got traded away for it. The park service enters into land exchanges with private entities as well. So recognize that nowhere on the face of this country is safe from this practice of demolition and destruction that is embodied in mountain top removal.

So when the gentleman from the Teco, I think it was, mentioned that without these valley fills we wouldn't be able to mine certain seams, as if that were a negative thing, I say that's a good thing. That's a good thing that we cannot mine everywhere.

Okay. I don't want to live on a moonscape. I can't afford to build myself a little rainforest bubble dome, okay. Right. And I know that there are those that will have that money to do that when the time comes. But I don't have that money and I've got to recognize that I'm on the short end of that stick, on the short end of that equation when that time comes around. So it's a good thing that there are places that, according to the law, can't be mined. But, unfortunately, the agencies are not enforcing the current law. So it's kind of wild at this point for the administration to be coming down and saying "well,

let's just change the law then". To me, that's like an organized crime unit calling up his buddy in the Senate and saying "hey, you know, look, we've got this whole racketeering thing going and we're gambling and we're doing bets and everything and we've got the, you know, the cops are coming and knocking on the door and they're -- we're kind of concerned they are about to break down the door, they're going to haul us off to jail, can you see something about changing that whole racketeering law, can you send a message up to the big guy in the White House and tell him, you know, it would be really nice if we could kind of get a little exemption so we can do a little extortion over here, like I mean we are doing extortion, but we just don't want to have to go to jail for it". Right. So that's -- it's insane. It's insane. And it's -- if you could call every violation of the law illegal, it's a crime. Unfortunately, under current standards, that's not considered a crime. But it is illegal activity. So what's being proposed here in this change is to legalize the illegal activity and make no mistake about it.

So many of these issues come down to subtle complexities that are hard to put into a sound bite. But, you know, the Black Side Dace was mentioned by one of the

coal representatives tonight, that it exists in the same areas where this mining is going on. Yes, exactly. And that's what's at stake. That's what -- what is to be lost. That threatened species, that little fish, the Black Side Dace that resides in so few of these eastern Kentucky streams, is at risk of being driven out and having its habitat destroyed by these valley fills. It's not proof that mining doesn't hurt Black Side Dace, it just means that there's something left to be saved. So let's save it.

Jobs, you know, I can only speak on behalf of public lands. But in 2002 the University of Tennessee public opinion poll that polled people within seventy-five miles of the Daniel Boone National Forest -- I'm sorry. I was just going off on the completely wrong line.

Jobs. In 1995 the USDA, Department of Agriculture, analysis indicated that seventy-four percent of the jobs that come off of public lands have to do with recreation, hunting, and fishing. And that leaves a pretty small slice of the pie to be divided up between timber and coal and oil and other forms of development in extractive activity. There's a lot more jobs in recreation coming off of public lands for sure. I can't speak for the private lands here. But, certainly, there is a long term economic future to be

taken advantage of when it comes to jobs and using the land in its intact state to generate jobs and economic activity.

The last thing I would like to comment on is a comment that was made tonight about reasonable regulations being allowed for the coal industry. It's -- you may say that changing this rule and this regulation would be a reasonable change, it would be a reasonable way to treat the coal industry on behalf of the public and the coal industry. But to that we say, and I say, the end product of that is an unreasonable cost. It's easy to get lost in the abstractions of these issues when you talk about things on paper and things on regulate, you know, what are the regulations. And well, there's only 1.2 percent of streams that are being destroyed. Well, when you get down to the reality of the streams people swam in as kids, turning orange and black and muddy. The wells that people have drunk from for generations not being able to be drunk from. The houses collapsing, foundations cracking, property being condemned, rare threatened species like the Black Side Dace having their very existence on the planet threatened to be taken away forever, I say that's an unreasonable cost. And I urge the Office of Surface Mining to hold in place the current regulations and, please, on behalf of the public,

start enforcing them.

MR. BEAM: Okay, ladies and gentlemen. Let's get started back again. Our next speaker is Cor de Jong. Again, I apologize if I mispronounced that. And our next speaker will be Mr. James B. Newman.

MR. COR DE JONG

You got it right. I'm thirsty right now and I didn't have a chance to stop for a bottle of water. I think I'm just going to go thirsty because I know what's in the water. Talking about creating better fishing. I think, all right, are you going to eat those fish? I'd like to have some fish worth eating, clean.

As far as jobs, it really seems like mountain top removal is going to employ a lot less miners than just about any other form of mining. And these blue collar jobs that it creates are temporary. I mean once the coal is gone, so are the jobs. They are not careers. When you destroy mountains, you know, you also destroy all the other jobs that wildlife creates like jobs in recreation, forestry, natural products.

It's not going to be a hundred years from now. It's

going to be in our lifetime that history is going to condemn people who destroy the environment. So if you think you are going to get away with this now, you know, you can look forward to that.

There's a sickness of greed in this country that people don't seem to see beyond the bundle of cash that they can get right now and it makes them blind to the horrors that they are committing on the way. The few who have the most, you know, seem like they still can't get enough. Cash spends, you know, and then it's gone. The same with mountains. The same with clean water and clean air. Once it's gone, it's not going to come back.

We once had a earthly paradise. Well we're in a race to plunder all the fast cash we can out of every corner of it and we're racing towards Hell on earth. If you all would rather live in Hell, it would be better if you just hurry up and get on down there and leave what's left of this earth to those of us who love it.

I really, really hope we can stop mountain top removal. In the present moment, let's not let these rule changes go through because it's a small little firewall against total destruction at this point. You know, we don't have much holding it back. We're doing a lot of

damage as it is with the few rules that we've got. They don't protect very much. They really need to tighten it all up. Thank you all for listening to me.

