



# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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## OFFICE OF SURFACE MINES TO STREAMS: DROP DEAD!

# OFFICE OF SURFACE MINING ABOLISHES BUFFER ZONE RULE

As we win yet another court ruling that upholds Clean Water Act limitations on mountaintop removal mining [see FOLA victory elsewhere in this issue], the Federal Office of Surface Mining is poised to eviscerate the Surface Mine Act by finalizing its now infamous reinterpretation of the Stream Buffer Zone Rule.

Check mate is not on the horizon. However, the back and forth legal moves to uphold provisions of the Clean Water Act, National Environmental Policy Act and Surface Mine Act that would rein in the devastating practice of mountaintop removal mining continue.

For those of us who eat, drink and sleep the game these moves are dizzying. I can only begin to imagine how mind numbing it must be to readers of the Highlands Voice to see yet another call to action about another set back in environmental regulation.

Nonetheless, here we go again.

The October 24<sup>th</sup> issue of the Federal Register announced the Office of Surface Mining's (OSM) release of the Final Environmental Impact Statement (FEIS) to support the

proposed change to the Buffer Zone Rule. This is a last minute effort by the Bush Administration and its appointed guardians of the Sur-



**WVHC Vice President at an earlier buffer zone rule public hearing.**

face Mine Act to finally get rid of that pesky Buffer Zone Rule.

What has become known as the Buffer

Zone Rule says that there can be no mining within one hundred feet of a stream. The West Virginia Highlands Conservancy has always maintained that this meant that there could be no filling of a stream. The late Judge Haden agreed with us plaintiffs in the Bragg v Robertson litigation that the rule meant just what it says. ...i.e. No mining activities are to take place within 100' of streams unless that activity does no damage to the stream itself, to the quality of the water, the flow, etc.

The latest action is the near final step in the process that has been going on since that decision. Previous steps included public hearings where citizens (including the West Virginia Highlands Conservancy and several of its officers and board members) appeared and spoke against the rule change.

The relaxed rule will be issued once EPA (the Environmental Protection Agency) gives its concurrence, its agreement, its blessing upon the Final Environmental Impact Statement.

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## From the Heart of the Highlands

By Hugh Rogers

## Darkness Lost

On September 29, at the peak of fall migration, 500 birds were killed at Tucker County High School. That morning, piles of dead birds were found near the school's walls and on its roof. Others were in the parking areas and athletic field. The principal and county superintendent, fearing that disease or poison had caused the mass kill, canceled school for the day and sent everyone home.

Wildlife biologists, conservation officers, and county health department officers who were called to the scene recognized it as a "large scale collision event"—an all-too-familiar occurrence at this time of year along our mountain ridges.

Rob Tallman, Ornithologist at the Department of Natural Resources Wildlife Resources Section in Elkins, told me that weather conditions had created a "perfect storm" for such an event: three days of rain before the 29<sup>th</sup> had kept the birds on the ground (extra fat on their bodies showed they had used the time well to prepare for the long flight); a passing cold front had brought wind out of the north, a tailwind to jump-start migration; then, in dense fog on Backbone Mountain, they had encountered a dome of light thrown up by the high school's security lights.

Neotropical songbird migration depends on cues from star constellations and phases of the moon. Apparently, birds flying in fog are not so much drawn to lights as confused by them. Witnesses at other bird strikes have seen birds circling and circling until those who haven't flown into nearby structures finally collapse from exhaustion. They may be trying to re-orient themselves in the absence of dependable cues.

In October, 1985, as many as 2,000 birds died at Snowshoe Resort around a three-story condominium building lit by powerful, un-directed lights. More recently, somewhat smaller bird strikes occurred at Monterville, in Randolph County, and at Pipestem Resort State Park.

These events involve multiple species. At Tucker County, three-quarters of the birds killed belonged to three species: blackpoll, black-throated blue, and Cape May warblers. Besides the warblers (twenty species in all), only red-eyed vireos were represented in double digits. There were thrushes, cuckoos, sparrows, and one each of sora, catbird, scarlet tanager, and bobolink. Five birds could not be identified.

Tucker County's consolidated high school was built in an isolated location on top of the mountain, midway between the county's population centers. Until six years ago, there was nothing else around. Then forty-four wind turbines were put up nearby, and in 2003 a "collision event" occurred at the wind facility's brightly lit electrical substation. Since then, the lights at the substation have been turned off except when people are working there. On September 29, Rob Tallman and others who had been called to the high school drove to the wind facility to check for bird fatalities. They found one carcass that had obviously lain there for a long time. No white lights, no collisions. Blinking red lights on the turbines don't seem to attract migrating birds.

The lights at the high school were installed last spring by Allegheny Power. Institutional memory failed to connect them to the bird-kill experience just down the road at the wind power facility. On hearing of this latest event, the power company turned off the lights until it could make three significant changes: reduce the wattage by half, pivot

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## TWO MEMBERS LOSE THEIR VOICE

Not to worry – this was not a medical condition. What happened was that the newsletter printer messed up the alignment of two addresses on the October Voice, so that they were unreadable, and the newsletters were returned to us. We couldn't read them either, so we don't even know who lost their Voice.

How to avoid losing your Voice? Switch to receiving it by email. You get it the instant it goes to the printer – no waiting for a week or more. It's in color, so you can print it out on your deskjet on nice paper and have a spiffier Voice to grace your coffee table.

How to receive it by email? Just send an email to [blittle@citynet.net](mailto:blittle@citynet.net) requesting it, and never lose your Voice.

### Canaan, October

By Betsy Reeder

Colors fluttered and shifted all around us  
Restless as southbound songbirds.

Outrageous.

We hiked through them  
Drove through them  
Gawking  
I dreamed of them  
Smelled them  
Dying ferns, too, scented the air  
Sweet as June  
Leaves underfoot  
Drowned out conversation.

The moon rose full  
And lit deep reds and golds  
With light soft as milkweed down  
Crickets chilled quiet as stars.

I headed back home  
Dodging walnuts and wholly-bears  
Grateful  
And not the same.

## OFFICE OF SURFACE MINING GUTS BUFFER ZONE RULE (Continued from P. 1)

Small problem, though.

The Surface Mine Act requires that EPA's affirm in writing that the proposed change does not violate the Clean Water Act.

According to the publication Inside EPA there appears to be a dispute within the agency about whether or how to issue it's written concurrence. While there is no legal way to address compliance on a case-by-case basis, agency sources are quoted as saying EPA intends to determine compliance on a case-by-case basis.

It's not the first – nor I suspect will it be the last – time we hear such preposterous double speak. But as part of our next move in this chess game we are joining with the usual state, regional and national suspects to request the opportunity to comment on EPA's proposed concurrence determination about the Final EIS and the expected rule.

And what about that idea that the proposed rule can't violate the Clean Water Act ?

At least half of our November 2007 comments (and many of the supporting attachments) to Office of Surface Mining about the draft Environmental Impact Statement and proposed rule change focused on the requirement that EPA concur and that it affirm that the proposed change will not violate the Clean Water Act.

"SMCRA provides that regulations on environmental protection standards cannot be approved by OSM unless it has 'obtained the written concurrence' of EPA 'with respect to those aspects' of federal regulations 'which relate to air or water quality standards promulgated under the' Clean Water and Clean Air Acts. 30 U.S.C. § 1251(b). When it enacted this section, Congress was concerned about direct conflicts between air or water quality standards, and it believed that the EPA concurrence procedure would be sufficient to address such conflicts."

It is difficult to imagine how EPA can agree to eviscerating the Buffer Zone Rule as OSM proposes - particularly in the wake of the prize-winning EPA Region III study which found that mountaintop mining and valley fills degrade water quality in Appalachian streams.

OSM proposes to legalize the harm done to streams below valley fills, harm confirmed by scientific studies conducted as part of the 2002-2005 EIS on Mountaintop Mining, in WVDEP water studies in streams below valley fills, and by expert witnesses in several recent court hearings.

Should EPA fail to fulfill its responsibilities to allow us the right to comment or to concur with a rule that violates the Clean Water Act, we will once again be forced to legal action.

