



The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 41, Number 5 May, 2008

CONSERVANCY SHIFTS POLICY ON WIND ENERGY

By John McFerrin and Peter Shoenfeld

The West Virginia Highlands Conservancy Board of Directors has made a significant shift in its policy on wind energy projects. Instead of focusing only on a proposed project's impact upon the natural environment, the policy now will broaden the focus to include consideration of the role of the wind energy in overall energy policy.

This shift appears in the policy adopted at the April 20 Board meeting: The West Virginia Highlands Conservancy opposes all large, utility scale wind energy projects in West Virginia unless it is demonstrated that the power to be produced by the project would replace power which otherwise would be generated through the burning of coal.

Previous policy had focused on such things as aesthetic values, danger to birds and bats, etc. That policy had been influenced by the unspoken assumption that electricity produced by wind farms would, at least to some extent, replace electricity produced by the burning of coal. Recently, enough doubt has been cast on that proposition so that it can no longer be taken for granted.

Any energy production has a social and environmental cost. Wind farms can damage scenic views, kill birds and bats, diminish property values, and fragment forests. The mining, transportation, and burning of coal can damage or destroy streams, cause blasting damage, pollute the air, obliterate forests, and endanger the lives and health of miners and nearby residents. Production of energy by other means may be more benign or less so but there is always some cost.

One of the appealing features of wind power has always been that it produces none of the air or water pollution associated with coal. No carbon dioxide, no sulfur dioxide, no mercury, no acid mine drainage, nothing. Were it replacing coal, then wind would be highly attractive under some circumstances. To determine a position on any project, we would still have to consider its impact upon wildlife and those who live nearby but it would be worth a look.

This is what the Highlands Conservancy has done in the past. It was active in developing siting standards that the West Virginia Public Service Commission uses to evaluate proposed projects and make permitting decisions. These standards were listings of information that a project developer had to submit and the Public Service Commission had to evaluate. The Conservancy has always supported careful consideration of those of the information submitted as a way to allow wind energy development while still minimizing the costs to society and the environment. It had always hoped that a strict adherence to those standards and careful evaluation by the Public Service Commission would diminish the social costs of wind energy enough that it could support it.

Because the costs in terms of stream loss, water and air pollution, etc. associated with coal were always so great, wind power was

(Continued on p. 13)

What's Inside?

| | | | |
|------------------------------|---|-------------------------|----|
| Thoughts from President Hugh | 2 | Get a Hiking Guide | 9 |
| Roster of officers | 2 | Outings | 10 |
| Wilderness update | 3 | Get a history book | 11 |
| Fish give a warning | 4 | Trips to the mountains | 12 |
| Corps up to old tricks | 5 | Trip to the jungle | 13 |
| Board highlights | 6 | A YIMBY speaks | 14 |
| The legislature's homework | 7 | On coal and greed | 15 |
| Poetry | 8 | A fish tale | 16 |
| Squirrel news | 8 | Virtual Voice available | 16 |
| How to join | 9 | | |

From the Heart of the Highlands

by Hugh Rogers

Following Rick Webb

Saturday morning at the Spring Review and Sustainable Fair: University of Virginia research scientist Rick Webb began his presentation on wind energy pros and cons and was promptly interrupted. Through a thicket of questions and counter-questions he made his way to the next point. New questions arose. Later points were anticipated. Divergent claims were made. Finally, a frustrated majority demanded that questions wait until Rick had finished. So he did, and for long afterwards remained at the front of the Davis and Elkins College lecture hall, cheerfully responding to antagonists, supporters, reporters, and the just plain curious who had him surrounded.

I tried to recall when I had first seen Rick in the eye of a controversy. Was it in Cowen, in Webster County, where his Mountain Stream Monitors had challenged strip mine permits, and at the end of a public hearing a crowd of angry coal miners mobbed him? TV lights snapped back on as a crew of state police and sheriff's deputies waded in to stop the assault. Or was it in West Virginia Wesleyan's student union, where at a hearing on an environmental impact statement on mining in the Buckhannon River watershed, Rick's de facto bodyguard, the late Highlands Conservancy board member Bard Montgomery, threw a miner who'd attacked Rick to the floor? Or it might have been in the east wing of the Capitol, in the politer company of the Supreme Court of Appeals, where my run of the mill criminal case was followed by a coal company's libel suit against Rick for describing their pollution of that same Buckhannon River.

Those events date back to the end of the Seventies and beginning of the Eighties. Then Rick and his family moved from their Braxton County farm, which had been undermined by another coal company, to Elkins, where Susan taught our kids and Rick finished his college work at Davis and Elkins. He went on to the Department of Environmental Sciences at the University of Virginia, Susan taught in public schools in Charlottesville, and we mostly followed each other's lives second-hand. Hard to believe he was now a graying grandfather; the same soft-spoken equanimity coexisted with the same persistence.

Rick coordinates the long-term Shenandoah Watershed Study and other studies of the effects of air pollution on streams in the central Appalachian Mountains. He's all too familiar with the direct and indirect damage coal has done and continues to do. But as a scientist and a citizen, he doesn't believe that wind should get a free ride. We ought to look at the data, weigh the costs and benefits. Otherwise, some years down the road, we might realize that we'd been fooled again, and this so-called "green" energy had trashed our remnant wild areas, cost us a bundle, and distracted us from real solutions.

Since he began making that case several years ago, a couple of things have happened. Virginia's then-Governor appointed a Wind Energy Collaborative (VWEC) to study the potential impacts of wind energy development in the commonwealth. Dominated by industry, the VWEC shunned its Environmental Working Group, on which Rick served with three others, and censored their report. The full Landscape Classification System (2005) and many other relevant documents can be found at www.vawind.org. The censored version, containing about 10% of the original and deleting all references to the

Hugh's on a roll (More on p. 11)

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, hugh.rogers@gmail.com
SENIOR VICE PRESIDENT: Buff Rodman, 32 Crystal Dr., Oakmont, PA 15139; (412) 828-8983; buffrodman@hotmail.com
VICE PRESIDENT FOR STATE AFFAIRS: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
VICE PRESIDENT FOR FEDERAL AFFAIRS: Marilyn Shoenfeld, HC 70 Box 553, 23 Sands Springs Lane, Davis, WV 26260, (304) 866-3484, mshoenfeld@mountain.net
SECRETARY: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
TREASURER: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277
545-6817, woodhavenwva@netscape.net
PAST PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@mountain.net

DIRECTORS-AT-LARGE (Terms expire October 2009)

Bob Henry Baber, 207 Howard St., Glenville, WV 26351, (304) 462-0320, mayorbobhenrybaber@yahoo.com
Dave Fouts, HC 80, Box 993, Maysville, WV 26833, (304) 749-8172, foutsberg@citlink.net
Roger Forman 100 Capitol Street Suite 400, Charleston WV 25301, rdr@citynet.net; (304) 346-6300 work (304) 389-4748 cell.
Larry Thomas P.O. Box 194, Circleville, WV 26804, (304) 567-2602, larrythomas@aol.com
Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175; scz3667@aol.com

DIRECTORS-AT-LARGE (Terms expire October 2008)

Don Gasper, 4 Ritchie St., Buckhannon, WV 26201; (304)472-3704
Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624; photonzx@ntelos.net
Russ McClain, 104 Guy St. Elkins, WV 26241, (304)637-2201; mcclainw@davisandelkins.edu
Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369; wpmcneel@gmail.com
Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; peter@mountain.net

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Robert (Bob) Handley, HC 67 Box 508 Renick, WV, 24966 497-2266; grbat@ntelos.net
PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983; jeanrodman@verizon.net
BROOKS BIRD CLUB: Cindy Ellis, RR 1, Box 163, Red House, WV 25168 (304) 586-4135; ellis_6511@msn.com
MOUNTAINEER CHAPTER TROUT UNLIMITED: Frank Slider, Rt 1, Box 163-A2, Middlebourne, WV 26149, (304) 758-2500; sliderf@ovis.net
WEST VIRGINIA RIVERS COALITION: Don Garvin, P.O. Box 666, Buckhannon, WV 26201; (304) 472-8716; DSGJR@aol.com
DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505; cmains@wvu.edu
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net
PUBLIC LANDS MANAGEMENT COMMITTEE: Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)545-6817; woodhavenwva@netscape.net
OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
LEGISLATIVE COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945; fyoung@mountain.net
WIND ENERGY COMMITTEE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com
ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com
RIVERS COMMITTEE: vacant
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662; hugh.rogers@gmail.com
OUTINGS COMMITTEE: Jonathan Jessup, 8225 Adenlee Ave. #40, Fairfax, VA 22031, (703) 204-1372; jonathanjessup@hotmail.com

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
WEB PAGE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820
PShoenfeld@gmail.com and Jim Solley, jamesolley@comcast.net

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Beth Little HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277; blittle@citynet.net
HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com

WILD MONONGAHELA ACT PASSES IN HOUSE

By Ken Ward, Jr.

