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# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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## Groups Say It's A Good Start; Industry Opposes Everything

# BATTLE BREWING OVER OIL AND GAS RULE

By Donald S. Garvin, Jr., West Virginia Environmental Council Legislative Coordinator

In May the West Virginia Department of Environmental Protection (DEP) announced it is proposing significant changes to the agency rule that regulates "Oil and Gas Wells and Other Wells." The proposed rule changes will be sent to the Legislature for its consideration in 2010.

The changes proposed by DEP would add provide at least some additional protection of water resources throughout the drilling process, and would at least begin to address major new issues that have arisen due to the drilling of Marcellus shale wells in West Virginia.

In particular, the rule would require that all pits and impoundments have a synthetic liner (something that is long overdue), and adds a new section that would regulate the "Construction of Pits and Impoundments with Capacity of Greater Than Five Thousand (5000) Barrels" (Marcellus shale wells).

The public comment period for the proposed rule ended on July 14.

The West Virginia Independent Oil and Gas Association, an industry trade association, has filed comments opposing almost all of the proposed rule changes.

An informal coalition of statewide organizations concerned about oil and gas issues has filed a set of comments supporting the proposed changes, but says the new rule does not go far enough. The group is calling for additional changes necessary to more fully protect public health and the environment.

The informal coalition includes representatives from the West Virginia Highlands Conservancy, the Appalachian Center for the

Economy and the Environment, the West Virginia Rivers Coalition, the West Virginia Sierra Club, the West Virginia Citizens Action Group, the West Virginia Surface Owners' Rights Organization, and the West Virginia Environmental Council.

It has been more than 25 years since any significant changes were made to West Virginia's drilling rules. An increase in drilling in recent years has revealed serious deficiencies and problems with the regulation of oil and gas drilling in West Virginia. The drilling of wells to the Marcellus shale formation takes these existing problems to a new level, and heightens the need to address existing problems with the rules and to address new concerns about surface disturbance, water use and waste disposal.

Marcellus shale wells represent a huge leap in new technologies, such as horizontal drilling and large volume fracturing, and cause an exponential increase in surface disturbance, water use and waste disposal.

An extensive number of wells (more than 1,700 locations) are now in the planning process or already underway. Instead of a one or two acre drilling site, a Marcellus shale well requires five acres or more, and some drillers have asked for and received permission from the Oil and Gas Conservation Commission to drill these wells as close as 1,000 feet from each other. That would be a well on every 40 acres of land in West Virginia.

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## From the Heart of the Highlands

by Hugh Rogers

### After Us, The Wild Wood

Once, we rode a bus through a barren Demilitarized Zone to Panmunjom, where truce talks between North Korea and United Nations forces were dragging on (there's still no end in sight). The South Korean government wanted Peace Corps Volunteers to respect their view of the North's intransigence, and thus their curfews and propaganda. We saw stiff-backed officers talking past each other across a table with a line down the middle, and we returned to Seoul.

What we didn't see in the DMZ has since drawn the world's attention. As the land slowly recovered from a brutal war, first there were rumors of tigers; then other animals that had become all but extinct were positively sighted: red-crowned cranes, Asiatic black bears, lynx, gorals, musk deer, yellow-throated martens, and the Amur leopard. The 155-mile-long strip has become an amazing wildlife lab, practically devoid of people but dotted with monitoring devices.

For his best-seller, *The World Without Us*, Alan Weisman explored the DMZ and other sites such as Varosha, a city of 20,000 people on the island of Cyprus that was abandoned in 1974 during fighting between Turkish and Greek Cypriots. More famous for depopulation is the zone around the blown-up Chernobyl nuclear power plant. In Pripyat, where 50,000 people used to live, trees grow on and inside Soviet-era apartment blocks; the forests are full of moose, lynx, and "radioactive deer."

Last year the History Channel seized the theme with "Life After People." It was their most watched program ever; a follow-up series began in April. Other channels have chimed in. None explains the set-up, the human absence. Nuclear holocaust? Global climate change? The Rapture? The producers don't want to limit their audience, but I suppose most readers and viewers consider the topic "environmental."

I'm reminded of an old story.

"Well, very long ago, on the spot where the Wild Wood waves now, before it had ever planted itself and grown up to what it now is, there was a city—a city of people, you know. Here, where we are standing, they lived, and walked, and talked, and slept, and carried on their business. . . . They were a powerful people, and rich, and great builders. They built to last, for they thought their city would last forever."

"But what has become of them all?" asked the Mole. The Badger didn't know. "People come—they stay for a while, they flourish, they build—and they go. It is their way. But we remain."

"When they went," continued the Badger, "the strong winds and persistent rains took the matter in hand, patiently, ceaselessly, year after year. Perhaps we badgers too, in our small way, helped a little—who knows? It was all down, down, down, gradually—ruin and leveling and disappearance. Then it was all up, up, up, gradually, as seeds grew into saplings, and saplings to forest trees, and bramble and fern creeping in to help. Leaf-mould rose and obliterated, streams in their winter freshets brought sand and soil to clog and to cover, and in course of time our home was ready for us again, and we moved in."

The Wind in the Willows is a hundred years old; to mark its

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## MORE ON OIL AND GAS (Continued from p. 1)

Fracturing (or “fracing”) involves pumping liquid into gas wells under pressure. The pressure is great enough to fracture the rock layers where the gas is, making it possible for the gas to flow out freely.

The new fracturing techniques that make the drilling of Marcellus shale wells possible require at least an Olympic swimming pool size impoundment of water. That water has to come from somewhere. With the oil and gas industry, it is very often drawn from streams, rivers, and wells. Yet West Virginia has insufficient regulation of water withdrawals from streams, rivers and wells.

West Virginia has no requirement for public disclosure of, let alone regulation of, the chemicals that can be put into the water used to fracture a well. Between twenty and forty percent of the fracing fluids remain underground.

There is a lack of approved underground injection wells and wastewater treatment disposal facilities capable of handling the portion of the fluids that flows back to the surface before or during the start-up of production.

And there is insufficient data to understand the levels of salt and naturally occurring radioactive materials (NORMs) from deep geological formations that are brought to the surface as a result of drilling and fracing a well.

“The possible contamination of groundwater is a concern that is not adequately addressed in the rule,” said Beth Little of the Sierra Club, in a press released issued at the end of DEP’s public comment period.

“Many areas in the eastern counties of West Virginia have a karst geology. Drilling in karst can disturb the circulation of water in successive layers of caves, and it can affect wells and springs further from the drilling than the rule recognizes as the responsibility of the driller. Where there is karst geology, study should be done before permitting,” she added.

She concluded by noting that “the rule also has no limitations on pit location with respect to ground or surface water. DEP should develop siting requirements and restrictions for pits to prevent contamination of freshwater and to protect human health and the environment.”

“We share the environmental community’s concerns and feel strongly that the rule should require disclosure of the chemicals that are used in hydraulic fracturing,” said Dave McMahon, co-founder of WV Surface Owners Rights Organization.

“The industry already has to supply Material Safety Data Sheets for the chemicals it transports, but they are impossible to find without asking the truck drivers for them, and the truck drivers should not be responsible for that. It is our understanding that the exact chemicals are not trade secrets, just the mixtures. And in any case, trade secrets should yield to the importance of public and environmental safety,” McMahon added.