MR. BEAM: Thank you, Mr. de Jong. Our next speaker will be James B. Newman and would Randall Moon please take the ready seat.

JAMES B. NEWMAN

Thank you, folks, for providing the opportunity to be here. As I have listened to the different speakers, unfortunately, I began to think that my comments would get longer and longer. I meant to be pretty much to the point. I am here to support the clarification of the rule making. I want to be careful to tell you that I fully understand that it's a clarification. A lot of times we need the hype and rhetoric, and there's been a lot tonight that can give misleading views of a lot of things. It was with amusement that I noted the bottled water, the Water Aquafina. I buy bottled water for the convenience of having it in the bottle. I would want to mention the recent realization of Coca-Cola using city water and put it in a plastic bottle. I don't think putting it in a bottle does a lot to it.

I do have a vested interest in a lot of different ways in what's being discussed here tonight. I am a coal executive. I am president and CEO of the Elkhorn Coal Corporation. I am a civil engineer and I've been affiliated with coal since 1975. I have been around throughout all the controversy and discussions. I remember a public hearing in Pikeville, Kentucky, some twenty-five or thirty years ago, ever how long it's been since we were talking about the 77 law and proximate original contour, when a Pikeville physician stepped forward to make his comments. And I'm going to delete the expletive. And he said "it's a shame when the landowner doesn't have any say so in the way their land is developed".

I come tonight not as an engineer or a coal executive. Not as a deacon of my church. I have a lot of -- I have a vested interest there on behalf of the community. But I come as a landowner. A part of what I want to show you is pictures of my home. You can't see them that far back anyway. I live on a hollow fill. It's a head of hollow fill. You might call it a stream. If you were privileged to look closely at the pictures, and you certainly can, you can see that the streams are still there. Yes, they are about sixty feet higher in elevation than they once were.

I noted the gentleman talking about moving from Newark to Asheville. I'm a fourth generation Kentuckian. Some of the areas that we plan to mine in the near future, one of them is called the Jim Newman Branch. My grandfather lived near that area. Up in the head of the hollow on the Jim Newman Branch was my grandfather's uncle, James Newman, and the Newman Family Cemetery is at the mouth of that hollow. Over the thirty-some years that I have been around coal, I've done a lot of surveying. I've been up in a lot of these hollows. I see a lot of former home sites. I see abandoned chimneys. James Newman lived up in the gap. My grandfather on my mother's side, Anthony Howell, known as Akmie Howell up in the Mink Branch, lived up in the what they called Gap Fork, lived up in the gap. Subsistence farming was a way of life at that time. People cleared a new ground and kept going up in the hills and they liked to live up high where they had a good view. I've got a beautiful view from where I'm at up on the mountain side living on this hollow fill. People moved out of the heads of the hollows because they -- subsistence farming wasn't a way of life anymore and the land grew poor. There was an exodus from our area, a lot of people moving out to jobs in the cities. We don't have industry here to provide jobs.

Some people simply moved out of the hollow because the people like to ride in cars now. They don't like to ride a horse and there wouldn't any roads up there in the top of the hill. We have a lot of population that's down along the stream valleys and there's not room for them. Everybody is on top of each other. We need places to live. We need places to work. I found a place to live here. There used to be families that lived up in that hollow. But, before the mining, nobody lived there. They moved away. Now there's four families living there and the fifth is under construction. They are wanting a road to it. They are wanting a level place to develop. Just a cabin on the hillside and a strip of new ground up on the side of the hill and, folks, you can't live that way no more. We are in a different kind of economy than we were at that point in time.

Two of the items at stake here whether the law envisioned mining through the heads of hollows, I'm afraid some of you think of whether the law involved -- envisioned mining at all. It's surface mining control and reclamation. See, this is a reclaimed mine and you can see -- the gentleman talked about wanting to live somewhere that's pretty. I have a beautiful home here on this fill.

I don't have a permanent residence there at this point in time. I've got a brick home down at the mouth of the hollow. I've got a nice doublewide up there. Why didn't I go ahead and build? Because of the uncertainty in the industry. Coal companies, rich greedy coal companies, most of them are in bankruptcy at this point in time. Some are trying to come out. Coal prices are up. Why is coal prices up? Because coal mining is down. I have a vested interest in wanting to see coal mining continue because I know our nation needs the energy. Because I know that the landowners, like myself, need a place to live. I know that the streams on my land are much better and the land is much better. This property that I live on, most of the hillside property in our area, if you will look at the evaluation of the property at the local PVA office, you will see a hundred and fifty dollars an acre, a hundred, maybe two hundred, for hillside land. That's what this land may have been worth, if anything. After it was mined and it became there was some flat areas to develop, the value is two thousand dollars an acre. And I consider it a bargain. I bought a small part of it. My wife already owned some through her family and her cousins own some of it. Like the gentleman from the coal company said, they have a place

now that's worth much more than it was and they got royalties out of the mining coal when it was mined. The industry speakers have already spoken well to all those aspects. That's why I'm talking to you as a landowner.