Nearly 38,000 acres of the Monongahela National Forest would become congressionally protected wilderness under a bill passed this week by the House of Representatives.

The legislation, authored by House Natural Resources Chairman Nick J. Rahall, D-W.Va., adds three new wilderness areas and expands three existing areas. It passed the House Tuesday night in a 368-17 Earth Day vote.

"To be in a wilderness area is, to me, a humbling experience," Rahall said Wednesday. "To be a part of designating wilderness is even more humbling, because the ultimate goal in protecting these areas is to retain the landscape as God created it."

Included in the legislation are the expansion of the existing Cranberry, Dolly Sods and Otter Creek wilderness areas and establishment of the new Big Draft, Roaring Plains West and Spice Run wilderness areas.

All six areas are currently managed without motorized access and essentially treated as wilderness, but a future forest plan could change that unless Congress formalizes the wilderness designations.

The House bill is also sponsored by Rep. Alan Mollohan, D-W.Va., and Rep. Shelley

Moore Capito, R-W.Va.

All 17 votes against the wilderness designations were from Republicans.

The bill now goes to the Senate, where Sens. Robert C. Byrd and Jay Rockefeller, both D-W.Va., are sponsoring similar legislation.

If made law, the legislation would increase by nearly 50 percent the amount of congressionally protected wilderness areas in the Monongahela National Forest. Currently, about 78,700 acres of the more than 919,000-acre Mon Forest are designated as wilderness.

Under federal law, wilderness areas are those "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." A wilderness is "undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation."

In general, the Wilderness Act prohibits commercial activities, mechanized access and roads, structures and facilities. Hiking is allowed, but logging is prohibited.

The bill approved Tuesday night does not include Rahall's original plan to also add a new, 8,000-acre Cheat Mountain Wilderness Area.

That area was deleted in committee, in part at the request of Capito, after it drew op-

position from some local politicians and citizens.

"Folks in the local communities understand these areas the best," said Jonathan Coffin, spokesman for Capito. "They use it the most. They live there. She has deferred to their judgments."

Gov. Joe Manchin and state Division of Natural Resources officials also opposed inclusion of Cheat Mountain in the wilderness bill.

But other additional wilderness areas proposed by Manchin as a trade-off - including 13,000 acres at Seneca Creek - were not included in the House-passed bill. The three areas proposed by Manchin, but not included in the bill, are all in Capito's district.

Dave Saville, campaign coordinator for the West Virginia Wilderness Coalition, said it was "somewhat disappointing" that those areas were not in the House-passed bill.

"These special places are near and dear to so many people across the state, and we hope the version ultimately sent to the president's desk includes them," Saville said.

This article originally appeared in The Charleston Gazette.

**View from Roaring
Plains proposed
Wilderness** Photo by
Jonathan Jessup ©



The *Highlands Voice* is published monthly by the West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by the last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor on the previous page. Submissions by internet or on a floppy disk are preferred.

The *Highlands Voice* is always printed on recycled paper. Our printer use 100% post consumer recycled paper when available.

The West Virginia Highlands Conservancy web page is www.wvhighlands.org.

The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

SELENIUM--WHAT ARE THE FISH TELLING US?

By Cindy Rank

I first saw the village of Mud in Lincoln County on a 1996 trip with a legislative interim committee charged with studying the state's mitigation policy. We went to view Connelly Branch Hollow, a beautiful lush valley that was to be buried beneath a proposed 2.5 mile long valley fill planned as part of a 2,000 acre permit at the Hobet 21 mountaintop removal mine complex along the Boone Lincoln County line.

Witnessing the not-so-gradual expansion of the now 20 square mile Hobet 21 complex has become more difficult with each of numerous visits over the past 12 years.

The disappearance of the local communities of Mud, then Berry Branch, and the massive disruption of forest and streams is always alarming, but a trip to that area and a visit to the Caudill-Miller homeplace last Friday proved to be more difficult than ever.

- Mining along the Mud River road and up Sugar Tree Branch around the back of the remaining 25 acres of the Caudill homeplace has expanded tremendously since our last visit three short months ago.

- The gargantuan preparation being done to enable the dragline (Big John) to cross back over the Mud River near the mouth of what once was Connelly Branch is incredible and dwarfs the tiny Mud River Road through the area.

- Discharge reports show levels of selenium discharged from the Hobet mining operations into the Mud River and its headwater tributaries often exceed the limits allowed by federal and state law.

- Documentation about increased levels of selenium in the Mud River itself and research by WV Department of Environmental Protection (WVDEP) Water Assessment Team indicate fish deformities and other impacts on aquatic life in the Upper Mud River Reservoir are likely related to toxic levels of selenium from these discharges upstream.

- Fish advisories have been issued by the Health Department that individuals should avoid eating fish due to harmful selenium levels in certain state streams and lakes, including Upper Mud River Reservoir.

Despite this growing body of research and knowledge, WV DEP continues to allow violations of selenium limits at mine sites where problems are known to exist.

Because the DEP continues to delay enforcement of selenium limits, the WV Highlands Conservancy and others have taken action to hasten that enforcement.

“Clearly, the Mud River ecosystem is a tinderbox on the brink of a major toxic event. It is essential to reduce waterborne selenium concentrations before reproductive toxicity spirals out of control and fish populations collapse. The warning signs are evident. Now is the time to take action.”

As reported in earlier articles in the Voice, we joined the Ohio Valley Environmental Coalition (OVEC) and Coal River Mountain Watch in challenging WV DEP's practice of extending compliance orders for companies not meeting the appropriate selenium limits. Those challenges are awaiting ruling by the Environmental Quality Board of West Virginia.

In a separate action, early in 2007 WV DEP went to court presumably to enforce permits for two particular mines – one at Hobet 21 on the Mud River and another at Apogee Ruffner complex on Rum Creek. After a nearly a year long delay by DEP, the Highlands Conservancy and OVEC filed a Clean Water Act suit against those companies in federal court.

We asked the court to require the companies to comply with the Clean Water Act, to insist that selenium limits be enforced and that civil penalties be assessed for violations by discharges in excess of those limits.

A hearing is scheduled in this matter in the District Court at Huntington May 20, 2008.

Valley fill growing toward the Caudill-Miller homeplace
Photo by Vivian Stockman



I'm certain not everyone will be alarmed by the possible selenium related problems in the Mud River and the Upper Mud River Reservoir. It often takes dead bodies – of canaries, fish or people to recognize even the most serious of problems.

However, current research and information mentioned above has prompted Dennis Lemly, a well-known and recognized expert on selenium, to conclude the following in his draft report to the court on our behalf.

“Based on comparisons between the concentrations of selenium found in West Virginia monitoring investigations and the known toxic effects of those concentrations as demonstrated in research studies of streams and reservoirs across the Southeast and Midwest, using the same fish species and environmental exposure conditions present in West Virginia, it is highly probable that a substantial amount of both Type 1 and Type 2 selenium poisoning is taking place in the Mud River ecosystem.”

And further, “This assessment is validated by the finding of selenium-induced deformities in newly hatched fish collected from Upper Mud River Reservoir in 2007. Clearly, the Mud River ecosystem is a tinderbox on the brink of a major toxic event. It is essential to reduce waterborne selenium concentrations before reproductive toxicity spirals out of control and fish populations collapse. The warning signs are evident. Now is the time to take action.”