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](http://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.*

# WEST VIRGINIA HIGHLANDS CONSERVANCY RESOLVES TO OPPOSE TrAIL AND PATH POWER LINES

At its October 26th, 2008, Board meeting, the West Virginia Highlands Conservancy adopted this resolution:

## Resolution in Opposition to High Voltage Electricity Transmission Lines Known as TrAIL and PATH

Whereas Allegheny Energy Company, doing business as Trans-Allegheny Interstate Line Company (TrAILCo), has proposed and applied to West Virginia and other states for permits to construct and operate a 550 Kilovolt electrical power transmission line (TrAIL) that would be routed from southwestern Pennsylvania through six (6) northern West Virginia Counties and terminate in Virginia, and

Whereas American Electric Power Company and Allegheny Energy Company have jointly proposed and are expected to soon apply to West Virginia (WV) and other states for permits to construct and operate a 765 Kilovolt electrical power transmission line, to be known as the Potomac-Appalachian Transmission Highline (PATH), that would route from western WV, across 244 miles in thirteen counties in central and eastern WV, to near Martinsburg in the eastern panhandle of WV, and into Maryland, and

Whereas already nearly (70) percent of the electricity generated in West Virginia is exported to customer service areas outside West Virginia, and

Whereas the emphasis on the claimed national or regional need for electricity over the in-state need is excessive, and

Whereas there is no demonstrated need for either TrAIL or PATH the meet the electricity needs of West Virginians, and

Whereas this nation will soon likely have a new national energy plan, with an emphasis on less carbon emissions and more local renewable energy power sources, and

Whereas construction of TrAIL and PATH would require the acquisition of certain private properties through the use of the eminent domain force, and

Whereas full use of both TrAIL and PATH would require the construction of numerous additional electrical power generation plants within the Ohio River watershed, and

Whereas additional such plants would likely be mostly coal fueled, and

Whereas emissions from coal fueled power plants are known to present significant deleterious effects to both human and other animal and plant life and harm to the broader balances of nature, and

Whereas under current coal mining methods the likely source of this additional coal fuel would be through mountaintop removal and other **extreme** methods of coal extraction, and

Whereas the areas to be traversed by TrAIL and PATH form the core of our State's natural resource based tourism economy, and

Whereas this economy is based on the area's high quality scenic and recreational destinations as well as the undisturbed nature of the surrounding environment, and

Whereas high quality water draining from these forests is used by numerous communities downstream for drinking water, and the cold water streams in this area are prized by trout fishermen as some of the best in the eastern United States, and

Whereas the very creation and protection of the Monongahela National Forest was to protect this area called the "Birthplace of Rivers."

And whereas threatened, rare and endangered species of plants and animals find some of their last bastions of survival along some of

the proposed routes for TrAIL and PATH, and

Whereas the especially egregious single proposed southern alternative route for PATH- through the heart of the Monongahela National Forest- would fragment some of the largest remaining forest blocks and roadless areas in our state, and

Whereas special scenic, recreational and environmental resources impacted by various of the proposed routes include;

- 4 of the 5 Forks of the Cheat River including Dry Fork, Gladly Fork, Laurel Fork and Shavers Fork.
- Laurel Fork Wilderness.
- Otter Creek Wilderness.
- Dolly Sods Wilderness.
- Proposed Roaring Plains Wilderness.
- Proposed Seneca Creek Wilderness.
- Proposed Lower Laurel Fork Wilderness.
- Smoke Hole Canyon.
- Spruce Knob.
- Seneca Rocks.
- National Recreation Area.
- Allegheny Front migratory bird flyway.
- Canaan Valley National Wildlife Refuge.
- Timberline 4-Seasons Resort.
- Canaan Valley State Park.
- North Fork Potomac River.
- Whitegrass Ski Touring Center.
- Endangered and Threatened species habitats.
- Numerous native brook trout streams.

And Whereas TrAIL and PATH do not create an acceptable balance between reasonable power needs and reasonable environmental factors, therefore we, the Board of Directors of West Virginia Highlands Conservancy Inc., meeting in regular session on this the 26<sup>th</sup> day of October 2008, do hereby ratify this resolution against the issuance of Certificates of Need and other official certificates or permits to construct and / or operate the electricity transmission lines known as TrAIL and PATH.

West Virginia Highlands Conservancy,  
By Hugh Rogers, its President



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.

# Routing and Schedule for PATH Changed; TrAIL is 'on Hold'

By Frank Young

Potomac-Appalachian Transmission Highline, LLC (PATH), a joint high voltage power transmission line venture of American Electric Power and Allegheny Energy, Inc., has indicated June 2013 as the revised in-service date for the PATH transmission line project. This is a one-year change from the previously indicated in-service date of June 2012.

PATH is a proposed 290 mile long, 765 KV transmission line that would run from southwestern West Virginia, across central West Virginia to Kemptown, MD- near Martinsburg, WV.

PATH also recently announced March 2009 as its target date for filing an application for a Certificate of Convenience and Necessity with the WV Public Service Commission (PSC). This is a 3 month change from the previously announced application date of December 2008.

PATH has also reconfigured its earlier proposed line routing in West Virginia's eastern panhandle. A PATH news release said that the reconfiguration is a result of "constraints identified as a result of comprehensive siting studies; interaction with government agencies; public input; and a desire to identify a solution that reduces line mileage and minimizes the impact on communities and the environment."

According to PATH, the new configuration will:

- ! Consist of a single 765-kV line from near St. Albans, WV to Kemptown, MD
- ! Eliminate the earlier proposed connection with the Bedington substation and the twin-circuit 500-kV lines from Bedington to Kemptown, including many previously evaluated routes in that area, and

- ! Include a new mid-point substation in the vicinity of eastern Grant County, northern Hardy County, or southern Hampshire County, near existing PATH alternative routes. The substation site has not been determined.

## TrAIL still "on hold":

The PSC has not yet ruled on two Motions for Reconsideration of its order of early August approving the Trans-Allegheny Interstate Line (TrAIL), a proposed 550 Kilovolt electrical power transmission line that would be routed from southwestern Pennsylvania, through six (6) northern West Virginia Counties and terminate in Virginia.

Informed speculation is that the purpose of both TrAIL and PATH is to transport more "coal by wire" from coal fueled power plants in the Ohio Valley to areas east of the Allegheny Mountains- to states and large cities that have more stringent siting and emissions rules for coal fueled power plants.

An Administrative Law Judges panel of the Pennsylvania Public Utilities Commission has said that to make full use of TrAIL would require four additional power plants. And since PATH is projected to carry nearly twice as much power as TrAIL, it is estimated that PATH could require up to yet an additional seven or eight power plants to bring it to its full electrical power carrying potential.

## HUGH FINISHES UP (Continued from p. 2)

the building lights downward, and supply new "cut-off" lenses on the streetlights, which also direct light downward, where it's needed, and not upward, where it's a hazard. The company suggested to school officials that lights could be turned off during the peak migration period, from mid-September to mid-October.

These are welcome corrections. Going further, the power company could use the public service announcements it includes in monthly bills to advise all its customers on the impact of outdoor lighting on migratory birds.

But why stop there? Excessive lighting is not a problem limited to "perfect storm" conditions, birds, or nocturnal creatures. The birds are warning us, as they used to do in mines. According to figures obtained by the American Bird Conservancy, the night sky over the United States is brightening at the rate of five to ten percent per year.

Astronomers saw this coming. Twenty years ago, they formed the International Dark-Sky Association. Beyond its impact on astronomy, "excessive, poorly designed outdoor lighting wastes electricity, imperils human health and safety, disturbs natural habitats, and, increasingly, deprives many of us of a direct re-

lationship with the nighttime sky, which throughout human history has been a powerful source of reflection, inspiration, discovery, and plain old jaw-dropping wonder." (David Owen, "The Dark Side," The New Yorker, Aug. 20, 2007)

Living for more than thirty years under a relatively dark sky not far from Spruce Knob, which is supposed to give amateur astronomers their best night view east of the Mississippi, we remember the frothy brilliance of the Milky Way—now reduced to a powdery smear—and the annual Perseid and Leonid meteor showers. When was the last time you saw a shooting star? In truly dark skies, they're so common you don't think of wishing on one.

Health? Researchers have established a strong association between deprivation of darkness and increased risk of breast cancer. Melatonin, a cancer-protective agent, is diminished by exposure to light at night.