In addition, the coalition’s recommended the following changes to DEP’s proposed rule:

- That reclamation of all pits and impoundments should include removal of all solid wastes, including the liners, to authorized off-site waste disposal facilities.
- That drillers at the well site be required to have an emergency plan that includes a list of landowners down gradient and emergency service personnel to contact in the event of any pit or impoundment failure.
- That any potential hazard discovered during an inspection be reported immediately to DEP and appropriate emergency agencies.
- That the rule require testing and disclosure of the flow-back water contents, in addition to monitoring and reporting the flow-back volumes.
- That the flow-back water from all large volume frac jobs be captured and transported off-site to authorized disposal or treatment facilities.
- That water supplies be tested for additional parameters to provide both landowners and operators greater confidence in whether or not the quality of a landowner’s water well changed during or after drilling.
- And specific changes to make sure surface owners understand and are aware of a driller’s proposed activity. These include notifying them prior to the construction of all pits and impoundments and consulting them prior to approving changes to the driller’s reclamation plan.

So the battle lines have been drawn, as this rule promises to be a major focus of the Interim Legislative Rulemaking Review Committee and the full Legislature in 2010. You will be hearing a lot about this debate in coming months.

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*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.*

**Come home to West Virginia?****BIRDERS SPREAD THE WORD ON MOUNTAINTOP REMOVAL**

By Cindy Ellis

Concerned individuals and groups continue to spread the word about the effects of mountaintop removal coal mining on the birds of our area. "Save the Cerulean Warbler—Halt Mountaintop Mining" is the headline of a June 22 bulletin to members of the American Bird Conservancy (ABC). ([www.abcbirds.org](http://www.abcbirds.org)) With photo by Vivian Stockman and an automated action site, ABC—which boasts nationwide membership and has been dubbed a 4 star charity by Charity Navigator—urged its group to contact Representatives and Senators. The June ABC message cited both declining populations of Cerulean Warblers and threats to clean water in its plea for involvement.

Secondly, an Ohio website currently shows Vivian's photo too and pleads for action. Credit for prompting this piece goes to WVHC member Deborah Griffith, who wrote "We Are What We Remember" for the August 2008 edition of THE VOICE. The title of the selection is "Just Consider This View...Seen By A Migratory Songbird..." and is posted by Black Swamp Bird Observatory (BSBO). [www.bsbo.org](http://www.bsbo.org).

Deborah also credits BSBO director Kim Kaufmann for wishing

to focus her dismay at the MTR pictures into positive outreach. BSBO is near the entrance to Magee Marsh Wildlife Area on Lake Erie in northern Ohio. Located across from Ontario's Point Pelee, this place is often the site of major "fall-outs" of weary migratory birds each spring. A new West Virginian (or any eastern) birder soon hears of Magee Marsh and the wonderful concentrations of warblers that might be seen there. So this website is bound to reach a wide audience.

Cerulean Warblers are the bird repeatedly mentioned as most affected by MTR. In the 2009 breeding season here in West Virginia, folks reporting to the Audubon Listserv found Ceruleans in these counties: Wetzel, Wood, Randolph, Putnam, Monongalia, Ohio, Morgan, Tucker, Cabell, Marion, Jefferson, Wayne, Grant, Berkeley, and Raleigh. A plea was forwarded to WV birders from a representative of the Cerulean-Coffee-Coal Partnership. He wanted to photograph a nest.

Keep seeking and drinking that "shade-grown" coffee!  
Keep spreading the word about MTR!



**Cerulean warbler. Winters in South America, comes home to West Virginia in the spring.**



**What waits for him when he get home.  
Photo by Vivian Stockman**

**THE SCREENING OF COAL COUNTRY**

By Bob Gates

**Editor's note: Last month *The Highlands Voice* announced that *Coal Country* would be shown at the LaBelle Theater in South Charleston. After the *Voice* was already at the printer, the controversy about security arose and it was moved to the Culture Center. Bob Gates reports on what things were like there.**

The crowd got a little rowdy at times during the premiere showing of *Coal Country*, the new film by Mari-Lynn Evans and Phylliss Geller, at the state Culture Center. The film had a last minute relocation after the LaBelle Theater in South Charleston canceled the show. Possibly the board members had seen the U-Tube videos of the thugs showing up at Larry Gibson's 4th of July gathering on Kayford Mountain, or the confrontational protest at Marsh Fork Elementary/Goals Coal. In any case the board

of the LaBelle chickened out, or were pressured out of it by the coal industry - in fact Mari-Lynn's hotel reservations were canceled at a succession of three hotels.

They should not have canceled the show, as the tensest moment of the evening at the Culture Center was a heated exchange outside after the film that was quickly surrounded by State Police and security guards. Inside before the film at the reception in the lobby the miners tended to congregate on one side, environmental people on the other, and I am sure there were people not of either camp. It was a full+ house.

The rowdyism started when Mari-Lynn introduced Ken Hechler to boos from miners in the balcony, answered by a standing ovation from environmentalists down front. Boos and Cheers showed up at various times during the

film, unfortunately drowning out some of the film's dialog. It could have been worse.

*Coal Country* spreads itself a little thin. While its main focus is to show both sides of the mountaintop removal coal mining issue in a 'balanced' way, it also covers Carbon Capture and Sequestration, alternative energy, the mine wars, coal fired power plants, coal cleaning, soot in Sylvester (one of the funnier moments is when the "Dust Busters" visit a dust collection device), air and water pollution, impacts on health, sludge disposal, fly ash disposal, and I forget what else in its 90 minutes run. The miners did, however, hush up during a shot of old mule mining when the film said "mine operators valued their mules more than their miners".

## Letters from Readers

### Victim of gas drillers

Dear Highlands Voice:

You really do not fully understand destruction until it happens in your back yard. At the corner of our farm is a stone bridge. At this bridge people use to fish, catch minnows, swim, and occasionally baptize people from local churches. In the last two years the gas well people started drawing and tanking water from the bridge area. They withdrew so much water that the creek dried up and we no longer have our King Fisher birds, fish, etc. Our pool at the bridge is full of silt, etc.

About half mile down the road from our farm they have drilled a gas well at the junction of our creek with the Mud River. They dug a trench, lined it and fillet with well drillings. When finished they covered it with plastic.

We are enclosing photos of our devastated fishing hole, the road embankment damage, the drilled well, and the covered area of well debris which collects water with each rain or overflow from the Mud River.

People should know that when you give the gas, oil, or coal people an inch they will destroy a mile.

Charles M. Douglas  
Ona, West Virginia



**Mr. Douglas sent this photo, along with three others, with his letter.. It is a "reclaimed" waste pit for a gas well. Such areas are supposed to be reclaimed for agricultural purposes.**

## MASSIVE NUMBERS OF PROTESTS AND FILED AGAINST PATH LINE

By Frank Young

Approximately one thousand West Virginians have written protest letters to West Virginia's governor and to the state's Public Service Commission (PSC) expressing their opposition to the proposed Potomac Appalachian Transmission Highline (PATH) power line.

More than 200 of those letters were petitions to become legal parties (called interveners) to the PATH application case. This appears to be a record number of petitions to intervene in a utility case before the PSC.

In May four sub-corporations (collectively called the *PATH companies*) of American Electric Power Co. and Allegheny Energy Co. filed a formal application with the WV Public Service Commission (PSC) for permits to construct and operate a nearly 300 miles long 765,000 Volt (765 KV) power transmission line known as PATH.

