



# The Highlands Voice

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## SUPREMES APPROVE GREENBRIER WIND FARM

The West Virginia Supreme Court has upheld a decision by the West Virginia Public Service Commission that approved construction and operation of a 124 turbine wind farm on in Greenbrier County.

The operator, Beech Ridge Energy, LLC proposed to construct 124 wind turbines sized at 1.5 Megawatts, mounted on 262 foot tubular steel towers, in addition to 150 pole structures for the transmission line with a total project cost of \$300 million. The turbines will span approximately 23 miles along various rural ridgetops located in western and northwestern Greenbrier County. The turbines will be located on a 100,000 acre tract owned by MeadWestvaco Corporation.

Mountain Communities for Responsible Energy, a nonprofit group, and Alicia A. and Jeffrey C. Eisenbeiss, two local property owners, had appealed from the decision of the Public Service Commission approving the project.

The appellants had contended that the application for approval did not contain all the information required by the Public Service Commission's siting regulations. The appellants had also contended that, while the siting regulations require that information be evaluated before the application is considered, the Public Service Commission allowed some information to be submitted after the project had already been approved. The information to be submitted post-approval included evidence of any required environmental permits, the final endangered species study, and the historical and archeological significance study with any required mitigation plans.

The Public Service Commission has a duty to appraise and balance the interests of the public, the general interests of the state and local economy, and the interests of the applicant. The appellants be-

lieved that the Public Service Commission could not possibly have done this balancing when Beech Ridge had never submitted the information necessary to do this balancing.

Although the decision is some twenty one pages long, it is based on a single principle: on matters requiring balancing or any sort of technical application of a statute, close cases are decided in favor of the agency. In this case, that reasoning applied in two ways.

First, the Supreme Court believed that it was within the discretion of the Public Service Commission to determine whether Beech Ridge had submitted the necessary information. The Public Service Commission had a great volume of information before it. The Supreme Court decided that the Public Service Commission's conclusion that the information submitted was sufficient had some sort of reasonable basis. Thus, the Supreme Court would not overturn it.

Second, the Supreme Court believed that the Public Service Commission had struck a balance between the interests of the public, the economy, and the applicant. While the balance may or may not have been the one the Supreme Court would have struck, the Public Service Commission did have substantial information before it. Beech Ridge had submitted information on employment at the facility and tax revenue to be generated. In this case, as in all review of agency decisions, the Supreme Court was reluctant to second guess judgments of an agency that appeared to be supported by some evidence.

**Note: The West Virginia Highlands Conservancy was an intervenor before the Commission but did not participate in the appeal.**

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## From the Heart of the Highlands

by Hugh Rogers

### A Model of Conscious Sympathy

Summer's in a hurry. That's what I draw from the calendrical anomaly whereby June 21<sup>st</sup>, the Solstice and the official beginning of the season, was followed two days later by the traditional Midsummer Night.

We spent a week of June in Scotland County, North Carolina, with our married sons, daughters-in-law, and grandchildren. Ruth's mother's family came there from Scotland two hundred years ago; her cabin stands in what's called "The Old Field," under towering longleaf pines that have been growing since the Civil War. A short walk away, down a sandy avenue, is a small beach on a bend of the Lumbee, a blackwater swamp known downstream as the Lumber River. For air conditioning, we had twice-a-day swims in the cold, spring-fed river; we took the kids on canoe and kayak rides; then playing, eating, reading on the screened porch, and visits from nearby cousins.

I had just read another report on American families not going outside. In the past twenty years, according to a study published by the National Academy of Sciences, the number of visitors to national parks and forests has declined by as much as 25 percent. More and more children spend most of their time, even vacation time, "inside a box, in front of another box," as one sociologist put it.

My sons had the benefit of growing up in West Virginia near a large chunk of public land. Since early childhood they have loved to hike, climb rocks, shoot rapids, sleep under the stars, and just be out. Ruth and I don't take much credit. Although we took them camping and hiking, we didn't teach them skills. We didn't think we had any. They learned the skills and more at summer camp.

When I proposed to Ian and Tom that they got as much education from a three- or four-week session at camp as from any nine months in public school, they agreed enthusiastically. Not only did they learn—they learned to teach. "Soft skills" along with the "hard skills," as an assistant director used to say.

We first heard of Eagle's Nest Camp in the North Carolina mountains from Ruth's sister's babysitter. Ruth's mother said she would pay for Ian, then thirteen, to go for a three-week session. From then on, it was near the top of our own priorities. Tom began at nine, and Gabriel, who had the company of his brothers around the camp as counselors, was only six. At fifteen, he went to the camp's new semester program called the Outdoor Academy. Eventually, he became a counselor as well.

Like many summer camps that had been around since the early 20<sup>th</sup> Century, Eagle's Nest was a family business. In this case, the long-term director who recreated camp in her image had married into the family. Helen Waite (now retired) was a scientist and a dreamer, a carrier of Indian lore, less interested in athletics than in seeing children and teenagers set out on their hero's journey in the natural world.

Soon our grandchildren will be going to camp. I served on its board of directors for fifteen years, Tom met his wife Hannah at camp, and Hannah's friend Ivy was the babysitter who recommended it to Ruth's sister. Still, it was only in June that I heard the story behind that first connection.

**(Hugh finishes up on p. 5. Go there now!)**

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## WILDERNESS BILL CLEARS SENATE COMMITTEE

On May 7, the Wild Monongahela Act took its next major step on the road to becoming law when it was approved by the Senate Energy and Natural Resources Committee. While advocates for Wilderness protection had hoped the Senators would improve the bill by including additional areas in the Senate version such as Seneca Creek, East Fork of Greenbrier and Roaring Plains East and West, they chose to go with a version identical to the one passed by the House of Representatives on Earth Day.

This legislation will protect three new wilderness areas; Spice Run, Big Draft and Roaring Plains West, and expand three existing areas; Dolly Sods, Cranberry and Otter Creek, protecting over 37,000 acres of the Mon National Forest.

The Wild Mon Act is now awaiting full Senate consideration. The Senate Energy and Natural Resources Committee has been working on a package of public lands related bills. The Wild Mon Act will be included in this legislative package which will likely include several other wilderness bills from around the country. Once the Senate acts on the package, the President has 10 days to sign, or veto each bill.

Wilderness advocates are optimistic that the Senate will act on this legislation before the end of the year. This legislation will protect three new wilderness areas and expand to three others on the Monongahela National Forest! This is a good reason to celebrate and reflect on how far this campaign has come and all the hard work by so many that has gotten it here. While we didn't get all the special areas protected in this bill that deserve to be protected, we plan to be engaged in their management until they can be permanently protected.

We will be working with the US Forest Service to see that they stay just how they are, wild and wonderful.

Visit [wwwild.org](http://wwwild.org) for updates as the legislation progresses and what you can do to get involved and make a difference. For now, take a moment to consider the fact that we are very close to finally having six more special places on the Mon permanently protected through inclusion in the National Wilderness Preservation System.

## ENDANGERED SPECIES ACT IN BLACKWATER CANYON

The West Virginia Highlands Conservancy has joined with the Friends of Blackwater, the West Virginia chapter of the Sierra Club, and several other groups in notifying the United States Department of the Interior, the United States Fish and Wildlife Service, and Allegheny Wood Products of what the groups believe are violations of the Endangered Species Act in Allegheny Wood Products' proposed logging in Blackwater Canyon. The species involved are the West Virginia Northern Flying Squirrel, the Cheat Mountain Salamander, the Indiana Bat and the Virginia Big-Eared Bat.

The Endangered Species Act prohibits the taking of endangered species. The term "take" is defined broadly to include "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect." The groups believe that the proposed logging will result in the taking of the endangered species listed.

