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PATH Encounters Yet More Twists and Turns

PUBLIC SERVICE COMMISSION LEGAL STAFF MOVES TO DISMISS PATH APPLICATION

By Frank Young

Electrical energy companies Allegheny Energy and American Electric Power have once again asked the WV Public Service Commission (PSC) for an extension of time in which to make their case for a nearly 300 miles line transmission line known as the Potomac Appalachian Highline (PATH).

This latest volley in the saga of the PATH project at the Public Service Commission (PSC) comes as PATH's response to the PSC Staff's mid-December recommendation to the Commissioners that the PATH application be dismissed as incomplete and inadequate. PSC Staff's recommendation for dismissal is based on the lack of what it asserts is "critical information".

The Staff explained that the following developments serve to make the PATH application inadequate or incomplete: (1) on August 10, 2010, the Applicants filed a third proposal to toll the statutory deadline in this proceeding. The Applicants stated therein that there was an error in the "base case analysis" used in the development of the 2010 Regional Transmission Expansion Plan (RTEP) and they needed to further update their filing, and that (2) Recent major developments in regards to transmission planning in the region- such as (a) the recent approval of a rebuild of the Mt. Storm-Doubs line- a ninety miles long transmission line in eastern West Virginia and north-western Virginia- have made the PATH application lacking in critical information, and (b) "another major change in the planning

process that is currently not factored into the information before the Commission is the MAAP project, which is a high voltage transmission line project that has been approved by PJM and was recently re-filed with the Maryland Public Service Commission with an in service date of June, 2015."

The PSC Staff continued, "... the MAAP line plus a rebuild of the Mt. Storm-Doubs line leaves no reactive criteria violations through 2019, which further clouds the issue of the timing of the need for PATH."

The Mt. Storm - Dobbs rebuild would increase the electricity carrying capacity of that nearly sixty years old transmission line by approximately 65 percent.

In other words, the PSC's Staff reasons that the PATH application, with its several delays in the procedural schedule, is now outdated and inadequate because other developments- including the erroneous analysis used in the 2010 RTEP- have created serious doubt about the demonstrable practical need for the PATH project.

Many of the legal parties to the case (called interveners) and hundreds of other citizens filed documents and letters supporting the Staff's motion to dismiss the application. As of January 1st, no one other than PATH's lawyers had filed to support continuing the

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Mountain Bikes in Wilderness? Some History

In December 1933, the director of the National Park Service floated the idea that construction of the Skyline Drive parkway along the wild ridgetops of Shenandoah National Park would be a terrific opportunity for that section of the Appalachian Trail to “be made wide and smooth enough that it could serve as a bicycle path.”

Benton MacKaye, father of the Appalachian Trail, was apoplectic. The Appalachian Trail was to be a “real wilderness footpath,” he told the director, and one of the prerequisites was “that it is to be a footway and not a wheelway.”

From their earliest thinking about a practical program for preserving wilderness, wilderness pioneers were intent on excluding all vestiges of “mechanization” from such areas. And that includes anything with wheels, such as bicycles or wheeled game carriers. In 1930, Robert Marshall defined wilderness as “a region which... possesses no possibility of conveyance by any mechanical means.”

In 1949, Aldo Leopold wrote, “Recreation is valuable in proportion to the intensity of its experiences, and to the degree to which it differs from and contrasts with workaday life. By these criteria, mechanized outings are at best a milk-and-water affair.”

In 1964, the Wilderness Act set out the essence of federally designated wilderness as being its “contrast with those areas where man and his works dominate the landscape” with “increasing population, accompanied by expanding settlement and growing mechanization.” MacKaye, Marshall, Leopold, and the others who founded the Wilderness Society in 1935 had expressed their concern about human intrusions that bring “into the wilderness ... the mechanical Twentieth Century world.” They identified wilderness areas as “regions which possess no means of mechanical conveyance.”

As he drafted the Wilderness Act in 1956, Howard Zahniser, executive director of the society, drew on this well-understood and fundamental concept of wilderness. In a nationwide radio broadcast in 1949, he had emphasized that “wilderness will not survive where there is mechanical transportation.”

As defined in the dictionary, and as reflected in this whole line of twentieth century wilderness thinking, the term “mechanization” embraces a broader category than just the term “motor vehicles.”

Congress adopted this crucial distinction when it enacted the Wilderness Act. Section 4(c) of the act prohibits certain uses, some absolutely and others with limited exceptions:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area ... and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

The plain words of the statute distinguish between the use of motor vehicles and any “other form of mechanical transport”—and separately prohibit both. The canons of statutory construction require distinct meaning be given to each provision and each item in a list of

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PAST PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@mountain.net

DIRECTORS-AT-LARGE (Terms expire October 2012)

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Bob Gates, Box 5130, Charleston, WV 25361; photonzx@ntelos.net.