The current proposed route would have PATH running from a sub-station near the John Amos power plant in Putnam County, through parts of Putnam, Kanawha, Roane, Calhoun, Clay, Braxton, Lewis, Upshur, Barbour, Tucker, Grant, Hardy, Hampshire and Jefferson counties in West Virginia before crossing into Frederick County, Virginia, and from there to near Frederick, Maryland. Maps show that

PATH would feed other transmission lines that would cross parts of Pennsylvania, and into New Jersey.

PATH would feature 18 conductor cables- 3 bundles of 6 cables each- suspended from steel towers 200 feet tall, on a cleared right-of-way strip 200 feet wide.

More than half of the protest letters and petitions to intervene came from land owners in Jefferson County in West Virginia's eastern panhandle, with the rest from the other thirteen counties through which PATH is projected to pass. Interveners include six County Commissions and the Jefferson County Board of Education

These letters and petitions cite a plethora of issues as reasons for the PSC to deny the PATH application. These issues include property values, scenic impacts, forest destruction, use of herbicides for brush control, the mining and burning of more coal to generate electricity to feed the giant power line, and the lack of an actual demonstrated need for the PATH line- among other issues- according to the letters and petitions.

The numbers of potential interveners is so many that the PSC is struggling to develop a way to manage the more than 200 possible

interveners as it schedules interrogatories and evidentiary hearings in gathering evidence for and against PATH.

The WV Highlands Conservancy (WVHC) is one of the many parties (interveners) in the case in opposition to the PATH application. Other parties include the WV Chapter of Sierra Club and several homeowner associations along the PATH route.

WVHC's power line sub-committee is the liaison with Charleston attorney Bill DePaulo- our legal counsel in the PATH litigation.

# GOODBYE TO BIG UGLY? HELLO TO JAMES HANSEN AND NONVIOLENT ACTION?

By Paul Salstrom

The writer Lenore McComas Coberly is heartbroken about the advancing destruction of the Big Ugly watershed of Lincoln County. As a child she spent many summers there. Recently she made Big Ugly the subject of her 2007 memoir-novel *Sarah's Girls*. In May of this year Lenore visited her old home town of Hamlin, the county seat, and wrote me: "We went up to Big Ugly and it is essentially gone. The creek is very narrow and dark with pollution. It appears that the tributaries have been destroyed by the nearby mountaintop removal mining. ... The community center was not open."

This news came as a shock even though my Lincoln County brother, John Salstrom, had been telling me that Hobet Mining Company's mountaintop removal had advanced from the Upper Mud River watershed in Boone County over into the Lincoln County headwaters of Big Ugly Creek, which drains toward the Guyandotte River. I'm still experiencing cognitive dissonance after opening the July 2009 issue of *Wonderful West Virginia* and seeing sixteen glossy pages there devoted to Big Ugly and the nearby Mud River Reservoir – and finding no hint that any problem exists at either place. No hint, for instance, that Mud River Reservoir is now so contaminated by selenium that its fish are mutating. The editor's column even says that Lenore Coberly made her recent trip to Lincoln County "to read from her works at the Big Ugly Community Center" (p. 2).

In a newer note Lenore says, "It has been my feeling for a long time that West Virginia has to develop new ways of economic survival or never get over dependence on coal – as tenuous as that is." With this she encloses an article titled "The Catastrophist" from the *New Yorker* (June 29, 2009 issue) and tells me to "see the last line of this piece about James Hansen." James Hansen is director of NASA's Goddard Institute for Space Studies and is best known as the Father of Climate Change Science, but now he's apparently being called a "Catastrophist." From the *New Yorker* article I find out that he committed civil disobedience earlier this year at a demonstration against coal-burning at the Capitol Power Plant in Washington, D.C. At the end of the article was what Lenore wanted to be sure I saw – it said Hansen "was thinking of attending another demonstration soon, in West Virginia coal country."

Now that June 23rd demonstration at Marsh Fork Elementary School in Raleigh County has happened, including civil disobedience by Hansen and his wife Anniek along with Ken Hechler, Daryl Hannah, and about 27 other people. I see in Julian Martin's report on page 10 of the July *Voice* that Judy Bonds was attacked by an irate woman who specifically targeted her. The Hansens presumably were there not only because Marsh Fork Elementary School sits in harm's way but also because Hansen thinks disastrous climate change lies ahead for the world if coal-burning isn't sharply reduced.

The *New Yorker* article says Hansen is alarmed about how the world might become for his grandchildren. Even though he sees no way to stop the world's economically-recoverable oil and natural gas from being burnt, he thinks that a major effort to drastically cut the burning of coal might yet avert climate disaster. What about coal-burning in China and India? Hansen says both of those countries would suffer very severely from drastic climate change and that they "already are beginning to recognize that" (— presumably because "atmospheric brown clouds" now hover over both China and India every year from December to April, and because their summer irrigation water is drying up as Himalayan and Tibetan glaciers keep shrinking.)

Hansen calls the laws of geophysics immutable but he says the laws of society are ours to determine, so he isn't giving up hope. Hopefully Lenore Coberly isn't giving up hope either. Before Hobet's mining operations reached Big Ugly she used to tell me that the long history of direct action in West Virginia's coal fields gives reason for hope. Back then,

I replied that the reason why direct action worked in the coal fields

was because it was used on behalf of human justice, whereas it might not work on behalf of saving mountains. Standards of human justice are inherent in everyone's moral conscience. But standards of environmental protection might not be. It seems too soon to tell yet — unless maybe environmental protection is actually about human justice? The location of Marsh Fork Elementary School is obviously about human justice, since the children who go to school there haven't done anything to deserve a coal slurry impoundment that could burst through its dam and drown them all in black goo.

But what about climate change? Is that about human justice? Some people are saying so. The cover story in the August 2009 issue of *In These Times* is entitled "Falling Through the Climate Gap: Poor Americans Will Suffer Most from Global Warming." But in the *New Yorker* article, one expert says James Hansen "has started to speak in moral terms, and that always makes scientists uncomfortable." There too, politicians are quoted saying that a carbon cap-and-trade system is all that's politically achievable from the U.S. Congress, and therefore James Hansen is politically naïve to insist we need a direct tax on carbon emissions.

Hansen counters that it's too bad "some [environmental] organizations have become part of the Washington 'go along, get along' establishment." He thinks only a high carbon tax can drive the energy-source switchover fast enough to avert climate disaster. He wants a tax starting at around one dollar for the equivalent of a gallon of gasoline and then gradually increasing. And he wants the revenue from that tax (to quote the *New Yorker*) "distributed back to Americans on a per-capita basis, so that households that use less energy would actually make money, even as those that use more would find it increasingly expensive to do so."

Obviously the Highlands Conservancy will continue being a forum for questions like that, but I agree with John McFerrin's article "The Attack of the C.A.V.E. People" (on the last page of the July *Voice*) where McFerrin suggests the Conservancy should not take any official positions about how to solve problems. I agree with McFerrin that "Our job is not to identify the next technology. Our job is not to say that the solution to problems with energy supply is coal, solar, wind, or hamsters on treadmills. Our job is to make sure that the world knows about and accounts for the social cost of energy. When that cost gets too high, we have a duty to say no. This is particularly true when it is our mountains who pay that price."