The other situation is the necessity to develop the land. I have told you how much more valuable this particular piece of land is than it was before. It would have been prohibitively expensive for me to do this development my own self. But, through the mining of the coal, when the overburden was going to be moved anyway, it was possible to leave it in an area in a shape where it had more value after the mining than it did before. I have been around a while in mining. I know that in the early days, even before the law, the surface mining, the overburden was pushed over the hill and it was stacked on the outside of the bench. I testified in early 1977 as a young engineer and some actually in response to some complaints by the Appalachian Regional Defense Fund. Yeah, they were fighting hollow fills back then. That -- of the beneficial effects of putting the hill -- putting the fill, the swell, in a place where it was stable. If you try to stack the material up to the sky and put it all back and not have a place to put it, it is unstable and there were

a lot of slips. There was a lot of material that went into the streams before hollow fills came into effect. By putting the material in a hollow fill and limiting the amount of material you try to stack back up, you promote the long term stability of the mining operation after the mining is done. By maximizing the amount of level area as you do that, and I think that should be the decision of the landowner. I can appreciate people thinking what they would like to see on public lands. I can appreciate the fact that somebody that lives in Newark might want to go to a park somewhere and look. But on the land that I own, I want to be able to maximize the value of that land through the mining. Why move it and then move it back and put it back into the totally unprofitable situation it was when everybody moved out and left it, rather than put it back into a place like my home where people will move back in. And also, there has been a couple of people made the comment "well after the coal is gone, what do you have". That's exactly the point. But from my perspective, while we're mining the coal, we need to develop the land for the future. Industrial parks, recreational parks, golf courses, residential areas.

We do, as landowners, have the mental capacity to make

decisions about our own property. Now the public needs to be the public good as far as the downstream areas can be protected, need to be protected. But there needs to be a clarification in the law that we're not talking about prohibiting mining or prohibiting hollow fills. That the intent of the law was never to prohibit mines, but the intent of the law was to regulate.

Talking about water quality in the streams below. Talking about reconstruction of the streams that have now been moved and diverted. There is never any development without disturbing the soil. Taking pictures of an active mine don't give you the perspective of what is going to be there any more than taking pictures of a new home when they excavated the hole and are getting ready to do the footer tells you what the home is going to look like when it's fully finished and landscaped.

A property owner, if it were not under a mining scenario, wouldn't have the kind of limitations, unwarranted limitations, on development of the property. This regulation doesn't change the law. It allows it to continue as it's been going on ever since the beginning. I would grin and just bear with the comments about breaking the law. Only the downstream effects should be considered.

Again, I'm in support of this clarification. If we don't do it, it will be a detriment to the surface owners. It will be a detriment to the coal miners whose jobs depend on it. It will be a detriment to the local economy. It will be a detriment to the national energy supply and the security of our country.

A lot of the comments that have been made tonight have to do with a lot of different things besides head of hollow fills. We're not talking about these small streams that the head of the hollows like the place where I live. I'm sure all were well-meaning, but, in my opinion, misdirected. I thank you for your attention. I'll leave this outside if anybody wants to have a look as you leave.

MR. BEAM: Thank you, Mr. Newman. Our next scheduled speaker is Randall Moon and would Dixie Stone please take the ready chair.

RANDALL MOON

Well, I had a pretty good look at that picture there. It was sure pretty. I wish Mick McCoy could bring his pictures here from Martin County and show what a slurry spill does to your property when it breaks through because

a coal company wasn't obeying the law and destroys the river and creates the worst environmental destruction in the history of America, thanks to the coal industry.

You know, I have heard -- I have lived long enough to where I have heard plenty of bullshit in my life. And I've heard it from salesmen and advertisers, from preachers, from politicians. They are -- they're real good ones for that. But I don't think I have ever heard in one place in such a short amount of time as I've lived here as much bullshit as I've heard from the coal industry. Maybe you have heard this story. We're going to blow up a mountain and dump the trees and the rubble down in the valley below and that's going to improve the land. Have you ever heard such a line of BS in your life? We're going to wipe out the rivers and the streams and the water and that's going to make it better so we can put a park, an industrial park, on top so like maybe a company like Sykes can come in and employ a few hundred people for four or five years and then go over to India where the labor is cheaper. This is our -- this is our future. This is the vision that we have for eastern Kentucky.

There are twenty-four counties in eastern Kentucky. Twelve of them produce coal. Twelve of them do not produce

coal. And in every category, the quality of life, things like high school graduation rates, unemployment rates, the twelve non producing coal counties of eastern Kentucky are better off than the coal producing counties of eastern Kentucky. So we have -- we need to get away from this dependence upon coal and give up on these lies that the industry tries to feed us day in and day out.

And what -- I guess what especially gripes me is that a lot of these people that I have talked with before representing the coal industry also consider themselves Christians, good Christians at that. And all -- when I think of it, all I can -- what I will end with is it seems to me if Jesus was here, the one thing that he would say is it's easier for a camel to enter the eye of the needle than it is for rich men to enter the Kingdom of Heaven. Thank you.

MR. BEAM: Thank you, Mr. Moon. Our next speaker is Dixie Stone and would Dewey Gorman please take the ready seat.

DIXIE STONE

Well, I came here tonight and I wasn't going to speak

to you. And I heard these people asking questions. What are we going to do when the coal is gone? What are we going to do? Well, thanks to the president of a coal company, I now know. When those two thousand people aren't employed, we're going to put up a golf course. We're going to give them all jobs with the golf course and that's going to fix everything.

I don't know about how many of you all here are actual coal miners or drive a coal truck. Any of you all? Is there any? All right. Good. There's a couple of you. You're like my father and my uncles and my grandfather. But of the CEOs and the people who work in the high up parts of the coal company, how much are they paying you to be here tonight? Are they paying you enough to fool these good hard working people into believing that it's okay that you destroy their homes and their water? That it's okay that they come home every night and they are afraid because there's giant pieces of rock flying through the air. Don't tell me that it's good. Don't. Because I am from everywhere in Kentucky. I am from every single part of Appalachia that there is because I moved around a lot when I was a kid, following the coal companies.