George Beetham, 2819 Mt. Carmel Avenue, Glenside, PA 19038, (267) 252-3748, geobeet@hotmail.com

Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369; wpmcneel@gmail.com

Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com

DIRECTORS-AT-LARGE (Terms expire October 2011)

Bob Henry Baber, 207 Howard St., Glenville, WV 26351, (304) 462-0320, mayorbobhenrybaber@yahoo.com

Dave Fouts, HC 80, Box 993, Maysville, WV 26833, (304) 749-8172, foutsberg@citlink.net

Larry Thomas P.O. Box 194, Circleville, WV 26804, (304) 567-2602, larryvthomas@aol.com

Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175; scz3667@aol.com

Mike Withers, Rt 2, Box 328, Grafton WV 26354, 304-265-3750, 1nastynash@comcast.net

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Robert (Bob) Handley, HC 67 Box 508 Renick, WV, 24966 497-2266; leatherwing@frontiernet.net

PITTSBURGH CLIMBERS: Buff Rodman, 32 Crystal Dr., Oakmont, PA 15139; (412) 828-8983; buffrodman@hotmail.com

BROOKS BIRD CLUB: Cindy Ellis, RR 1, Box 163, Red House, WV 25168 (304) 586-4135; cdellis@wildblue.net

MOUNTAINEER CHAPTER TROUT UNLIMITED: Chris Byrd, 292 Magnolia Ave., Clarksburg, WV 26301 Tel. (304) 622-3023 <cbyrd@ma.rr.com>

WEST VIRGINIA RIVERS COALITION: Don Garvin, P.O. Box 666, Buckhannon, WV 26201; (304) 472-8716; DSGJR@aol.com

FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net

TEAM (Taylor Environmental Advocacy Membership): Beth Baldwin, Grafton, WV 26354, 304-265-3029, elbrn6e21@msn.com

ALLEGHENY HIGHLANDS ALLIANCE: Wayne C. Spiggle, RR 2 Box 97, Keyser WV 26726, 304-726-4868, wspiggle@mac.com

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net

PUBLIC LANDS MANAGEMENT COMMITTEE: Marilyn Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; Marilyn.Shoenfeld@gmail.com

LEGISLATIVE COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945; fyoung@mountain.net

WIND ENERGY COMMITTEE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com

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RIVERS COMMITTEE: vacant

HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662; hugh.rogers@gmail.com

OUTINGS COMMITTEE: Dave Saville, PO Box 569, Morgantown, WV 26507, (304)284-9548; daves@labyrinth.net

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989; martinjul@aol.com

WEB PAGE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com and Jim Solley, jamessolley@comcast.net

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Beth Little, HC 64, Box 281, Hillsboro, WV, 24946 (304)

MORE TWISTS AND TURNS OF THE PATH (Continued from p. 1)

application case.

Lawyers for PATH issued a stinging rebuke of the PSC staff's recommendation, asserting that evidence already presented as a part of the application and discovery process, along with additional evidence to be offered both before and during an evidentiary hearing, should only then (after the evidentiary hearing) serve to guide the Commission on the adequacy and completeness of the application for PATH.

In addition, PATH lawyers asked the Commission for a fourth tolling of the procedural schedule in the case- 196 days (more than 6 months) this time- to allow PATH and regional grid operator PJM to again issue updated electrical demand estimates and projected transmission facility carrying analyses.

WV state law allows the PSC up to 400 days to rule on a transmission line application. But that time span can be expanded-meaning that the time line for making a final decision can be extended any number of times, and almost indefinitely, by "stopping the clock" (tolling) - by mutual agreement between the applicant and the Commission.

If the Commission approves PATH's latest motion for "tolling" and the associated new procedural schedule request, a decision on PATH could be delayed until February 9, 2012. This would be almost 4 years after the initial application for PATH was filed in May, 2009.

The various parties to the case have complained pointedly to the Commission that allowing repeated tollings of the PATH application case costs the other parties vast sums of money for legal costs, expert witnesses, etc.- as well as being a drain on the energies of the various interveners in the case to persevere through years and years of protracted case litigation at the PSC.

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 or real, honest to goodness, mentioned in the United States Constitution mail to John McFerrin, WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

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

PATH AND CERTAIN CIVIC, POLITICAL & RELATED ACTIVITIES

By Frank Young

Upon motion of a single pro se PATH case intervener, the Public Service Commission required that the PATH companies furnish information about certain financial contributions PATH made to "certain civic, political and related activities." The PATH companies' response included page after page of such contribution expenses. PATH paid thousands of dollars to certain business institutes, Chambers of Commerce, many political action committee accounts, professional consultants, etc.

This writer takes note of a PATH company "corporate donation" to the "Committee for Corridor H" in the amount of \$ 5,000. I notice the contrast between that and the mere pennies (yes, LESS than one dollar!) of the PATH allocation of donations to certain Volunteer Fire Departments.

PATH AND PUBLIC LANDS ISSUES

By Frank Young

The Trans-Allegheny Interstate Line (TrAIL) is another transmission line- currently under construction- that will run from southwestern Pennsylvania, across northern West Virginia and into Virginia. In late summer, the Monongahela National Forest turned down a request by Trail to use National Forest lands for roads to enable heavy construction traffic through the Forest.