I see that McFerrin calls mountains "who" (rather than "which") and includes their decapitation as part of "the social cost of energy," so maybe Aldo Leopold's famous Land Ethic is *persona grata* with the *Voice* editor and with some other Conservancy members too? If so, I'd like to ask that future participants in nonviolent demonstrations try out a real-life experiment to help discover whether there's any Land Ethic in people's consciences. It would be an experiment about whether mountains have standing – not in this case legal standing, but whether mountains have moral standing.

Here's a little background about nonviolent action. Mahatma Gandhi started devising his real-life "experiments with truth" a hundred years ago. Gandhi was hoping people could figure out ways to help themselves, and help each other, without inflicting damage on anyone else. And Gandhian "people power" has in fact helped change many nasty situations, including U.S. racial injustice that in the South, until the 1960s, was often enforced by terrorism.

One of Gandhi's first findings was that voluntary suffering could sometimes affect more people than just the person who was actually suf-

**(More on p. 7)**

## MORE ABOUT BIG UGLY, NON-VIOLENCE (Continued from p. 4)

fering. But he also ran into a big hitch – that voluntary sufferers had to keep their thoughts on Truth (or on God) if anyone beat or denigrated them, or else their attacker's attitude was not likely to change. Gandhi always emphasized this "hitch."

How can anything nonviolent lead to change? When Gandhi started experimenting, he soon found out that "holding actively to truth" (satyagraha) could put people under conviction of their conscience. And he found out that when people inwardly acceded to a conviction of their conscience, they often felt blessed.

Julian Martin and any other Voice readers who were brought up Pentecostal (or Holiness, or Old-Time Baptist) may already see where this is heading – somewhere like the wrapping-up of a successful worship service when the preacher has gotten egoless enough to preach "in the Spirit" and everyone feels an inner tug to go up front for the final blessing.

If any Voice readers prefer spirituality when it's less Appalachian, there's a phenomenon well-known in India called darshan — the blessing and feeling of "oneness" that people share in the presence of a guru. Gandhi pooh-poohed the idea that he himself dispensed any darshan, but his theory of satyagraha implies that anyone anywhere can temporarily fill the role of a guru by keeping his or her thoughts focused on Truth or God. The essence of being a guru is being egoless. And isn't anyone temporarily egoless, even a preacher,

while they're really and truly contemplating God, or the All, or Love, Truth, Beauty – anything beyond human manipulation?

Gandhi's theory was that the anger of attackers, highly charged with emotional negativity, passes right through the satyagrahi who is thinking about Truth or God, and returns back to the attackers transformed to the level of whatever the satyagrahi is contemplating – the attackers thereby receiving a blessing charged by their own energy. That's why Richard Gregg (who wrote *The Power of Nonviolence*) called satyagraha "moral ju-jitsu." And, to get a tad more specific here, that level of whatever the satyagrahi is contemplating might turn out to be somewhere humans and mountains share oneness, and therefore be somewhere mountains have spiritual, social, and moral standing.

So what I'm asking is that future participants in nonviolent demonstrations – in the event that anyone starts denigrating you or attacking you — try out the experiment of keeping your thoughts on things spiritual or universal. If your attacker then comes under conviction from his or her conscience, wouldn't that be evidence that mountains (and the rest of the environment) do have social standing, or let's just say moral standing? In other words, maybe fairness toward other people isn't all that's innate in people's consciences – maybe fairness is innate there toward all of creation. If that's true, wouldn't it be good to know? —Espe-

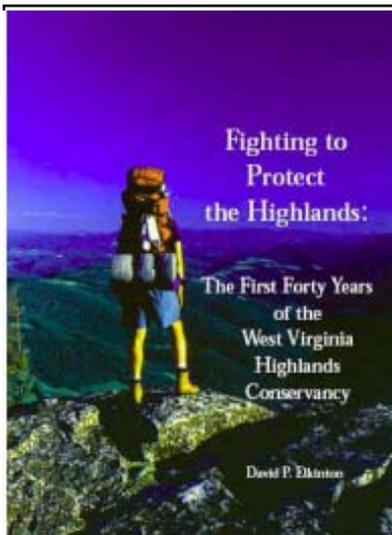
cially if the struggle over the mining and burning of coal is about to intensify?

And yes, I'm aware almost every West Virginia environmentalist must already be plum wore out, if not burnt out. But I recall something Einstein said: that no matter how worn out he was, if he turned his thoughts toward the Good, the True, and the Beautiful he always felt his energy renewed.

Come to think of it, Lenore Coberly if you're reading this, I recall how you ended *Sarah's Girls*: "If you should go over Green Shoal now, the wooded hills would look much as they did when Philip first crossed into Big Ugly Creek valley except that the chestnuts are gone. And, if you are quiet, you will hear water running over and around rocks. Remembering that sound will comfort you, whatever comes your way."

*Paul Salstrom spent the early 1970s living in the Mud River Valley near Myra in Lincoln County, and most of the late 1970s managing Appalachian Movement Press in Huntington. Now he teaches history, Appalachia, and Master's degree Earth Literacy at St. Mary-of-the-Woods College near Terre Haute, Indiana.*

*Lenore Coberly is the author of, among other things, Sarah's Girls. It was reviewed in the May, 2007, issue of The Highlands Voice.*



### GREAT HISTORY BOOK NOW AVAILABLE

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.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to any-

one 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.

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### Voice Available Electronically

The Highlands Voice is now available for electronic delivery. You may, of course, continue to receive the paper copy. Unless you request otherwise, you will continue to receive it in paper form. If, however, you would prefer to receive it electronically instead of the paper copy please contact Beth Little at [blittle@citynet.net](mailto:blittle@citynet.net). Electronic copies arrive as e-mail attachments a few days before the paper copy would have arrived.

### 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.

# MOUNTAINTOP REMOVAL AND SAUSAGE

Elizabeth Scott

Recently Governor Manchin compared mountain top removal (MTR) mining to making sausage. The comparison is interesting and provokes one to inquire how sausage making might really be similar to mountain top removal mining, or not.

History informs us that sausage making evolved as a way to economically preserve and use all the parts of an animal carcass not consumed fresh at the slaughter. A major issue with MTR is the dilemma of "over-burden" disposal. Currently the trees, rocks, shrubs, and earth blown up to expose the coal seam are pushed into valleys containing intermittent streams which feed larger creeks and rivers. Is there any effort to harvest other resources of an area prior to detonation? Is there any effort to find new areas in which to relocate the wild-life that will be displaced? I fear the comparison to sausage making as an economical use of all the resources doesn't hold up.

One similarity between sausage and coal is they both involve slaughter. Pigs are slaughtered in the process of making sausage and other pork products. In MTR mining, all kinds of creatures are slaughtered when the mountain explodes. Some wouldn't consider them important, but the way of the salamander, for us humans on earth, is like the way of a canary for miners in an underground mine. On the other hand, pigs do reproduce and can be considered a renewable resource. Mountains cannot reproduce and are not a renewable resource; neither is coal.

The health and safety standards for laborers in the sausage or coal industry were developed at the behest of government; not initiated by the industry. In light of recent mining fatalities and accidents and the recall of meat products, there may be some question as to how well the standards are enforced in both.

Pigs produce waste containing the antibiotics and hormones used to enhance their growth. This waste is dumped into streams and rivers with an impact on the health of the Chesapeake Bay (for people and aquatic life) that is frightening. Similarly, streams polluted with mining waste are found to have high levels of toxic substances, etc. Fish are mutating. In waters polluted with hormones they bear qualities of both sexes. In mountain streams polluted with selenium they have two eyes on one side of their head.