My eighty-nine year old grandfather is dying of

that small seam of coal into a valley and you ruin the water, you ruin it forever. You ruin that ecosystem forever. No water; no people. That's the way it is.

And I would also like to refer to a comment made about two thousand people by I forget -- the gentleman in the yellow shirt. I forget your name. But you said that -- you asked us if we wanted all of these people gone. Did we want these two thousand people unemployed. We are here talking about keeping this buffer zone intact. We are not talking about unemploying everyone in the coal mining industry. And I would like to know how filling these streams is going to keep these two thousand people employed. Because they are employed now and you're not supposed to be filling the streams.

There are only so many mountains. And, when they are gone, the jobs go with them. There are only so many mountains in Kentucky. There's only one Big Sandy River in Kentucky. It is popular enough and it is well known enough that Dolly Parton and Dwight Yoakum sang a song about it. He asked that he be buried along the Big Sandy under the blue gray mountains of coal in Kentucky. Okay. Well, I'm going to have to inform him we cannot do that, Dwight, because there may no longer be a Big Sandy River. And

we're going to have to change the blue gray mountains to little yellow lumps. That's what we're going to have to change it to. And then if he still wants to be buried there, because he says "until this world -- this old earth does tremble". Well, it's trembling now and you're not in the ground yet.

And I would like to conclude with a saying. Or not a saying, a quote from Chief Seattle. He said "this earth is not a gift to us from our parents, but entrusted to us by our children". I am nineteen. I am not the blood relative of any of these CEOs of these companies. But I am the age of your children. So it was not a gift to you. You were supposed to entrust it to me. So protect it. Because I don't appreciate you ruining what is rightfully mine.

MR. BEAM: Thank you, Ms. Stone. Our next speaker is Dewey Gorman and would Doug, is it Durfield?

DOUG DORFELD: Dorfled.

MR. BEAM: Dorfled, please take the ready chair.

DEWEY GORMAN

Well, it's obvious I can't -- I can't come up here and take second fiddle to what's just been said. Because

everybody in the room is more or less a bunch of environmentalists. But I would like to thank you folks for coming from Frankfort or wherever you are coming and I won't use any curse words while I'm up here.

But, you know, our streams were polluted a long time ago. They were polluted by straight pipes. They were polluted by Pamper trees. They were polluted by a lot of other things besides the coal mining. You know, there's a lot of other things that need to be regulated besides coal mining in our area. And for people to come up here -- we all live together here. We all live -- we're all neighbors. We all live together, except for the ones that want to come from far away and tell us how we need to live and make us want to live the way they want us to live. I'll tell you what. Those people can go to where, you know, I'm not going to curse.

So, you know, when it comes to mountain top removal, as long as it's done properly, I have seen it in many forms. I have been in the coal business for over thirty years. And as long as it's done the right way with the proper compassion, with the proper lattice work, and the proper things that need to be done that evidently the juvenile folks or the younger people in this audience don't

understand, there are good ways of doing this. It is -- if it is done properly, there is not much pollution downstream. I'll grant there's probably silt. But, you know, these things can be corrected through a lot of vegetation and the way the water filters through the streams that are generated after the hollow fill.

You know, it's clearly a highly regulated business. We're all going to -- we're all -- we're all here and the coal industry is like the oil industry. It's like other industries that have regulations to it. Everyone is not going to see eye to eye on these regulations.

You know, the thing is if eastern Kentucky doesn't bond together, eastern Kentucky is not going to have anything. It's all going to stay in Lexington and Louisville and Georgetown and places like that where they have flat ground. If we don't have the level ground up here that mountain top removal does create, we are not going to have anything to compete with those people. Not even farms. Are anybody -- any farmers in here? How many farmers are in here? Got one, two. I know there's three because I see one back there. But, you know, there is no place for, you know, the cattle to grow. If you are going to allow the mountains to be put back up to a -- to a

approximate original contour, which the old law specifies. That is just not the way for the technology of mining to be done. As long as it's done in the right way, I think it should -- I agree with the revisions to the law. I disagree with a lot of the regulations and I'll be the first -- I was in the last meeting that was at the Rogers Center. I think the 404's are a bad thing. We're not going to go into that and I don't want to -- I don't want to get into that.

But, you know, I just think everyone should take a stand back and look at the situation and let's all live here together and not have finger pointing and this and that and the other whenever jobs are what we need. The coal industry is providing a lot of jobs, millions of dollars of jobs, and are paying people decent wages, eighteen, twenty, some people I know are making seventy-five, eighty, a hundred and twenty thousand dollars a year being executives and that feeds down to the children. That feeds down to the schools, the elementary schools, in which that we -- I do -- I do contribute to. And I'm sure everyone here does too. But, you know, this is a open forum and I like these things. But I came here not to speak also. But, you know, I hear people saying that

people are telling these people lies and that they were making up lies. You know, we all live here together. There is no point in coming out and pointing fingers at each other. I think it should be -- it should be something that we all see through to the future. And if anyone can't see the future from here, then, you know, it's all -- it's all tangled up. But I would like to see everyone, just like I say, we all have to live here together. And it's just -- it's pitiful what I've heard here tonight. Some of these accusations are awful. But that's -- that's -- those -- all those are off the subject. They are not even close to the subject matter that these people have come here to talk to us about. And I'd like to wrap it up. And I'm sorry for taking up your time. But I didn't plan on talking. But what I've heard is just a lot of asinine terrible things that we all need to work together towards and make eastern Kentucky a better place to live, which it can be. And not let the Lexington and the golden triangle get ahead of our mountain people. Thank you.