Safety? Those all-night lights on poles or walls should be called hostility lights—for their glare at neighbors and passers-by—rather than security lights—since they offer no real security from criminals or vandals. If a bad actor has to use a flashlight, or trips a motion sensor that turns on a light, he's much more likely to be

caught than if he slips past a light that's always on. Typically, the resident or watchman can't see beyond its pool because his eyes have adjusted to the glare.

Not surprisingly, the lame duck Environmental Protection Agency, in its annual Report on the Environment for 2008, did not address light pollution, in spite of the recommendations of its advisory council. But our addiction to excessive artificial light and its effects on our health, fellow-creatures, and energy consumption has become a current topic. See the cover story in National Geographic magazine's November issue, "The End of Night: Why We Need Darkness." Or a November 2 article in the New York Times: "City's Nightly Light Show Glitters a Little Less." Help map light pollution during the second annual Great World Wide Star Count (see [www.windows.ucar.edu/citizen\\_science/starcount/report.html](http://www.windows.ucar.edu/citizen_science/starcount/report.html)). Celebrate National Dark-Sky Week by turning off your outdoor lights (see [www.ndsw.org](http://www.ndsw.org)).

What killed the birds at Tucker County High wasn't their disease, it was our overreaching. It's time to turn back from turning back the night.

## FATE OF WILD MONONGAHELA ACT STILL UNCLEAR – TAKE ACTION!

The Wild Monongahela Act, sponsored by all five members of WV's Congressional Delegation is part of a sweeping and long-awaited package of bills (2008 Public Lands Management Omnibus Act) that would conserve hundreds of thousands of acres of new Wilderness and other special public lands. If passed, the omnibus lands act, would provide the greatest expansion of the National Wilderness Preservation System in 14 years. For West Virginia, this bill would protect the first wilderness areas in the state in over 25 years and includes expansions to Cranberry, Otter Creek and Dolly Sods as well as three new areas, Roaring Plains West, Spice Run and Big Draft.

So much work has gone into making these wilderness bills a reality, but with the end of the legislative year, many larger, controversial national issues have taken attention away from passing the legislation.

The conservation community has been pushing Congress to move forward on this monumental legislation soon, because once the year ends, it's back to the ole' Congressional drawing board. A huge opportunity to create permanent protection for very special places will have slipped away. Should Congress fail to act, there is no guarantee that the omnibus lands act will reemerge in the 111th Congress. There will be newly elected officials who have not before seen the bills of the current package; and some of the bill's authors are retiring this year.

Recently, good news arrived when Sen. Majority Leader Harry Reid, D-Nev., reported the legislation would be brought to the floor in a post-election session. If the bill is indeed passed and signed into law, wild areas in West Virginia and seven other states would gain the government's highest level of protection!

What is still uncertain is whether or not the House of Representa-

tives will return for a lame duck session as well. House approval will be needed for this package of bills as a whole, even though the Wild Mon Act already passed the House this year by a margin of 368-17.

### HOW TO TAKE ACTION

Please make two quick phone calls and ask our Senators to work with Majority Leader Reid to ensure this bipartisan package of public lands legislation is brought up and passed during a lame duck session this year.

#### SENATE OFFICES:

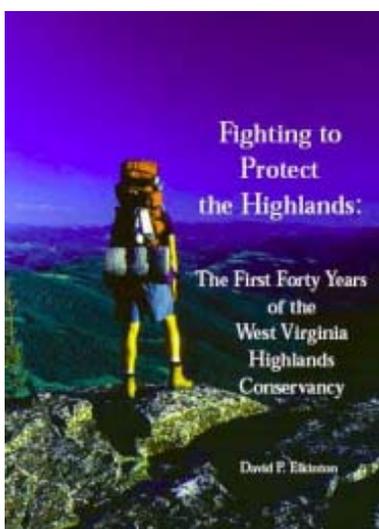
**Senator Robert C. Byrd**  
(202)-224-3954

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(202) 224-6472

#### Suggested Talking Points for your calls:

-I'm calling to thank the Senator for his leadership and support for the Wild Monongahela Act.

-This measure is part of an omnibus package of public lands bills pending in the Senate. I'd like to urge the Senator to work to ensure that the Wild Mon Act is enacted this year by working with other leaders in the Senate to pass the omnibus public lands package during the lame duck session.



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

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Proceeds support the Conservancy's ongoing environmental projects.

# 2008 WILDERNESS WORKSHOP A TREMENDOUS SUCCESS

By Mike Costello, Outreach Coordinator, WV Wilderness Coalition

The 6<sup>th</sup> annual WV Wilderness Coalition Grassroots Organizing Workshop was again a success, with long-time volunteers joining many new faces to learn about protecting our state's wild lands. Previous Coalition workshops have been held at the Mountain Institute and have focused exclusively on protecting the Monongahela National Forest. The 2008 event was held from October 10-12 at Lynn's Pond House near Fayetteville, and included discussions on the Mon in addition to in-state federal public lands such as the George Washington National Forest, Canaan Valley National Wildlife Refuge and the New River Gorge National River.

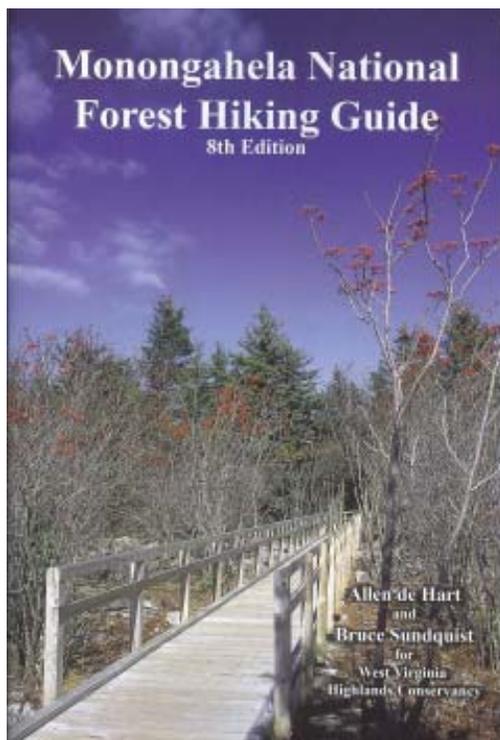
Dozens of participants turned out for this year's program, which included a Friday evening panel discussion, with panelists exploring the shifts in attitudes and relationships between local communities and federal public lands. Panelists were Ansted Mayor Pete Hobbs, Lewisburg Mayor John Manchester, Fayette County Commissioner Matt Wender and Don Striker, superintendent of the New River Gorge National River.

This year's workshop again introduced participants to a range of talented presenters who conducted grassroots-organizing trainings in areas such as citizen lobbying, messaging, media and overall campaign strategies. In other special programs, Erin St. John of the National Parks Conservation Association presented to the group an overview of the current issues and opportunities for the areas in and around the New River Gorge National River, and Gary Berti, of Trout Unlimited, gave an informative presentation on the proactive and restorative efforts of TU on trout streams throughout our region. Mike Price led Sierra Club's Outings Leadership Training, which included a hike along the Endless Wall trail, offering breathtaking views of autumn colors along the slopes of the New River Gorge.

Thanks to all who helped make the 2008 Workshop possible. For the Wilderness Coalition, this event has become a strong annual tradition, and we look forward to carrying on, making the 2009 Workshop just as successful.



*Erin St. John, National Parks Conservation Association, The Wilderness Society's Matt Keller and Trout Unlimited's Gari Berti enjoy a Saturday evening social during the Wilderness Coalition's annual Grassroots Organizing Workshop, this year in Fayetteville.*



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# TAKING A STROLL IN SMOKE HOLE CANYON

By B. Dan Berger

The rocky striations at the bottom of the shallow river look like layers of a large Dagwood sandwich. In the deep dark pools that occasionally make up this river I can see trout holding still, just their tails slowly moving back and forth keeping them in their chosen spot.

The North Fork River in Cabins is my home water, but I do often get the hobo-urge of wandering to other beautiful streams and rivers that we have here in the mountains to fly-fish. On this cool autumn morning, I have been walking up and down the "Catch & Release" section of the South Branch in Smoke Hole Canyon. The powers-that-be would be wise to create a few more of these type of C&R sections in West Virginia as they are not only good for conservation purposes but terrific at attracting fly fishermen, and more importantly, their tourist dollars. Sorry friends, I was editorializing again.