The greatest similarity is in consumption. While moderate use won't kill you, over-consumption of sausage will cause your arteries to clog, resulting in heart disease, even death. In a similar vein, the over-

consumption of coal causes air pollution and high levels of CO2, resulting in high rates of asthma, lung disease, global warming and possibly, the end of the world as we know it.

With MTR, the headwaters of our streams are filled with overburden. As the Tennessee Deputy Commissioner of Environment and Conservation, Paul Sloan, said to the Senate subcommittee, "Just as the circulatory systems in our bodies rely upon the healthy functioning of billions of capillaries, the nation's rivers and streams will not be healthy unless the headwaters are protected." Since healthy humans depend upon clean arteries and streams, both sausage and coal require limited usage. Governor Manchin's simile was right on the mark. The overconsumption of each has resulted in many a West Virginian getting fat off sausage and many an out-of-state coal company getting fat off coal.

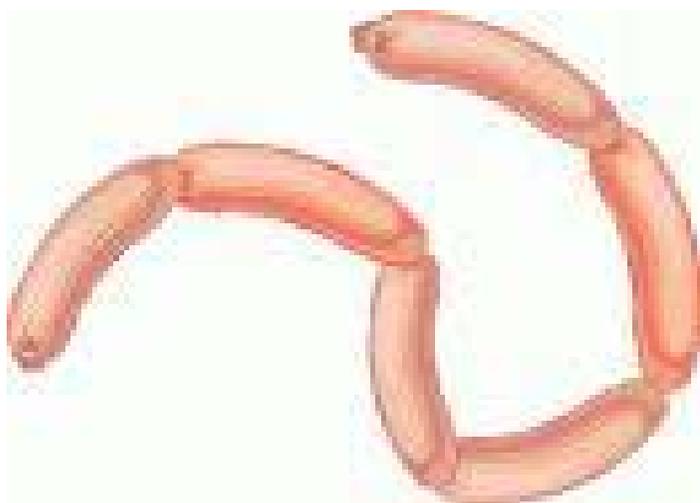
Referring to MTR protesters, Mr. Manchin called it "wrong" to "say you're going to stop something completely," but also wrong to "throw caution to the wind." He referred to the protesters as "obstructionists" and said he was as "much an environmentalist as anyone".

I beg to differ. His WV Culture and History Commissioner, Randall Reid-Smith, was proactive in removing Blair Mountain from the Registry of Historical Places and his Secretary of the Department of Environmental Protection (shouldn't this be renamed?), Randy Huffman, was the sole defender of MTR at the United States Senate Hearings on the issue.

Many people both in and out of West Virginia and Appalachia are concerned about stopping MTR. The state of Tennessee has banned valley fills. Senators from Tennessee and Maryland have introduced an Act to stop the Army Corps of Engineers from approving valley fills. The EPA has warned of significant damage to water quality resulting from MTR and valley fills.

The Governor's own simile shows how sausage and coal are health hazards. Contrary to not throwing "caution to the wind", Governor Manchin is throwing caution to the wind by continuing to lead West Virginia down the same old Coal Highway. Promotion of "coal to fuel", carbon sequestration and other pseudo-alternative energy solutions obstructs true investment in real carbon-free technologies. Where Governor, is your reliance on 21st Century Learning and Leading to help West Virginia get off the Coal fix and help it develop a thriving economy based on diversity and environmentally sound practices?

## ***We Report, You Decide:***



**The Same, or Different?**



*Photo by Vlvian Stockman*

# THE CLIMATE BILL STATUS

By Don Gasper

For years, climate change activity has been limited to the state and local levels. But now all eyes are on Washington. Never have the signs for climate change action looked so hopeful. Already, the stimulus package - the American Recovery Investment Act -has produced \$16.8 billion for the Department of Energy's, Energy Efficiency and Renewable Energy Office. This is 10 times the office's 2008 funding. This includes considerable new support for geothermal, solar, and other green alternative energy sources.

The Federal dark age of denial has caused some states to move forward with initiatives to reduce their own carbon footprints. In Michigan Hemlock Semiconductor produces polycrystalline silicon for solar panels, and Uni-Solar has produced photovoltaic laminations since 1990. In 2007 Ann Arbor, Michigan, was awarded one of the nation's 13 "Solar City" awards for their citizen outreach program to homeowners and businesses. The "Michigan Saves" program was funded with an eight million dollar state fund and a 5.5 million program for State public schools. One objective was to save the power companies and consumers from the huge upfront costs of upgrades by reducing demands.

In Colorado a renewable energy goal of 10% by 2015 was met seven years earlier by investor owned utilities. We are also aware of California's effective energy efforts. Many northeast states are moving ahead in these endeavors.

In Washington the science would have recommended necessary 50% carbon reduction by 2030. That has now been abandoned. Through negotiations the original Waxman-Markey Bill emission reductions goals became less ambitious. Using 2005 carbon dioxide emissions as a baseline, the bill requires reductions of 3% from the 2005 level by 2012, 20% from the 2005 levels by 2020, 42% by 2030, and 83% by 2050. One fifth of this would be met by increased energy efficiency, rather than in energy reduction.

This bill would presently set up a "cap and trade" control system, which would set a declining cap on carbon emissions and create a market of tradable carbon emission allowances, similar to what has been used to reduce sulfur dioxide emissions. Selling allowances at auction generates revenue and avoids windfall profits for polluters.

The main advantage touted for "cap and trade" systems is that it is a free market mechanism that allows reductions to be made by those who can do so at the lowest cost. It specifically targets the emission reductions to our objectives and can be internationally verified. However, the "cap and trade" system can result in significant added consumer costs. The administrative complexity of this system, the even with limited control points, is anything but transparent.

Many people feel a "carbon tax" would be a simpler and more

reliable mechanism. Such a tax sets a firm cost on carbon, avoiding price volatility. The "carbon tax" would need to be adjusted with time to achieve the desired effect on carbon emissions. The economic columnist, Tom Friedman; NASA climate scientist, James Hansen; former vice-president, Al Gore; the Congressional Budget Office, and many others have agreed that a carbon tax is superior to "cap and trade". Safety valves and offsets of the "cap and trade" could be used to avoid real emission reductions.

We have already seen plenty of maneuvering in congressional negotiations. After the recent Wall Street shenanigans many people would prefer a simple and transparent tax.

Nevertheless cap and trade clearly has the political momentum. We must ask why? Particularly as West Virginia and surroundings areas would be left as a polluting "hot spot". Pollution allowances would be purchased somewhere else with our money with no clean up here.

Whether we ultimately have auctioned allowances under "cap and trade" or a "carbon tax"; consumer energy prices will likely increase. At the same time using less energy through such measures as the little fluorescent bulb, thermostat control, and solar panels will reduce overall commercial energy consumption and our power bills. Widespread use of such innovations would lessen the need for supply infrastructure as well.

The House debate has been intense, with the cap and trade legislation winning only by 50 votes (219 for, 212 against). An even tougher fight is expected in the Senate. The same forces that successfully fought U.S. ratification of the timely Kyoto treaty on worldwide reductions of carbon dioxide are again mounting an all out opposition. The obstructionist are again saying China, etc. must also clean up our planet's air to level the economic playing field; and of course this bill must include a facilitation of this global effort.