But there are even more lands use issues to be considered in the PATH case. As currently designed, the PATH line would cross the Monongahela National Forest (MNF) for approximately 2.1 miles in Tucker County, and would clear a new 200 ft right-of- way with towers 180 feet tall. Additional Forest property could be impacted by access roads and construction staging areas.

The National Park Service (NPS), the U.S. Forest Service (USFS), and the U.S. Army Corps of Engineers are currently developing an environmental impact statement (EIS) on the PATH project that would affect the northern Monongahela National Forest as well as several national park system units.

Four national park units in the vicinity of Harpers Ferry, West Virginia (WV) are:

- * Harpers Ferry National Historical Park (NHP)
- * Appalachian National Scenic Trail (NST)
- * Chesapeake and Ohio Canal National Historical Park (NHP)
- * Potomac Heritage National Scenic Trail (NST)

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.

SPRUCE RESTORATION ON FORMER STRIP MINES

By Ryan Nibblins

The Central Appalachian Spruce Restoration Initiative (CASRI) conducted a tree planting event on Sept. 26 on the Monongahela National Forest near Blackwater Falls in Tucker County West Virginia. Part of an ongoing effort to restore spruce habitat across the Central Appalachians, the event was sponsored by the U.S. Forest Service and funded by the West Virginia Highlands Conservancy and the National Forest Foundation (NFF).

This event took place in conjunction with two other spruce plantings that weekend to celebrate National Public Lands Day. Together with a similar work day in April, CASRI members and volunteers planted over 5,000 red spruce trees on the former surface mine on the Blackwater Manor tract, now part of the National Forest. Volunteers from West Virginia University, including over 50 Adventure WV freshmen, Davis & Elkins College Biology students, West Virginia Wesleyan College students, local residents, boy scouts and others joined forces to get the job done.

"This couldn't have been possible without the generous contributions from the National Forest Foundation and the West Virginia Highlands Conservancy," says Evan Burks, CASRI Coordinator. The West Virginia Highlands Conservancy provided 1:1 matching funds for a grant from the NFF to purchase the spruce seedlings. The Highlands Conservancy also plays an important role in recruiting and coordinating the volunteers for this and other restoration activities and events.

Many spruce forest wetlands are now listed as globally impaired and are a high conservation priority in the state. Prized for its straight, unknotted light wood, spruce was once used in everything from paper to pianos and covered the higher elevation areas of West Virginia. The Wright brothers even used West Virginia spruce in the construction of the first airplanes.

These projects will help to shade high quality streams promoting native trout habitat and will also benefit habitat for

threatened Cheat Mountain salamander and the recently delisted WV Northern flying squirrel. It will also help buffer this ecosystem to potential negative effects of climate change. Spruce trees shade streams and the ground from solar radiation. This creates lower temperatures in spruce forests compared to hardwood forests. Protecting and restoring these natural systems that we all depend on not only makes people and nature less vulnerable to climate change impacts, but highlights the uniqueness of Appalachia and West Virginia heritage.

The Central Appalachian Spruce Restoration Initiative is a collaborative group working across boundaries to restore red spruce ecosystems. To date the group has planted over 100,000 trees on public and private land across the high elevations of West Virginia with the goal of improving and connecting habitat for rare species associated with spruce forests.

The National Forest Foundation, chartered by Congress, engages America in community-based and national programs that promote the health and public enjoyment of the 193-million acre National Forest System, and accepts and administers private gifts of funds and land for the benefit of the National Forests. Through their *Friends of the Forest* program, they provide an opportunity for citizens to get involved in volunteerism and enjoyment of our National Forests and Grasslands. Visit them at www.nationalforests.org.

Ryan Nibblins is a student at West Virginia University studying Social Work. He is currently volunteering with the WV Highlands Conservancy's Spruce Restoration program.



Evan Burks, CASRI coordinator for the US Forest Service prepares to haul some spruce seedlings to the planting site on the Blackwater Manor restoration project.

DAVE SAVILLE GETS AN AWARD

Dave Saville was recognized by members of the Central Appalachian Spruce Restoration Initiative (CASRI) for his invaluable service in helping to preserve and restore the red spruce ecosystem.



Dave has been a driving force for many years towards an increased focus on the spruce ecosystem and has been instrumental in coordinating volunteer plantings, seed collections and providing red spruce seedlings for CASRI tree plantings. "Volunteers like Dave are an integral part to making red spruce restoration in the Central Appalachians a success," says Evan Burks, Partnership Specialist at the Monongahela National Forest. At the most recent CASRI meeting Dave was presented with a framed Kent Mason photo signed by CASRI members to show their appreciation.



The Adventure WV program at West Virginia University is an elective freshman orientation program that introduces incoming freshmen to many of the spectacular recreational and scenic opportunities that the West Virginia Highlands provides. During their first semester they complete mandatory service projects. Each September one of the more popular events they participate in is helping with the spruce restoration projects in the Canaan Valley area.