Preparing for Big John the dragline to cross Mud River
Photo by Vivian Stockman



CORPS CONTINUES TO GRANT PERMITS DESPITE COURT RULING

By Cindy Rank

Just when you think careful bird-dogging of what should be a transparent permitting process might be working, the Army Corps of Engineers pulls another fast one.

Despite Margaret Janes' weekly Freedom of Information Act requests for permit documents, the Corps neglected to notify the Appalachian Center of additional valley fill permits issued in the last several months.

A phone call from someone reading a trade journal alerted the Center to the fact that permits had been issued.

As a result, lawyers for WV Highlands Conservancy, Ohio Valley Environmental Coalition and Coal River Mountain Watch returned to court mid-April to ask Judge Chambers to restrain three additional mines – one each in Nicholas, Kanawha and Boone/Raleigh Counties.

In his March and June 2007 decisions, Judge Chambers pointed to the "alarming cumulative stream loss" to valley fills. He ruled that the Corps needed to do a more thorough review of potential impacts before permitting and that the Clean Water Act doesn't allow in-stream sediment ponds at the toe of valley fills.

The three new permits no more address these concerns than did the original permits included in the 2007 rulings. Nonetheless, permits in hand, the three companies proceeded with their mining.

Lacking notification by the Corps we were unable to challenge these inadequate permits until damage had already been done to some

of the streams at issue. While the companies have since agreed to limit operations to those stream valleys already disturbed, you can see the pattern that has developed...

Our lawyers wrote: "The Corps knows that any delays in notifying plaintiffs of issued permits have the effect of allowing coal companies to fill and destroy streams quickly before citizens can seek judicial review and injunctive relief to challenge the Corps' permitting decisions."

Judge Chambers told the Corps that requiring plaintiffs to make weekly records requests was not acceptable and ordered the Corps to provide notice of any new permits to the Appalachian Center at the same time coal companies learn that their permits are granted.

"Whether it's because of the bureaucratic process or any other reason... it is just unacceptable that in this case the plaintiffs are not advised until weeks or sometimes longer after permits have been issued."

"If a stream has already been filled, for better or worse, it's beyond the court's ability to grant any relief."

NB: These recent permits have been included in the Chambers decisions now on appeal before the 4th Circuit Court of Appeals. Oral arguments in that appeal originally scheduled for May 13th have been delayed until September 2008.

HATS FOR SALE

West Virginia Highlands Conservancy has two models of caps for sale.

One is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above We  Mountains. The heart is red; and lettering is black.

The other model is tan with a muted green pre-curved visor. The front sports the lovely, in color, logo that appears on the VOICE masthead. Beside the logo is "West Virginia Highlands Conservancy" in green. The lower back of the hat has the We  Mountains slogan.

Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$12 by mail. Make check payable to West Virginia Highlands Conservancy and send to James Solley, P.O. Box 306, Charleston, WV 25321-0306



T-SHIRTS

White, heavy cotton T-shirts with the  **Mountains** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$10 total by mail; **long sleeve** is \$15. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



BOARD HIGHLIGHTS

By John McFerrin

The spring meeting of the Board of Directors of the West Virginia Highlands Conservancy featured much that was the same but still managed to produce a wind energy policy that was new and different.

We had the usual report from the treasurer on our financial situation (solid but not flush) and a report from Don Garvin on the state of matters legislative. As reported in last month's issue of The Highlands Voice, it was win some, lose some.

He is ambivalent about changes in the process for protecting streams. For years the Legislature had tried to divide the state's good quality streams into categories (Tier 2, Tier 2.5, Tier 3) with each tier getting a different level of protection. The Legislature then argued interminably about which streams went in which category. This time around the Legislature abolished Tier 2.5 and is doing rules on how it will sort streams into the remaining categories.

Don reported that the immediate result of the change is more secure protection for trout streams in the national forest. In the longer run, we will have to see. The Department of Environmental Protection is doing rules and will bear watching.

He was heartened by the significant number of initiatives to be studied in interim committees. While occasionally a study is where an idea goes to die, the more realistic and hopeful view is that an idea being studied means it is being taken

seriously. The current list is only of topics that are authorized for study. In order to have them actually studied it is necessary that the chairs of the committees decide to take up the topic authorized. He is working with committee chairs to help them understand the wisdom of studying the topics he suggests.

So that Don and his colleagues will have the resources necessary to do this, we decided to make a challenge grant of \$2,500 to this effort. In the past, the Highlands Conservancy had been the only group funding an interim lobbying effort. We decided to challenge other groups that, if they would make contributions to that effort, we would make matching contributions of an equal amount up to a total of \$2,500.

We talked about how we might better promote Dave Elkinton's book on the history of the Highlands Conservancy (to order one see p. 11 of this issue of The Voice), including possibly presenting copies to libraries. Hugh presented a temporary committee of Beth Little, Buff Rodman, Cindy Rank, Hugh Rogers, and John McFerrin to explore the possibilities.

Bob Gates has made a video of the October Fall Review/Celebration of our 40th Anniversary. He has edited out the slow parts and left us with about an hour of interviews, comments, etc. We pondered a bit about how we could best use this but did not make a decision until most of the Board had had a chance to see it.

We had a presentation by Corey Bonasso on the red spruce tree planting project. Things are cooking. They have planted lots of trees and had fun doing it.

We also had a presentation from Mike Costello about the Wilderness Coalition. The Wild Monongahela is moving right along. (See p. 3 of this issue for more information).

The Fall Review is set for the weekend of October 26. It will not be at the Cheat Mountain Club this year. The location is up in the air.

We had a LONG discussion on wind energy policy. See p. 1 to find out how this turned out.

Cindy presented an update of what we are doing on mining matters (a lot). Those who had survived the wind discussion got some useful information. Some of it is on page 4-5 of this issue.

Bob Gates told about his field trip to Washington, D.C.. He wrote about it for this issue of The Voice (see p. 12).

Frank Young reported on the developments in the big power line, known as TrAil.

In the midst of all of this the group broke into *Happy Birthday to You* in honor of the birthdays of Ruth Blackwell Rogers and Bob Handley.

Becky Young graciously served as cook, maitre'd, etc. for an excellent lunch.



BUMPER STICKERS



To get free I ♥ Mountains bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)



THE LEGISLATURE'S HOMEWORK

In addition to the usual passage of bills, debate, flights of eloquence, palaver, pomposity, etc., the Legislature also assigns itself homework. These are topics that the various committees are supposed to study in anticipation of acting upon them the next time the Legislature meets.

A partial list of the topics the legislature has authorized study of appears below. This is only those topics which may be of interest to Conservancy members. The entire list may be found on the legislature's web site.

Being on the list does not guarantee that an item will be studied. There are so many items that study of them all would be impossible. The committee chairs get to decide what items are actually studied.

