

Occupied Mountains:

Resisting Mountaintop Removal and Corporate Land Ownership

"Persons who have studied the impact of coal mining on different societies from Silesia to northern Japan have usually concluded that coal has been a curse upon the land that yielded it. West Virginia is no exception. In its repetitive cycle of boom and bust, its savage exploitation of men and nature, in its seemingly endless series of disasters, the coal industry has brought grief and hardship to all but a small proportion of the people it has touched. There has been, of course, a tiny elite of smaller producers and middlemen who grew rich from coal exploitation although not so rich as the nonresident owners in whose shadow the local elite worked."

John Alexander Williams, *West Virginia: A History*

"My daddy was a mountaineer before he was a coal miner. You know the coal industry's trying to rewrite heritage. They're trying to say 'well, what about your coal heritage?' Oh yeah, my coal heritage. I got plenty of that. That's my history of resistance against the abuses of the coal industry. That's my coal heritage."

Judy Bonds 1952-2011

The coalfields of central Appalachia are geographically far from Wall Street – and culturally even farther. The urban nature of the Occupy Wall Street movement, with its inner-city occupations and massive general assemblies, does not seem to bear much relevance to what is going on in small-town, rural Appalachia. Yet in central Appalachia—as in other communities impacted by resource extraction—a similar narrative of the 1% versus the 99% has unfolded for more than a century. This resistance has taken the form of successful labor struggles and vigorous opposition to surface mining, but increasingly attention is turning to land ownership and its foundational relationship to the empowerment or disempowerment of communities in West Virginia.

The history of central Appalachia since the late 1800s has been dominated by attempts of outside interests to extract the resource wealth – coal, timber, oil, and natural gas – of the region. In her work *Absentee Landowning & Exploration in West Virginia, 1760-1920*, Barbara Rasmussen argues that this early history of landownership greatly affected the political and economic future of southern Appalachia. Rasmussen states, "...from the earliest colonial days, Virginia's political system was carefully structured to protect the interests of those who owned vast lands, not the independent mountain farmers who generally claimed fewer than five-hundred acres a piece."¹

These independent mountain farmers often ended up signing away their rights to lands and/or minerals by signing a "broad form deed." The broad-form deed was the primary legal tool used by land holding and coal companies to dispossess mountain farmers and residents of the rights to their land and minerals. Coal River historian Rick Bradford writes, "the 'broad-form' deed when

signed gave the coal or land company the right to use the surface in any way 'convenient and necessary' to excavate the minerals." Bradford continued, "it absolved the company from any liability for damages caused directly or indirectly by the mining operation on that land; and it passed on ownership of that particular tract of land 'to the parties of the second part, their heirs and assigns.'"²

Not only has the coal industry controlled the natural resources, they also sought economic and social control over the workforce. Workers were imported from outside the region to work in the mines. Many miners lived in coal company-owned homes in company towns. They were often paid in scrip which could only be redeemed at company-owned stores, resulting in ever increasing debt despite long hours and dangerous work. By the beginning of the 20th Century, miners in West Virginia had a death rate five times higher than their European counterparts.³ Large-scale resistance against the coal industry first took the form of labor struggles, the violent "mine wars" of the 1910s and 1920s, as the United Mine Workers of America attempted to organize the southern West Virginia coalfields.

Historically and presently, cultural stereotypes of Appalachian people have masked the inherent social inequities of resource extraction in central Appalachia. Perhaps the best illustration of this injustice can be seen in the public portrayal of Hatfield-McCoy feud, well known as an example of the ignorance and backwardness of mountain residents. In stark contrast to this stereotypical image, the research of historian Altina Waller linked timber and coal extraction drives from outside of the region to the ongoing feud. The McCoy side of the feud was taken up by an emerging elite capitalist class in Kentucky in the 1880s in order to prosecute Anse Hatfield and force him into selling off his valuable coal lands in southwestern West Virginia. What is more, the image projected to the rest of the nation of backwards, feuding mountaineers—when much of the violence was in fact precipitated by outside hired detectives and bounty hunters—helped justify the "modernization" and industrial exploitation of the region.⁴