TIME RUNS OUT ON CONSERVATION LEGISLATION IN LAME-DUCK SESSION

By Mike Costello

As the final days of the 111th Congressional session came to a close, the clock ran out on a suite of conservation legislation, which aimed to protect special wild lands across the United States.

Among the bills failing to achieve final passage in the lame duck session was the Monongahela Conservation Legacy Act, sponsored by Representative Alan Mollohan and Senator Jay Rockefeller. The measure aimed to protect 6,042 acres of North Fork Mountain Proposed Wilderness, a unique natural treasure, home to rare plant communities, nesting sites for Peregrine Falcons and “the best hiking trail in West Virginia”, according to *Backpacker Magazine*.

The introduction of this legislation is a testament to the West Virginia congressional delegation’s commitment to preserving our state’s iconic wild places, as well as the hard work West Virginians have put into protecting North Fork Mountain and other areas of the Monongahela National Forest over the years.

North Fork Mountain, a popular area included in the broadly-backed *Citizens’ Proposal for Wilderness on the Monongahela National Forest*, was drastically scaled-

back for the legislation, as several boundary revisions were offered to address management concerns and access for non-conforming uses.

Such adjustments ensured that opportunities for trout stocking in the North Fork of the South Branch of the Potomac River would remain intact, and boundaries were adjusted to maintain access for management by the U.S. Forest Service, which did not oppose the legislation in its testimony during a congressional hearing in September, and has given the area its highest rating for “natural integrity”.

Over 3,000 acres were removed from the originally proposed Wilderness area to maintain access for mountain bikes and other non-conforming uses along the vast majority of the North Fork Mountain Trail, as well as Redman Run Trail, an access point which would have been entirely closed to bicycles under the original Wilderness proposal.

Upon returning to Washington D.C. after midterm elections, members of Congress moved quickly to get conservation measures in position to achieve final passage. In the end, the only factor prohibiting the Monongahela Conservation Legacy Act and other protective measures from becoming

law was time, as Congress was faced with a stacked agenda in the final weeks of the lame duck session.

As a new-look Congress arrives on Capitol Hill in 2011, conservationists are hopeful that many of these broadly-backed measures will soon reach the finish line. With incoming members of Congress, there exist new opportunities to continue a strong tradition of enacting bipartisan legislation to protect our treasured public lands. Across the country, conservationists will pick up where they left off in 2010, and as we look ahead to a new year, the West Virginia Wilderness Coalition remains committed to achieving protective status for increasingly threatened areas across the Monongahela National Forest.

LEARN MORE ABOUT SPRUCE FORESTS

Learn about the high elevation red spruce forests in West Virginia, our efforts to protect and restore it, and how you can help. www.restoreredspruce.org

MORE FROM HUGH'S PINCH HITTER

(Continued from p. 2)

items. Thus, distinct from the phrases involving motors per se, the prohibition on any "other form of mechanical transport" must mean some class of transport devices other than those with motors.

The Forest Service initially got it wrong. Despite the clear words of the law, the first Department of Agriculture regulations (drafted by the U.S. Forest Service and finalized in 1966) defined "mechanical transport" as "any contrivance...propelled by a nonliving power source." A nonliving power source is the same as a motor; thus mechanical transport was defined as being the same as "motorized transport," and there was no exclusion of horse-drawn vehicles, bicycles, or cargo carriers.

Responding to the draft regulations in September 1965, both the Wilderness Society and Sierra Club—the national organizations most intimately involved in the drafting and enactment of the Wilderness Act—put the Forest Service on notice of its error. In comments for the Wilderness Society, its executive director wrote: "The definition of mechanical transport...should specifically include contrivances powered by living power sources (such as wagons drawn by horses, bicycles, and wheeled cargo carriers) as well as contrivances propelled by nonliving power sources. (See Paragraph 4(c) of the Act ...) The use of various types of wheeled equipment should be specifically prohibited within the regulations to conform with this provision of the Act."

To correct their obvious error and clarify exactly what is included within the phrase "other form of mechanical transport," the Forest Service subsequently perfected its regulatory definition in the sections of the Forest Service Manual that direct its implementation of the Wilderness Act:

Mechanical Transport. Any contrivance for moving people or material in or over land, water, or air, having moving parts, that provides a mechanical advantage to the user, and that is powered by a living or nonliving power source. This includes, but is not limited to, sailboats, hang gliders, parachutes, bicycles, game carriers, carts, and wagons. It does not include wheelchairs when used as necessary medical appliances. It also does not include skis, snowshoes, rafts, canoes, sleds, travois, or similar primitive devices without moving parts.

Other agencies that manage wilderness never made this mistake. In its original regulations, the Bureau of Land Management expressly listed bicycles as a prohibited form of mechanical transport.