The Endangered Species Act has an exception which allows the taking of an endangered species in limited circumstances. The Fish and Wildlife Service may issue an "incidental take permit" allowing the taking of a listed species where such taking is incidental to a lawful activity. Anyone who wants an incidental take permit would have to submit a conservation plan showing how the applicant intends to minimize impacts to the endangered species.

This is not the first time this issue has arisen. In 1998 the Fish and Wildlife Service notified Appalachian Wood Products of the presence of endangered species in Blackwater Canyon. In response to this, and to the threat of litigation by several of the groups that are currently concerned, Appalachian Wood Products agreed to stop timbering, start work on a Habitat Conservation Plan and an Incidental Take Permit, and notify the concerned groups at least 60 days before they began logging again.

The Fish and Wildlife Service has not approved a Habitat Conservation Plan for Appalachian Wood Products activity in the Blackwater tract and no Incidental Take Permit has been issued.

On June 4, 2008, the groups who have notified the government agencies of violations of the Endangered Species Act informed Appalachian Wood Products that they had learned of the breach of the Agreement and requested AWP immediately cease logging. Appalachian Wood Products agreed to cease logging for sixty days.

It appears that more logging is imminent. Despite this temporary cessation in logging Appalachian Wood Products has notified the West Virginia Division of Forestry that it proposes to log a total of 122 acres in two tracts in the Blackwater tract.

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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.*

# TrAIL or PATH or Both

By Frank Young

## THE TrAIL

Two new high voltage electrical power transmission lines proposed to transverse hundreds miles of West Virginia mountains and valleys continue to create controversy in West Virginia and elsewhere.

Trans-Allegheny Interstate Line Company's (TRailCo) transmission line (TrAIL) is currently in the permitting stage at the WV Public Service Commission (WV PSC). If permitted and constructed, TrAIL would run from southwestern Pennsylvania south into WV, then mostly west to east across northern WV, then into Virginia- through Monongalia, Preston, Tucker, Grant, Hardy, and Hampshire Counties, without crossing any part of Maryland. TRailCo is a new transmission line subsidiary of Allegheny Power Company.

Several months ago (January 2008) this application was opposed by several parties, among others including:

- \* WV Chapter of Sierra Club
- \* West Virginia Energy Users Group ("WVEUG")- a state-wide association of large, energy intensive industrial, chemical, manufacturing, and institutional concerns.
- \* Bhavana Society Forest Monastery and Retreat Center in Hampshire County,
- \* CPV Power Development, Inc. a Maryland and Virginia natural gas "peaker plant" operating company
- \* Both the Consumer Advocate Division (CAD) and Legal Division staff of the WV PSC
- \* Laurel Run Community Watershed Association
- \* More that a dozen homeowners along the proposed route, and other concerned individuals
- \* The Toms Run and Halleck Road Community

The opposing parties agreed, among other things, that TRailCo had not established an actual need for the new transmission line.

But by late April a "Joint Stipulation" agreement was reached between TRailCo and several of the parties, and which found the West Virginia Energy Users Group Public Service Commission, Consumer Advocate Division, and the PSC legal staff reversing their former opposition and now supporting the TrAIL application. That agreement was basically that, in return for certain economic development promises being made by TRailCo, that the parties to the Joint Stipulation no longer opposed and now support the transmission line application.

Commenting on the JOINT Stipulation In mid-May, an apparently outraged CPV Power

Development Inc. attorney wrote in a brief to the Public Service Commission: "The comments filed last week by Staff, CAD [Consumer Advocate Division], and the WVEUG [West Virginia Energy Users Group] add nothing to their defense of the Stipulation. This "too good to be true" offer is little more than an effort to rewrite West Virginia law, to ignore the glaring inconsistency of the Stipulation with those parties' prior positions in this proceeding, to sweep the factual and evidentiary gaps in TrAILCo's need application under the rug, and to ask this Commission to swap a certificate of convenience and necessity to build a \$1 billion dollar transmission line in exchange for questionable economic benefits."

But mysteriously, and without explanation, in late May CPV Power Development Inc. informed the PSC that it too, is no longer opposed the TRailCo application.

So the April "Joint Stipulation" agreement among the parties in the TrAIL case leaves only the WV Chapter of the Sierra Club, the Bhavana Society Forest Monastery and Retreat Center, the Community and Watershed associations, and the individual interveners joined in opposition to the TRailCo project.

The Sierra Club, as of this writing, is recommending several options to the PSC. Sierra attorney Bill DePaulo wrote the Public Service Commission on June 4<sup>th</sup> arguing that the need for the TrAIL line had not been shown. More specifically, he argued that the line would commit West Virginia ratepayers to a future of coal when, because of the threat of global warming, coal's role as an energy source would likely diminish. (An extensive excerpt from Mr. DePaulo's correspondence appears in an accompanying story. See that excerpt for the details of the argument.)

The Sierra Club and Mr. DePaulo then go on to suggest to the PSC that it can "JUST SAY 'NO!'" to the TrAIL application. In the alternative, the Sierra Club then suggests that the TRailCo and the anticipated PATH transmission line applications be considered jointly; **(Editor's note: the PATH line is another transmission line the Public Service Commission will be considering. It is the subject of a separate story which appears right up there.**

The WV PSC is currently scheduled to rule on the TRailCo application by August 2, 2008.

## PATH

Yet another application for a new transmission line, known by the acronym PATH, is expected to be filed at the Public Service Commission later this year.

PATH is a joint venture between American Electric Power Company, Inc. (AEP) and Allegheny Energy, Inc. (Allegheny). PATH consists, in part, of two operating companies including PATH West Virginia Transmission Company, L.L.C., which is owned jointly by AEP and Allegheny, and PATH Allegheny Company, L.L.C., which is owned solely by Allegheny. These companies were organized to finance, construct, own, operate, and maintain the PATH Project.

This PATH project is a proposed 290-mile long 765 kV transmission line transmission line that would begin at AEP's John Amos substation near St. Albans, WV, run across the middle of West Virginia, and end at Kemptown, Maryland. The estimated cost of the project is \$1.8 billion, and is scheduled to be completed in 2012.

It appears that the TrAIL line and the PATH line would cross one another, perhaps in either Hardy or Hampshire County- but not actually interconnect- with the PATH line continuing more or less northeast into Maryland, and with the TrAIL line continuing east into Virginia.

### 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](mailto:Martinjul@aol.com), or 304-342-8989.

Your comments and opinions are important to us.

Please email any poems, letters, commentaries to the VOICE editor at [johnmcferrin@aol.com](mailto: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.

# WHAT MR. DePAOLO HAD TO SAY

*Here are excerpts of the remarks of William DePaolo before the West Virginia Public Service Commission. He made these remarks as part of the Public Service Commission's consideration of the proposed TrAIL power line. These proceedings are the subject of a separate story on p. 4.*

For the reasons stated in the Sierra Club's briefs, the Sierra Club believes the case for need has not been made, and that the environmental impact of increased CO2 emissions would, in any event, offset any electrical benefit. As it relates to the most recent Joint Stipulation, the Sierra Club believes, for the reasons stated in its May 29, 2008 reply brief, that the Joint Stipulation makes the "balance" between electric needs and environmental impacts worse, not better - although the route itself plainly is not, as TrAILCo's counsel correctly points out, the primary ground for the Sierra Club's opposition.

West Virginia Cannot Be A "Friend of Coal" and Remain "Open for Business"

Nor can West Virginia take solace from any illusion that "we are all in this together." To be sure, there will be winners and losers in the global warming sweepstakes, and West Virginia is scheduled to be an early loser. The reasons for this turn of events are based in our state's overwhelming dependence on coal for generation of electricity. Allegheny Energy's December 2007 "Global Climate Change Report," admitted into evidence in the course of the testimony of Mr. Flitman, TrAILCo's President, states plainly that Allegheny is dependent on coal for 95% of its electric generation.

