BLACK & WHITE AND A LITTLE GRAY

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Across the Rockcastle River and almost within sight of ASPI is the notorious Black & White Land Development Co. strip mine site. In 1978 at the time we purchased the first ASPI property a corporation composed of Aubrey Watkins (a native of Laurel County), and an African-American out-of-stater, Peyton Smith, (hence Black & White) obtained a Federal contract to train Samoans in bulldozer operation on Watkins land in our pristine Valley. The group got a construction exemption from the Commonwealth to remove coal without a permit while reportedly building a hunters' lodge. The rapid movement of loaded coal trucks made many local folks angry, partly for environmental reasons and (sadly) partly racial.

In the ensuing months nearby U.S. 25 was blocked and the operations halted. Watkins was taken to court, fined $20,000 and threatened with a six-year jail sentence. As a result, the Company went belly up, the corporate veil was pierced with Watkins identified as principal figure. It was decided in court that the land was to be turned over to the state if not reclaimed. A county public access highway was built to replace a destroyed road, and the property spiked to halt illegal mining. A long-standing lawsuit developed involving several environmental groups with ASPI as first party. The matter was reported to a congressional oversight committee in 1987, a number of articles written and television camera crews visited the land. ASPI monitored the drainage water for over a year and data showing severe acidic run-off was turned over to the state. Still the tangle of Federal and state jurisdictions kept the matter in limbo.

Through these many years, the Black & White site stood as a major eyesore for the people travelling down river or on U.S. 25. Silt and debris accumulated in the river channel and the spoiled landscape suffered. Portions of the disturbed grounds revegetated mostly with pine, maple and blackberry canes, while eroding water from the bench areas cut three sixteen-foot deep gullies on the shale littered spoil bank and hillside. Some deer and raccoons returned and coyote and wild turkey found a new haven. The miserable land strived to be healed and was inspected, used for dumping and off-road vehicles, hunted, prayed over, photographed, and painted -- but not reclaimed.

In 1992 Pam Clay, an activist lawyer for the Cabinet of Natural Resources entered the scene. Pam single-handedly untangled the deadlock between state and the Federal jurisdictions and welcomed the Sand Hill Community Land Trust's offer to accept the disturbed acreage and build some trails, lay off areas for experimental vegetation and tree plots (including prairie grasses that were once in Kentucky), and allow limited access study and research by concerned citizens. Contrary to what was reported in the major newspapers of the state this was never intended to be a public recreational park, but a research area that could be viewed by serious folks. Security and liability problems still baffle the Land Trust. It was not intended to be Disneyland but closer to Research Triangle Park -- on a most modest level, of course.

ASPI accepted the role of furnishing an environmental resource audit or assessment (over sixty to date) and so developed a videotape with Paul Gallimore from the Long Branch Educational Center discussing some ideas on the possibility of low-cost reclamation. The hope was that with volunteer help the reclamation money would stay in the neighborhood and not go to large distant companies which bulldoze the landscape to a denuded shadow of the former scene, all for millions of dollars. This resource assessment was turned over to the proper state agencies and other interested parties who made excellent and constructive comments. Laurel Judge-Executive Ledford Karr accepted the basic concept of the transfer as did the most immediate and affected neighbors (the Peter Ayers family), who have their drinking water polluted by the original mining operations. The Land Trust has hoped that the place will be a wildlife sanctuary -- a designated natural area, protected from the very real possibility of logging by downstream landholders, and an example of good low-cost reclamation to be included in ASPI's eco-tours. The site also has historic significance being near the Wildcat Mountain Battlefield and an immediate proximity to the Wilderness Road.

Unfortunately, delays in property title transfer have hurt the cause of reclamation. ASPI is awaiting decisions to complete plans for the property from a $10,000 anonymous grant. Professor Paul Kalisz at the UK School of Agriculture and students intend to assist with valuable consulting as to selection of tree species and soil preparation. One coal company has agreed to furnish between $20,000 to $30,000 worth of seed and seeding expertise. The UK Newman Center donated $500 for tools to be used by volunteers working on the site. ASPI is willing to offer its offices and equipment when and where needed. We may even be able to help prove that the Ayers family water problems makes the Land Trust property eligible for Federal Abandoned Lands money.

Besides the many kind offers and an immense outpouring of enthusiasm, there are other things going for this potential demonstration area: easy access and directions from Exit 49 on Interstate 75; a resilient land with a history of fifty varieties of trees; an incredibly beautiful and historically important valley; a great geological variation in the small landscape with river frontage, wetlands, hillsides, and valley floor; a potential place for parking some cars at low-cost of development, and a good scenic view of a vast sweep of the Rockcastle Valley. The Land Trust with a history of caring for land is willing and able.

On September 22nd Franklin Circuit Judge Roger Crittenden struck down a request by the Watkins estate to halt the transfer of title to the State. However, this ruling may very well be appealed while you read this report and thus delay the final transfer still more. Some of the promised financial assistance is dependent upon a rapid land transfer. When Judge Crittenden said "none of us were there at the first trial" ASPI attorney, Tom Fitzgerald had to remind him that some of us WERE in fact present. While the final Black & White victory is still forthcoming, we are confident that sunlight will replace shades of gray and the land will be joyfully resurrected, even amid its indelible scars.