



The Highlands Voice

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MARCELLUS SHALE & THE WEST VIRGINIA UNIVERSITY EXTENSION SERVICE

By Cindy Rank

So... what's the story about the West Virginia University Extension Service "Natural Gas Education Program"?

As I wrote in the October 2010 issue of *the Highlands Voice*, concerns about Marcellus and horizontal gas drilling are near and dear to my heart as we in southern Upshur County have seen and will be seeing more of these activities – especially in and around the headwaters of the Little Kanawha River. Hence my interest in the WVU Extension Service program presented at several locations throughout the state over the past six months.

As for the accuracy and/or effectiveness of the presentations I can only offer a personal opinion based on my own attendance at two of the meetings – the first one in November of 2010, another in Flatwoods, WV on April 26, 2011. Despite a rather rocky first meeting last November at West Virginia Wesleyan College in Buckhannon, the WVU Extension Service has refined its program into what I would call a valuable educational experience for anyone wanting to know some basic information about the current Marcellus shale gas boom.

There are still gaps in the program; there is a lot more to say

about problems occurring where shale gas drilling is being done.

And industry funding that supports the program continues to cast a shadow over the endeavor.

But overall the current lineup of speakers and presentations

is a worthwhile bite at the monumental challenge of addressing the multitude of questions and concerns about the new shale gas drilling itself and especially the high volume slick water fracturing that accompanies horizontal drilling, the state regulation and monitoring of the unconventional drilling, and leasing concerns for those fortunate enough to own gas resources.

Program Beginnings

Perhaps the first meeting in Buckhannon was more difficult because over half of the packed room at Wesleyan was made up of Upshur County residents

who were already seething about ramifications of this boom that they were experiencing in their own lives ... i.e. the dangerous and disruptive giant truck traffic, the blocking and ruination of rural roads, the giant drilling pads rising as other-worldly plateaus out of a hillside



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Sign-ons

The West Virginia Highlands Conservancy is often asked to sign on to letters, petitions, and lawsuits initiated by other environmental organizations. Skeptical members of our board doubt that lending our name does much good. That may be the case where our organization would be one of hundreds appealing to Congress on some national issue. Occasionally, though, we can step up as one of a few groups whose support will matter on an issue important to us.

One case we got involved in a year ago has become especially controversial.

The Center for Biological Diversity filed a petition with the U.S. Fish and Wildlife Service to list over four hundred Southeastern aquatic, riparian and wetland species as threatened or endangered under the Endangered Species Act. Thirty-four of the species live here in West Virginia. They include the hellbender and two other salamanders, three amphipods, four crayfishes, a damselfly, two flowering plants, six fishes, nine mussels, an isopod, three beetles, a turtle, and a bird.

Citing logging, grazing, pollution, invasive species, urban sprawl, climate change, and other factors, the Center wrote that the Southeast faced an extinction crisis. In the case of West Virginia, the primary threat was mining. The Center asked us to join, we did, and five groups representing the eleven other states also signed the petition.

The Fish and Wildlife Service failed to meet its statutory obligation to make a final determination on the petition within a year. The Center has now sued, and we have agreed to be named as a plaintiff. Last year, the Service made timely final listing decisions on only twelve percent of scientifically supportable petitions. For 2011, it has estimated that its compliance will drop to four percent. Officials concede they're paralyzed. They blame the "bioblitz," as some call the multi-species petitions filed by the Center and another organization, WildEarth Guardians.

The Service has turned to Congress for help. Of course it requested more money for the endangered species listing program, but it also asked for less. It requested statutory and financial limits on the number of new species petitions it has to consider.

This amounted to saying, Never mind the science, let us poke along in the way we were doing under the Bush Administration. From 2000 to 2008, only eight new species a year made the list. During the Clinton Administration, the average had been fifty-eight per year. The overall average for the thirty-seven years since the law was enacted was thirty-seven species per year.