The leaves are at their colorful peak on the mountain ridges and cliffs above. In the slight breeze, millions of bright colors flash like sparks in a campfire. They are intensely orange, red and yellow, and there are even a few stubborn green ones temporarily putting up a fight against Mother Nature's will.

My dry fly repeatedly lands up stream and slowly drifts through the pools. So far this morning I have successful caught and released two fall fish, a 14-inch brown, a 10-inch rainbow and a medium-sized locust tree. The tree put up the biggest fight and was the recipient of some hostile words and phrases that I don't care to repeat here.

Earlier this year my wife Aimee and daughter Shelby wandered into the Southside Depot in Petersburg under the promise of "just browsing." Yeah, right. They have never left that place without a toy, book, big

cookie or a hunk of chocolate fudge. They have even been known to walk out with a large piece of locally-crafted furniture for goodness sakes. My apologies, I digress... having difficulty concentrating as I chew my square of fudge.

Where was I? Oh yeah, after my wife's visit to Southside Depot, she bought me two paperback books about the history of Smoke Hole (A Place Called Smoke Hole and More About Smoke Hole, both by Bardon Shreve). As someone that only sleeps about six hours a night, as you can imagine, I do a lot of reading so my wife is always on the lookout for books for me to read especially anything on our local history.

Wow, the history of Smoke Hole is long, varied, and by golly, one of the most interesting historical places in West Virginia if not the United States. It ranges from the Native Americans to the American Revolution to the Civil War to the moonshine (that may or may

not have been distilled here) to flooding tragedy to timbering to hunting and fishing. The list of Smoke Hole's historical significance goes on and on, not to mention its amazing natural beauty and vastly diverse geology and ecology.

As I gently release another small rainbow on this fantastically gorgeous river, I think about the area's history and how lucky we are to have such a special environmental gem like Smoke Hole in West Virginia.

*Dan Berger is an avid outdoorsman and he and his family live in Cabins, WV. All his past articles can be enjoyed at: [www.mtnriverhome.com/Berger\\_Chronicles](http://www.mtnriverhome.com/Berger_Chronicles)*



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# OLD GROWTH PROMISE

By Don Gasper

In an old growth forest disturbance occurs in patches ranging from an occasional downed tree and its canopy gap to a larger area disturbed by fire or windthrow. This type of forest will tend to have a portion in a range of age classes while generally maintaining a big tree character. In the original forest and in our climax forest those who know most about it suggest these tree-fall gaps average 1% of a climax sustaining forest. (This assumes that .1% falls yearly, and the resulting gap of about two acres lasts 10 years. For many considerations though the gap is considered to last for nearly 100 years.)

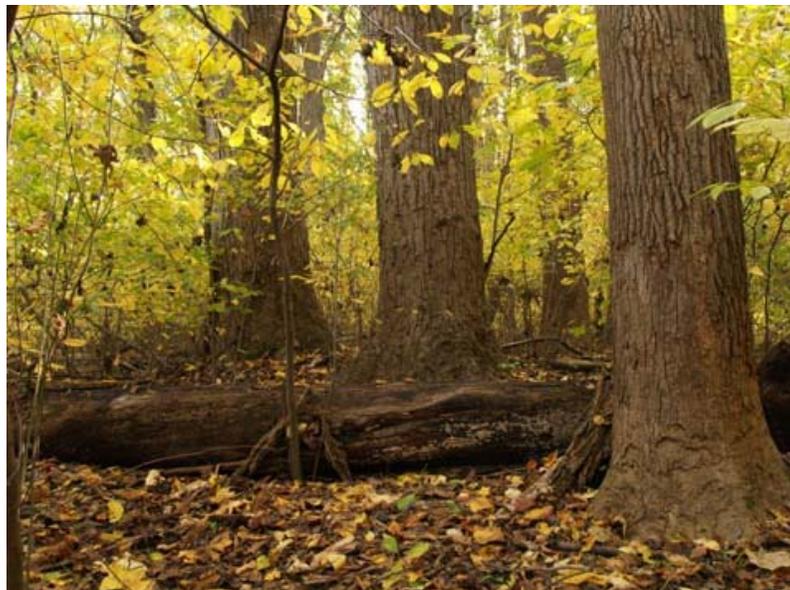
Disturbance with its second growth forest habitat do not appear to be limiting to wildlife species in West Virginia or throughout North America. The rarest and most rapidly disappearing habitat type appears to be the old growth habitats. Species that depend on this rare habitat are the species most in danger of extinction. Because their habitat is everywhere, the many "weedy", "edge", species that tolerate disturbance are abundant.

Because edge habitats provide a range of habitats, there are a large number of species there. Their substrates support large numbers of many species as well. We are fortunate that diverse edge habitats result from nearly haphazard disturbance. Surrounded by such a sea of edge substrate stand few islands of Big Forests today.

These old growth, Big Forests do not have as great variety of vegetation and habitats as edge habitats do. Wildlife diversity in a more uniform Big Forest is lower as edge, here called fragmentation, is reduced. Today's mostly 100 year old forest must work through a period of decay before it reaches an age of 200 years and should come to resemble cli-

max forest. Our old growth is not unhealthy, even in this process of maturing.

As there tends to be an increase diversity of species, as a range of habitats is provided, the least "healthy" forest, using the criterion of uniform age, would likely be those that develop from even-age management practices



(clearcutting) that has been employed by much of the timber industry over most of the last century.

This is on a small scale, a small area, where clearcuts are of 5 to 40 acres (on the National Forests). On a larger (landscape) scale this results in a tree regrowth in a mosaic patch-work each of a different age group. This diverse pattern with its temporary edge transition zones is considered over-all to produce more wildlife. However on a still larger scale what is missing, or with an anemic presence, is the Big Forest of old growth over a large area. This forest supports wildlife that is as rare as it is itself rare.

A truly healthy forest would have a reasonable proportion of diseased and rotting trees, as nothing so resembles a biological

desert as continuous stands of "healthy" trees with no fungi, insects or decaying cavities. Birds, squirrels, etc. would have few homes in such a forest.

Of course there are many other reasons for protecting forests besides their benefit to wildlife. Non disturbed forests reduce run-off by building a forest floor thereby reducing the threats from flooding. There is a promise of a top/down stream channel recovery with fabulous trout streams. Most people find large trees and old-growth forests to be the most beautiful thus enhancing the experience for hunting, fishing and other backcountry recreational pursuits. Scientists need old-growth forests for research purposes. Many aquatic species, including native brook trout, need the cold, clear water that a non-disturbed watershed provides best. So do people.

Perhaps the last chance citizens will ever have to reverse this loss of Big Forest habitat is on our National Forests. Citizens should contact their legislators about this opportunity that the next generation will not have. Wilderness designation is the best and strongest tool available to citizens to permanently protect a few of the remaining roadless areas of the Monongahela National Forest. In addition to the benefits to soil, water and wildlife resources, protecting these places is most likely to provide the largest possible benefits to overall biodiversity within the landscape. Designation of Wilderness Areas is a cost effective and efficient means for providing a sustainable setting for development of natural processes and natural communities.

***Much of the information for this article was provided by Dave Saville.***



## 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.

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.

# HIGHLIGHTS OF FALL REVIEW AND ANNUAL MEETING

By Cindy Rank

## THE REVIEW

Except for the deer crashing off the hillside smack dab onto and into the hood of Jim Solley's car, the 2008 Fall Review and meetings went off without a hitch. (Jim's son Ken came to the rescue from eastern PA with a hitch to load up Jim's car for their long trip home Sunday morning.)

Bob and Donna Cook and the cooks in the kitchen hosted us at the AFC Retreat and Conference Center in Pocahontas County just a few miles east of Marlinton and surrounded by the Monongahela National Forest.

Current membership secretary and long time member Beth Little made the arrangements and provided locally grown and lovingly prepared snacks for Friday night gathering near the fireplace in the rec center. A bit of much needed rain damped spirits for any elaborate outings Saturday afternoon, but a few brave souls hiked the nearby Greenbrier River Trail and a few ventured forth to Blister Run Swamp and some master garden talk.