A bicycle is obviously a mechanical device and obviously a form of transport. The plain words of section 4(c) of the Wilderness Act prohibit bicycles in wilderness areas. Ditto for wheeled game carriers. The Wilderness Act's prohibition of any "other form of mechanical transport" was deliberately written as a broad categorical exclusion intended to prohibit any form of mechanical transport, precisely to guard against the later invention of new technologies—like the mountain bike.

Doug Scott is Policy Director for the Campaign for America's Wilderness of the Pew Environment Group. His briefing papers on Wilderness Act interpretation and precedents can be found at <http://leaveitwild.org/reports>. This is an abridged version of an article that first appeared in Wild Earth, Vol. 13, No. 1 (2003).

FRACTURING FLUID: WHAT'S HAPPENING TO THE WATER?

By Beth Little

There are two concerns about hydraulic fracturing for natural gas which have been mentioned little or not at all.

One results from the facts that a lot of West Virginians eat venison; some even survive on it, and salt licks are known to attract deer.

We already risk horrible health problems from mercury if we eat too many fish from our streams. The threat to contaminated deer meat comes from the drilling pits that are buried shallowly on site at gas wells. They frequently leak, and since they contain the drilling cuttings or solids from deep in the earth, the water that leaks into and then out of them can contain heavy metals, radioactive materials and other toxins.

The problem with deer arises from the high concentrations of mineral salts in the drilling cuttings. Places where there are known pit leaks have lots of hoof prints and signs of pawing. What are the deer ingesting along with the salty water?

Things like burying drilling pits on site which then leak have been going on for years in West Virginia. It is the scale of the situation with thousands of wells being drilled in a frenzied rush that raises a red flag. It took decades of coal fired power plants spewing mercury, and other toxins, into the air for it to become a health hazard in our mountain streams; and they still look pristine. What kind of legacy are we leaving for future generations by burying drilling wastes all over the place? The pits are not marked or recorded.

The other concern relates to the amount of fracking fluid that returns to the surface when a well is fracked. Figures vary widely from 20% to 60%, but 20% to 60% of millions of gallons is a lot of fluid. According to industry representatives, 98% of the fluid is water.

With thousands of wells being drilled over coming years, we are talking about billions and billions of gallons of water that is pumped into the earth, **never to return**. It is way below the aquifers that feed our streams and springs and supply our wells. This is one of the reasons industry spokespeople claim there is no threat to our drinking water from fracking. So this water has been removed from the natural cycle of water – you know, where water rains on the earth, soaks into the ground to join an aquifer, reappears in streams, evaporates into the air or joins the ocean where it evaporates into the air, and so on. Is this okay? Can we afford to disappear this much water?

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. Electronic copies arrive as e-mail attachments a few days before the paper copy would have arrived

Working Across Boundaries

CASRI - CENTRAL APPALACHIAN SPRUCE RESTORATION INITIATIVE

The West Virginia Highlands Conservancy is proud to be working with the Central Appalachian Spruce Restoration Initiative (CASRI). CASRI is a partnership of diverse interests with a common goal of restoring historic red spruce-northern hardwood ecosystems across the high elevation landscapes of Central Appalachia. It is comprised of private, state, federal, and non-governmental organizations which recognize the importance of this ecosystem for its ecological, aesthetic, recreational, economic, and cultural values.

History of the Resource

Red spruce and red spruce-northern hardwood forests once dominated the highest elevations of West Virginia, covering more than 500,000 acres. Extensive logging in the late 1800s and early 1900s reduced much of the mature forest in the Appalachians, including the red spruce-dominated stands. Today only about 29,600 acres of high elevation red spruce remain in the State.

Rare and Resilient

The Central Appalachians already provide extensive forested south to north habitat corridors and vary significantly in elevation. 102 wildlife species in the Central Appalachians have been identified as species of conservation concern. About 1/3 of those species are shared by at least two states. For rare plants and animals on the move, the opportunity to head upward in elevation and south to north, without running into habitat obstructions, means a better chance of survival in the face of climate change. This greater possibility for migration and adaptation ultimately will help to maintain the region's high level of biodiversity which keeps ecosystems more resilient to any challenges climate change may bring.

The CASRI Vision

A red spruce-northern hardwood ecosystem restored across portions of its former range on both public and private lands, with the scale, connectivity, maturity, and other features which will allow it to be fully functioning and sustainable over time.

Engaging Public and Private Landowners

CASRI works across property boundaries with willing public and private landowners to restore the red spruce-northern hardwood ecosystem. Utilizing GIS models, key areas have been identified based on criteria such as proximity to existing spruce habitat, proximity to public land, high priority stream, cave or karst. CASRI seeks funding to do restoration projects on these key areas, and works with private landowners to distribute information about the value of red spruce-northern hardwood forests. A major component of management in these areas is the coordination of ecosystem restoration activities across the Central Appalachian landscape.