2008 Interim Committee Study Assignments

Joint Commission on Economic Development

- SCR 2 Study tourism opportunities in less-developed counties
- SCR 70 Study West Virginia Tax Increment Financing Act
- HCHCR 28 Study the development of clean coal technologies such as coal liquefaction
- HCR 61 Study development of an intermodal transportation facility to promote economic development in Southern West Virginia
- HB 3188 Creating a means by which effectiveness of economic development incentives can be measured
- Study of Alternative Funding Methods for Highways Maintenance and Construction
- Study of the Economic and Environmental Impact of the Coal Industry

Legislative Oversight Commission on Health and Human Resources Accountability

- HCR 72 Study existing autism services.
- HCR 74 Study West Virginia's response to the problem of substance abuse
- Study the Public Health Impact of DEP Rules

Joint Standing Committee on Government Organization

- HCR 87 Study of the adoption of green building standards
- HCR 95 Study of the law governing the Board of Registration for Foresters
- HCR 113 Study of the impact of climate change
- HB 4525 Weatherization Program under the Department of Energy
- Study of the WV 211 Program

Joint Legislative Oversight Commission on State Water Resource

- HCR 84 Study to improve the state's efforts to better promote the availability of safe drinking water projects funding
- HCR 110 Study mitigation practices and resources in wetland areas
- HCR 115 Study feasibility of requiring residential business and industrial water connections along newly established waterlines

Joint Standing Committee on Judiciary

- SCR 11 Study sequestration of greenhouse gases
- SCR 57 Study the administration and enforcement of oil and gas wells relating to the rights of surface owners

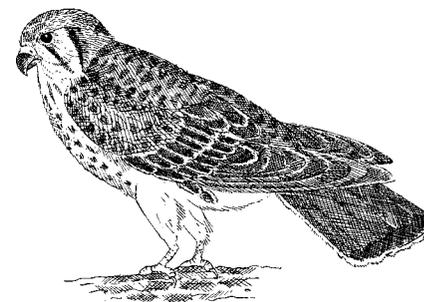
- SCR 78 Study impact of Chesapeake Bay restoration
- SCR 90 Study severance tax effects on natural gas and oil industry
- SB 676 Study municipal, county and legislatively created park commissions' liability for recreational activities
- HCR 14 Study feasibility of requiring legislative rules to be filed electronically
- HCR 33 Study increase in the prevalence of coal workers' pneumoconiosis
- HCR 77 Study the existing law and regulation of oil and gas drilling by the State of West Virginia regarding the balance of existing rights between surface owners and operators and what mechanisms now exist or can be enacted in law so that the rights of both parties and the public are recognized
- HCR 79 Study the feasibility of election day registration and its potential impact on elections and on voter turnout in the state of West Virginia
- HCR 114 Study of litter and landfill avoidance, beverage container recycling and litter control systems

Joint Standing Committee on Finance

- Study of Short and Long Term State Water and Sewer Infrastructure Needs
- Monitor Water Trust Fund and new reclamation fund tax

Speakers Available !!!!!

Does your school, church or civic group need a speaker or program presentation on a variety of environmental issues? Contact Julian Martin at 1525 Hampton Road, Charleston, WV 25314, or Martinjul@aol.com, or 304-342-8989.



BROCHURES

The West Virginia Highlands Conservancy has joined with the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Voices, Kentuckians for the Commonwealth, Keeper of the Mountains Foundation and Christians for the Mountains have put together a new brochure entitled "***Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!***" For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

Quantities are available for teachers, civic and religious groups and anyone who can distribute them.

Snow of Many Colors

By Betsy Reeder

The last snow

Fell on Appalachia this week

On a mild spring night

A storm carried across the Gulf

On wings lit by stars

Picked up by radar

But left unannounced

The woods weren't taken by surprise

Readied in party dresses: golds and greens, reds and russets

Softened to receive

This snow of many colors

Without sound, without notice

It fell all night long

Landing lightly on yielding twig tips

This sweet, bright landing of feathered forms

Come a thousand miles and more

To generous hills (save those blasted)

That have never failed to take them in.

Warblers of every color on God's palette:

Black-throated green

Golden-winged

Yellow-throated

Black-and-white

Bay-breasted

Chestnut-sided

Black-throated blue

Cerulean

Falling, falling from a moonlit sky

Into upturned arms of trees.



DR. ROBERT LEO SMITH COMES TO “GINNY’S” RESCUE

By Judy Rodd, Director, Friends of Blackwater

As many Highlands Voice readers know, “Ginny,” the endangered West Virginia Northern Flying Squirrel, lives in six West Virginia counties, and one in Virginia. Ginny is a relic of the ice age — a cute, furry, big-eyed nocturnal creature, who feeds on funguses that grow on the roots of trees.

Ginny has been on the endangered species list since 1986, and she is a symbol of West Virginia’s magnificent Northern Highlands, and a “poster child” for the diverse ecology of the Blackwater Canyon.

Last year the U.S Fish and Wildlife Service refused let the public see 196 pages of documents about the Service’s wacky proposal to remove all federal protection from Ginny and her species. (What can be so secret about a squirrel?) Congressman Nick Rahall held hearings that revealed improper political interference in scientific decisions on species like Ginny.

In a recent interview in our Friends of Blackwater newsletter, Ginny was quoted as saying she was counting on us humans to keep her legally protected, since at the moment she’s pregnant!

So, what are we humans doing to protect Ginny? Well, more than twenty-five groups – including the Highlands Conservancy — have formed the “SOS! - Save Our Squirrel” Coalition, and have pledged to protect Ginny and her family. All of the public and expert comments on the “de-listing” proposal have said that it would be wrong to remove protection from “Ginny” and her species.

Now an important scientific opinion about Ginny has been submitted to Fish and Wildlife by the distinguished scientist Dr. Robert Leo Smith, West Virginia University Professor Emeritus in Wildlife Ecology. Dr. Smith has an international reputation in wildlife population studies, and he is the author of a standard textbook in the field.

Dr. Smith’s 25 page report concludes: “Thus, with very weak data on all aspects of the species’ recovery, and lacking any data whatsoever on the actual population status of the species, the Fish and Wildlife proposal is not supported by acceptable and provable scientific evidence showing that the species is no longer endangered, so as to warrant the removal of endangered species protection.” For a complete copy of Dr. Smith’s report, go to www.saveoursquirrel.com.

The “Save Our Squirrel” Coalition welcomes Dr. Robert Leo Smith’s important scientific contribution on behalf of Ginny, her species, and those who love the West Virginia Highlands. Now that a scientist of Dr. Smith’s stature has weighed in solidly on behalf of continued protection for “Ginny,” we hope that Fish and Wildlife will drop this flawed de-listing proposal completely. To push ahead with a proposal that lacks any shred of scientific credibility, and that is bound to be defeated, would be a major waste of taxpayer dollars.

Leave a Legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

Join Now !!!

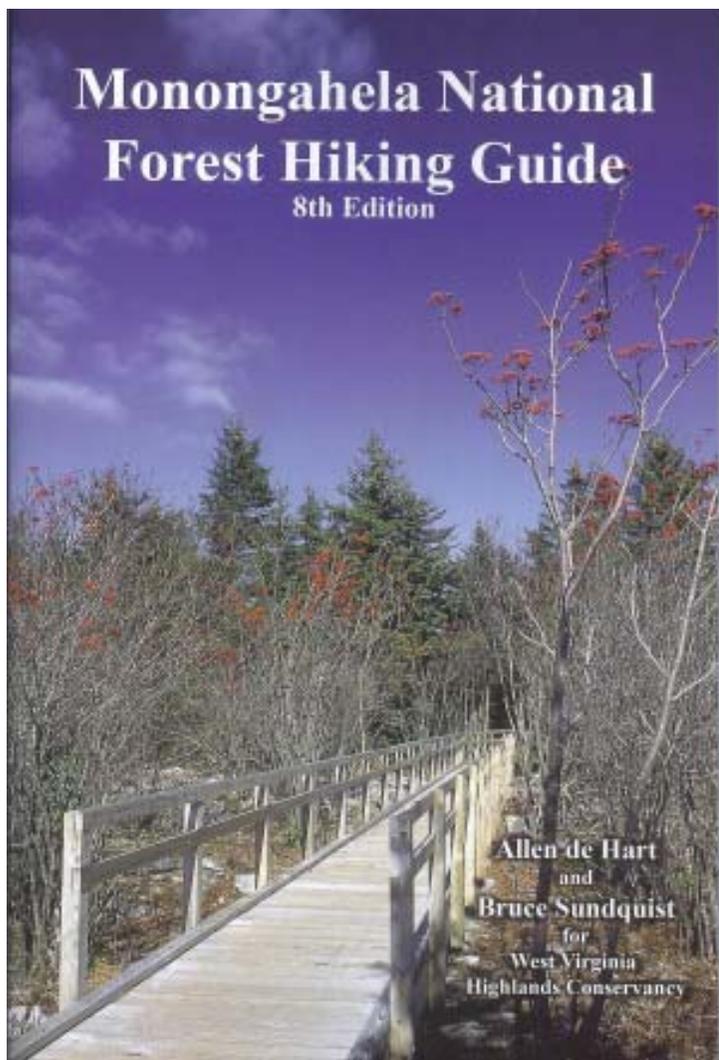
Name _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ E-Mail _____

Membership categories (circle one)

| | <u>Individual</u> | <u>Family</u> | <u>Org</u> |
|--------------|-------------------|---------------|------------|
| Senior | \$ 15 | | |
| Student | \$ 15 | | |
| Introductory | | | |
| Other | \$ 15 | | |
| Regular | \$ 25 | \$ 35 | \$ 50 |
| Associate | \$ 50 | \$ 75 | \$ 100 |
| Sustaining | \$100 | \$ 150 | \$ 200 |
| Patron | \$ 250 | \$ 500 | \$ 500 |
| Mountaineer | \$500 | \$ 750 | \$ 1000 |

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful!