Skies cleared for Saturday evening dinner and program at the historic Opera House in downtown Marlinton. Mary Willis and her staff from Elk River Inn and Restaurant served a scrumptious meal to the 60 plus dinner guests.

After food was consumed and tables put aside another maybe 50 additional local folks joined us for discussions about drilling for gas in the Marcellus Shale. Lee Avary (Petroleum Geologist, WV Geologic and Economic Survey), James "Marty" Martin (Chief, WV Department of Environmental Protection, Office of Oil & Gas), and public interest lawyer Dave McMahon (Mountain State Justice and WVSORO – Surface Owners Rights Organization) each spoke for about 20 minutes. They then entertained questions from the audience for another hour and a half.

In her power point presentation Lee offered a wealth of background information about the geology, location and characteristics of the Marcellus Shale and directed everyone to the WV Geologic Survey's website [www.wvgs.wvnet.edu](http://www.wvgs.wvnet.edu) for further information.

Prompted by concerns about leasing rights, drilling methods, the large amounts of water and chemicals needed for drilling deep into the Marcellus and fracturing the shale rock to release the gas, most of the questions were directed to Marty and Dave.

Marty did his best to field a broad array of questions about actions by his office and others within the WV DEP. But it was obvious that the agency has little comfort to offer those who asked about the millions of gallons of water needed for fracturing the shale to allow gas to flow back out the borehole, or about withdrawing that amount of water from small headwater streams. And little light to shed on what chemicals are used in the fracturing process at particular sites or the disposal of the frac water when it returns to the surface.

Several in the audience voiced concerns about proposed mineral leasing for a site in Roaring Plains, an area in the Wilderness bill and about the land application of drilling fluids at a conventional gas well in the Fernow Experimental Forest that resulted in the death of all vegetation. Testing of the leaf litter indicated a variety of toxic chemicals were present in the discharge.

Drilling on public lands has been a growing concern to the north in the Allegheny National Forest in Pennsylvania and forest activists here in West Virginia are seeing a push for leasing and permitting in the Monongahela as well. The devastating incident in the Fernow was a wakeup call to all who have spent decades conducting carefully con-

trolled studies in this part of the Monongahela.

Marty acknowledged the DEP is aware of many of our concerns and informed us that a multi-office group within the agency is compiling a guidance document to address some of these issues. Information about drilling and water permits can be found on the [www.wvdep.org](http://www.wvdep.org) website. Dave attempted to condense his wealth of leasing advice and offered a number of helpful insights about the drilling process, well spacing, etc. A new Surface Owners Rights Bill has been introduced to the WV Legislature and will hopefully be taken up again when the session begins early next year. More information about the proposed legislation, conventional and Marcellus Shale, and Coalbed Methane drilling can be found on the Surface Owners Rights Organization website [www.wvsoro.org](http://www.wvsoro.org).



*Mary Willis - joyful caterer and owner of the Elk River Inn.*

## THE ANNUAL MEETING

The Board and other West Virginia Highlands Conservancy members met for the Annual Membership Meeting at the Conference Center rec room on Sunday morning after a hearty country breakfast served by the good folks at AFC.

President Hugh Rogers read the minutes of last year's Annual Membership Meeting. Bob Marshall moved they be accepted. Marilyn Shoenfeld seconded the motion and it passed. Hugh then introduced various committee chairpersons for brief updates about current and projected activities. Mining, public lands, wind facilities, highways, and power transmission line issues were reviewed.

Hugh then turned the meeting over to Cindy Ellis for a report from the Nominating Committee. The Committee proposed the following slate of officers: President - Hugh Rogers, Senior Vice-President – Buff Rodman, Vice president for State Affairs – Julian Martin, Vice-President for Federal Affairs – Marilyn Shoenfeld, Secretary – John McFerrin and Treasurer – Bob Marshall. Suggested for the five Direc-

**Continued on p. 11**

## MORE ABOUT THE ANNUAL MEETING

(Continued from p. 10)

tors-at-Large seats were George Beetham, Don Gasper, Bob Gates, Bill McNeel and Peter Shoenfeld. There being no nominations from the floor, the slate was accepted by acclamation.

The membership meeting was adjourned and those who needed to leave did so.

### BOARD MEETING

The Board came to order at 10 a.m. Present were Hugh Rogers, Buff Rodman, Julian Martin, Marilyn Shoenfeld, Bob Marshall, Frank Young, Larry Thomas, Carter Zerbe, Don Gasper, Bob Gates, Bill McNeel, Peter Shoenfeld, Beth Little, Jean Rodman, Cindy Ellis and Cindy Rank. A few brave non-Board members (Becky Young, Dave Saville and the Baranskis from North Carolina) also stuck around for the meeting.

We reviewed financial reports for the quarter, reminded ourselves of John's routine request for Voice articles, heard additional updates

from the various committees and again explored ideas about getting the 40 year history books (and video of the 40<sup>th</sup> anniversary gathering) to libraries throughout the state.

Frank Young presented a resolution in opposition to the proposed TrAIL and PATH transmission lines. The Board voted to support the resolution and recommended additional tweaking to some of the language. [The text of the resolution appears elsewhere in this issue of the Voice.]

Hugh proposed meeting dates for 2009 and asked that people alert him to any conflicts or need for adaptations. The Public Lands Committee hopes to have a Forest Forum as the focus of the Spring Review and will confirm a date in April once they check on the availability of Forest Service personnel. Other dates are January 25<sup>th</sup>, July 18<sup>th</sup> or 25<sup>th</sup>, and October 25<sup>th</sup> for the Fall Review.

With that, the meeting was adjourned at the unusually early hour of 12:30.

## JUDGE BLOCKS PERMIT FOR CLAY-NICHOLAS MINE

By [Ken Ward Jr.](#)

On October 31, 2008, a federal judge blocked a U.S. Army Corps of Engineers permit for a Fola Coal Co. mountaintop removal mine along the Clay-Nicholas County line.

But U.S. District Judge Robert C. Chambers also suspended parts of his own preliminary injunction to allow Fola Coal to continue producing coal until a full trial on the case can be held.

And in a 12-page opinion, Chambers suggested additional actions by lawmakers or executive agencies are needed to resolve continuing debates over mountaintop removal.

"I am certain that most citizens in West Virginia recognize both the contribution of coal to our economy and the value of this state's tremendous natural resources," Chambers wrote. "These interests are not mutually exclusive, and achieving a balance which advances both is the goal of the statutes implicated in this action.

"With proper legislative or executive guidance, it may be possible to reach common ground in balancing these important values," the judge wrote.

Chambers added that he suspended parts of his injunction against Fola in the hope that "some degree of clarity" would be provided soon by the 4th U.S. Circuit Court of Appeals "or, perhaps, a separate branch of government."

At the 4th Circuit, a three-judge panel is considering an appeal of a March 2007 decision by Chambers that the Corps of Engineers did not properly consider the environmental impacts before issuing Clean Water Act permits for mountaintop removal mines to bury streams.

During a hearing last week, Chambers was asked to issue a new injunction to block Fola Coal's Ike Fork No. 1 and Ike Fork No. 2 surface mines. Fola, a CONSOL Energy subsidiary, wants

to mine nearly 10 million tons of coal from a 900-acre area in Lilly Fork of Buffalo Creek, near the town of Gilboa. In the process, more than five miles of streams would be buried beneath 10 valley fills. Company officials proposed to offset this loss by restoring or creating nearly five miles of streams on a separate reclaimed mine site.

But Chambers found that environmental group lawyers "raised substantial questions" about whether the corps' approval of the Fola permit was "arbitrary and capricious" and whether the agency followed its own public notice requirements.

"As there is no evidence of successful stream creation, it is plausible that mitigation may never be completely successful," the judge wrote. "In other words, while damage to existing streams is certain, the mitigation of this damage is uncertain."

Chambers added, "While some may decry the loss of jobs for the sake of a handful of valleys and streams, there is a real and substantial public interest in maintaining the quality of natural resources.

"Headwater streams such as those that may be buried pursuant to the Ike Fork permits play a key role in keeping watersheds healthy," the judge wrote. "These streams are an important part of the environment and should not be permanently destroyed if the activity fails to meet environmental standards.

"As this court is well aware, the streams and valleys of the Ike Fork permits are not the only ones which may be lost beneath valley fills," Chambers wrote.