The nation-wide dependence on coal, however, is at worst 55-45. In short, other regions of the country will be far better situated than West Virginia to absorb the electric cost increases associated with (anticipated) cap and trade (legislation) because they will simply side step it, by use of natural gas, or nuclear, or other alternatives to high carbon content coal.

Allegheny Energy explicitly acknowledged the potential catastrophe facing it and its customer in the "Global Climate Change Report" discussed by Mr. Flitman as explained in AE's report: "Regardless of the eventual mechanism, for Allegheny Energy this quickly becomes a major challenge. Most notable will be the potential impact on customer bills and disproportionate increases in energy cost in areas which have built their energy and industrial infrastructure over the past century based on coal-fired electric generation.

In plain English, very, very shortly - and way before the rest of the country — West Virginia consumers and businesses will start paying the price of global warming — not in superficial life-style changes — but rather in cold, hard cash. The bottom line is simple; **West Virginia cannot remain a "Friend of Coal" and, simultaneously, pretend to be "Open for Business."**

Committing West Virginia businesses to fund billions of dollars of construction costs, as a means of moving coal from west to east, at a time when those billions could be spent diversifying the fuel source, will leave West Virginia businesses at a significant, long term, competitive disadvantage with their counterparts across the nation.

At the very least, this Commission has incentives to extend the time frame for decision. Why commit West Virginia customers to the 4.2% share of the costs of TrAILCo's line, and make virtually inevitable West Virginia's absorption of a share of PATH'S multi-billion dollar construction costs, at a time when the viability of the project to "move large amounts of coal from west to east" is clearly suspect.

Granting the TrAILCo application at this point serves the interests of one party and one party only — Allegheny Energy stockholders. All other interested parties - including this Commission - will be better served by having an updated RTEP, a full understanding of the form of carbon taxation legislation in 2009, and a full appreciation of the changes in the market for coal-fired electricity, all of which will be forthcoming shortly. The fact that Allegheny Energy may be ready for a decision is no reason to commit West Virginia taxpayers, consumers and businesses, when the matters affecting their pocket book to the tune of billions of dollars are all up for grabs

The "how" part of the delay decision is straightforward. The most obvious way to do it is simply to request that TrAILCo itself waive the 400-day statute again. With the evidentiary record before this Commission, what possible ground could TrAILCo have for saying no? Certainly any claim that they need to start construction now to meet a June 2011 delivery date is thin at best. And the risk they take of saying "no" to a Commission request, is that the Commission itself will say "no" to their application.

Or the Commission could deny the TRailCo application without prejudice to resubmission in concert with the PATH application at year-end. Again, what possible ground would exist for refusal to go forward on terms that allow the Commission to assess all of the factors relating to the need for additional transmission capacity.

Meeting a deadline created by PJM's questionable computer model — and which the Commission's own expertise describes as somewhere between June 2011 and June 2014 — should take a back seat to a realistic assessment of all of the matters that will be before this Commission, both in November-December 2008 as a part of PATH, and in January 2009 and following as the US Congress addresses carbon emissions as a Legislative matter.

The overriding need at this moment - the matter which is truly "imminent" - is for the Commission to exercise its power, all of its power, to protect the interests of the citizens of West Virginia.

## **MORE FROM PRESIDENT HUGH (Continued from p. 2)**

When Ivy was four, her parents divorced. Helen Waite, who in the off-season lived just up the street in Winston-Salem, couldn't help but see the effect of the split on the little girl. She offered to take her to camp for the summer. The desperate parents agreed, and Ivy thrived.

To Helen, I suppose, one underage kid didn't mean so much extra responsibility. She knew children, had three of her own, and anticipated lots of babysitters. Sometimes it takes a camp to raise a child. That child may bring others around the fire.

A hundred years ago, John Muir wrote, "Most people are on the world, not in it. [They] have no conscious sympathy or relationship to anything about them . . ." Separation from nature isn't new, but chronic; yet models of sympathy are available.

# MINES' SELENIUM EXTENSIONS WRONG, APPEALS BOARD FINDS

By Ken Ward Jr.

The Manchin administration must revisit two dozen orders that gave coal operators three additional years to fix selenium pollution violations, a state appeals board ruled Thursday.

Environmental Quality Board members unanimously ruled that the Department of Environmental Protection wrongly gave the coal industry a blanket extension of time to comply with selenium limits.

In a 46-page decision, board members ordered DEP to come up with site-specific compliance schedules within 30 days. Companies affected include subsidiaries of Massey Energy, Magnum Coal and CONSOL Energy Inc., among others.

Board members sided with coal company lawyers on a variety of legal issues in the case, but also harshly criticized the industry and DEP for a slow and ineffective response to growing concern over selenium runoff from mining operations.

"Too much time has been wasted and too little has been done to address [the] problem," the board ruling said.

The board decision is the second time in two weeks that the DEP has been faulted for lax handling of coal industry selenium pollution.

On May 27, U.S. District Judge Robert C. Chambers threw out a DEP compliance order that gave Apogee Coal Co. three more years to clean up selenium violations at a mine in Logan County.

Chambers said that DEP had wrongly issued that order without a public comment period. The judge gave Apogee, a Magnum Coal subsidiary, 30 days to submit a compliance plan and another 90 days after that to implement the plan or show the judge why it could not do so.

DEP Secretary Randy Huffman noted that the board ruling said that his agency could stick with its current deadline - 2010 - for coal operators to actually comply with their selenium limits.

But Huffman also conceded that DEP had waited too long to take action to force the coal industry to clean up the problems.

"I think everybody was asleep at the wheel from the beginning," Huffman said. "The mistake was we let selenium slide for so long without applying the pressure that we are applying now."

In its ruling, signed by Chairman Ed Snyder, the environmental board made it clear that it thinks DEP and the industry are still not moving quickly enough.

"What is perhaps even more amazing is how little the WVDEP seems to expect from the coal industry," the ruling said. "WVDEP and the coal industry are asking for more time and yet the lack of urgency continues."

Board members ordered DEP to review

each permit and "design a compliance schedule that is site and permit specific."

"The compliance schedule should include meaningful milestones and requirements to demonstrate what the permittee is doing to achieve compliance," the ruling said. Companies should report lists of contractors and financial resources assigned to the job, the board recommended.

Selenium, a naturally occurring element found in many rocks and soils, is an antioxidant that is needed in very small amounts for good health. But in slightly larger amounts, selenium can be highly toxic. In aquatic life, very small amounts of selenium have been found to cause reproductive problems.

In 2003, a broad federal government study of mountaintop removal coal mining found repeated violations of water-quality limits for selenium in water downstream from mining operations.

Coal industry lobbyists have tried - so far unsuccessfully - to persuade lawmakers and the DEP to relax West Virginia's selenium limits. Last year, the Manchin administration moved instead to give nearly 100 coal operations three more years to fix violations of their selenium permit limits. It was the second round of compliance extensions given by DEP for coal industry selenium limits, the first coming in 2004.

Subsequently, the West Virginia Highlands Conservancy, the Ohio Valley Environmental Coalition and Coal River Mountain Watch challenged two dozen of those DEP compliance orders before the Environmental Quality Board.

In its ruling, the board said that evidence before it - specifically testimony from coal industry consultant Mindy Armstead - "indicated that streams with selenium concentrations well above" the state limit "do not show signs of environmental harm like those associated with the Belews Lake study."

Belews Lake, N.C., was contaminated by selenium in wastewater from a coal-fired power plant during the mid-1970s and toxic effects on the fish there were studied for more than two decades.

Selenium accumulated up the food chain, and caused severe reproductive problems in fish. Studies found that 19 of 20 species of fish were rendered sterile. Dennis Lemley, who is considered the nation's foremost expert on selenium water pollution and its effects of aquatic life, conducted the Belews Lake studies.

In a second federal court case pending before Chambers, Lemley has warned that pollution from another Magnum operation is dangerously poisoning Mud River Fish, leaving some with serious deformities. Fish samples taken by state officials showed some specimens

with two eyes on one side of the head, and others with curved spines, according to a report filed by Lemley.