MR. BEAM: Thank you, Mr. Gorman. Our next speaker is Doug Dorfeld and would Ryan Duff please take the ready chair.

DOUG DORFELD

My name is Doug Dorfeld. I live on Caney Creek in Elliott County and I'm a member of Kentuckians For The Commonwealth. I strongly oppose this supposed rule change to stream buffer zones. Once again, the Bush administration is advancing a rule change that subverts the intent of our federal environmental laws. The Clean Water Act and the Surface and Mining Control and Reclamation Act clearly protect the physical, biological and chemical integrity of our nation's streams. This rule change is an affront to both Congress, which passed these laws, and the citizens of the United States. The draft, problematic environmental statement on mountain top removal mining and valley fills showed that over seven hundred and twenty-four miles of central Appalachian streams have already been buried by valley fills and that fifteen thousand more miles are currently approved for destruction in existing permits. This clearly demonstrates the failure in the enforcement of SMACRA and the Clean Water Act. Not only should the current stream buffer zone be maintained, but full enforcement of existing laws and new laws are necessary to prevent further environmental disruption by the coal industry. Thank you.

MR. BEAM: Thank you, Mr. Dorfeld. Our next speaker is Ryan Duff and I would like to ask Dave, is it Macabee, to take the ready seat, please.

RYAN DUFF

All right. I also didn't plan to speak tonight when I came up. But I figured I would step up and talk a little bit. I do support your changes and clarification in the law. I'm in the coal mining business. My family has been in the business since the mid fifties. My grandfather started there as a greaser and he ended up acquiring the whole company. My father worked there all his life. And I've been there since about the last five or six years.

We have -- we've got a fellow that lives back home. His name is Ray Sizemore. He is seventy-four years old. He has been loading coal for us. He started at Pine Branch in 1961, I think. He -- tomorrow morning at 4:30 he will check in. He comes on his own will. He is seventy-four years old. Every Christmas he says he's going to retire. But he comes back the next -- as soon as we start back out to work, he comes back to work. He, you know, the people in this area -- Ray loves his job. He would have quit a long time ago, but for that. He has a 401K plan. He's got

a good job. He could retire. He could have retired probably when he was fifty-five. But he stays there to work because, you know, the job -- I've got friends, you know, that have been to the University of Kentucky. They come out with a -- they come out as accountants. They come out and get their CPA license and they make forty-five or fifty thousand dollars a year. We've got quite a few people that make that much money on just the regular operating jobs.

I was one of the kids one fellow thinks may have left here that played in the streams when he was little. Some of the streams now we have covered them up with hollow fills. We've got one stream that after a series of five dams was a section of it that's out pretty easy to see from the main highway. And the problem we've got in it right now is we have got too many beavers and they are building up beaver dams. We could go swimming in these beaver dams now. They have got it dammed up probably five feet. I'm forty-eight years old. I feel like I'm healthy. I drank a lot of that creek water and that wouldn't bother me a bit to go drink out of the bottom of the fill today.

One fellow said that the beds -- the beds are there after we mine, but that the creek itself is gone -- I mean

that the water is gone. The water is not gone. The water is under the rock now. But one thing that another -- I don't want to address an issue that much, is overburden is not mine waste. Overburden is rock. If prior to mining you would go down to the creek and you would pick up a rock. I think if you did a study, you would find that's very similar to the rock that we put in the creek. We don't -- we're not dumping oil. It's not old used tires. It's not actually even -- the most all hollow fills are clean. The trees that have any value of them are sold and the rest are burned. It's not trees down in the bottom of there. It's rock. The same rock that's in the bottom of the creek everywhere around here right now.

Coal is only mined in the coal fields. One fellow said he was glad that coal couldn't be mined everywhere and that's obvious. It's never going to be mined everywhere. We just mine here in the coal fields. Temporary jobs, Ray. Ray has been working for us for forty, forty-one years. So I feel he has made a career out of it. A lot of people -- we mine on a lot of our own property. We mine on a lot of other people's property. A misconception, I think, is that people don't want you mining on their property. Where I live at, the people around whose property I work on, they

know where I live at, you know. If I get on their property and it's not done correctly, they are going to come knocking on my door and I will be held accountable.

And, you know, things happen. Mistakes happen. The slurry spill, I think we all take a lot of flak for the slurry spill that happened a long time ago at Massey. And that does, you know, definitely -- it was a sad event that it happened. Every industry has problems and things like this happen.

A lot of the other counties that have said, that they say do better than our counties, I feel that they do better largely because they get a large portion -- historically they get a large portion of our severance taxes.

But I just I guess some of us that are still here, you know, we choose to be here and mine our own property, other people's property we mine, we have permission with it, to stay towards -- on the technical side of it, the mining that I do, this doesn't affect me much because most of the property that we have set up to mine, the downstream total of the stream has -- what's going to happen has already happen. We -- a lot of our material is back above that. The fill is above it. So the buffer zone rule, I definitely feel, that will hamper mining. As someone else

said, the reason the industry seems to be in a rise is because of the ultimate demise of it. Central Appalachian Coal Mining is going away. It's not going to -- it can't stay because of the outside sources of coal come in cheaper. At enough time if the price is high enough that it costs to mine it. So, you know, if they can keep it high enough for long enough, we will all have to quit. But I don't -- I don't feel like -- I feel like if you all change the law and makes it where I can't mine, well the next thing they are going to is, you know, somebody from the National Guard is going to come down and tell me I've got to go run my coal because these people have run out of power. So I think that the extremes is the problem. You know, your people, they want to quit. And these other people. You know, we've got to work. Everybody has got to meet in the middle. We're going to be up in the morning working mining coal and you all are going to be on the site in the morning trying to keep us to stop, you know. But it seems that if everybody could just meet a little more in the middle and if the current regulation -- if the current regulation, you know, the clarification of the regulation seems, then I think a lot of people are saying it seems to lean towards our side. But we feel that the clarification

is needed because we feel that is more in line with the intent of the law. And that's it.