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia's highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

Send \$14.95 plus \$3.00 shipping to:

West Virginia Highlands Conservancy

P.O. Box 306

Charleston, WV 25321

OR

Order from our website at

www.wvhighlands.org

New 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
 - All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
 - Special Features not found in the printed version of the Hiking Guide: Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
 - Trail mileages between waypoints have been added to the maps.
 - ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more
- Price: \$20.00 from the same address.

West Virginia Mountain Odyssey



Outings, Education and Beyond

Saturday-Monday, 05/24-26 – Memorial Day backpack, Canaan Mountain, Monongahela National Forest, WV: 29 mile hike of moderate difficulty with mature forest, giant Spruce and Hemlock trees, streams, highland bogs and vistas. . Leave from the Rt 32/I-70 Park and Ride at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Thursday to Sunday, 06/05 – 08/08 – Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA: Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Austin Mt/Furnace Mt loop (12.6 miles) and the Rocky Mount Circuit (9.8 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday, 07/12 – 14/08 – Dolly Sods North and Wilderness Area Backpack, Monongahela National Forest: 26+ mile moderate backpacking trip through this wild area that looks more like the Canadian Shield than a typical North American forest. We will explore some seldom visited trails on the first day. Several technically challenging stream crossings possible that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Friday to Sunday, 08/08 – 10/08 – Otter Creek Backpack/Base Camp w/day hike, Monongahela National Forest, WV: Day one hike approximately 9 miles along Otter Creek and up and over McGowan Mountain visiting the highland bogs of Yellow Creek and Moore Run. Day 2 10 mile day hike visiting several swimming holes on the return leg. Day 3 is a nearly flat 5 mile hike out along Otter Creek. Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 08/30 – 09/01/-08 – Seneca Creek Backcountry, Monongahela National Forest, WV: Day one features a moderate 10 mile hike exploring trails on the western slope of Allegheny Mt before descending to our base camp below beautiful Seneca Falls. On day 2 we'll explore the High Meadows above the creek without packs. On day 3 hike back to cars using the Seneca Creek Tr, Tom Lick Tr and Allegheny Tr (approximately 7 miles). Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

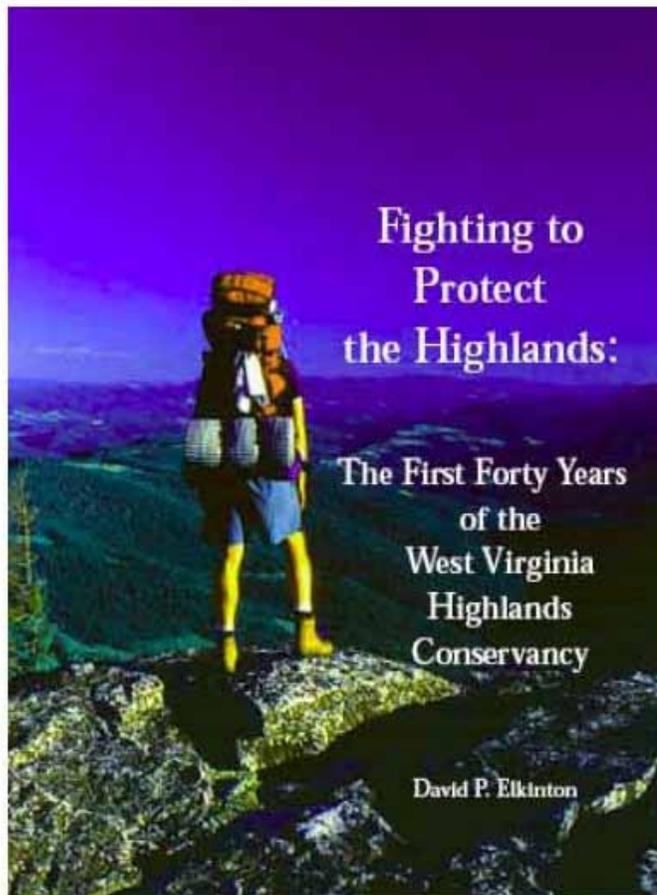
Saturday to Tuesday, 09/13 – 16/08 - Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA: Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Rip-Rap Hollow Loop (9.5 miles) and the Turk Branch/Moorman's River Circuit (9.7 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday, 09/20 – 22/08 – Roaring Plains Backpack and Base Camp with Day Hike: Day 1 hike in 2.5 miles and set up camp at the entrance to the Hidden Passage. Day 2 features a 12 mile day hike along the Canyon Rim with possible side trips. Day 3 backpack out the way we came in. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 10/25 – 27/08 – Cold Mountain/Mount Pleasant Backpack Base Camp w/Day Hike, George Washington National Forest, VA: Easy 3 mile backpack into and out of camp with a sensational moderate 12 mile day hike in between with some of the most breathtaking views in central VA. Suitable for experienced hikers who wish to move up to backpacking. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Saturday to Monday – 11/01-03/08 – Hog Camp Gap to Spy Rock Backpack/Base Camp: Strenuous rating but with low daily mileage. We will hike 7 miles over scenic Tar Jacket Ridge and set up a base camp at the Seeley-Woodworth shelter. The next day we will hike packless to Spy Rock. The round trip will only be about 6 miles. If the weather is good we will linger a bit at Spy Rock, enjoying its 360 degree view for as long as we can. On the hike out we will add Lovington Spring Tr to add some variety to the third day. . Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at mjuskelis@cablespeed.com or 410-439-4964.

Open Dates: Visit Kayford Mountain south of Charleston to see mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totally surrounded by MTR. Bring lunch for a picnic on Larry's mountain. Call in advance to schedule. Julian Martin (304) 342-8989; martinjul@aol.com or Larry Gibson (304) 542-1134; (304) 549-3287.



For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.

Or write: WVHC, PO Box 306, Charleston, WV 25321.

Proceeds support the Conservancy's ongoing environmental projects.

MORE FROM PRESIDENT HUGH (Continued from p. 2)

need for environmental assessment—the Environmental Working Group's original purpose—was handed to the Governor.

Last year, Virginia's State Corporation Commission ruled on the application of Highland New Wind Development for a project west of Monterey, near the West Virginia border. The commission seemed to have learned from our state's experience as well as Rick's and others' testimony. Strict requirements for monitoring wildlife impacts were coupled with a bond for the cost of removing the turbines if the project could not meet its conditions, that is, "if the carnage continue[d]."

So far, that developer has not moved forward on the ground; instead, it has attempted to change the rules by removing the Corporation Commission's jurisdiction over such projects. A bill to accomplish that is stuck in the Virginia Senate.

Rick recently served on a National Research Council committee investigating the environmental impacts of wind energy. When they asked for data to support the industry's figures of fossil fuel consumption offset by wind turbines, they were told that the information was "proprietary." Professional skepticism remained unabated. A cost-benefit summary based on the commission's report is on the Virginia Wind website.

As we have seen, the wind energy industry is wary of cost-benefit comparisons, environmental assessments, concerns about birds

or bats or forest fragmentation. They are working hard to "brand" the shiny three-bladed turbines as our key to a clean green future. Since Rick won't shut up about the costs and questions the benefits, they have tried to brand him as pro-coal. But his professional career has always involved calling coal to account. (One recent example was his testimony on the consequences of Illinois Power's sulfur emissions for aquatic resources in the central Appalachians.)