"The Mud River ecosystem is on the brink of a major toxic event," Lemley wrote. "If waterborne selenium concentrations are not reduced, reproductive toxicity will spiral out of control and fish populations will collapse."

This article originally appeared in The Charleston Gazette.

## SELENIUM POST SCRIPT

By Cindy Rank

The Gazette article above pretty much outlines what the Environmental Quality Board (EQB) order requires of the Department of Environmental Protection.

And if DEP actually follows the timeline set out by the EQB, there may be some good come out of the action.

On the other hand, while the Board came down hard on DEP for its failings, the order allows the companies off the hook for even longer, and does little if anything to address the selenium problem on the ground.

In effect EQB has given DEP a compliance order to do an individual assessment of each of the couple dozen permits in question, to modify the permits in the appropriate manner with time for public review and comment, and to do that within a certain amount of time.

In the meantime the compliance orders we objected to in the first place are allowed to stand and so, in effect, the companies are allowed to continue mining without taking steps to treat the selenium laced discharges that continue to pollute the streams and violate state water quality standards. In other words, the order didn't do anything to lessen the amount of selenium now flowing into any number of streams most notably in the southern part of the state.

There are many things about the 46 page ruling that are truly baffling and often downright contradictory. But for anyone who remembers the acid mine drainage problems and years of fighting to prevent mining in the acid prone areas in the northern part of the state, a paragraph on the top of page 30 of the Board's order is sure to give you nightmares.

"The Appellants [us] argued...industry must immediately comply with the selenium water quality standard. Intervenor [industry] argued that if forced to immediately comply with the selenium standard, many of the coal companies would likely go bankrupt, and the state of West Virginia would assume responsibility for paying to solve the water quality problem. The Board is sympa-

**(Continued on p. 7)**

# EPA FINDS NO MAYFLIES NEAR MINING

By Ken Ward Jr.

Federal government scientists have found that mountaintop removal is eliminating mayflies in the creeks downstream from large mining operations, according to a new study being published later this year.

The findings not only indicate mountaintop removal is harming aquatic bugs, but also show large-scale mining is damaging overall water quality downstream from valley fills.

Two U.S. Environmental Protection Agency experts drew this conclusion as they continued research started as part of a broad federal study of mountaintop removal prompted by a citizen lawsuit.

"We collected more data at more sites and we continued to see this pattern, and at some sites, they are just not there," said Margaret Passmore, an environmental scientist with the EPA's field office in Wheeling.

Passmore wrote the study with Gregory Pond, an EPA aquatic biologist who also works out of Wheeling. Their work is to be published in the September issue of the peer-reviewed Journal of the North American Benthological Society.

The EPA revealed the study's findings Wednesday in a news release to announce that Passmore and Pond had received the agency's Regional Science Achievement Award for their work.

"While habitat degradation from mountaintop mining is what one sees on the surface, we found that chemical effects are quite pronounced and limit much of the expected biodiversity from what were once naturally rich, diverse Appalachian stream systems," Pond said in the EPA news release.

Mayflies are short-lived aquatic insects that are considered an important part of the

food web. They are especially vital for fish such as trout, bass and catfish.

When they mature in the spring, mayflies can make up 30 percent to 60 percent of individual insects in streams. Because of their numbers - and because they are very sensitive to pollution - they are good indicators of impacts on aquatic life and overall water quality, Passmore said.

Randy Pomponio, director of the EPA's environmental innovations and assessments division, said, "Maggie and Greg assessed 49 streams in West Virginia to determine the effects of upstream mining activities on downstream benthic macroinvertebrate communities. They learned through their study that whole orders of benthic organisms were being eliminated in streams below mines, which indicates that aquatic life is being impaired."

Passmore was part of an EPA team that produced a key stream assessment used in the federal government's broad mountaintop removal study, published in 2005. Passmore won the same EPA science award for that work.

The landmark 2005 study found a wide variety of environmental problems associated with mountaintop removal, but rather than use those findings to write tougher new rules, the Bush administration has moved to try to loosen regulation of mountaintop removal.

"These are very significant findings," said Joe Lovett, director of the Appalachian Center for the Economy and the Environment. "It's unfortunate that while agency scientists were collecting data showing the harm that these mines are causing, agency regulators were arguing that valley fills cause no harm."

***This article originally appeared in The Charleston Gazette.***

## More Selenium (Cont. from p. 6)

thetic to the Appellants argument but agrees with the Intervenor that forcing immediate compliance would not result in an environmental victory for the waters of the state or the people of West Virginia."

Allow me to repeat the last part of that last sentence "...FORCING IMMEDIATE COMPLIANCE WOULD NOT RESULT IN AN ENVIRONMENTAL VICTORY FOR THE WATERS OF THE STATE OR THE PEOPLE OF WEST VIRGINIA."

It boggles the mind.

—It's too hard, too expensive... One section even allows that the "Act of God"/natural disaster rationale was good cause for the DEP to grant extension after extension. ... as if the DEP was powerless to force companies to comply with the law, by stopping permitting, or putting a hold on mining activities until the discharges of toxic levels of selenium were treated or abated in some way.

Apparently protecting the environment was not the highest priority for the Board.

Shades of the acid mine drainage merry-go-round of the 1980's.

Had the state forced compliance with the iron, manganese, aluminum and pH standards in northern West Virginia at that time; had the state insisted on better treatment systems (reverse osmosis, two-stage treatment, etc.) at some of the mines in the northern counties; had the state denied some of those permits as citizens groups urged over and over again, there would be hundreds of miles of streams in better shape today. There would be hundreds of thousands of dollars less spent on maintaining some of those streams as sources of potable water for cities and towns throughout the northern part of the state. There would be hundreds of thousands less spent on maintaining fisheries to support state and local economies, and hundreds of thousands less needed to maintain the special reclamation fund that is - even now - millions of dollars short of having the funds needed to reclaim the minesites already forfeited.

Allowing selenium discharges for one more day than absolutely necessary may well be tantamount to creating another mess of equal proportion to the acid mine drainage that has already killed and otherwise polluted thousands of miles of West Virginia streams and millions of acres of groundwater resources.

Penny wise and pound-foolish then, penny-wise and pound-foolish now.

## Gasp! Not Everything on Television is True!

Many of you will remember the Walker Machinery sponsored TV commercials that featured an animated Mr. and Mrs. Bug being interviewed by a reporter in a courtroom. The reporter asked about life in and around mountaintop removal mine sites. Both bugs in their separate commercials praised their quality of life on the newly reclaimed valley fills and emphasized the fact that they merely moved out of the way for a while and when they moved back to the area their homes and water were better than before.

Contrast that to the article above about a recent report by the Environmental Protection Agency (EPA) and its ongoing monitoring of some of those same streams referred to in the commercials.

..... As the comment on the Highlands Conservancy website goes: Walker Machinery's Mrs. Bug [a mayfly in the commercial] is missing and presumed dead.

# HEALING WATERS

By B. Dan Berger

A few years ago, the soothing sounds of the gently rushing river likely saved my sanity.

I was experiencing the most intense pain that has ever been bestowed on me, combined with a significant underlying grip of anger. However, standing in the middle of the North Fork River fly-fishing for trout and absorbing the beautiful colors and stunning rock structures of North Fork Gap helped me realize how truly special this area is.

Actually, I believe it was a combination of my beautiful young daughter, who by far, is the absolute love and joy of my life AND time on the river. The fun and excitement of catching a trout on a dry fly and watching my daughter chase and catch butterflies, believe it or not, are powerful experiences. It is a mixture of past memories, current familiarities, and the promise of future smiles.