The absentee corporate interests' early establishment of control over the region's natural resources set the stage for the present-day situation in which the contrast between the "1%" of the coal elite and the "99%" is extreme. West Virginia consistently ranks as one of the poorest states in the nation in terms of median household income.⁵ The largest coal-producing county in West Virginia, Boone County, produced 27 million tons of coal in 2009, which sold for an average of \$70 per ton, or \$1.9 billion in a single year.⁶ Yet, despite its rich resource wealth, 15.7 percent of the families in the county live in poverty, compared to 10 percent for the US as a whole. The median household income in Boone County is \$39,900.⁷ Meanwhile, the CEO of Alpha Natural Resources, one of the major mining corporations in the county, earned \$6.7 million in 2011.⁸

Not only does the local population not benefit from their vast resource wealth, they also disproportionately bear the costs of extraction. The control of the land and resources by outside interests with no stake in the community enables the environmental and humanitarian disasters we have seen from the coal industry. Mine safety is compromised, mechanization reduces employment options, and extreme forms of extraction like mountaintop removal are practiced with little regard for surrounding communities. The impacts of coal mining on local communities include flooding, blasting damage, overweight coal trucks, and coal dust, not to mention the occupational hazards of working in the mines. Furthermore, with so much of the surface controlled by coal interests, there is little opportunity to create other economic options. Indeed, West Virginia ranks forty-sixth in the nation in terms of economic diversity.⁹ Concentrated absentee corporate ownership of resources has been the constant, thus far unswayable, force that removes the power of decision making from communities and extracts both the resources and the wealth from West Virginia's mountains.

Absentee Ownership of Resources

The underlying problem of absentee control of resources has long been recognized by Appalachian social movements and justice seeking organizations. Interest in land reform reached a previous height through the work of the Appalachian Alliance in the late 1970s and early '80s. In 1977, heavy flooding caused widespread damage throughout central Appalachia, particularly the coalfields. Dissatisfied with government response to the disaster, citizen groups concerned with a range of issues, including housing, strip mining, health, welfare, workers' rights, and others, convened a meeting in Williamson, on the Kentucky West Virginia border. The Appalachian Alliance emerged from this meeting as the body through which separate community-based organizations could share resources for disaster relief and efforts for environmental and economic justice.

Members of the Appalachian Alliance knew of, and had experienced, countless pieces of anecdotal evidence that pointed to absentee land ownership as an undergirding force in producing the persistent poverty of central Appalachia. To address this, they formed the Land Task Force. Comprised of academics and citizen activists, the Land Task Force held its first meeting in 1978 and laid out an ambitious plan to document land ownership patterns using participatory research in rural areas of 80 Appalachian Counties in West Virginia, Kentucky, Virginia, Tennessee, North Carolina, and Alabama.

The study used participatory methods to gather data from 80 county courthouses for at least two purposes. The sheer scale of the project and the pre-digital format of the data they sought necessitated a number of people-hours that would have been unaffordable for the Appalachian Alliance to rely upon "expert" researchers. More importantly to the mission of the Appalachian Alliance and its members, however, was the empowerment of Appalachian people to take control over their lives and the conditions in which they lived. The training of dozens of volunteer researchers in communities across central Appalachia brought together a network of knowledgeable local people, and gave them ownership over the study and its implications.

The final study report contained policy suggestions, and the participatory process of executing the study laid the groundwork for grassroots political pressure to implement them. Foremost in the study's many political impacts was the formation of Kentuckians for the Commonwealth, which organized across the state to finally end the broad-form deed, and to start taxing unmined minerals held by corporations, in 1987.¹⁰

The study's findings have also had profound implications, highlighting the degree to which locals have lost control of the resources. Across the 80 Appalachian counties it surveyed, the Appalachian Alliance found that 99% of the people owned less than 47% of the land. The fraction of minerals owned by the local population was even smaller percent—about a quarter in West Virginia. Furthermore, the study found a high degree of concentration, with the top 25% of surface owners controlling 85% of the land and the top 25% of mineral owners controlling 90% of the minerals.¹¹

This high degree of concentrated absentee ownership has profound implications for the political economy of the region. The Appalachian Alliance highlighted the fact that absentee owners do not pay their fair share of property taxes, leading to underfunding of schools and local infrastructure. In the 80 counties studied, the top 1% of property owners owned 22% of the land but paid less than 5% of the property taxes.¹² As a result of this disparity, decisions regarding the use of natural resources have overwhelmingly been taken out of the hands of local communities and placed on the tables of boardrooms across the globe.