His public presentations on wind, though contentious, haven't led to assaults. In the D&E hall on that Spring Saturday most of us didn't notice we were being taped. In fact, two cameras were running—knowing the industry's agents had begun to follow him around, looking for misstatements they might use to their advantage, Rick kept a record for himself.

Your comments and opinions are important to us.

Please email any poems, letters, commentaries to the VOICE editor at johnmcferrin@aol.com or real, honest to goodness, mentioned in the United States Constitution mail to John McFerrin, WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

EXPLORING THE BEAUTIFUL BLUE RIDGE MOUNTAINS

By Mike Juskelis

Day 1 (9.89 miles and 2400 Ft Elevation Gain):

I was joined by Hardcore, Bryce, Pathfinder, Skywalker, Barbara, Stacy (NO E) and Over and Out. We met at the car drop-off point at MP 51.7 on the Blue Ridge Parkway (BRP) and drove south for approximately 27 miles to the starting point at Sunset Field and the Apple Orchard Falls Trailhead. We hit the trail under threats of bad weather at around 12:20.

We started with the climbing right away with an 864 foot ascent on Apple Orchard Mt. This and the climb up the backside of Highcock Knob would be the hardest part of this 9 + mile day. There really are no apple trees on Apple Orchard Mt. They are actually stunted White Oaks. After passing under the guillotine everything else was a nice ridge walk.

Shortly after passing by the Thunder Hill Shelter we arrived at the Thunder Ridge Overlook. (Yes Mildred we could have driven there!) That patch of white rocks on the distant ridge is The Devil's Marbleyard. We hung our food and were all cozy in our tents by 8:00.

Day 2 (10.04 miles and 800 Feet Elevation Gain):

By 6:30 the rain had stopped and we arose to the call of a Barred Owl: "Who cooks for you! Who cooks for you!". We were on the trail by 8:30 but the fog rising out from the surrounding valleys precluded any good views. I had hoped to show the group the almost 360 degree view from an area called the "Helicopter Landing Pad" but you couldn't see your hand in front of your face. This is what it looks like on a clear day.

As we descended from the top of the James River Face Wilderness the fog lifted and offered a nice view of the James River. At the bottom we took an extended break at Matts Creek Shelter and dried out our tents.

The 625 ft, 1.5 million dollar James River Foot Bridge was something to behold. You can see Little Rocky Row in the far distant center and Big Rocky Row to the right. We would climb them the first thing tomorrow.

We arrived at Johns Hollow Shelter around 4:00 and enjoyed a nice evening and a fire before the rains came again.

Day 3 (9.39 miles and 3100 Feet Elevation Gain):

It rained all night until just before it was time to get up. We ate in the shelter, broke camp and humped all of our wet gear up to the top of Little Rocky Row and then Big Rocky Row. After that we had a nice long stretch of rather flat ridge hiking on a smooth tread until we hit the bottom of Bluff Mt. It seemed like the trail builders were determined to take the most circuitous route to get to the top. Once there we saw the memorial to Little Ottie, a lost 5 year old who died on the top of the mountain. After a gradual descent it was an easy flat and/or downhill walk for the last 1.5 - 2.0 miles back to the plant cars. We were done hiking by about 3:30.



HIKING THE HALFMOON LOOKOUT

By Michael Juskelis



The weather turned out to be great for early April - high 50s to low 60s with partially cloudy skies. I was joined by William, Treebeard, Indiana Moser, Hardcore, Shortstack, 16 Penny, Good Golly Miss Molly, Andromache, Pat and Ted E. Bear.

We kept a pretty brisk pace throughout the hike slowing down only for the four crossings of Halfmoon Run and the steep climb up Mr. Wilson's Tr. That one al-

ways gets me. After the main climb we ran into Lee Manning and his PATC Stonewall Brigade who had just finished up some trail maintenance. After a brief conversation we completed our climb and took a nice lunch break at the top. William showed us another rock outcrop that offered more westerly views.

We descended on the Halfmoon Trail and took a final break at another stream also named Halfmoon Run before completing the circuit using the Bucktail Cutoff Trail. We were back at the vehicles by 3:30. We changed our footwear, said our goodbyes and headed back to civilization.

MOUNTAINTOP REMOVAL WEEK IN WASHINGTON, D.C.

By Bob Gates

To urge Congress to pass the Clean Water Protection Act (HR 2169) 125 people from 20 states gathered in Washington April 5 - 9 to lobby Representatives and Senators. This effort was sponsored by The Alliance for Appalachia, of which the West Virginia Highlands Conservancy is one of 13 member groups. We made about 140 office visits and acquired eight more signatures for a total of 139 co-sponsors for the Shays/Pallone bill.

The People United

Photo by Bob Gates



The Clean Water Protection Act simply restores the definition of "fill" to the original language and intent of Congress. The Bush administration tried to circumvent the Clean Water Act by issuing an executive order that would define "fill" to include waste, in this case Mountaintop Removal rubble dumped into headwater streams as Valley Fills. HR 2169, your basic two-sentence bill, would not preclude non-waste fill placement for useful development.

In the meeting that I attended with Congressman John Yarmuth of Kentucky, an avid co-sponsor of the bill, we discussed trying to rein in the Army Corps of Engineers from rubber stamping permits. It turns out that two different groups of people photographed the sign in front of the Corps' Government Accountability Office building because we thought the oxymoron was pretty funny in this context. I grabbed my little camera out of my bag and passed the picture around the room. Chad Berry of the Appalachian Studies program at Berea College was in this meeting and it turns out that he had taken the same shot as well.

MORE ON WIND POLICY (Continued from p. 1)

an attractive alternative. No matter what the social costs of wind, they always pale when compared with those of coal.

If, on the other hand, the wind energy does not replace coal, then there is less justification for suffering the costs to society associated with wind. We might, for example, more easily tolerate the deaths of birds at wind farms if this meant that less of the bird habitat destruction inherent in coal mining took place. We might tolerate some inconvenience to those who lived near wind farms if that meant some relief for those who lived near coal mines. If the destruction to the land and misery to the people who live near coal mines still goes on whether there are wind farms or not, there is less reason to tolerate the social costs of wind power.

There has recently been considerable evidence presented that for most or many proposed or operational projects, wind energy fails to replace coal to a significant degree. Admittedly, most of the material we have thus far studied comes from the literature of Wind Farm Opposition¹ or that of Public Energy Policy Analysis². The engineering literature is difficult and we are still making first steps at penetrating it.

Most meetings were at least cordial. While meeting with Congressman Connie Mack of Florida, I was able to point out that two other people with us were from Florida and I was impressed on how well informed they were on this issue. I mentioned that in the first meeting that I had that morning we had four 8th grade girls from Great Falls who were extremely well informed and they planned to continue their group meetings through the summer. We had a hard core meeting with Rockefeller's

Government Accountability Office of the U.S. Army Corps of Engineers

Photo by Bob Gates



office, but certainly left his aide much more well informed. I gave them a copy of *Mucked* as we left. I understand that Nick Joe Rahall was hostile to his meeting delegation.

With two gala dinners and a little karaoke at the hotel, we also had a good time. The multi-state gathering of activists reminded me of the 70s when we were pressing Congress about strip mining (though Ken Hechler and I were for the abolition of strip mining altogether). We wrapped up Tuesday evening with a legislative reception of wine and cheese with six Congressmen and an aide for Pallone (that is quite a number) who were enthusiastic sponsors of the Clean Water Protection Act and thanked us for all our efforts.

However, what we have learned already seems sufficient to ask for an affirmative determination that coal will be replaced as a pre-condition for our support of any particular project.

This new position will have an immediate effect upon Highlands Conservancy action. In its promotion of its proposed Laurel Mountain wind project, near Elkins, AES LLC has freely admitted that no coal burning will be replaced. Because of this, we are applying the new resolution by submitting a Letter of Protest to the WV Public Service Commission. This letter was still in progress at the time the Voice went to press.

¹ Jon Boone, Less for More: The Rube Goldberg Nature of Industrial Wind Development.

² Tom Adams, Review of Wind Power Results in Ontario, May to October 2006, Energy Probe, November 15, 2006.