Fishing allows a person to think things through, to dissolve stresses, and in some cases (and more importantly), not think of anything at all. And of course thinking OF fishing keeps you from contemplating about bad thoughts and feelings. This is especially true of fly-fishing for trout on the North Fork River. Not that I don't occasionally dust off my spinning rod and toss a salmon egg or spinner bait into the river, I just enjoy the complexity of fly-fishing. Fly-fishing is a combination of art and science. Seriously. Really.

People who don't fly-fish sometimes have difficulty understanding or appreciating this fact. Then again, many fly-fishers are arrogant, snotty SOBs, so that is understandable. And many more of us try to make fly-fishing sound as complicated as possible as a way to explain to our spouses the reason we need to do it so often (and to also help explain why we buy more fly-fishing gadgets than we really need). Fly-fishing is the chess game of the outdoor-sports world. If I say it enough times maybe my wife will begin to start believing me, huh?

Okay, back to the art and science of fly-fishing.

Fly-fishing is an art because it takes a lot of practice to be able to cast a fly to a small targeted area of the water. In addition, once you can toss the line in a couple of different technical ways, it is a beautiful thing to watch. Ever see the fantastic movie *A River Runs Through It*? A fluid cast and the gentle landing of the line and fly is as stunningly gor-

geous as the ceiling of the Sistine Chapel. Well, maybe not THAT gorgeous. Then again, beauty is in the eye of the beholder.

As a science, fly-fishers must learn to "read the water." We need to look for pools where trout will likely be hiding and feeding. Are they behind that boulder? Or under that log? Are they off to the side of that riffle? Or behind it? You are now an amateur marine biologist.

And the science of the sport continues to flow on. You now must look at the aquatic insects. Pick up a rock and glance under it and search for the Jurassic-looking nymphs. These bugs can be mayflies, stoneflies, midges, dragonflies or a host of others that are in the North Fork River. Of course, when they begin to fly out of the water, the "hatch is on." When this occurs, it can be difficult to see what the quick flying insects are. You now must attempt to match your dry fly or nymph to the insects you have identified. You have become a practicing entomologist.

Now get this. You must combine all the art and science above into an attempt at catching a trout. And even if you do everything right, there is still a very good chance you won't catch anything. Did the line cast a shadow under the water and spook the trout? Have they been gorging themselves full of bugs and such? Then there are even more scientific questions to ask yourself. Is the water too hot for trout? Too cold? Too fast? Too deep? Too shallow? You are now a working hydrologist.

As I stood in the North Fork River several years ago attempting to tie on a dry fly, fighting back against heart-wrenching agony, the art and science of fly-fishing dissolved my pain and anger. Not completely, but enough to appreciate another glorious day. I remember taking a deep breath and glancing up at North Fork Mountain. I gazed appreciatively at the rock structures of "Shelby's Cliffs" that run along the top of the ridge. At that very moment, I began to recognize the power of these healing waters.

*Dan Berger is an avid outdoorsman; he lives in Cabins with his wife and daughter.*

## 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.

Pictures of both appear on our website [www.wvhighlands.org](http://www.wvhighlands.org). 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 Julian Martin, 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: Julian Martin, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



## Join Now !!!

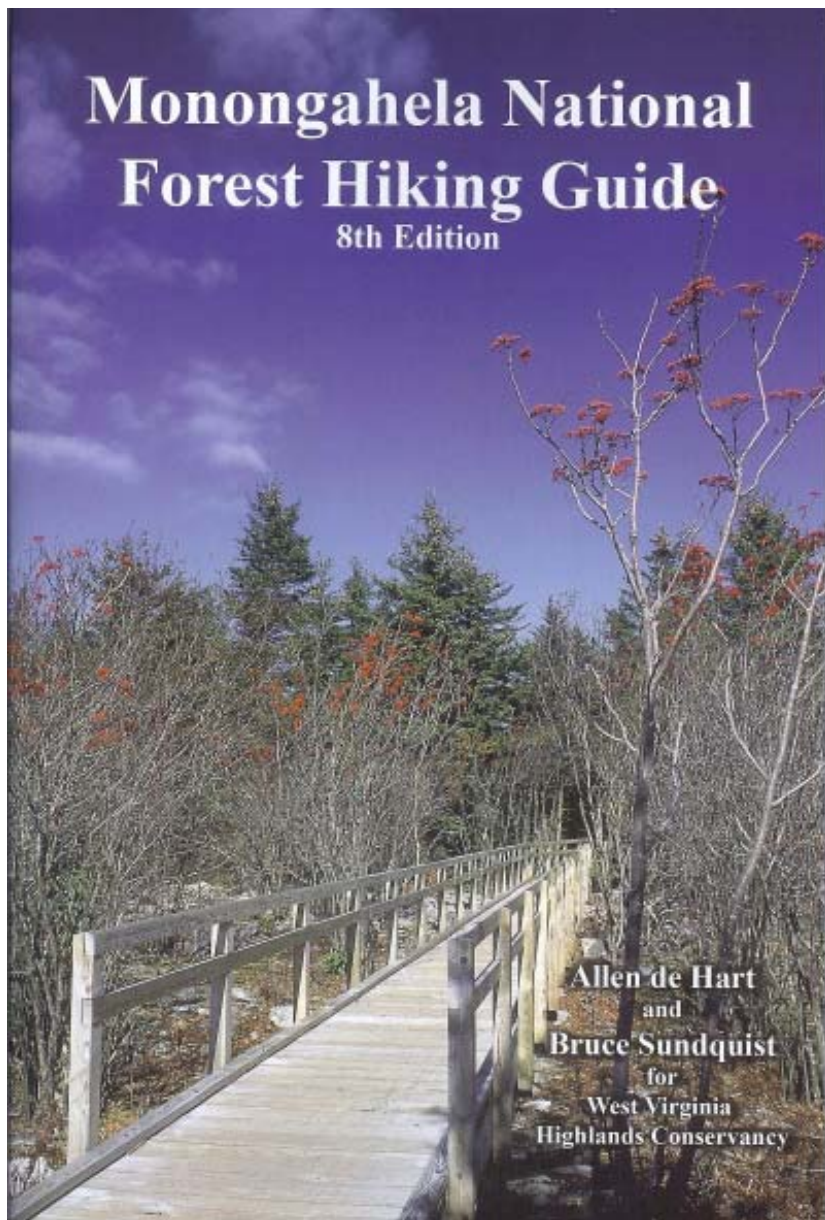
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**Membership categories (circle one)**

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

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- 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.

# SEEING WEST VIRGINIA BY BICYCLE

By Dave Cooper

Although I have some experience as a touring cyclist, including a ride across America in the summer of 1989, two rides across Kentucky and several other week-long rides, I had never before attempted to cycle long distances in West Virginia, mostly because of the mountains and my fear of coal trucks on narrow roads without shoulders.

I got out an old West Virginia map with "A message from our Governor Bob Wise" on the



Steve in Parkersburg

cover and an orange highlighter, and traced an ambitious loop that included the North Bend Rail Trail, the Greenbriar Rail Trail, and a southern route that took me deep into McDowell County, where I hoped to spend a night at the wonderful historic War Hotel. Finally my route took me back to Huntington via Williamson and the treacherous Tolsia Highway (US 52).

My trip began late Monday afternoon (Memorial Day) in Ravenswood, and I rode 30 miles up to Parkersburg following the Ohio River. I was pretty nervous about my trip, and worried about the coal trucks in McDowell County. I stopped for dinner at the Mountaineer Restaurant next to Interstate 77 where I struck up a conversation with cashier Steve.

Steve was an intensely religious man who was also in charge of changing the daily specials on the big lighted sign out in front of the restaurant. The sign read "PRAY FOR OUR TROOPS 2 EGGS HASHBROW" when I approached him. "Hey Steve, can you change it

to say "PRAY FOR DAVE WHO IS RIDING HIS BICYCLE THROUGH THE WEST VIRGINIA COALFIELDS." He laughed, and I asked him to say a prayer for me on my bike trip. To my surprise, he grabbed both my hands right there and said a beautiful prayer for my safety. I felt well-blessed and ready for my week on the highways of West Virginia.