There have been some attempts over the years to address the economic inequalities endemic to resource extraction based economies, by retaining more of the industry's wealth within the state. Successes have been few and far between, due to the large amount of political power and connections between the industry and political elite in the state. In the 1950s, for example, West Virginia Governor William Marland proposed that the state institute a severance tax on coal that could be used to support the state's schools and road system. In language that is rarely heard from West Virginian's politicians today, Marland spoke of the need for such a tax:

“Whether we like it or not, West Virginia's hills will be stripped, the bowels of the earth will be mined and the refuse strewn across our valleys and our mountains in the form of burning slate dumps. This refuse will continue to be dumped into our once clear mountain streams. We are paying a fearful price to allow the coal to be extracted from the hills of West Virginia. It is only right that we should be able to point with pride to improved roads and schools as a result of this awful toll that we are taking of the beautiful State of West Virginia.”¹³

Marland's severance tax proposal lost, and Marland was never again elected to public office. A coal severance tax was not passed until 1987. During the past two legislative sessions, there has again been discussion of keeping more of the state's natural resource wealth in state by creating a permanent mineral trust fund. If the severance tax on coal and natural gas were increased, the money could be directed into a trust fund for long-term economic diversification. Mineral-rich western states, including Wyoming and New Mexico, have already done this. An additional 5 percent severance tax on coal and natural gas going into a trust fund could be generating \$2.4 billion per year for the state by 2025.¹⁴ That is money that could be invested in making higher education more affordable, providing better child health care services and workforce development, for example.

Resistance: Past, Present, Future

There has been a long history of resistance to the coal industry's dominance of central Appalachia. Arguably the most successful economic resisters to the coal companies were the unions, which were successful in empowering miners to regain some measure of control over their lives. Unfortunately, the A.T. Massey coal company was largely successful in breaking the union in the 1980s, and today there are few union mines left in the region.

A major symptom of the dominance of outside interests is the exploitation of local communities by surface mining, and as a result, much of the local resistance has centered around opposing surface mining. Large-scale resistance to strip mining began in the 1950s and 1960s. Particularly in Kentucky, much of this resistance was directed against the broad-form deed, which allowed companies to strip the surface to mine coal without the consent of the surface owner. Resistance frequently involved direct action efforts to block bulldozers from destroying peoples' property. The Appalachian Group to Save the Land and People was perhaps the most famous of these early anti-strip mining groups. These resistance efforts were unsuccessful in abolishing strip mining but did provide enough political pressure for it to be regulated through the Surface Mining Control and Reclamation Act of 1978 – a highly controversial piece of legislation within the movement, which some feared would only legitimize the destruction caused by strip mining. Local organizing did score a major victory in Kentucky, however, with Kentuckians for the Commonwealth spearheading a state constitutional amendment that banned the broad-form deed in 1987.¹⁵

Currently, much of the grassroots resistance work against the coal industry is centered on

mountaintop removal mining. The process of mountaintop removal mining began in the 1970s, grew throughout the 1980s, and exploded through a combination of advanced mining technology, lenient regulatory interpretation of federal legislation, and the national demand for low-sulfur coal. Its share of Central Appalachian coal production has steadily grown since then.¹⁶ Mountaintop removal mining is a way of using fewer workers to extract the coal and also allows companies to reach seams that wouldn't necessarily be mine-able with conventional, underground methods. The process of mountaintop removal coal mining entails removing mountaintop rock and soil above multiple horizontal seams of coal. After the coal is removed, the rock and soil are returned and reclaimed in an effort to restore the approximate original contour of the mountain. The excess rock is used to fill adjacent mountain hollows and create valley fills. Enormous landscape change occurs as a result of clear cutting the timber, using explosives to remove the overburden, filling in headwater streams with the overburden, and leaving the area denuded and flat. As of a 2008 USGS report, surface mining is now the dominant driver of land use change in central Appalachia (Saylor, 2008). Over 1 million acres have been mined and 470 mountains have been leveled across Central Appalachia as of 2007 (Appalachian Voices *et al*, 2007). The creation of valley fills has destroyed nearly 2,000 miles of streams in Central Appalachia, with 800 miles of direct stream impact in West Virginia alone.