YES, IN MY BACK YARD (YIMBY)!

By George E. Beetham Jr.

People who support wind farms on mountain ridges keep referring to those who oppose them as “NIMBY’s”, an acronym for Not In My Back Yard. I have to admit to being puzzled why people think everybody who opposes wind in the mountains is either a NIMBY or a wind opponent.

I am neither. I am, if anything, a YIMBY. That is, Yes In My Back Yard. I live in southeastern Pennsylvania outside of Philadelphia. Electricity generated in the mountains of West Virginia is marketed in Philadelphia and other major urban centers

I see several problems with this. First and foremost, if the cities are the major users of electricity, and anybody who has visited any East Coast city would have to agree that we are major users, then why shouldn't the generation facilities be close to where the electricity is used? There are designs for wind turbines that can sit atop skyscrapers, in effect providing the electricity the building needs. Granted, current buildings would have to be retrofitted, but I would prefer to see that instead of wind turbines along Appalachian ridges. Build turbines along the medians of interstates.

I live in the city. I go to the mountains of West Virginia to experience what is left of nature here in the East. Admittedly, there isn't a whole lot left, but that makes what is left that much more valuable and meaningful. And I submit that its highest and best value is as wilderness, or at least natural.

Transmitting electricity from mountains to cities involves high capacity transmission lines, like TRAIL, which will degrade even more natural land. Further, transmitting wind generated power over long distances is very inefficient. Much of the generated power is lost along the way; only a fraction of it actually gets to the city.

With mountaintop removal devastating wide areas of West Virginia, why in the world would you want to see what little natural areas there are left in the state crowned with wind turbines poking their way above treeline into the sky? Can't one area of West Virginia remain free of blight? Can't we have a sliver of wilderness left?

If wind power would stop mountaintop removal, I could understand why people would be for it. But wind will never provide more than a fraction of our electricity needs no matter how many ridges are ruined with towers. There are two things that are generated in the mountains of eastern West Virginia that we sorely need: water and forests that store carbon dioxide and give off oxygen. Stripping trees off a ridge and planting wind turbines will have the effect of lessening the water retention capabilities of the mountains, and obviously have negative impacts on global warming.

It's time for the cities, my back yard, to take on the responsibility for producing the power we over-use. If we are the energy hogs, then we should bear the burden here, in the cities. And if we are not willing to bear the burden, then guess what? The lights should start going out.

It seems to me that for too long development of urban America has plundered the wilds of West Virginia for its needs. It pains me to see native West Virginians pointing fingers at one another, grasping for panaceas for problems they have not created. Wind power is no panacea. It is not going to save one single coal bearing mountain from being

plundered. It will never be more than a drop in the bucket if we depend on all the mountain ridges in West Virginia. Build the generation capacity where it will be used. That is the message that West Virginians should be rising up and shouting in unison.

And why would power companies not locate wind generators in cities? Because too many residents – the real NIMBYs – would object to it and the cost would escalate because of court fights. West Virginians should have enough pride in place to fight for your own back yards and shift the burden back on the people burning the lights all night long. All of West Virginia should rise up and oppose the abortion of mountaintop destruction, done for a few brief hours of power in some city that looks like a Christmas tree on steroids. The problem is my

back yard and the solution should not be more blight in West Virginia. We destroyed our natural land long ago. What would a few more wind turbines mean here?

Frankly, West Virginia's answer to the rest of the country should be to cut us off. The cities are what is destroying West Virginia. The mountains define West Virginia, known after all as the Mountain State. If West Virginia wants to market something, market the mountains as places where people can go to find a piece of nature – hike a trail, fish a stream, look off at ridge after ridge to infinity with no sign of human blight.

Whenever I travel to West Virginia, I cannot help but spend some of my Yankee dollars. Gas, food, lodging, maple syrup, sausage, produce from farms ... I leave the Mountain State with less money than I enter it with, trust me. But if all you have to offer is wind turbines stretching from horizon to horizon, or mountaintop destruction, then somebody else is going to get my money.

Mountain ridges are not desert. They are not barren. The rain forests of eastern West Virginia have more value than anybody could imagine. The area is a natural watershed. Water is released slowly, providing water that flows to cities. The oxygen is breathed by millions. The forest is home to amazing creatures and plants that exist nowhere else in the world.

Few of us have any remote idea what amazing things can be found in the rain forests of the Monongahela National Forest. New discoveries pique my curiosity from time to time, things we have not learned in hundreds of years. Those are the things for which we should fight. Those are the things that are protected by wilderness. Those are things that may not be around much longer if we keep industrializing our last remaining eastern wilderness.

That is why I am against wind generation in the West Virginia highlands. I am saying, yes, in my back yard, not in your back yard.

My impression of West Virginia when I made my first trip to your state was that it consisted of endless wilderness that stretched on forever. Sadly that was only an illusion, a fact I now realize as I see wind turbines rearing up above the hills from too many once scenic vistas. I've seen mountaintop destruction at Kayford and listened to Larry Gibson and Maria Gunnoe, two eloquent people who can tell us the true cost of this destructive form of coal mining.

(Continued on p. 15)



MORE FROM THE YIMBY (Continued from p. 14)

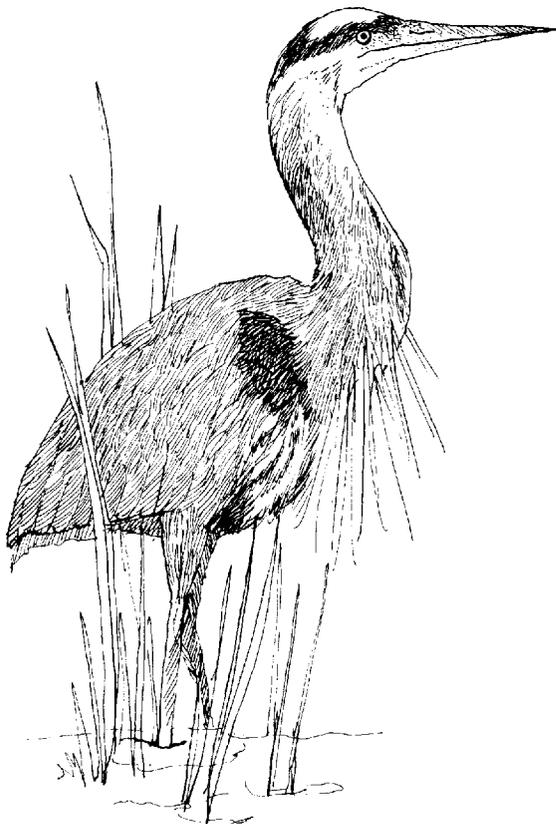
I've seen that, and I've seen wind turbines on the horizon from the Monongahela National Forest. And I wonder to myself, why West Virginians allow people to come into your once beautiful state and rape it. Do West Virginians see the mountains as simply something to be exploited, never mind the cost? I understand the need for economic development. But raping the mountains is not going to increase the standard of living.

Look at the blight of eastern cities. Is that what you want? Do you think urban dwellers are ennobled because of blight? I have to tell you that it has the exact opposite effect. That is why many urban dwellers seek out wilderness, to escape dreary blight. Maybe we've found something that West Virginians have forgotten. Maybe we prize nature over industrialization.

At the same time, we urban residents are the reason they're building wind turbines along ridges in West Virginia, and why they're blowing up mountains right and left. We should bear the cost, not you. It should be in my back yard, not yours. And you should not be pointing fingers at one another, but at us energy hogs who have no idea of the true human and natural cost of burning lights all night long.

George E. Beetham Jr. is a newspaper editor in Philadelphia, a former board member of the West Virginia Highlands Conservancy, and a believer that nature has power to heal the human soul.

Editor's Note: The illustration accompanying this story is a generic energy hog. It bears absolutely no resemblance to George Beetham, living or dead.



ON COAL, GREED, AND THE FRIENDS OF COAL

Commentary by Bonni McKeown

Pulling into Chicago aboard the Amtrak Cardinal, I see the backyards and the houses and the factories that have lined either side of these railroad tracks for many decades—not too different from the modest houses in many West Virginia towns. People worked hard to build these houses and sidewalks to try to make their lives easier. A human desire for comfort leads us to want the heat on and the lights on, as the “Friends of Coal” companies love to remind us in their TV ads.