The 70-mile North Bend Rail Trail begins just outside of Parkersburg, but I challenge anyone to find the trailhead. Apparently the plan is to eventually extend it into downtown Parkersburg, but the best directions that I can give is to follow WV 47 south for 4-5 miles from Parkersburg, and then try and find the trail which begins off to the right of 47 around the town of Kanawha.

This 70-mile long rail trail is isolated and very quiet. I only saw one other bicyclist on the 50 miles or so that I rode it, but the really cool thing about the North Bend Trail is the 12 old railroad tunnels. One of the tunnels is at least a half-mile long, and it is completely pitch black inside. Bring a flashlight if you ride this trail.

The trail passes through the historic town of Cairo, in Ritchie County, which features the amazing historic R.C. Marshall Hardware Company with old-time implements and an incredible working model of an old oil pump system invented by a pioneering West Virginia genius.

Pennsboro and Ellenboro are also interesting towns along this trail, with glass and marble factories, but after the town of Greenwood the rail trail became impassible because no one had mowed the grass all spring, and you just can't ride long distances in grass that's above your knees – the grass gets all hung up in the bike gears. So I diverted onto US50 and rode into the outskirts of Clarksburg as a torrential rain poured down on me and my bike.

The second day felt like it was all uphill, through Grafton and into Elkins, and I was completely exhausted after 60 miles.

The third day was probably one of my best days bicycling in my entire life: astonishingly beautiful West Virginia in it's peak spring glory, with wildflowers everywhere and the most incredible mountain views. Sparkling rivers, quaint historic farmhouses, log cabins nestled in the mountains – it's too bad that the only time most out-of-state people see this part of West Virginia is in the winter when they are rushing to get to the Snowshoe ski resort. But as far as bicycling, this road can't be beat – it's fairly flat most of the way to Marlinton.

I did see some disturbing things in West

Virginia. There are way too many gravel and rock trucks on the road. There are a lot of poor homes. And I noticed one other thing that really bothered me: all of the dead songbirds on the side of the road that had been hit by cars. I counted four dead Indigo Buntings during my week-long trip, and who knows how many more dead birds had been dragged off by scaveng-



Dave at the finish in Charleston

gers. These Indigo Buntings are spectacularly beautiful birds, with bright blue bodies and a little bit of black around the head and wings. Some people call them bluebirds, but bluebirds are bigger, not as brightly colored, and have a rusty breast. I guess the Indigo Buntings are

**Still Pedaling (More on p. 11)**

## PEDALING WEST VIRGINIA (Continued from p. 10)

more active during the spring mating season, and that's why so many were being killed.

These tiny little birds are another silent victim of our nation's addiction to fossil fuels, but who mourns the billions of animals and birds killed by the cars of America every year? When you bicycle, you notice and smell all the dead possums and the squirrels and raccoons and deer and you have lots of time to think. It didn't seem right to me to just ignore the poor things, so several times I stopped and picked their tiny broken bodies off the shoulder and placed them carefully under a tree or in the grass, apologized to them, and rode on.

On the fourth day I met a West Virginia Highlands Conservancy member with an "I Love Mountains" sticker on his Subaru, near Mill Point at the base of the Cranberry Mountain. He gave me some good advice about the mountain ahead, and I rode up to the top of Cranberry, then enjoyed a fabulous 20-mile downhill into Richwood, another interesting and historic town with an excellent local diner.

About this time in my trip I realized that I was not going to have enough time to go to McDowell County, because as the chair of the Sierra Club Bluegrass Group in Lexington, Kentucky I had to be back for the monthly meeting. So decided to ride from Richwood back to Charleston via Summersville and Ansted along US 60, the Midland Trail.

I got to spend a little time around Hawk's Nest State Park, and on my last day I enjoyed a Tudor's Biscuit World biscuit for breakfast and a Mint Oreo Blizzard for lunch, which was most satisfying. Sometimes on these long bike trips, you crave fats and you just can't eat enough of them.

Patty drove from Lexington and we met at the coal miner's statue in Charleston as another amazing thunderstorm hit town, with horizontal rain and lightning. But I was safely inside the capitol garage, thanking Steve for his prayers and a safe trip through West Virginia.

***Editor's note: Readers may already be familiar with Mr. Cooper's work with the Mountaintop Removal Road Show. Learn more about that at [www.mountainroadshow.com](http://www.mountainroadshow.com) or by calling Mr. Cooper at (859) 299-5669.***

## Our Readers Write

Dear John

I would hope that the Highlands Conservancy is our protective organization of our entire "Wild, Wonderful, West Virginia."

The almost total lack of organizational interest in two huge environmentally threatening projects, the Power Line and gas drilling of the Marcellus Shale, worries me.

All projects and battles are important. But the superficial attention to the coming gas drilling can only be explained by ignorance or one-project mind sets.

Sincerely,  
Tom Ward  
Baltimore, MD

## A WIND FARM IN SOUTHERN WEST VIRGINIA?

For the past few months Coal River Mountain Watch has been working on a campaign to bring a wind power project to Coal River Mountain. It proposes this as a sensible alternative to the mountaintop removal coal mining that is currently proposed for the mountain.

The effort includes a web site, [www.coalriverwind.org](http://www.coalriverwind.org). That web site has information about the Coal River area, the threat from mountaintop removal mining, and an explanation of why wind energy is preferable. It describes the project this way: "A wind survey of Coal River Mountain showed that there is excellent potential for wind development on the mountain. This farm could power more than 150,000 homes. A wind farm would provide permanent jobs and sustainable energy for Raleigh County and West Virginia, while at the same time promoting a healthy, safe environment for people and wildlife to enjoy."

The study performed for Coal River Mountain Watch found winds of class 4 to class 7. Coal River Mountain Watch estimates that it would be possible to construct 220 turbines, producing enough energy to power 150,000 West Virginia households.

The effort has included a series of small community meetings as well as a meeting with the Raleigh County Commission and the mayor of Beckley.

So far no wind energy company has committed itself to a project on this location. Representatives of a Spanish wind development company have shown some interest in the project but have not yet committed itself to pursuing it.

### WEST VIRGINIA ENVIRONMENTAL COUNCIL SPEAKS ON WIND POWER

The West Virginia Environmental Council has approved a policy on wind energy, a part of the Citizens' Energy Plan it has supported:

Wind. The WVEC supports development of small-scale, home-owner-based wind energy facilities, as well as medium-scale community wind facilities and industrial commercial-scale wind facilities that meet responsible siting and environmental impact regulations and enforcement procedures.

Further, the WVEC supports the development of viable wind energy facilities as an alternative in areas threatened by mountaintop removal and other forms of destructive surface mining. The Coal River Mountain wind project is one such example, and the WVEC endorses this project provided it meets responsible siting and environmental impact regulations and enforcement procedures.

# West Virginia Mountain Odyssey



## Outings, Education and Beyond

**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](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Weekend of 7/12&13 - Cabins at Babcock State Park:** The West Virginia Wilderness coalition has reserved a couple cabins at Babcock State Park and invite folks to join us and learn more about the Wilderness opportunities within the New River Gorge National River. The National Park Service is undergoing Park Planning and is considering areas to recommend for Wilderness designation. We'll have a cook-out Saturday evening, join us for that, or spend the weekend and explore areas of the Gorge with us. Contact Mike Costello at [michael.costello@wwwild.org](mailto:michael.costello@wwwild.org)

**PLEASE NOTE DATE CHANGES:** The dates for the Dowdy Creek and Glade Creek outings have been switched! The Dowdy Creek hike will now be on Sunday and the Glade Creek hike will be on Saturday. Sorry for the confusion.