MTR is the cheapest way to mine coal due to the externalization of both current and long-term environmental and social costs. The use of massive draglines allowed coal companies to reach multiple seams of coal after using dynamite to blast the tops off the mountains. Therefore, MTR can recover a higher percentage of coal, use less manpower, and meet the demands for low sulfur coal. Mountaintop removal does not occur in all coal mining states: in fact, in Appalachia it is widespread only throughout eastern Kentucky, West Virginia, and southwestern Virginia. Even though regional coal production actually peaked in 1997,¹⁷ the destruction of the land has escalated due to mountaintop removal mining. Mountaintop removal mining's share of production has increased because it is typically a cheaper method of extracting coal, and central Appalachian coal is finding it increasingly difficult to be price-competitive with the open-pit coal mines of Wyoming's Powder River Basin.

The expansion of mountaintop removal throughout the 1980s and 1990s met with challenges across the coalfields. Organizations such as Kentuckians for the Commonwealth and Save Our Cumberland Mountains had already formed in response to the social and economic impacts of strip mining (Fisher, 1993). The Citizens Coal Council, a coalition of community-based coalfield organizations from across the country, was started in 1987 in Lexington, KY. The Ohio Valley Environmental Coalition has also worked since 1987 to preserve the mountain ecosystems and culture of the Central Appalachian region, with ending mountaintop removal / valley fill strip mining as a primary issue. In 1998, a flood in White Oak on the Clear Fork killed two people. In the same year, members of Coal River communities created Coal River Mountain Watch to fight for the social, economic and environmental wellbeing of southern West Virginia against the destructive practices of MTR and the coal companies (Coal River Mountain Watch, 2009). Prominent national figures such as NASA climate scientist James Hansen and Robert F. Kennedy, Jr., who called mountaintop removal the "worst environmental tragedy in American History" (Kennedy, 2009) have stepped forward to stop mountaintop removal and, in particular, to save Coal River Mountain.

Outside of Appalachia, mountaintop removal mining is most often discussed in terms of its environmental impact. Now, however, increasing attention is being given to the impact of mountaintop removal mining on public health in surrounding communities. Recent research has documented "serious environmental impacts that mitigation practices cannot successfully address" from the burial of headwater streams beneath valley fills (Palmer *et al*, 2010, pg 149) as well as a

"high potential for human health impacts" from exposure to polluted streams or airborne toxins (Hendryx *et al*, 2009).

The current period of resistance, while unsuccessful at banning mountaintop removal at the federal level, has scored some local victories. Although the central message of the anti-mountaintop removal movement has been the abolition of mountaintop removal mining, local organizing work has addressed mountaintop removal in the context of broader impacts of the coal industry on community health and safety. For example, there have been successful local efforts to control dust pollution from coal processing facilities, class action lawsuits on behalf of communities whose water has been poisoned by underground coal slurry injection, the successful relocation of Marsh Fork elementary school away from a slurry dam and coal processing plant, and attempts to better regulate overweight coal trucks.

Since the beginning of 2009, there has been a steady upwelling of direct, non-violent civil disobedience to stop mountaintop removal and raise awareness about the dangers of slurry impoundments. The first action occurred on February 3rd when 14 people were arrested and six people chained to a bulldozer up on Coal River Mountain. The direct action movement to end mountaintop removal began under the name of Climate Ground zero, with more than 150 residents and activists arrested, and continues through the group Radical Action for Mountain People's Survival (RAMPS). The mission statement of RAMPS indicates the realization here for many in Appalachia that ending MTR is about taking on the 1% who control the land and the resources:

We are here to fight for the survival of the land and people of Appalachia, the right to a healthy and sustainable future with clean air and clean water, and the right to a livelihood that nurtures that future. To achieve these goals, we are up against much more than an unjust mining process. We are fighting decades of repression by the coal industry and its agents. We are fighting the inept, if not corrupt, regulation agencies and government. We are fighting out-of-state land companies who hold this land and therefore its people's lives as a commodity to be auctioned off. We are fighting national ignorance and indifference to the oppression of the Appalachian people.¹⁸

In addition to local organizing, allies around the country are supporting the work in Appalachia by making connections between the financial industry and what is going on in Appalachia. The consolidation of capital in the mining industry and the increasing mechanization of the industry have been bankrolled by Wall Street. The worst banks in terms of financing mountaintop removal mining and coal-fired utilities are Bank of America, JP Morgan Chase, and Citi.¹⁹ There is a growing recognition that outside capital and financial interests are making decisions that affect our communities—from mining communities to those impacted by the housing crisis. The 2012 Bank of America shareholders' meeting in Charlotte, NC was dubbed "Bank vs. America" by a coalition of groups who came to make the connections between the bank's profits and its impact on communities. In addition to its role in financing mountaintop removal and coal, Bank of America is also the largest foreclosure profiteer and has been repeatedly sued for predatory lending.²⁰

Thus, over the past two decades, a variety of tactics and messages have been used to build a movement against mountaintop removal, both inside and outside of coal producing areas. Though these efforts have found success in attracting the intervention of federal authority to limit the scope of surface mining and make it less economically attractive, the thus far intractable regime of corporate land and mineral ownership stands as a barrier to a true shift in the balance of power in West Virginia's coal-burdened regions.