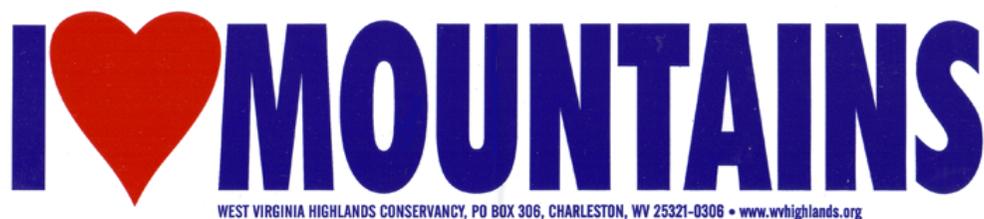
In addition to native plantings, CASRI members participate in various restoration activities including collection, storage, and propagation of native plant materials to be used in future planting efforts. Member organizations also participate in on-the-ground activities such as tree thinning to favor understory red spruce, aquatic passage restoration, road decommissioning and scientific studies aimed at enhancing the red spruce-northern hardwoods ecosystem.

For additional information on the Central Appalachian Spruce Restoration Initiative, or to learn how to be a participant in restoration activities contact: CASRI Coordinator, Evan Burks at ejburks@fs.fed.us, or Highlands Conservancy Spruce Program Coordinator, Dave Saville at daves@labyrinth.net.

BUMPER STICKERS

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

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



Join Now !!!

Name _____

Address _____

City _____ State _____ Zip _____

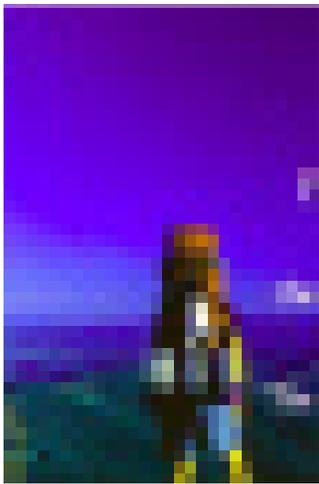
Phone _____ E-Mail _____

Membership categories (circle one)

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

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

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



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.

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

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

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

518 pages, 6x9, color cover, published by Pocahontas Press
 To order your copy for \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.
 Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

SUCH A DEAL! Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$24.95, we are offering it as a premium to our members. Anyone who adds \$10 to the membership dues listed on the How to Join membership form (right up there) will receive the history book for free. Just note on the membership form that you wish to take advantage of this offer.

This offer is available to current members as well as new members. Current members may add \$10.00 to the amount they pay when they renew their memberships and receive a book as well.

HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style hats for sale as well as I Mountains caps.

The WVHC cap is beige with green woven into the twill and the pre-curved visor is light green. The front of the cap has West Virginia Highlands Conservancy logo and the words West Virginia Highlands Conservancy on the front and I Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I Mountains The colors are stone, black and red.. The front of the cap has I MOUNTAINS. The heart is red. The red and black hats are soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. The stone has a stiff front crown with a velcro strap on the back. All hats have West Virginia Highlands Conservancy printed on the back. Cost is \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to Jaames Solley, P.O. Box 306, Charleston, WV 25321-0306.

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.

Energy Efficiency can reduce electric power demand by 20-30 percent**ENERGY EFFICIENCY—WV'S UNTAPPED ENERGY SOURCE**

By Mike Harman

Dave Grubb, the founder of WV Citizens Action Group, met Mike Harman, who lives in St. Albans, at the state capitol the start of the 1975 legislative session. They realized they were interested in many of the same issues, namely health care, nursing homes, prescription drug prices, and utility bills.

While Grubb had a mature research and advocacy background as one of "Nader's Raiders," Harman was the coordinator of a small army of retired activists, members of the Council of Senior West Virginians. They got together and educated a diverse network of local senior citizens, AARP chapters, union retiree groups, and younger folks, who became a formidable lobbying and advocacy force. Jon Blair Hunter and Perry Bryant were just two of the many younger people who became involved with the Coalition on Legislation for the Elderly, the lobbying arm of Council of Senior West Virginians (CSWV).

In the late 1970s, WV Citizens Action Group (WVCAG) and CSWV became the WV organizers for the Citizens/Labor Energy Coalition and the Coalition of American Electric Consumers, which together intervened in West Virginia utility cases to fight expensive, unnecessary new power plants, and worked to protect consumers against having their heat disconnected in the winter due to non-payment of bills. They helped lobby to change the way electric power was taxed, which brought in tens of millions of dollars in new revenue from out-of-state wholesale purchasers (other utilities).

In January, 2009, Mike discovered a new report issued by the Appalachian Regional Commission, "Energy Efficiency in Appalachia: How Much, at What Cost, and How Long Will It Take?" Soon after, Appalachian Power and Wheeling Electric announced a request for a 43 percent increase in rates, the largest such request in the state's history.

Mike contacted Billy Jack Gregg, the former Public Service Commission consumer advocate, to ask if energy efficiency programming might be appropriate in this rate case. Billy Jack said "Absolutely!" and so Mike contacted Gary Zuckett at CAG, who was more than willing to participate. Together they recruited legal representation from Tom Rodd, who was working for the Calwell Law Practice in Charleston.