MR. BEAM: Thank you, Mr. Duff. Our next speaker is Dave Macabee and would William Branham please take the ready chair.

DAVE MACABEE

I appreciate Mr. Duff saying "meet in the middle". That's the first common sense thing I think I've heard since I've been in here for a few hours. My name is Dave Macabee. I have -- I work for Whayne Supply Company. We're the Caterpillar dealer in Kentucky, most of Kentucky. And I heard a comment about temporary jobs. I have been with Whayne for thirty-four years. I started as a blue collar worker. I'm not now though. But I still have a lot working for me. If things go well, I will hire twenty more people in Corbin, Kentucky, this year. Although we don't mine a lot of coal in Corbin, we send a lot of components out of this part of the country to Corbin to be rebuilt and returned.

When I came to Hazard in 94, I think we had thirty-five employees here. We have ninety now. Now that's not

ninety people. That's ninety families. And that's pretty important for our economy in this part of the world. I got real -- I'm not from Kentucky. When they found out I was from Indiana, they almost didn't let me stay here in Perry County. But I'm from Indiana. Where I was raised, there was corn fields and soybeans, a very conservative part of the country. I came here in 78 and I was blown away. I was just amazed. It just -- it just did something to me. I never really wanted to leave. So I ended up moving down here. It's a very proud people. And if there's any environmentalists in the room, and I hope there are, I think it's a lot of our coal miners. When I saw and when I saw what was happening, when I first came down here and traveled the coal fields in the late seventies, the SMACRA rule, or the Surface Mining Reclamation Act, was very young and very new. It was very needed because things was -- as the gentleman over here commented, they were pushing it over a hill. It wasn't a good situation. It really wasn't. It is much, much better now. Is it perfect? No, it's not. But we must look at the overall economy of our country. And one of the things I see in the energy and I have in cycles as long as I have been, you know, in this part of the business is when our energy prices go up, our

economy in this country seems to go backwards and overall it is expensive. And the more we raise that cost, the worse it is. But we do have a responsibility to take care of our land. And I think the thing that bothers me the most about these comments I hear are the uninformed that get up here and talk about the things that are not happening. And if they really go out and look, they are happening.

Now, one of the other things that I truly have a passion for and have for years is flying. And I've got a lot of hours and I've flown a lot of hours over this part of the country. I've got an old World War II open cockpit plane I cruised around over here for several years. There -- it's unbelievable how much good property has been made out of reclamation. But and one of these other environmental groups tried to get me to fly people over the coal mines and show the devastation. Of course they didn't know who I was. And they wanted me to just show them the devastation. I said I would be more than happy to. But we are going to show them the plain land too. "Well, what do you mean?" I said "well, if we're going to show them, let's show them a balance, let's show them what really goes on". Well, I didn't get the job. But I really didn't

expect to get it anyway.

When we talked about the water, and I have a -- I'm not from here. So I have to go back. I've been running around here for about thirty years. A lot of my best friends are from here. And they talk about how streams were and how they are now. And I don't care what people say, they are much cleaner now than what they were. Some of the best bass fishing is in this part of the country. It's around this. So you don't have to worry about the fish you want to eat. It's okay.

My company participated in the funding to put elk out here and they have absolutely exploded. They are everywhere on good reclaimed land. When I first came here, you couldn't hunt deer in eastern Kentucky. You can now because it's back on good reclaimed land.

Now, there may be miners out there that aren't doing a good job. But the rules apply. But for the most part, by far, they are doing a wonderful job.

I support the changes. I think we need them. I think we need them for our economy. I think we need them for our country. But I think we need to be responsible with them. I just scribbled things around while I was watching. Somebody said something about red orange water. I have

seen red orange water out of a coal mine one time really bad. It was in western Kentucky. It had nothing to do with mountain top removal. It was a deep mine. Now, I don't see it over here. I have not seen it over here. If you have, I'd like to know. But I really haven't seen it. That doesn't mean it doesn't exist or maybe a little of it. But I truly haven't seen it.

AUDIENCE MEMBER: Why don't you take a look sometime? It's everywhere.

DAVE MACABEE: Well, it may well be. There may be some around. But it's very little compared to the people I hear and the extremes I see. But balance needs to be. We need to have a balance between all of us.

That's really all I have. We have two hundred and I think fifty or sixty employees. As far as short term employees and temporary employees, I retire about fifteen people a year out of Whayne Supply Company and they have all got thirty and forty years of service. So I don't call that temp. I call that full time employment. These guys are making eighteen to twenty dollars an hour. It's a good living. They have 401K's, they have life insurance.