**Saturday, 07/12 - Glade Creek area of New River Gorge National River:** As a large tributary of the New River, Glade Creek cuts a small side canyon into the earth as it tumbles into the River. One of the largest contiguous areas of Federal ownership within the National River, this area is a prime Wilderness candidate area. It is one of 3 areas being considered by the National Park Service for Wilderness recommendation. Beginning on the New River, we will hike the Glade Creek Trail along this beautiful trout stream up to Kate's Falls and back. Moderate difficulty. This hike will be led in conjunction with the Sierra Club's outing lead by Mike and Tina Price. Contact Mike Costello at [michael.costello@wwwild.org](mailto:michael.costello@wwwild.org)

**Sunday, 7/13 - Dowdy Creek area of New River Gorge National River:** This stunningly beautiful area is being considered by the National Park Service as a potential Wilderness Area in their ongoing planning process. Because there are no "official" trails in the area, this hike will involve extensive cross country travel and explorations. Map and compass skills or GPS savvy recommended. The area consists of a very steep tributary watershed of the New River and some of the pla-

teau areas which it drains. Lush forests and understory contain a diverse mix of species. The hike will be long and strenuous. We'll meet at the Park Headquarters in Glen Jean. Contact Dave Saville at [dave.saville@wwwild.org](mailto:dave.saville@wwwild.org)

**Monday to Friday, July 28—August 1 Augusta Heritage Workshop on Herbs.** Davis & Elkins College. 31st year with Marion Harless. Make take home salves, lotions, liquers, vinegars and more. Daily walks, herbal snacks, Friday dinner at instructor's home. Excursion to Dolly Sods (Weather dependent, probably 8-4:30 on Tuesday), lunch provided. Plants, etc. along the way and out to Bear Rocks with side ventures. Information at [www.augustaheritage.com](http://www.augustaheritage.com) (summer workshops, folklore, herbs) or (304) 637-1209.

**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](mailto: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](mailto: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](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

*More on page 13*

## MORE OUTINGS (Continued from p. 12)

**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](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**October 11-14, 2008 Backpacking in Cranberry Wilderness** Come join us for festive fall colors on this 20+ mile backpack. For more information contact Susan Bly at [susanbly32@yahoo.com](mailto:susanbly32@yahoo.com) or 910-495-3820.

**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](mailto: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](mailto: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](mailto:martinjul@aol.com) or Larry Gibson (304) 542-1134; (304) 549-3287.

## Fruit

By Dawn Baldwin

*If a man settles in a certain place,  
and does not draw forth the fruit of that place,  
the place itself casts him out.*

Benedictine saying

With each fruit I pick, I sow myself upon the land, even as it's sown in me.

Fruit is the ripened ovary and seeds of a flowering plant. Upon hearing or seeing the word fruit, I think immediately of sweet, fleshy foods like apples, pears and berries, although I know that in truth seed-bearing vegetables are the fruit of the plants that produce them, as are nuts, and cereal grains. Fruit is the physical manifestation of stored potential.

Promise and promise fulfilled.

As well as physical proof of the intrinsic health of community—its proper membership, assignment of responsibilities, and balance. Whether they obtain it through the enlisted help of bees, butterflies, bats, hummingbirds, countless other insects and vertebrates, or even employ fresh flowing water or the ubiquitous fingers of the wind, flowering plants need help to reproduce. No black locust or globe thistle or stag-horn sumac is an island.

Fruit is the product of life lived in community.

Every berry, nut and seed-pod is a miracle of cooperation and interdependence. When I bend down and pluck a deep garnet dew-berry from it's trailing, thorny vine and then pop it into my mouth, the sun-warmed, cabernet juice is no more nor less than the body and blood of all of the plants and animals inhabiting this place.

Viewed this way, picking and eating the fruit of the land is not a frivolous or greedy act but a sacramental one.

To think of picking wild food as mere taking is to miss the subtle ties and inescapable obligations that attach to proffered gifts, once

they've been accepted. Akin to considering the communion wafer nothing more than a little snack in the middle of church service. Such a perfunctory view demands I overlook the mystery of transubstantiation going on all around me, fueling the cycle of life, of which I'm an inseparable part.

The more fruit I pick, the less capable I am of summoning such willful blindness.

Whatever I've learned about my human superiority to the bumblebee or my ovaries to the fruit of an apple tree is simply overwhelmed now. Overpowered by the sounds of drunken bees feasting on apple blossom nectar in June and apples sliding into my picking bag the following October.

We are family, all of the inhabitants of this land—flora, fauna, and I. We are connected by the same web of respect and obligation, of survival and dependence as any human tribe. The concept of superiority is meaningless.

I've found no physical or spiritual safety in pretending to live at arm's length from the rest of Nature. Such pretense amounts to nothing, nothing at all—when the Earth trembles and Heaven falls—but false pride. Cold comfort when the belly is empty.

I choose another way.

I kneel in the meadow, in the low-bush blueberry patch, down among the crab spiders and the grasshoppers and the stinkbugs. I listen to the sound of the wind, so like the surf, in the grasses on the opposite side of the valley. I place a berry on my tongue and press it to the roof of my mouth until it bursts.

This land lives within me.

# HIKING THE CANAAN MOUNTAIN CIRCUIT

By Mike Juskelis

This hike was a modified version of the Canaan Mt Circuit we did in 2006. We cut out the Mountain Side Trail portion and added a 3 mile out-and-back packless hike on Mozark Mt. I was joined by Everybody Loves Raymond, Gadget Girl, Shortstack, Doc, Dr. Mike, Roger Ramjet, Bubbles (New trail name), Jack and Jill, Indiana Moser and Cognac Jack.

We left the Blackwater Falls Lodge around noon, heading down the Yellow Birch Trail to hook up with the Allegheny/Davis Tr. Along the way we slide through an area I call "The Squeeze". The climb up and over the ridge was pretty easy although sections of the trails are perpetually boggy. It was even more so with the recent rain. We made it to the shelter on the Pointy Knob Trail with plenty of time to spare.

Day 2 started with a nice hike along beautiful Red Run. The same rains that made the trails boggy (if that could ever happen) also made the stream more beautiful than ever. The crossings were tricky but we did all six of them with dry feet.

We did a 3 mile out-and-back on an old jeep road that went to the top of Mozark Mt recommended by Bruce Sundquist. The hike was a nice change of pace and ended in an open meadow with a view of the main Canaan Mt ridgeline. After this little side bar, we collected our packs and loaded up with water just prior to turning onto the Table Rock Tr. In a mile we were at our home for the night. Friends, it doesn't get much better than this ... a campsite with a 270 degree view. I didn't stay up to see the sunset but the sunrise was spectacular.

The final day include hiking a portion of the Plantation Tr, passing a highland bog along the way. The trail was really boggy at the top but the Hemlocks, Red Spruce and Rhododendron thickets made it worthwhile.



**View from Lindy Point Photo by Mike Juskelis**

We descended on the now unmaintained portion of the Lindy Run Trail. (Still a nice trail and Lindy Run is very picturesque) and made the usual stop at Lindy Point for our final vista. From there it was a 0.9 mile road walk and then another mile along the Shay Trace Tr back to the lodge. We cleaned up as best we could and headed down to Thomas for an after hike meal at the ever popular Purple Fiddle.



**Panorama taken from Flat Rock Photo by Mike Juskelis**

## 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.)



Also available are the new green-on-white oval Friends of the Mountains stickers. Let Julian know which (or both) you want.

# TALKING TRASH

By Julian Martin

On Thursday I took the trash out and thought once again about what I was doing. My trash will end up in what was a beautiful West Virginia valley. When that valley is filled another will be sacrificed and then another and another. Recently the people who make money by dumping garbage wanted more McDowell County valleys for dumping out of state garbage. The idea had local support. The legislature wisely saved them from themselves. Claims were made that out of state garbage would bring jobs and of course jobs are most important no matter what the damage.