Chambers concluded that if every valley fill proposal is not "evaluated and considered appropriately," the result may be "an environmental catastrophe, arrived at one small step at a time."

Fola officials had warned that they were running out of room to mine, and would have to shut down the operation if Chambers issued an injunction.

Gary Patterson, a company representative, testified that Fola employs about 350 surface miners and another 45 underground miners, all of whom depend on "the continued validity of the Ike Fork permits," the judge wrote.

Fola is the largest employer in Clay County, and accounts for 65 percent of the county's tax base, the judge noted, citing testimony from County Commissioner Jerry Linkinoggor.

"While environmental damage from the burial of streams is real and imminent, the relationship between Fola Coal and Clay County is unique," Chambers wrote. "Fola is the only mining operation in the county, and as such is the foundation of the economy."

But Chambers accepted a suggestion from environmental group lawyers that the judge suspend his injunction's application to two of the company's valley fills so Fola would be able to continue operating "well into 2009."

"The partial stay of this injunction alleviates most, if not all, of Fola's economic harm in the near term," Chambers wrote. "The court would expect to resolve the case on the merits and benefit from the guidance of the Fourth Circuit by the time the substantial economic harm would be felt by Fola."

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

# West Virginia Mountain Odyssey



## Outings, Education and Beyond

**Open Dates:** Visit **Keyford 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.

### Notice of Hibernation

As you can see from the lack of outings, the hikers have holed up for the winter. Strip mining is, unfortunately, always open so you can still visit there. For more uplifting outings, you may have to wait until spring.

## POLL SAYS AMERICANS OPPOSE MOUNTAINTOP REMOVAL

By Ken Ward Jr.

Americans oppose mountaintop removal coal mining by a wide margin, according to the first nationwide poll on the issue to be made public.

A majority of Americans are also against a Bush administration rewrite of a federal stream "buffer zone" rule to allow mine operators to continue burying streams, the poll found.

The survey, released Thursday afternoon, mirrors a 2004 poll that found most West Virginians opposed mountaintop removal.

"I very rarely run into people who think that blowing up mountains and burying streams is a good idea," said Joan Mulhern of the group Earthjustice, which commissioned the poll with the Sierra Club and the Appalachian Center for the Economy and the Environment.

The poll was conducted for the groups by Lake Research Partners, whose president, Democratic pollster Celinda Lake, also did the 2004 mountaintop removal survey in West Virginia.

Researchers questioned 1,000 likely voters across the country between Oct. 11 and Oct. 16. The poll has a margin of error of 3 percentage points.

A majority of those surveyed said they believe the environment in the United States is deteriorating.

But by a more than 2-1 margin, voters polled rejected the notion that environmental protections are bad for jobs and business. Forty-seven percent said environmental protections are good for the economy, compared to 20 percent who believe such protections are bad for the economy.

"There is a real consensus on a lot of these fronts," said Daniel Gottoff of Lake Researcher Partners.

Gottoff's firm asked half of the voters polled if they favored or opposed mountaintop removal, without giving them any additional information on the subject.

Thirty-nine percent of those voters said they opposed mountaintop removal, compared to 15 percent who said they favored it. Forty-six percent said they were unsure.

The other half of voters surveyed were given a short description that mountaintop removal is "where the top of the mountain is removed to extract the coal and waste is disposed in nearby valleys and streams."

Sixty-one percent of those voters said they opposed mountaintop removal, compared to 16 percent who said they favored it. Twenty-three percent were unsure.

Opposition to mountaintop removal was strongest in the northeast, where 79 percent of those surveyed opposed it. Opposition in the south -- including West Virginia and Kentucky, the two biggest eastern coal states -- was 59 percent.

The survey also found that two-thirds of Americans oppose repeal of the stream buffer zone rule, which generally prohibits mining activities within 100 feet of streams.

"These poll results make very clear that people think we should not sacrifice streams by allowing them to be filled in with mining waste," said Ed Hopkins, director of the Sierra Club's environmental quality program. "The Environmental Protection Agency can and should protect these streams by stopping the Office of Surface Mining's plans to gut the stream buffer zone rule."

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



# ONE ENVIRONMENTALIST THINKS ABOUT WIND POWER

By John McFerrin

The article that is on the next page of the *Voice* suggests that environmentalists should re-think wind power. This is what I have come up with so far.

It is easy to state a rule for evaluating any method of energy production: reduce the misery and then spread it around. With wind, the difficulty has always been in applying this formula.

With any kind of energy production there is a social cost, some misery that somebody has to put up with. With coal, the misery is immediate and dramatic. It is dirty and dangerous to mine, dirty to transport, and dirty to burn. It has given us polluted water, buried streams, black lung, acid rain, mercury pollution, destroyed communities, and broken people. Any of us can make our own list.

Coal is not alone in imposing a social cost for energy production. Industrial scale wind power can interfere with scenic views, endanger wildlife, lower property values, etc. Even such seemingly benign source of energy as solar energy has a social cost. While the energy itself is free, the solar panels, etc. to collect it do not drop from the heavens fully formed. Somewhere the aluminum necessary to make them was mined and smelted. The equipment was manufactured and shipped. The social cost of solar energy may be trivial compared to those of coal but they are not zero. The same is true of any source of useable energy.

Reducing the misery—usually referred to as conservation—is the cheap part of the formula for a sound energy policy.

Personal conservation has no social costs; in many cases the personal sacrifice is minimal. Turning off the lights when we leave the room diminishes our lives not a bit. It reduces the misery in the coal fields, if only by a tiny amount. Choosing a smaller car instead of a Ford Expedition means sacrificing some small comfort but the choice results in less of the social cost involved in oil production, transportation, and refining.

In hundreds of examples, large and small, using energy more efficiently diminishes the social costs of energy production without burdening society in other ways. To cite one, we could use heat from manufacturing processes that would otherwise be wasted to make electricity. We get electricity without the social costs involved in mining more coal.

Once we get past the easy part, the part where everybody wins, we get to the question of how we spread around the misery that is an inevitable part of energy production.

At first, wind power seemed like the perfect way to do this. Coal mining causes such misery, such social costs. Wind seemed like a gentle, non-polluting way to reduce our reliance on coal and diminish the social costs associated with it.

It also has the potential to move the social costs of energy production out of the coal fields. One problem with coal is that its misery is concentrated in the coal fields. Coal may keep the lights on all around the country but it fills streams, shakes apart houses, and pounds the roads to pieces only in the coal fields. If the whole country is to enjoy the benefits of electricity, the whole country should share in the social costs involved in its production.

As the wind power industry developed, however, and wind power became more than an abstraction, it became more clear that it in-



involved a social cost as well. It endangered wildlife; it was noisy; some thought it ugly and intrusive.

As these social costs began to appear, it became a matter of balancing. How could society produce the energy it needs with the least social costs, taking care to see that those costs are spread around fairly?

As the last ten years has shown, the balancing has not been easy. People in the coal fields work toward a goal of having wind farms where they live. People in eastern West Virginia work just as passionately at keeping them away from where they live.

We can't even agree on whether wind farms are ugly. Many, many people talk of them as blights upon the landscape, the ruination of our eastern mountains. Yet Jim Haught, editor of *The Charleston Gazette*, wrote an opinion piece talking about how beautiful they are, comparing them to sculpture.

I had always favored building wind farms. The burden of coal mining—and particularly mountaintop removal coal mining—is so great that anything would be better. If wind farms diminish that then they are worth it.

Everything bad about wind farms is true in spades about mountaintop removal. Jim Haught notwithstanding, if you think windmills are ugly, try looking at a mountaintop removal site. If you think a wind farm is intrusive, try living next to a mountaintop removal site. Wind farms may diminish property values but try selling a house in Blair, West Virginia. Windmills may kill birds but how many birds die or are never born because the southern West Virginia forests are gone? If wind farms can reduce the use of coal, then they are worth it.

Now there is a new twist to the argument, something that makes thinking about wind power even more difficult. In the article that begins on page 14 of this issue, Ms. Collins argues that building more wind farms will not reduce the use of coal. She argues that because wind farms only make electricity when the wind blows, they are inefficient and unreliable. Because it is unreliable, it is difficult to integrate wind energy into the electricity distribution system and makes the whole electricity production and distribution system work less efficiently. Because of all this, we end up using the same amount of coal whether we have wind farms or not.