The Beginnings of Land Reform

The issue of absentee and corporate land ownership is the lynchpin of persistent poverty and political disempowerment of communities in central Appalachia, and it has foiled efforts to create a diverse local economy. The Coal River Wind campaign was a high profile effort undertaken by Coal River Mountain Watch in 2008. It pitted the renewable energy aspirations of communities in the Coal River Valley against Massey Energy's plan to remove over 6,000 acres of Coal River Mountain in Raleigh County, WV. It sparked and fueled a passionate statewide dialog on the fate of southern West Virginia's coal-bearing mountains – demolition for short term profits or development for long term profit. The debate, however, was over before it began.

Rowland Land Company owns more than 24,000 acres on Coal River Mountain and the surrounding area. The decision of what to do with Coal River Mountain was made in 1993, when Rowland Land Company leased Marfork Coal Company, a subsidiary of Massey Energy, 8,241.5 acres of land and minerals with the express permission to use surface mining methods to extract the coal. After twelve years of sitting on the coal, in 2005 Marfork Coal applied for a permit to begin mountaintop removal mining on Coal River Mountain. In October, 2010, after five years of citizen opposition to the mining at public hearings, meetings with company and public officials, international media attention, and civil disobedience, blasting commenced on the Bee Tree Surface Mine on Coal River Mountain.

The Coal River Wind campaign articulated a vision for prosperity in southern West Virginia that balanced the historical land-use of root digging, hunting, gardening, and animal husbandry with 21st century wind energy technology. But the hopes of hundreds who stand to lose their health, heritage, and well-being to mountaintop removal were not enough to break the structural barriers presented by absentee and corporate land ownership. Present realities of land ownership in the region rendered this vision and other possible community-based visions for structural economic changes unattainable. For this reason, organizers in central Appalachia, especially in West Virginia, have taken a renewed interest in issues of land ownership and land reform.

Land reform is a way to organize a broader base of people for a positive vision of land use in their communities. As the rise of the natural gas industry unfolds and the economic and social unraveling of central Appalachian communities continues, land ownership and reform becomes increasingly important. By transferring and keeping control of resources from coal, gas, and land companies to local people and organizations directly accountable to local people, a successful land reform strategy will gradually take the ability to cause ecological devastation away from the energy industry. Like the strategies of land acquisition and consolidation employed by the agents of industry more than a century ago, efforts to change the pattern of land ownership will unfold over decades.

Historically, land reform efforts around the globe can be generalized as efforts to decentralize wealth and power from concentrated ownership by elites to distributed control by a larger portion of a society's population. It addresses and is motivated by a group's need or desire for a bigger piece of the economic pie. This is still a central aim and motivation of land reform, but 21st century land reform should also be understood as a strategy of preparation and adaptation for the consequences of climate change and resource depletion caused economic contraction and destabilization. It is a confluence of the movements for economic justice and sustainability, not out of ideological abstraction, but by necessity.

Two strands of land-related work are already underway in West Virginia. The first is an effort to document present day land and mineral ownership. As of December 2012, it has completed a pilot project, documenting the land and mineral ownership in Boone and Doddridge counties. Upon

releasing the pilot project results, the West Virginia Land Study will determine whether or not to scale it up into a state-wide study and possibly partner with organizations in other central Appalachian states to replicate the study in their areas. Organizing for land reform, the second strand of land-related work, is in its inchoate form.

The New Land Study

The current land study is not an end in and of itself, but the kindling to reignite public dialog on land ownership in West Virginia, and begin organizing for land reform. A segment of the group undertaking the study is also setting in motion a participatory process to define a collective vision of land reform and possible strategies to achieve it, drawing upon the strengths of established land reform-tinged projects. This group will attempt to situate both the created vision and strategies within the context of historical forces at work in the region, and the global trends that will increasingly touch every aspect of life in the decades to come, including the depletion of coal reserves in Appalachia, shifting demographics, commodification of the biosphere, climate and resource-depletion-driven destabilization of the global economy, and other trends uncovered in the land study and in the process of vision and strategy definition.