The U.S. EPA now announces plans to reduce CO 2 emissions (even acid rain sulfur dioxide controls will be revisited as must mercury emissions). This gives Congress an additional incentive to take action, first.

To prevent meaningful legislation from being hopelessly watered down will require great presidential leadership, and attention and support from all of us. We must speak for the Carbon Reductions we need - 20% by 2020 and the "Carbon Tax".

*Editor's note: This was the status as of the time this was written. Like all things in Congress, it may be different now. For an up to the minute status or to read the text of the bill itself, go to <http://thomas.loc.gov>. This is the official Library of Congress web site. It maintains up to date status reports on all pending bills.*

## BUMPER STICKERS

To get free  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 green-on-white oval Friends of the Mountains stickers. Let Julian know which (or both) you want.



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Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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Please mark the category of membership you desire and mail with a check to FRIENDS OF THE 500<sup>th</sup>. All categories of membership receive our Newsletter, *Timberdoodle*.

Our membership period is January 1 through December 31.

We are a 501(C)(3) non-profit organization

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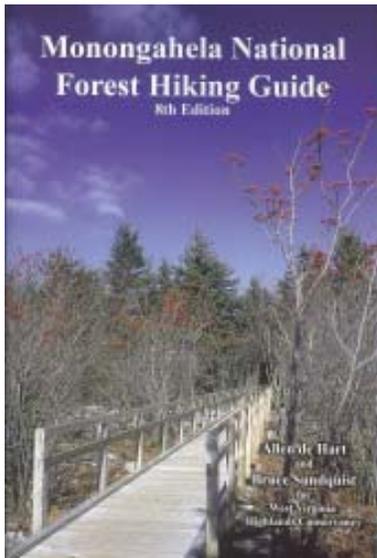
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By Allen de Hart and Bruce Sundquist



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)

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### New 8TH Edition Now Available on CD

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

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

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### West Virginia Environmental Council

#### 20th Annual Fall Conference - Anniversary Celebration!

Friday, September 25th – Sunday, September 27th

Holly Gray Park, Sutton WV (Braxton County) – Exit # 67 off I 79

Please join us as we celebrate our 20-year history and build from it to pass strong environmental policy in 2010. Founded in 1989 to be the legislative arm for the environmental movement in West Virginia, WVEC now marks 20 years of policy work at the legislature as we continue to be your voice at the capitol.

**Conference will feature:** Key-note address (speaker to be announced); The best of West Virginia's environmental movement as we hold educational workshops on top issues, and organizing training to help improve the effectiveness of your organization; Setting our 2010 Legislative Priorities – incorporate your voice into our organization through discussions and electing representatives of the regions in WV to our Board of Directors; Saturday evening offers a panel of our founders discussing the fascinating history of WVEC that will lead into the keynote address.

The weekend will have it's **fun**: Our traditional Silent Auction (bring a contribution or two and be prepared to outbid your friends of course); Booths on environmental issues / Artists / Green Businesses; Recreational Outings as we enjoy the gorgeous scenery of Holly Gray Park, fishing lessons and more; Saturday Night Birthday Bash (musicians to be announced).

Please come out to build your connection with the statewide environmental movement in WV, your organization's connection with our lobbying resources - and have a plain & simple great time!

**Registration:** Only \$15 adult / \$10 seniors, students, low income. Youth ages 12 and under receive free registration.

**Sleeping accommodations:** On-site - includes bunk beds in cabins (\$10 per night) and unlimited camping (\$5 per tent, per night). Cost details and off-site accommodations in the area are listed on the registration form. It is available at [www.wvecouncil.org](http://www.wvecouncil.org).

**Meals:** Breakfasts and Lunches Saturday & Sunday: \$5 each

Saturday night dinner – Pot Luck ... Please bring a dish to share.

The full Agenda for the weekend will be sent out and posted on our website in early August as confirmations and details are completed. Please stay tuned ...

**Download registration form** here: [www.wvecouncil.org](http://www.wvecouncil.org)

#### West Virginia Environmental Council

Representing West Virginia "Special Interests"-

People Who Want to Breathe Clean Air and Drink Clean Water

2206 Washington Street East, Charleston WV 25311

(304) 414-0143 [www.wvecouncil.org](http://www.wvecouncil.org)

## FRIENDS OF THE LOWER GREENBRIER RIVER OPENS NEW OFFICE

On August 1st 2009, Friends of the Lower Greenbrier River will hold a ribbon cutting ceremony at the entrance to our new office.

Friends of the Lower Greenbrier River has taken on the Muddy Creek watershed in partnership with the WV Conservation Agency and Downstream Strategies to educate landowners and help with federal moneys to repair, replant and cleanup the Muddy Creek watershed , the biggest tributary to the Greenbrier River and the most polluted .



Friends of the Lower Greenbrier will open an office in Alderson in a very public location across from the old bridge in an office that had 4 ft of water in it in the 1985 and 96 floods We will share the space with Downstream Strategies that will hopefully be the organization that will oversee the implementation of the Muddy Creek watershed plan.

This office will be the home base for gathering information on the residents of the watershed and bringing an educational element to this area. We hope to have a Vista Volunteer and a paid Director in the coming years to assist with keeping our plan on track and bring more stake-holders to participate.

As we grow we know that the steps will be interesting and each will be a hurdle with this all volunteer organization. We have also partnered with the National Committee for the New River and are looking forward to a fruitful friendship with them.

### BROCHURES

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

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

## It's PROBABLE

By Bob Baker

Pollyanna courtesy  
to an Atomic Energy flack  
really really hurts us. See.?  
Better we direct some **flak**

than sugar coat that nuclear tail  
of radioactive elements,  
of accidents & disposal ailments,  
miner's lungs & extraction tales,  
of openings for terror.  
Take **aim** at the error.

Alas, Alack!  
Just take a look.  
Our **aims** forsook  
in flogging his book.

**Editor's Note:** This poem is in response to a positive review of a book generally favorable to nuclear energy. Mr. Baker assumes that, since the review was favorably inclined toward nuclear power and it appeared in *The Highlands Voice*, then it must be the policy of the West Virginia Highlands Conservancy to promote nuclear power.

While many people make that assumption, that is not how *The Highlands Voice* works. While it is the official publication of The West Virginia Highlands Conservancy, every story in *The Voice* does not represent an official position of the Conservancy. While all of our members share the general goal “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” , our members often have differing views upon the best way to do that.

As a result, stories in *The Voice* often reflect different points of view. The Conservancy itself, however, only speaks through its Board. The only stories that reflect the official policies of the Conservancy are those reporting Board actions, including litigation positions we have taken, comments on proposed regulations, etc.

Send us a post card, drop us a line,  
stating point of view

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 WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

# West Virginia Mountain Odyssey



## Outings, Education and Beyond

**Saturday, August 1, North Fork Trail Maintenance, Cranberry Wilderness;** Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the North-South Trailhead along the Highlands Scenic Highway. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at [daves@labyrinth.net](mailto:daves@labyrinth.net) or 304-284-9548.

**Saturday, August 8, Middle Fork Trail Maintenance, Cranberry Wilderness;** Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the 3 Forks of Williams Trailhead. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at [daves@labyrinth.net](mailto:daves@labyrinth.net) or 304-284-9548.