Armed with the requisite organizational and legal standing to intervene, CAG secured a grant from the Energy Foundation and was able to develop expert testimony sufficient to persuade the Public Service Commission to order Apco and Wheeling Electric to produce an energy efficiency plan to help their customers save energy and save money. This applies to business and industrial customers, as well as residents.

This is a modest start, but a significant step that needs to be sustained and expanded.

CAG then proceeded to intervene in an Allegheny Power case (including Monongahela Power and Potomac Edison) and won a similar order from the PSC in 2010. They further intervened in the recent Allegheny/FirstEnergy merger case which is currently under review by the PSC.

Based on the Appalachian Regional Commission report, and other indicators, West Virginia has major potential to save energy at a cost-effective rate of only one to three cents per kilowatt hour, compared to a cost of future generation capacity at over ten cents.

Lighting is still the "low-hanging fruit," meaning that residents

and businesses can more easily and quickly save energy through lighting upgrades than from any other measure. West Virginia has a higher than average proportion of industrial customers than most other states, and residential and business building stock is generally older and less efficient than that of other states.

While the WV PSC has shown a good level of interest in energy efficiency and demand-side management (EE/DSM), it is usually necessary to have strong enabling legislation that requires specific energy savings targets over time. West Virginia does not yet have such laws.

A great deal of progress can be made in addition to working on state policies at the legislature and the PSC. Energy efficiency can be accomplished at the local, state, and even personal level, with the right information and incentives. Several programs in West Virginia are getting good results, and we intend to support them and publicize them, as well as stimulate new efforts. This is the mission of Energy Efficient West Virginia (EEWV):

The mission of Energy Efficient West Virginia (EEWV) is to promote energy efficiency among all residential, business and industrial energy consumers. This will be carried out by engaging in public education; public policy & standards reviews; assessment of potential energy savings; advocating policy change, public utility regulation, and building codes; promoting specific programs in the public and private sectors; and carrying out other activities deemed necessary to promote the saving of energy and money by the public.

Editorial note: This is the first in an irregular series of articles on energy efficiency and efforts in West Virginia to promote such efficiency.

T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ 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 total by mail; **long sleeve** is \$15. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



West Virginia Mountain Odyssey



Outings, Education and Beyond

Sunday, January 9: 10 am, "Ecosystems Beneath Our Feet," at White Grass Ski Touring Center. Led by biologist Dr. Dave Culver from American University, this outing will take you on an adventure you're sure not to forget! Snowshoe to some small springs in the area in your quest to discover blind, white bugs. For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, January 16: 1 pm, White Grass Winter Outing, led by Chip Chase of White Grass Ski Resort. Come join Chip as he takes you on a care-free snow shoe tour of beautiful Canaan Valley. For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, January 23: 1 pm, "Gearing up for the Outdoors," at White Grass Ski Touring Center. Join outdoor gear expert David Barnett as he addresses how to dress appropriately for activities during the winter months. Topics to be addressed include clothing, footwear, and even snow shoes! For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, January 30: 1 pm, "This is Your Land," at White Grass Ski Touring Center.

Are you interested in the history and management of the different public lands in Canaan Valley? Then this is the outing for you! Join us as Dave Saville, discusses the Monongahela National Forest, Blackwater and Canaan State Parks, Canaan Valley National Wildlife Refuge and the Canaan Valley Institute lands and how they all add to the unique mix of recreational opportunities of the area. Federal and State agencies manage these areas differently and offer different opportunities to the public to enjoy them. Their mission to protect the natural resources also varies. Dave Saville is the outreach coordinator at the WV Water Research Institute at West Virginia University. He has been active in protecting and restoring the natural resources of Canaan Valley for many years. As a former researcher in the Biology Department at Wheeling Jesuit University, he worked on an in-depth study of the aquatic resources of the Blackwater River Watershed. Through his work with the WV Highlands Conservancy, Dave has played a key role in the efforts to restore the red spruce ecosystem in the area. For more information, visit www.whitegrass.com or call 304 866-4114.

Monday, February 7: 1 pm, "Red Spruce Ecosystem Restoration in Central Appalachia," at White Grass Ski Touring Center.