As you go back, when I was raised in Indiana, we had a little town called Austin, Indiana, about five miles

north of Scottsburg, where I was raised. Austin had a canning factory and it was unbelievable. We used to call it Little Hazard. Well, I didn't even know where Hazard was at the time when I was a kid. But we called it Little Hazard. And the reason was because all the people left their homes down here and went up there to work in factories. Those people are back, you know. The people want to stay here. And I think we have a obligation to try to make that work the best we can. Now people may not want to talk about industrial parks. But they are needed. We need the jobs here. There's a fierce loyalty amongst these people here int his part of the country and they are very proud and they should be. And I thank you for your time.

MR. BEAM: Thank you, Mr. Macabee. Our next speaker is William Branham and would Shirley Pace please take the ready chair.

WILLIAM BRANHAM:

First of all, I want to apologize to those of you that are left here because some of your comrades have left you. Most of those that have left were the ones that I really wanted to address some of the issues with those folks. I

think that they are not as passionate about things as you may think they are. I will keep this brief. I thought I was the last speaker. I really hadn't planned on saying a whole lot. But I couldn't pass up the opportunity to speak my piece and say what's on my mind, as many of you have done.

I have been in the coal business for twenty years. I started out as, you know, as you may say a blue collar worker. I have worked my way all the way up into top management. I am now president of Solomon Mining Company. It's a goal that I have worked hard to get to. Anybody has that opportunity if they -- if they strive hard enough, you can get there.

I listened to the lady that talked about being a Girl Scout leader and I really appreciate that because my mother was a Girl Scout leader. I feel for you. I know how time consuming that is and that's a very honorable time consuming process there. My son is now a Boy Scout and has been involved with Scouts. You know, we take our scout troops on surface jobs that are completely finished. There is no mining going on there. You can't have him there for safety reasons. And we have opportunities to point out wood ducks that are floating in mining ponds that never was

there before.

Now, you know, I've set out there and I listened to your comments. And some people -- some of you all make snarly remarks and you -- and really that's kind of rude. And you look away when somebody says something that you don't really agree with. We are here with an open ear listening to you and I think out of respect that you guys should do the same for us, to listen to what we've got to say. Save your remarks and don't be rude enough to make snide comments while people are talking. Because we do want a better environment for our children. If you would come up on my job, I'd like to show you ten hollow fills that I'm doing right now and my biggest problem that I have is keeping the cattle off of my hollow fills because they want to eat the fresh grass that's standing up a foot tall.

We have people that call us all the time and want us to change the seed mix. You know, we have a certain seed mix that's in our permit package that we have to go by that's regulated for post mine land use. And we have property owners call and say "you know, my neighbor down the road has eighty stand of bees, got beehives and he's been doing pretty good, they have been really working your all's clover fields up on your surface job there". And he

said "I've got me some and I know you all finished up with my property last year and you're in the process of reclaiming it right now and you are in the grading process, you are soon going to be seeding it, could you plant me some extra clover". I spent fifteen thousand dollars this week on grass seed and probably five of that was for extra clover for the property owner.

We all are environmentalists. Now, that -- how much -- how much of you is environmentalist? Are you a hundred percent? Nobody is a hundred percent environmentalist. You can't be. You cannot be. Because you drive cars. We are sitting here with lights on. Why aren't we doing this by candlelight? You see what I'm saying. These lights are powered by coal. There is no supplement for coal right now. This is -- it's the only energy we have that makes up somebody said fifty-two percent. That's correct. Where are we going to make it up? You can't just stop mining. We have to continue to mine the coal and do it the best way we can and we can be environmentally conscious about what we are doing.

Let me read off a few things here. I'll make it real quick and I'll get out of your way. Mining is the main industry in eastern Kentucky. It employs approximately a

hundred and five thousand people directly involved with mining, but not including support from vendors, contractors, inspectors, and other employment trickle down effects of mining. There's a lot of people that it takes just to mine coal. Usable land is returned to landowners for house sites, cattle grazing, golf courses, airports, conventional farming, industrial job sites, school sites, prison sites, et cetera. Okay. Non conventional farming that you've got -- you will enjoy this one. Non conventional farming such as fish farming, vineyards, bee keeping, goat farming, and et cetera, are occurring now on reclaimed mine sites. I have a friend of mine that has a vineyard on his property and it is a reclaimed mine site. He couldn't have that vineyard before. There's no way he could possibly do that.

You know, in West Virginia they are raising different types of fish. I think sockeye salmon is one of them. That's an industry that comes in and takes the place of coal. Those are the type things that we can look forward to after coal is gone. You have the property to have the fish farm, a goat farm, an ostrich farm, to graze cattle, bee keeping. It's limited to our imaginations of what we do with this property. But if we close our minds to mining

and just completely say we can't mine, that -- that is not logical. Not only can we not come up with the energy, the supplemental way to produce the fifty-two percent that we would lose from coal, it's impossible. The gas and oil industry has already said they cannot do it. They can't -- they couldn't man the country fast enough to produce and make up that fifty-two percent.

So we are kind of -- we are kind of all we've got. We are your neighbors. We are people just like you. We are people that care about the environment. We are good stewards of the properties. Yeah, I'm very proud of my property site. And I would like, you know, I would offer at any time to come and look at it. The Scouts that visit my job site are proud to be there.

And the gentleman was talking earlier about drinking water from the bottom of the hollow fill. You know, I don't understand what people think that streams would dry up, that the Big Sandy River is going to dry up. These hollow fills are not plugs. The water still runs underneath the rock drainage system. It's designed to do that. And I would challenge anybody, any environmentalist, I would challenge out there with two -- I'll give you a glass and I'll take a glass. You get a drink of water out

of the Big Sandy River and I'll take my drink out of the pond and we'll see who gets sick. Okay.