**Saturday to Tuesday, October 24-27, Douthat State Park Car Camp with 2 Day Hikes, VA.** Camp in the oldest park in the Old Dominion. Hikes are moderate to strenuous in difficulty and ranging from 7 to 10 miles in length. Lots of views. Pre-register with Mike Juskelis 410-439-4964, [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com).

**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.

### HUGH KEEPS GOING (Continued from p. 2)

centennial, *two* annotated editions have been published. In our family it has been passed down to the third generation. It's good for reading aloud—lots of humor and individual voices—and it's good for reading alone, beginning when you're nine or ten years old. On re-reading, along with the outrageous adventures of Toad, the courage of his friends, and lyrical descriptions of the English countryside, one may find a forecast of our anxieties.

The motor car that bowled over the Toad upset the stable rural world that Kenneth Grahame had grown up in. In the book it first appears as "a small cloud of dust, with a dark centre of energy, advancing on them at incredible speed." In its wake, Toad rhapsodizes: "The *only* way to travel! Here today—in next week tomorrow! Villages skipped, towns and cities jumped—always somebody else's horizon!"

Space and time together had been knocked askew: he couldn't have put it more dramatically. What was happening to the country, with the extension everywhere of "metalled" roads, at the same time was happening in sci-

entific thought. In 1908, something over 70,000 private automobiles were registered in England. At the turn of the century there had been hardly any. Also in 1908, Sir Ernest Rutherford, regarded as the founder of nuclear physics, won his Nobel Prize. Albert Einstein had published his theory of relativity three years before. I think I see the atom in that "dark center of energy;" and I think Grahame meant it to be a disturbing image.

Although he wrote from the point of view of the animals, he didn't imagine a world without people—didn't foresee us killing ourselves off, or choking to death on our litter. His animals prevailed in a way, making homes among the urban ruins that became the Wild Wood; but some depended on a populated landscape: "the Mole saw clearly that he was an animal of tilled field and hedgerow, linked to the ploughed furrow, the frequented pasture, the lane of evening lingerings, the cultivated garden-plot."

The Wild Wood as Grahame imagined it was rather like a designated wilderness, say Otter Creek, where traces of railroads and old logging camps aren't hard to find. There people

may come and go, although, as the Wilderness Act puts it, they "do not remain." Natural processes resume their dominance. By contrast, the recent "after people" books and programs focus on what happens to our stuff: subways flood, bridges collapse, tall buildings crumble, and our plastic detritus continues to spin in the North Pacific Gyre.

In spite of his forebodings, Grahame was a humanist. He wrote for children because his subjects were serious. A later English writer, Graham Greene, put it this way: "A child knows most of the game—it's only an attitude toward it that he lacks."

## THE ROARING PLAINS – WHAT’S IN A NAME?

By Bruce Sundquist (with a little help from his friends)

Many Highlands Conservancy members also belong to the Roaring Plains Listserv. Those who do recently enjoyed Dave Hardy’s fascinating analysis of the meteorology of the Highlands – a complex subject because the Highlands, especially Allegheny Front, influence weather patterns even well beyond the Highlands. All this raised the issue of a peculiarity of the Roaring Plains area atop Allegheny Front – the “roaring winds.”

A good place to hear these winds is at the popular Spruce campsite on the north rim of Long Run (virtually on the eastern continental divide.) They are usually late evening treetop winds that can be intimidating since they sound like a severe storm coming through, even though your tent barely moves. Occasionally they last all night.

All this suggests that an air mass is entering or leaving the valley of Long Run. (Air masses crossing Allegheny Front in either direction would logically be funneled into Long Run.) But Mary Ann and Alex Honcharik, who backpack a lot on the Plains, have encountered the roaring winds throughout the region. They even hear them from their home below and NW of Roaring Plains.

The high elevation of the Plains makes them naturally windy. Jonathan Jessup even encountered winds of roughly 50 mph and “horizontal rain” on a summer backpack trip there.

An old USFS brochure on the Roaring Plains attributes the name “Roaring Plains” to the “roaring winds.” This did not sit well with some Listserv members who promptly compiled a compelling body of evidence refuting such a linkage. The name dates back to 1920 or earlier according to an old topographic map that Peter Shoenfeld found on the Internet. Apparently there exists a website displaying old topo maps. So proving or disproving any logical link that old today may be difficult.

It turns out that more than just the wind roars on Roaring Plains. Those who recall the Forks Campsite in Dolly Sods before and after early November of 1985 know that even low-gradient streams in the Highlands have boulder-rolling power. So one can imagine the sound

of Roaring Creek (that drains Roaring Plains) descending its spectacular, deep, steep-walled canyon during spring runoffs. (Roaring Plains gets lots of snow.) If you would like to get a look at the upper canyon of Roaring Creek, an overlook along the pipeline swath is described in Edition 8 of WVHC’s Monongahela National Forest Hiking Guide.

Jonathan Jessup recalls an article some years ago contending that Roaring Creek was so named because, during floods, boulders would roar down it and create lots of noise. (Water itself does too - when it floods.) He noted that there are several Roaring Creeks in WV and he wasn’t sure which one the article was speaking of.

Helen McGinnis pointed out that the early settlers in the region weren’t particularly interested in high elevation areas because they weren’t useful, except as a source of huckleberries and occasional hunting. They WERE interested in streams, suggesting that stream names tend to precede drainage names, and that drainage names are commonly based on stream names. Peter Shoenfeld noted that “Flatrock Plains” drains into Flatrock Run, and Red Creek Plains drains into Red Creek (via South Prong of Red Creek). Rohrbaugh Plains is drained by several small streams, so the name apparently reflects the name of early inhabitants.

If streams tend to get named first, and if the lands of the drainage basins tend to be named after the streams that drain them, then it would be hard to argue that the “roaring winds” had anything to do with the name “Roaring Plains.” These logical linkages are not cast in stone however, and possibly the Forest Service knew something that we do not. Any history-minded person with knowledge to share on the issue is urged to do so.

To join the Roaring Plains Listserv, send a blank e-mail to [roaringplains-subscribe@yahoogroups.com](mailto:roaringplains-subscribe@yahoogroups.com) If you cc: Jonathan Jessup at [jonathanjessup@gmail.com](mailto:jonathanjessup@gmail.com) that will expedite adding you to the listserv.

**Wild spruce on Roaring Plains**  
Photo © Jonathan Jessup



### The Battle Continues: Indiana Bat Joins the Fray

## BEECH RIDGE WINDFARM BACK IN COURT

The Greenbrier County based group Mountain Communities for Responsible Energy and the Animal Welfare Institute have requested that construction on the Beech Ridge wind farm be halted while its lawsuit under the Endangered Species Act is pending. The suit is pending in the United States District Court for the Eastern District of Maryland.

Mountain Communities for Responsible Energy had originally filed suit in June, 2009, contending that the construction will kill and injure Indiana bats – an endangered species protected by the Endangered Species Act. The bat is known to live in caves in close proximity to the project site.

As planned, the Beech Ridge wind project will include 124 wind turbines nearly four hundred feet tall along a twenty-three mile stretch of forested ridgelines. In addition to turbine construction, Beech Ridge Energy and its parent companies also plan to install habitat-destroying roads, buildings, and transmission lines that are necessary to operate the facility.

Construction on the project began in April. Since then construction effort has been underway to clear the forest, grade roadways, and pour concrete foundations for sixty seven of the forty-story tall turbines scheduled to arrive in August.