The red spruce ecosystems once covered more than 500,000 acres of West Virginia's mountain counties. After the industrial logging era (1880-1920) this iconic West Virginia forest has been reduced to less than 10 percent of its original size. Once the virgin spruce was extracted, much of the ground cover and soils dried out. Wide spread fires swept across parts of the landscape eliminating the seed source. Today, this critical habitat for West Virginia Northern flying squirrel, federally threatened Cheat Mountain salamander and other rare species is confined to the highest ridge tops. The remaining red spruce is often found in fragmented patches. Now a multi-partner group, the Central Appalachian Spruce Restoration Initiative (CASRI), is working to restore this important Appalachian ecosystem. Join Evan Burks, Partnership Specialist for the Monongahela National Forest and CASRI coordinator, on this interpretive walk to learn about the importance of this ecosystem and the group's efforts to restore it. For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, February 20: 1 pm, White Grass Winter Outing. A winter-themed snow shoe tour! Outing takes place on over 50 km of ski trails. Join us to see and learn about all the unique wildlife habitats in Canaan Valley and much more! For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, March 6: 1 pm, "Through the Years: A History of Canaan Valley", at White Grass Winter Outing. The history of Canaan Valley is an interesting topic that anyone can enjoy. Join retired West Virginia University forestry professor Ray Hicks as he covers the history of the area and how that history has impacted today's ecosystems in the Valley. Topics to be covered include Canaan's settlement, agriculture, and the logging era. For more information, visit www.whitegrass.com or call 304 866-4114.

(More outings on p. 9)

ANOTHER OUTING (Continued from p. 8)

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

ABOUT THE OUTING SERIES

The White Grass Winter Outings Series is a group of individual events that provides recreational access and educational opportunities for the public during the winter months in beautiful Canaan Valley. Outings begin at White Grass Ski Touring Center, last 1 hour and are about 1 mile in distance. All outings will begin at 1 pm this year and are free to the public. Join us as knowledgeable professionals and master naturalists lead you through a pristine winter landscape while you see and learn about the diverse array of natural and cultural features of Canaan Valley. For more information, visit www.whitegrass.com, or call 304 866-4114. The slate of outings has had the dates determined but the leaders are still being identified. If you would like to share some of your knowledge of the natural world with some fine folks eager to learn, contact Glenn Waldron at glnnwald@hotmail.com or call 585-322-2015 and we'll get you signed up.

SNOWSHOE DISCOVERY TOUR WITH CHIP CHASE

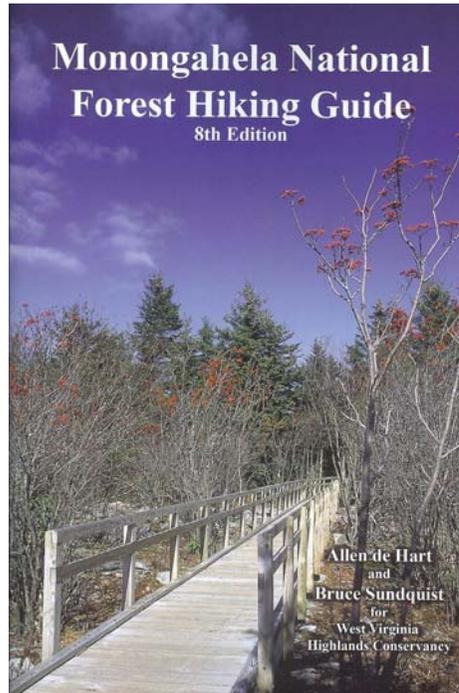
By John and Trudy Phillips

On Friday, December 31, we joined one of the free snowshoe discovery tours sponsored by Chip Chase and White Grass. The best description of the tour is found on the White Grasses events page:

“A natural history snowshoe walk with Chip Chase as he shares his knowledge about the climate, forest type, and geology of the area. Enjoy a short stream side jaunt that lasts about an hour and covers around a mile of easy rolling terrain.”

On our trip we had about 25 participants and for many this was their first time on snow shoes. The tour was very leisurely with time spent describing the unique features of the Canaan Valley ecology. The schedule of future tours is available at <http://www.whitegrass.com/events.html> and on the facing page of *The Highlands Voice*. Future snowshoe trips include several interpretive walks lead by ecology specialists.





The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

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

**Send \$14.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy**

**P.O. Box 306
Charleston, WV 25321**

OR

**Order from our website at
www.wvhighlands.org**

New 8TH Edition Now Available on CD

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

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

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

Price: \$20.00 from the same address.

A West Virginian

By Charles L. Carey

I'm proud to be a West Virginian.
There's so many things to do.
A walk through the forest, with skies so blue.
Trees of autumn are at their best.
Black bears begin their rest.
Blue jays have left their nest.
Sunrise and sunsets beyond the mountain crest.
Horses and wagons all lined up in a roll.
A moment of stillness before the parade stroll.
Winters are quiet and peacefully cold.
Friendly faces from the young and old.
Midnights are romantic with calls of the wild.
Turkeys call and wolves howl.
Games of champions are at their best.
Full of chatter and full of zest.
Our capital is golden, a view from above.
Birds of pray and barnyard doves.
Festivals of autumn are full of zeal.
The Ohio, Shenandoah, Potomac and rolling hills.
Fishing streams and fishing dreams, run high.
Hunters paradise of ducks, bears and deer so shy.

Bold rivers collide and high waterfall.
Museums of wonder and quiet civil war calls.
Fields of fruit are long and wide.
Roadside vendors, side by side.
Silent glass makers are at their best.
Day's of excitement and places to rest.
The wind howls but gentle and free.
I'm proud to be a West Virginian,
I guess that's me!