Way back in 1960 I was a young engineer working in Connecticut. A friend took me to Newport, Rhode Island. It was November and in those days there were no guards to protect the seasonally vacated Newport mansions that faced out on the ocean. My friend and I climbed a fence and explored the grounds. We walked out to the edge of the magnificent rock cliffs and there I looked upon the ocean for the first time. It was indeed an awesome experience to see the seemingly limitless water swelling and crashing against the cliffs.

The feeling that oceans are limitless has led us to dump into it all kinds of garbage, chemical and nuclear waste, human urine and feces, trash and oil from ships and who knows what else. I have read that ninety percent of all the plastic ever made is now in the oceans. We even have an expression that indicates how huge we imagine the ocean—something considered to have no impact is like pissing in the ocean.

There is no “away” to where stuff we don’t like can be sent. Air pollution doesn’t just blow “away,” it goes somewhere else. Take a look at the smoke stacks at John Amos power plant. The stacks are high so that the pollution will be blown “away.” Our “away” is someone else’s backyard. That yellow stuff coming out of the stacks is sulfur dioxide. It changes to sulfuric acid and rains down on your head, your baby’s head and heads of your fellow creatures and plants and the heads of the cabbage in your garden. Some of the sulfur dioxide is removed by reacting it with calcium carbonate (limestone). A student of mine once brought me a white substance that had been dumped on the dirt road that ran by his house. We analyzed it and found that it contained calcium and sulfate. I figured that it was calcium sulfate from a power plant scrubber. The calcium sulfate had been thrown “away.”

I remember TV preacher Pat Robertson praying a hurricane “away” from his hometown of Virginia Beach. The hurricane did not go “away.” It hit people farther up the coast where the reverend didn’t live and where people must have been quite sinful.

And there was my upstream neighbor who laid his trash on the creek bank to await high water to wash it “away.” It went “away” all right, it ended up in the trees in front of my house. I could tell how high the creek got by where the plastic diapers were hanging. That same neighbor was talking with me one day while enjoying a soft drink. When he finished the drink he threw the can “away” into the weeds on the edge of my yard. I picked it up and told him the can would never go “away.” But my neighbor was no guiltier of littering than I am when I send my trash via a garbage truck to a once wild and wonderful valley.

Maybe we should be required to dispose of our waste where we live. Are homes surrounded by trash any worse than concentrating it out of sight in one irreplaceable valley after another? If we had to look at and smell our garbage maybe we would quit creating so much. Back in the sixties I knew of a large household in San Francisco that generated no waste and refused to pay the garbage pickup fee. They composted their food waste and reused everything else. It can be done.

Coal companies dump mountain top removal mine waste into nearby valleys. As more mountains are decapitated more valleys will be needed and then more valleys again. There is nothing to worry about since, as any fool can see; our mountains and valleys are, like the oceans, infinite. There will always be another mountain, another valley into which waste can be thrown “away.” And once the Charleston Gazette’s favored coal company billboard slogan “clean coal” rescues us from global warming we can destroy every mountain with coal in it and not worry because, as fools assume, the mountains are infinite, the valleys are forever.

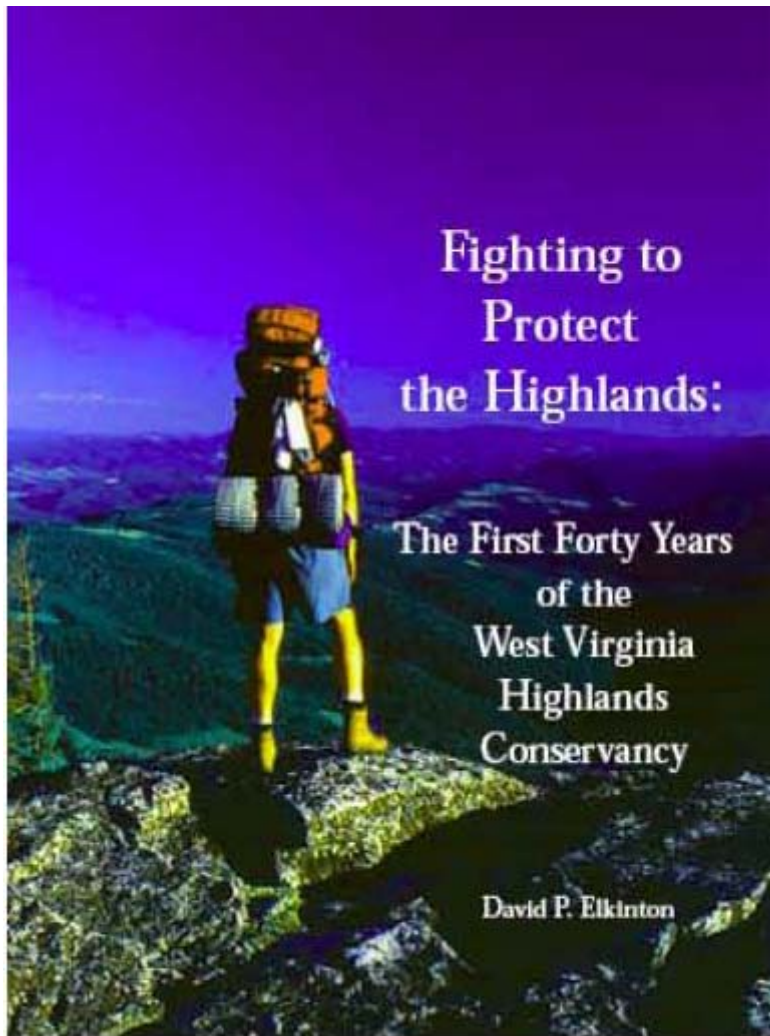
A couple of years ago my wife and I went to Alaska with an Elderhostel group. One day we got a rare glimpse of Denali as some of the cloud cover drifted away. That glimpse of North America’s highest mountain led one of our group to look in awe and say that humans cannot have any significant impact on nature because it is so huge. He argued that we don’t have to change our ways, we can do anything we want to the earth, that the earth is just too massive, never ending, infinite for mere humans to have a significant impact. In his view we are simply arrogant to think we can move those Alaska mountains. Two days later our train passed a mountain that had been removed to get at the coal. The coal was shipped to Korea to meet our nations energy needs I suppose.

Our sewage and garbage is only going to increase with increased population. Coal mine waste is increasing as you read this. The oceans are not infinite, neither are the mountains and valleys. This earth is finite, there is just so much and then no more. A place called “away” does not exist. We have to come up with ways to live without creating waste that requires the sacrifice of oceans, mountains, streams and clean air.



*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.



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](http://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.

## WHAT THE CORPS IS UP TO IN RICHWOOD

The United States Army Corps of Engineers is once again considering some sort of flood control project on the Cherry River. The Cherry River basin is located in Nicholas, Webster, Greenbrier and Pocahontas counties in West Virginia. It includes a total of 43 stream miles with the North and South Fork coming together at Richwood. The Cherry is a tributary of the Gauley River entering the Gauley River just upstream of Summersville Lake. A significant portion of the Cherry watershed, mostly along the North Fork of the Cherry River, lies within the Monongahela National Forest.

The Corps justification for considering a project along the Cherry River is the periodic flooding that the area has endured for decades. The most recent flood was in 2003. The City of Richwood and Nicholas County have both indicated an interest in cooperating with the Corps on this project.

Right now the Corps is finishing up its "reconnaissance" study, a study that has been going on for eighteen months. That is intended to "investigate and document water resource issues in the basin including

flood damage reduction, ecosystem restoration, water supply, and recreation. Feasible projects will be recommended for further feasibility study in a collaborative manner working with stakeholders, state and local authorities, and state and Federal agencies."

Upon the completion of the reconnaissance study, the Corps may begin a feasibility study. It will recommend the most economically feasible and environmentally sound plan to combat flooding

The feasibility study is more expensive than the reconnaissance study. Whether it is completed depends upon the availability of funding.