Neither the filing of the suit nor pleas to company officials were sufficient to halt the construction. On July 10th attorneys representing Mountain Communities for Responsible Energy (MCRE) and The Animal Welfare Institute (AWI) filed a request that the US District Court halt wind turbine construction by the Maryland based Beech Ridge Energy LLC.

The Plaintiffs contend that because the company decided to cut these potential roost trees in spring and summer, as opposed to winter

when Indiana bats are hibernating, it is almost certain that Beech Ridge Energy's tree clearing activities have killed or injured Indiana bats.

Given Beech Ridge Developer's ongoing construction, including the planned erection of wind turbines beginning in August, MCRE and AWI have requested a hearing in the US District court of Maryland on this Motion during the first two weeks in August.

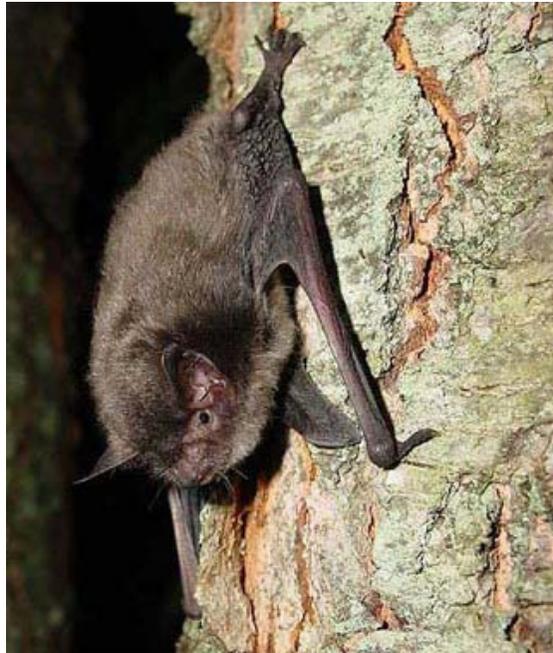
West Virginia Highlands Conservancy was an initial intervener when the Beech Ridge wind farm application was filed with the WV Public Service Commission (PSC). The Conservancy had issues about bat and bird mortality, and told the PSC that wind farms should "operate in such a manner as to minimize deleterious ecological effects."

The Highlands Conservancy did not participate in evidence discovery in the Beech Ridge Case, nor did it participate in the evidentiary hearings, nor file case briefs. But WVHC did attempt to negotiate with the applicant to effect experimental wind turbine operations (called "adaptive management" techniques) in conjunction with bird and bat mortality studies- the object of which was to operate the wind farm with minimal bat and bird deaths.

The siting permit eventually issued by the PSC for Beech Ridge included provisions for, once constructed, a minimum of five years of both experimental adaptive management operations

and related bat and bird mortality studies- all designed to minimize bat and bird mortality while maintaining economically viable wind farm operations.

Currently being organized is the PSC required multi-party Technical Committee to oversee those experimental operations and the mortality studies- currently scheduled to begin in the spring of 2010.



### 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 \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to James Solley, P.O. Box 306, Charleston, WV 25321-0306

### T- SHIRTS

White, heavy cotton T-shirts with the  **Mountains** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$12; **long sleeve** is \$15. West Virginia residents add 6% tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.





Looking north-east. In this picture you can clearly see the Mt. Storm power plant on the left and The Allegheny Front wind facility. To the east you can see Greenland Gap, in between the 2 most prominent power lines going over New Creek Mountain. The newly proposed wind power location will be on the ridge north of Greenland Gap. In this picture, it looks as if there are pine trees along the western flank where the ridge is at its highest point. Scherr is at the western gate to Greenland Gap and Rt. 93 runs north up the valley and hits Rt. 50, not too far west of Keyser.

## MAKING A PATH FOR P.A.T.H.

By Art Dodds

The PATH Land Guys are out. The Public Service Commission (PSC) Hearing for PATH is not scheduled until February of 2010 and the decision whether or not to grant a certificate of public convenience and necessity is after that. The goal of PATH is to get easements on the majority of the land needed to do the project to make it easier for the PSC to grant the certificate. The rest of the land needed will fall to EMINENT DOMAIN.

Anything signed now is forever and may be transferred to other parties. A PATH easement on the property denies the owner future development and requires the owner to continue to pay taxes on the land. The easement becomes part of the deed for your children or future owners of the property. Unlike other projects where the property value is questioned, there is no question it will go down. At this time PATH does not have the right of EMINENT DOMAIN. They have asked the PSC to declare them a Public Utility, making eminent domain possible.

PATH is a joint venture between American Electric Power Company, Inc. (AEP) and Allegheny Energy, Inc. (Allegheny).

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 Kempton, Maryland. The estimated cost of the project is \$1.8 billion, and is scheduled to be completed in 2012. Approximately 224 miles of the proposed line would be in West Virginia.

During PATH's trip through West Virginia, no services are provided to the citizens of West Virginia. Allegheny Power had already gotten permission to have the rate payers of West Virginia pay for the construction of this line. How is it possible that the citizens of West Virginia who will receive no benefit from PATH have to pay for its construction?

At last count (July 16, 2009) of the PSC web page, there were over 1,300 letters of opposition, over 250 petitions to intervene against PATH (including the City of Charles Town and the County Commissions of Barbour County, Braxton County, Jefferson County, Lewis County, and Upshur County) and 7 in favor. This included two PATH land acquisition companies, PATH LLC, the Trade Union, Allegheny Power, and other parties that would benefit from the construction of the "PATH of Destruction."

As this project is supported by the Government of West Virginia, your voice, at all levels, will ensure an outcome that benefits the Citizens of West Virginia and will not resemble Sherman's march through Georgia. You should remind your legislators and Governor, "At election time, we will remember what you have done!"

**Do good work, have fun**

### **ENVIRONMENTAL COUNCIL HAS JOB OPENING**

West Virginia Environmental Council (WVEC), 2206 Washington Street East Charleston, WV 25311, (304) 414-0143, [www.wvecouncil.org](http://www.wvecouncil.org) needs an Office Coordinator.

The West Virginia Environmental Council is a facilitator of communication and cooperation among citizens in promoting environmental protection in West Virginia, assists in organizing grass roots groups, facilitates interaction among established environmental organizations, and is a liaison with local, state, and federal agencies involved in the management of West Virginia's environment.

The West Virginia Environmental Council (WVEC) will receive applications until September 15th, 2009, for part time employment for the following job opening:

Job Title: Office Coordinator

Time: Part-time, 10 hours per week, flexible hours

Pay rate: Stipend is \$ 500 per month for 10 hours per week

Respond by: September 15th, 2009

Applications with letter of introduction and résumé including education, work history, and references should be submitted electronically to Karen Grubb, WVEC Secretary, at: [Karen.Grubb@fairmontstate.edu](mailto:Karen.Grubb@fairmontstate.edu), or mailed to:

Karen Grubb, WVEC Secretary

21 Beverly Circle

Fairmont, WV 26554

Questions? Contact Frank Young, 304-372-3945, e-mail: [FYoung@mountain.net](mailto:FYoung@mountain.net)

For a complete job description click on: [http://www.wvecouncil.org/temp/WVEC\\_Office\\_Coordinator\\_job.pdf](http://www.wvecouncil.org/temp/WVEC_Office_Coordinator_job.pdf)