The other gentleman who left here and didn't care enough about what I had to say or what any of these other guys had to say in the mining industry. He left here. He made the comment that he lives in Lexington and he has to buy his bottled water. Now you know why he's buying bottled water? Do you know why he doesn't want to drink city water? Because city water is contaminated. There's tests that you can do that show toilet paper particles, blood worms. I've seen these tests run. You can have them run. There is not a stream in eastern Kentucky, and I don't know about western Kentucky, I do know eastern Kentucky because I remember a study that was done by some schools that didn't contain e coli bacteria. It's not caused from mining.

Again, come and get a drink out of my pond. Would you do that? Would you take that challenge? What do you think you would find in my pond? Do you think you would find e coli? No. We have our ponds are monitored. The water is regulated. You guys, I appreciate your effort. I appreciate what you had to say about the environment because I, too, am a steward of the environment and I do

happen to care a great deal about the environment. Everybody -- we've talked a little bit about the elk herds in eastern Kentucky. We have more turkey and deer than ever before because they have a diverse type of habitat and different types of terrain that they can -- they can feed across, you know. It's easy to see geese occasionally drop by where they rest on their way south. They land in our ponds and they feed.

And I support your rule changes. I sure do. And I would ask that each one of you all not look at us as monsters. We are people just like you. We don't look at you all as monsters. We look at you as having -- you have a passion about what you -- about what you are doing. And I am just afraid that people are a little bit misinformed and you really don't understand the whole scheme of things. We are all here together. Mining is a way of life for me, as it is for a hundred and five thousand other people here in Kentucky. So anytime you want to take the challenge, I've got two glasses. You get yours out of the stream below a hollow fill, on downstream in the main stream, and I'll get mine out of the hollow fill stream or one of my ponds and we will have a toast. Anytime you want to do that, I'll do that with you. So I think you need to

rethink what you are saying here about water quality and give a little bit more thought to some of these issues because you are wrong about some of these things. We, too, are environmentalists. And we are heavily regulated. And our jobs, you know, they don't look like moonscapes. That's another term that bothered me. If you look at a cake while it's being made, it's not very pretty until it's done. And mining is that way. Mining is not pretty while it's going on. But it sure is good to look at after it's finished and you have clover up to your knees and bees swarming it. You have beavers in ponds. Beavers cause us problems. But we manage and we work around them. Those are pretty sights to me. Wood ducks floating in the pond. That's a pretty sight to me. These things are not pretty while mining is going on, but in the end, you know, here's a cake when it's baked. Keep that in mind. To call my job a moonscape would be a very backwards statement. If you could come and look at it, you would say, you know, I apologize to you for calling your job a moonscape, because it's not. The moonscape has no grass. It doesn't have grass on it. It has craters. It's barren. There's nothing there. That's not what you find on a reclaimed mining site. You don't find a moonscape. You find lush

vegetation. That's what you find. You find clean running water leaving those jobs. That's what you find. Now a lot of people may say well, there's traces of different types of minerals and other elements, the metals and all that stuff. Well, that water is naturally flowing off of the mountain. It doesn't stop. I challenge you to take a new look at surface mining and give us a fair shake. Look at -- try to -- try to keep an open mind and look at some of the positive things that we are doing and not think that it's all negative, because we do care about the environment. And I'll close with that. And I thank you. Appreciate it.

MR. BEAM: Thank you, Mr. Branham. Our next and last scheduled speaker is Shirley Pace.

SHIRLEY PACE

I want to thank you all for giving me this time to speak tonight. I wouldn't planning on speaking. But think I was thinking that I'm not only speaking for myself, but for my daughter, who I brought with me. She has no voice yet and I'm here for her. I am her voice. And I was going to thank the man who left for calling me an

environmentalist. I'm really proud of that. So thank you. I am thankful that I can help with the environment. I'm trying my hardest. And my daddy was a coal miner and his daddy and his daddy before him. I'm not saying that we should take the jobs away from the coal miners now. But when you take off these mountain tops, don't dump them in our streams. We need that water. We have to drink that water. My daughter drinks that water. Try to find a better way, you know, a legal way to do away with it.

And I oppose the buffer zone changes because it's there for a reason and you shouldn't change it. And I want my daughter for years from now, I want to look at -- I don't want to look at her and explain to her a lot of streams that I swam in and her grandpa swam in and her great grandfather swam in is no longer there and no longer able for her to swim in because it's either polluted or it's just no longer there anymore. I don't think that she would understand that. I know you're smiling and you're laughing at what I'm saying. I'm nervous. But I'm twenty-two years old and I don't understand a lot of things and there's some things that I'm still learning. But I never laughed at you when you come up here and you stood and you spoke. And I really appreciate the time that you all let

me stand up here and talk.

Coal mining may never put me through college. I put myself through college and I'm also a first generation of my family to go to college. I am really proud of the accomplishments that I have made. And I thank you.

MR. BEAM: Thank you, Ms. Pace. She was our last scheduled speaker. Is there anyone who came in late that has not spoken that would like a chance to? If not, that concludes our hearing. And I thank you all for coming and everyone be careful on the way home.

STATE OF KENTUCKY

COUNTY OF PERRY

I, Jim Kelly, a Notary Public for the State of Kentucky at Large, do hereby certify that the foregoing hearing was reported by me in Hazard, Kentucky on March 30, 2004; that said hearing was taken by me in notes and mechanically recorded; and later transcribed upon the computer; and that the above and foregoing is a true and correct transcript of said testimony to the best of my ability.

Dated: April 12, 2004.


Notary Public, State of
Kentucky at Large

My commission expires 5/9/04.