In looking to expand strategies for land reform, it is important to pay special attention to the places in which land has either remained under community control or been reclaimed by community organizations. The Clear Fork Community Land Trust in eastern Tennessee is a 400 acre land trust that gives 99 year leases sub-parcels to families who wish to live on the land trust. Residents own improvements they make to the properties, and live in accordance with land trust principles of sustainable land use. The Big Laurel Land Trust is not a residential land trust, but provides an educational center in Appalachian culture, ecology, and sustainability in Mingo County. The Stanley Heirs Park is a 50 acre park in the midst of a 10,000 acre mountaintop removal mine on Kayford Mountain. Retained by the Gibson family, the park provides a community gathering place for the anti-mountaintop removal movement and family gathering place for residents of Cabin Creek, many of whom have seasonal cabins on top of the mountain. Places like this hold lessons in maintaining community ownership in areas dominated by extractive industries.

Other new projects undertaken by grassroots organizations in West Virginia already overlap with land reform efforts. The Heritage Homeplace strategy advanced by the relatively new anti-strip mining organization, Keepers of the Mountains, focuses on identifying land owners concerned about the impacts of surface mining, and working with them to become land trusts or use deed easements to protect their land in perpetuity. Protecting land presently in the hands of local people is an important starting point for a broader land reform effort involving public lands.

The struggle for Blair Mountain, site of the 1921 labor uprising by striking miners during the West Virginia Mine Wars, has been the focus of a campaign to protect the mountain battlefield as a park. The mountain is presently the site of mountaintop removal operations by Alpha and Arch Coal.

While these campaigns address issues of ownership, many more organizations advocate for policies that limit the use of lands independently of the question of ownership. Watershed and local conservation organizations across the state advocate and create county and municipal policies to protect specific areas or limit development through zoning. The approach of most anti-mountaintop removal organizations is to ban surface mining as a legal use of land by advocating for federal legislation and enforcement of existing laws.

Land Reform and Resistance in the Era of Resource Depletion and Climate Destabilization

But the coal industry in Central Appalachia is currently in decline – a fact which may open up new directions for resistance work and opportunities to break free of the “jobs versus environment” box. According to the Energy Information Administration, we are in the midst of 50% decline in Central Appalachian coal production from 2008-2014.²¹ This means that there is now more of an opportunity to advocate for economic diversification, as more people are beginning to realize the need to think about a future for the region beyond coal. This also gives more opportunity to think about longer-term efforts to reform patterns of land ownership, since the current patterns of absentee landholding are a serious barrier to local economic development. We may see more of a shift towards organizing around some of these broader issues of economic inequality and control of resources, which are not often emphasized in environmental discussions of mountaintop removal and the impacts of coal. These themes, however, do resonate with previous decades of Appalachian resistance.

Looking to the future, however, coal production is expected to decline by 46% from 235 million tons in 2008 to 127 million tons in 2020 from the central Appalachian basin (Citation: Downstream Strategies). As the industry goes dormant, the trickle of resources it does provide will dry, and the land that they control will sit unused. New uses of the land and resources in the region will need to emerge to form the basis of the post coal economy in Appalachia. By bringing decision making power over the use of land and resources into local communities, land reform can provide the basis of new, community-oriented economies.

While this region-specific economic trend unfolds, global forces of climate change and resource-depletion driven economic contraction and destabilization will also begin to be felt. As a resource-rich outlying area, central Appalachia will be among the first to see the withdrawal of public services, but the tendrils of extractive industry will attempt to maintain hold here for as long as there are fossil fuels in the mountains. Land reform can provide the basis for local material self-sufficiency and resiliency as the services provided by the national and global economy withdraw, and can act to box out extractive industry for as long as property law is recognized and enforced or rights of ownership can be defended by local people.

Vigorous opposition to mountaintop removal must continue to defend communities from the environmental and social impacts of coal extraction. Additionally, behind the shield of resistance to mountaintop removal, it is important to begin to sketch out and actualize strategies to begin transferring ownership of West Virginia’s land and resources to communities through institutions with direct ties of accountability to them, and acre by acre, build the power of the region.

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