My world view wants to reject this argument. I see this as a technical problem. While Ms. Collins assumes it cannot be solved, I have always had a blind faith in the ability of our tinkers, scientists and engineers to figure things out. They can take tons of metal, fashion it into an airplane, and make it fly. They can send jillions of pieces of information zooming to different places all around the world and get it to where it is supposed to go. They can store a whole wall full of books on a computer disk the size of a doughnut. Surely they can figure out how to integrate wind energy into the electrical system so that it can replace some coal.

But what if she is right? What if we can't solve this technical problem and wind farms do not diminish the use of coal?

If it true that wind farms do not diminish the use of coal, then we do have some rethinking to do. If they do not replace any coal, then what is the point? Why should a single bat die, a single hiker be inconvenienced, a single tree be cut if wind power is not going to reduce the use of coal or some other source of electricity?

I have puzzled on this until my puzzler is sore. While I still don't have an answer, it is an important question. Ms. Collins' article is long but it raises important questions. Besides, all our puzzlers could use a good workout every now and then.

# ENVIRONMENTALISTS NEED TO RE-THINK WIND ENERGY

By Margaret Collins

**One of the most bizarre aspects of the debate over “wind farms” in West Virginia and surrounding states is the unquestioning acceptance by many environmentalists of wind energy as a credible and environmentally friendly energy source. I have read many articles and letters written by dedicated environmentalists touting the benefits and discounting or completely ignoring the adverse consequences of wind energy. The prevailing belief of these individuals is that we must embrace wind energy as at least a partial solution to the increased burning of fossil fuels and global warming.**

**This belief, while undoubtedly sincere, represents a triumph of hope over reality. While wind energy appears at first glance to be a clean, renewable source of energy, it brings with it two fundamental and essentially insurmountable problems, particularly in the eastern U.S.**

**First, it does not and cannot be made to accomplish its sole intended purpose, that is, to reduce CO<sub>2</sub> emissions from America’s electric utility industry. Second, even if it could be made to do so, the environmental consequences of wind in the eastern forested mountains would be so great in comparison to the benefits, that wind should not even be considered in a rational society.**

Although most people believe that wind turbines can replace fossil-fuel generating facilities, this is a fallacy, relentlessly promoted by the wind industry and its very slick and effective ad campaigns, lobbyists and promoters. No scientifically valid study has ever shown that the tens of thousands of wind turbines already operating in the U.S. have displaced *any* CO<sub>2</sub> emissions. In fact, a 2007 report of the National Academy of Sciences concludes (assuming extremely and improbably optimistic conditions) that at best, by the year 2020, CO<sub>2</sub> savings from wind energy would amount to only 1.8% - a trivial quantity. The ugly truth is that no matter how many thousands of wind turbines we build, they will have no meaningful effect in reducing the burning of fossil fuels or alleviating global warming. They have not and will not result in the decommissioning of any existing power plant or negate the need to build new conventional fossil-fuel plants.

How can this possibly be? How can America currently be on a course to spend over a TRILLION taxpayer dollars on an alternative energy source that doesn’t work? If wind energy is completely emission-free, how could building more wind turbines not result in reduced CO<sub>2</sub> generation? The reasons are complex, but become obvious upon undertaking a little research.

## **BASIC WIND ENERGY FACTS – WHY WIND WON’T WORK**

Let’s begin with the fact that wind turbines are very inefficient. A wind turbine nominally rated at 1.5 megawatts (MW) will actually produce only a small fraction of its rated capacity of 1.5 MW. “Rated ca-

capacity” or “nameplate capacity” has nothing to do with how much electricity a wind turbine actually produces. It simply reflects the amount of electricity a turbine *could* produce over a year’s time *if* it was working at full output, 24/7.

Turbines don’t begin generating electricity until wind speeds hit around 8 mph, and their output is very low until wind speeds reach 32-37 mph, at which point they achieve their rated capacity. At wind speeds over 55 mph, turbines must be shut down to avoid gearbox damage. Because of wind’s unpredictable intermittency (a 100 MW wind facility, for example, might generate at a rate of 80 MWs for a few minutes and a few minutes later generate at a rate of only 5 MWs) engineers use the term “capacity factor” to assess what percentage of its rated capacity a wind turbine is likely to deliver over the course of a year. According to

the U.S. Energy Information Agency, the average capacity factor for U.S. onshore wind turbines is a paltry 26%. No wind plants located in the United States—and few in the world—have achieved a capacity factor of more than 30%.

Consequently, a 100 MW wind plant (approximately 70, 1.5 MW turbines) will actually produce on average, less than 30 MWs annually, which is 30% of its rated capacity. Although no power plants work at their rated capacities all of the time, the intrinsic capacity factor for wind is far below other power sources (conventional coal and nuclear plants typically operate at capacity factors of 90% or better). And in summer months, when demand for electricity is

highest, but average wind speeds are at their lowest, the capacity factor for wind is less than 10%.

But inefficiency is just the beginning of the problems with wind. A much more serious limitation is the random variability of wind and the fact that the electricity produced by industrial-scale wind turbines cannot be stored. There are no batteries large enough to store the electricity produced by a large turbine, and no reasonable expectation that there ever will be. Other technologies for storage such as pumped hydro, giant flywheels, compressed air and supercapacitors are for various reasons, impractical in the eastern U.S. This has profound consequences for “The Grid.”

West Virginia is one of 13 states connected to the PJM Grid, the largest in the U.S. This grid, like all others, requires that electricity be produced as quickly as it is consumed. For grid operators, insuring that supply and demand remain roughly equal is akin to a high-wire balancing act. When customers on the grid increase their demand for electricity by turning up their air conditioners, some generating facility connected to the grid must begin to produce more electricity. When customers reduce their demand for electricity, the output from some generating facility must be reduced.



**Continued on p. 15**

## MORE ABOUT WIND (Continued from p. 14)

If too much or too little is produced, brownouts, surges and grid shutdowns occur. Nuclear, coal, gas and other fossil-fuel plants produce steady amounts of electricity more or less continuously. These sources of electricity are able to provide *base load* (the minimum amount of steady electrical power required 24/7), *load following* (small changes in output in response to moment-by-moment fluctuations in demand) and *peak load* (the maximum load during any period). Grid operators control and adjust output through a complex, computerized grid monitoring system which accurately predicts demand within plus or minus 1%, based upon historical usage data, temperature data and other factors.

Now imagine connecting to the grid a power source that is constantly fluctuating, with an unpredictable and uncontrollable output that varies greatly, minute by minute. Adding any significant amount of wind energy to the grid will substantially complicate the already difficult task of instantaneously balancing demand and supply. Because it is unpredictable, uncontrollable and variable, wind-generated electricity is fundamentally different from, and far less useful than electricity generated by other sources. Wind cannot provide base load, load following or peak load. Backup generation from fossil-fuel plants is essential.

As more wind turbines connect to the grid, more conventional generation will be necessary to ensure system adequacy and reliability during periods of peak demand or low wind, and more ramping up or down of fossil-fuel output will be required to compensate for the extreme variability of wind plant output.

The random unpredictability of output and resultant need for backup generation is the Achilles Heel of wind energy. Since base load generation cannot be rapidly varied to match the unpredictable fluctuations in wind plant output, more fossil fuel plants will need to be built and these plants will need to over-generate and maintain a higher level of spinning reserves (idling, but producing no power) to compensate for periods of low winds. This over-generation will be wasted when winds are high. This will in turn, cause more burning of fossil fuels and more emissions than would otherwise be the case. Thus, the more windmills we have, the more back-up generating capacity from conventional fossil-fuel plants we will need and the more over-generation from these plants is necessary. This will result in a near one-to-one duplication of generating facilities, all in a futile attempt to accommodate the transient nature of wind.

How will this reduce emissions and global warming? Of course, it won't, and in accordance with the law of unintended consequences, erecting thousands of wind plants may, when all of the CO<sub>2</sub>-increasing activities attendant to the construction and distribution of wind power are considered, actually cause an *increase*, rather than a decrease, in the burning of fossil fuels.