But greed, not scarcity, is really the issue. Some people on this earth are way, way too comfortable, while others have not a roof over their heads or enough to eat. And some places, like West Virginia, keep giving up resources while the land and people get poorer and poorer. We've been an energy colony since we were founded by northern industrialists in 1863; now we're even more of a pawn in this struggle for resources. Gov. Joe Manchin, himself a former coal trader, recently went to China to talk about coal production. Mountaintop removal mining, high-voltage powerlines, oversized wind turbines born more of federal tax breaks than true clean energy, gas well drilling along the Allegheny Front—all have invaded our state with redoubled vengeance. Science and our universities have perverted into public relations machines for the energy industry, and Public officials in both major parties are in its grip. All must be held accountable.

Homeland Security (war) preparations have taken a sickening new turn—Corridor H through Virginia is being promoted by West Virginia officials as an escape route if DC is attacked. Gov. Manchin mentioned this at a Canaan Valley fundraiser in the same breath as he promised to save Blackwater Canyon. Perhaps the Canyon is where they'll pile all the evacuees? No, supposedly they will be rushed on through West Virginia into Ohio and Kentucky, according to a high official in state emergency management.

Why, I asked, couldn't they use trains to help evacuate people faster, as even a four-lane highway won't support mobs of panicked people? No, the official said, trains will be used only for Congress and other bigwigs (maybe that bunker at the Greenbrier, right on the CSX line through White Sulphur Springs will be a homeless shelter for mucky-mucks after all?) What about all the DC regional and city buses, one might ask? They can help get a lot of people out faster, in all directions. Seems like the special interests, not the people, are dominating emergency planning. If I'm wrong, they won't tell us anyway, because the government runs on secrets.

What can we do? Here's an idea for one small angle of one huge problem: mountaintop removal. I'm ashamed that my alma mater, West Virginia University, has been disgraced by political favoritism. But an even greater disgrace is that the Marshall-WVU football game has been renamed the “Friends of Coal Bowl.” Yes, these are the same Friends of Coal that have put up the billboards advocating the removal of mountains in order to keep the lights on. I don't want my university associated with mountaintop removal. Some kind of campaign to allow Marshall and WVU fans—in fact, all West Virginia college alumni and fans—to support “Friends of Mountains” is in order.

Things have now reached the curious stage where closing our eyes to the problems takes more energy than doing what we can. Like the trains, the friends of West Virginia's mountains keep chugging along. We think we can; we think we can.

Ms. McKeown may be reached at barrelhbonni@hotmail.com.

The River's Revenge

By B. Dan Berger

The cold water is bustling over and around rocks, algae, fish, and yes, my patched Orvis waders. The hectic water is a tad higher than usual because of the slow misty drizzle that started early last night.

I am walking along a portion of the North Fork River I have yet to explore with my fly rod. Though I have driven by it often. It goes through private property where I have successfully navigated permission from the surly farming landowner. There are beautiful trout in this section of water. And they are slurping my dry fly with aggression. This is fun!

I slowly walk up river, around some small rocks and boulders. The deep pools and holes are fantastic targets for drifting my fly. I spot a large pool across the tempestuous river and make a foolhardy attempt to get within casting distance. I feel the rushing water's pressure around my waders become tighter and tighter as I walk toward the middle of the river. The water is getting deeper.

One more step and I can efficiently make a cast and drift my dry fly into the smooth pool. My last step is a blundering mistake. I descend into a hole that is much deeper than it appeared. And dadgum the water is cold!

The numbing water is pouring over the top of my waders and has filled each leg before I can step back out of the river's small abyss. My brain's first synapse is: I'm going to freakin' drown! The slight bit of panic quickly subsides after I realize I am not going to be sucked under or floated to the open waters of the Chesapeake Bay. I begin to breath normally again after my mini heart-attack. Holding my fly rod up high I walk to the riverbank.

I unsnap my heavy-as-lead waders, pull them off and tilt them like a pitcher of iced tea. The frigid water pours out. My thick wool socks and my jeans are soaking wet. I reluctantly put the dripping waders back on and walk across the recently harvested cornfield to my truck. Not how I envisioned this day unfolding, especially after my fantastic start. I quickly drive home, change into warm, dry clothes and get my decrepit back-up waders. This is my best day of trout fishing ever, so I need to hurry back.

As I drive back to the same section of the North Fork, I start piecing together a new strategy to traverse the turbulent water in order to reach that same deep pool. I find a good spot that allows me to reach the target pool without drowning or getting hypothermia.

I go back to my favorite dry fly which has been working all morning like something has possessed fish to attack it. The very last one of its kind that I have in my fly-box. In fact, the last one I have anywhere... cabin...truck... home... anywhere. I do a few short false casts and then prepare to go long. On my last back-cast, the fly snags a limb of a skinny locust tree, and my cherished fly rips off my 5x tippet. The fly is too high to reach and the tree too skinny to climb, especially when I weigh a feather-light 220lbs. Just great.

After losing today's best fly, I drift a large selection of various dry flies into the emerald hole. Repeated attempts occur. No more bites. Though I can see a pod of three trout occasionally rising softly to the surface, I still cannot get one to bite.

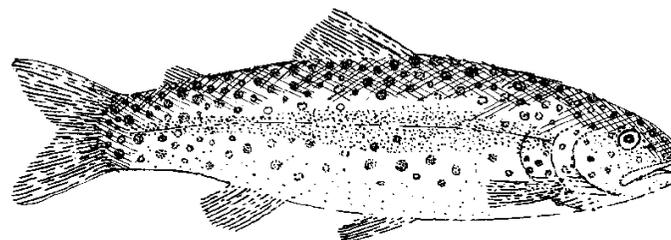
Then nature calls.

I cast one more time and allow my fly to drift over the pool and then watch it tumble and rumble further down the river. Leaving the line in the water I walk to the river's edge with my fly rod. I gently set the rod and reel on a large smooth boulder and walk behind a tree to eliminate two Diet Dr. Peppers I had gulped-down earlier.

As I turn around, snapping my waders back in place, I watch my rig get dragged into the water. The entire rod and reel has disappeared! I splash into the water and quickly grab my fly rod before it goes any further downstream or breaks against the rocks. I begin to reel in the line, but it resists. The fly has either hooked itself into a log or stick under water, or maybe, the line has wrapped itself around one or more of the gazillion river-rocks.

I slowly keep reeling. A 12-inch rainbow trout jumps out of the water. I had hooked a fish by not fishing! As I carefully begin to fight the fly-eating-flyrod-stealing fish, he shakes off the fly. Lost him. What a day.

The river gives and the river taketh away.



VIRTUAL VOICE READERSHIP ON THE RISE

For some time now you have been able to read the *Voice* online, days or weeks before it appears in your mailbox, and the pictures are in color! Past issues are available too – all the way back to August 1998. Just go to our wonderful website www.wvhighlands.org, scroll down and look in the bar on the left. (You should check out our website now and then, just on general principles).

But this year we are offering the option of receiving a e-version (also with color pictures) that will arrive in your mailbox about the same time it goes to the printer, and several readers have taken us up on this offer.

There are valid personal reasons for still wanting the hardcopy version: I would rather curl up on the couch with a hot cup and fight

with my cat over turning the pages, than stare at a screen. But if you like getting your news electronically, and you have trouble keeping track of where you laid the latest issue, and you don't need any more fire starter, you might consider becoming a **virtual Voice reader** (not to be confused with virtuous Voice reader). You can always print it out too, or parts of it, as you wish.

Just let me know at blittle@citynet.net that you would like to receive the e-version, and voila! you become a **Virtual Voice Reader**

This will not affect any other mailings, and you can always switch back. In fact, I would appreciate any communication about changes in address, extended vacations (bulk mail like the *Voice* is usually returned instead of for-

warded), etc. Right about the 1st of the month is when the mailing list goes to the printer.