Our system of regional grids is based upon the assumption that output of our generating facilities can be controlled to produce "*dispatchable supply*." Utilities are obligated to provide electricity in-

stantaneously, when customers demand it. Wind does not, nor can it ever, do that, since it cannot provide base load, load following or peak load. In fact, even when the wind is blowing and the turbines are spinning, it is likely that their output is not being used, because the grid cannot accept the spikes and troughs inherent to wind generation.

Because of the unpredictability of wind and the distance of ridgetop wind plants from the energy-hungry east coast, it will require a near-complete rebuilding of our regional grids to accommodate wind energy of any significant amount. This will require many thousands of miles of new transmission lines, interconnects and substations, which will cost hundreds of billions of dollars, destroy even more of our fast-disappearing rural landscape, and take decades to accomplish. Electric rates will skyrocket. Add the clearcutting of thousands of acres of

CO<sub>2</sub>-absorbing trees to make way for the wind turbines, access roads and additional transmission lines and interconnects and the thousands of square miles of valuable land that must be taken and you begin to appreciate the absolute insanity of this technology as a "solution" to global warming.

These basic facts make it clear that industrial wind energy is essentially useless, or worse. While it does produce electricity, it does not increase capacity, since it cannot be controlled to produce dispatchable supply. In other words, it has an "*effective capacity*" of zero. Contrast this to the effective capacities of coal, gas and nuclear plants which is above 99.9%!

Contrary to the claims of wind energy developers, electricity produced by wind turbines does not simply "go into the grid" where it can be used when needed. It will not "power" any homes without the backup generation available for dispatch when the winds are calm. It will not replace any fossil-fuel generating plants and it will not reduce CO<sub>2</sub>, mercury or other emissions, but may actually increase them. Even if we windmilled every ridge in the East, the reduction in fossil fuel use and global warming would be essentially zero. All of this is disputed by the wind industry, but they have not and cannot show that it is false. They offer only self-serving trade association "research" as evidence (which does not survive even casual scrutiny) and promises for future technological solutions that never seem to materialize.

### **ENVIRONMENTAL NIGHTMARE**

The inefficiency, cost and impracticality of wind should alone be sufficient reason to abandon it. But far more problematic is the environmental destruction about to be inflicted on the entire Appalachian Range, from Maine to Georgia.

In the West and Midwest, wind turbines are placed mostly in remote cornfields, prairies and desert lands that are easily accessible by roads, are not forested and are not wilderness. The environmental consequences, while significant, are not catastrophic. However, in the East, the only locations windy enough to justify installing wind turbines are

**The Rest on p. 16**



## THE END (I promise) OF THE ARTICLE ABOUT WIND POWER (Continued from p. 15)

ridgetops. Modern wind turbines are immense - over 450 feet tall, with blade diameters wider than a football field, and getting larger with each new generation. Would you be concerned if a drilling company proposed to erect thousands of drilling rigs on our mountain ridges? Well, they would only be about *one-tenth* the size of a wind turbine, and they don't move.

The construction of an array of wind turbines on a forested mountain ridge is a case study in environmental mayhem. Access roads must be bulldozed and blasted out and heavy equipment must be moved into formerly pristine mountain ridges. Hundreds of acres of trees must be clearcut. Topsoil and large rocks must be blasted away and removed to level the ridgetop. The entire mountain ridge becomes a vast construction site up to 15 or 20 miles long. Large foundations (over 60 feet square) are dug and blasted out, and thousands of yards of concrete are trucked up the mountain and poured. Oversize trucks then begin delivering the column and blade sections and giant cranes are moved from site to site as the structures go up.

After construction, security fences are installed and patrolled. Massive erosion and sediment runoff from what is essentially a mountaintop removal job fills streams and creeks. What was once many miles of quiet forestland becomes a huge, constantly spinning industrial complex. The effect on wildlife is catastrophic. Eagles, hawks, songbirds and bats which migrate along ridgetops are chopped to pieces by the thousands. Forest fragmentation and the relentless noise cause habitat loss far beyond the actual acreage affected. Large mammals such as black bears are driven out.

Wind farms will virtually destroy the lives of families who live near them. The constant noise, strobe lights and slowly turning blades create an alien world that permeates all daily activities. Many will not be able to leave, since their property will be significantly devalued. Hiking, backpacking and other outdoor activities in the mountains in a forest of giant spinning turbines will be a strange experience, to say the least. All of the mountain ranges in the East are at risk, even National Forest lands. The transformation of the last remaining wild and scenic areas into industrial wasteland will be accomplished in just a few years if wind developers have their way.

When wind developers target a community they typically employ three very effective strategies. First, they cleverly use their "green" facade to gain acceptance by local politicians, environmentalists and an uninformed public. Second, knowing that few people understand the complexity of wind power issues, they make unsupportable claims. Finally, if the first two don't work, they garner support from locals by essentially buying them off – *with taxpayers' money!* Other than a handful of property owners who will make a few thousand dollars a year leasing their land for wind turbines, the only people who will benefit are the out-of-state wind developers and their wealthy investors who are hoping we are too foolish to realize that we are once again about to be exploited.

Unquestionably, mountaintop removal and strip mining have been harmful to our mountains, but building thousands of wind turbines will not result in any reduction in these activities. Why would we accept and even encourage another round of devastation from those seeking to exploit us? How can true "environmentalists" possibly condone the

conversion of our signature ridges to the industrial wasteland they will become? How can anyone who truly loves mountains possibly support this absurdity? We need to think clearly here and do our homework, rather than just accepting without questioning the lies and distortions being pushed by big industrial wind interests.

### WHY ARE WE DOING THIS?

If wind turbines don't work and are immensely damaging to the environment, why are we building them? As you no doubt have guessed by now, it's all about the money. The only reason wind turbines are built is because they are fantastic tax shelters for wealthy investors. Federal tax subsidies for wind now exceed \$7 billion, and at over \$23.00 per megawatt-hour, far exceed those for any other type of generation facilities. These billions are shrewdly applied by the wind industry to hire lobbyists and make political donations, thus keeping the subsidies flowing. Taking advantage of the fear of global warming, the industry has very skillfully lobbied and placed promoters in government positions so as to influence Congress, governors and legislators to enact "renewable energy mandates" and provide ever-increasing tax breaks favorable to wind development. Crafty entrepreneurs like T. Boone Pickens create \$50 million saturation ad campaigns to curry public support for continuation of these massive taxpayer subsidies. He does not plan to lose money. Gullible local officials are easily swayed by the promise of huge tax revenues that rarely materialize. Unions and workers support these projects, hoping to get a piece of the action, only to find out later that most construction work is performed by out-of-state workers, and permanent jobs relegated to one or two low-paying maintenance positions. Sadly, the vast majority of people have successfully been brainwashed and are clueless as to the folly of wind turbines and the damage they will cause. Support for wind energy is based solely on politics, ignorance and smart lobbying, not on science.

At some point it will become apparent that wind simply does not and cannot be made to work, just as it is now becoming obvious that corn-based ethanol does more harm than good. Eventually, governmental and public support will wane and the increasingly expensive tax credits will be eliminated as we turn to clean energy sources that actually work, such as geothermal and nuclear energy. But before that occurs, many more billions will have been wasted and much damage will be done, irrevocably. Wind developers hope to get as many turbines up as quickly as possible before the subsidy spigot is turned off. When that happens, there will be wide-scale abandonment of existing wind turbines. Since removal costs will be prohibitive, they will become rotting hulks, littering hundreds of miles of ridgetops, a sad legacy to inflict upon our children.

So, I ask all environmentalists who "believe in wind" to please do some research and become informed of the realities of industrial wind energy in the eastern highlands. Be skeptical of the claims of those who have financial incentives to promote this scam. Go to [www.wind-watch.org](http://www.wind-watch.org), [www.windpowerfacts.inf](http://www.windpowerfacts.inf) and [www.windaction.org](http://www.windaction.org) to learn more and view the destruction occurring under the guise of "green energy." Consider intervening in PSC hearings and oppose the coming onslaught of "wind farm" applications. If nothing is done, in a few years our once-beautiful mountains will be littered with thousands of massive industrial wind turbines, strung along the ridgetops in every rural, mountainous county in the East, especially West Virginia. Their slowly turning blades, flashing lights and relentless noise will permeate the entire Appalachian Plateau. You will not recognize this place. It will become a vast and otherworldly industrial site. If we let this happen, we will forever regret it. Surely, we are smarter than this.