There was some sympathy for the Fish and Wildlife Service in the national environmental community. A senior vice president at Defenders of Wildlife told The New York Times: "The question is, is tying the service in knots the best way to save the web of life?"

We think the Service has to change its way of doing business. In the face of more and more evidence of extinctions related to destruction of habitat, climate and other changes, greatly expanded listings will be required. The threats require a focus on entire ecosystems rather than individual species.

(More on p. 7)

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JUDGE ENSURES TRANSPARENCY

By Cindy Rank

On Friday March 4, 2011, the Army Corps of Engineers granted Massey Energy subsidiary Highland Mining a Clean Water Act (CWA) Section 404 fill permit for its 630 acre Reylas Mine in Logan County WV. The permit would allow the company to fill two and a half miles of a stream in Bandmill Hollow, a tributary to Dingess Run of the Guyandotte River.

As has happened at other mines the company immediately began work in the stream before we knew the permit had been granted.

By Tuesday March 8, 2011, citing numerous violations of the Clean Water Act and the National Environmental Policy Act, Joe Lovett and Derek Teaney with the Appalachian Center for the Economy and the Environment filed for and received a Temporary Restraining Order from Judge Robert C. Chambers of the United States District Court for the Southern District of West Virginia.

Stream work was delayed and a hearing date set for May 10, 2011.

Then, on April 19th in a rather surprising move, the Corps informed the company that it was suspending the permit, saying details of the permit merit further consideration and asked the court to approve the voluntary remand of the permit.

If one didn't know any better we would have broken out the champagne and celebrated.

But recent history has taught us not to be too hasty.

Once the Corps pulled the permit it could superficially address the concerns expressed by the West Virginia Highlands Conservancy, the Ohio Valley Environmental Coalition and the Environmental Protection Agency, and issue another modified permit without our knowledge or chance to respond and we would be back to square one.

Thankfully Judge Chambers is aware of similar shenanigans by the Corps during other litigation over the past half dozen years in his court and took steps to ensure the Corps to ensure transparency during the review process and require the Corps not act in the shadows and then quietly grant a new permit.

In the Court Order issued April 20th Judge Chambers approved the voluntary remand, but also required the Corps submit monthly written status reports about their review of the Reylas permit.

The monthly reports are to be posted for all to see and consider and are to include description of the issues reviewed and

any decisions made.

The Order also requires the Corps to provide the Plaintiffs and the company any documents or studies the Corps receives during its review that will become part of the administrative record in support of decisions that are made.

Perhaps most important to ensure that a new permit won't be issued and stream work begun without an opportunity for the Plaintiffs to review and object to the permit if necessary, the Court Order states that if a permit is reissued, all activities authorized by that permit are automatically stayed for thirty days to allow for consideration by all parties.

INTERIM MEETING DATES ANNOUNCED

Many issues that the legislature could not resolve during a regular session are referred for study during the interim meetings of the legislature. This is where complex issues are considered. These meetings are often the source of legislative proposals that are introduced the following session of the Legislature.

House of Delegates Speaker Rick Thompson and Acting Senate President Jeffrey Kessler have agreed to and announced the following dates for the 2011-2012 West Virginia Legislature Interim Meetings.

May 16-18, 2011
June 13-15, 2011
July 11-13, 2011
August 1-3, 2011
September 12-14, 2011
October 11-13, 2011
November 14-16, 2011
December 12-14, 2011
January 8-10, 2012

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

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

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

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

MORE ON THE 2011 LEGISLATIVE SESSION

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

Due to my own time restraints, a couple of important items of interest to *Voice* readers were not included in my April legislative wrap-up article. So here is an “addendum” to my April article.

SB 465 – Corporate Welfare Bill for Marcellus Industry

While the 2011 Legislature found it impossible to pass a bill regulating the drilling of Marcellus shale gas wells, it found little opposition to passing a bill full of tax incentives for the use of that gas.

The bill was SB 465, the “Marcellus Gas and Manufacturing Development Act.” While the final version passed the Senate just before midnight on the last night, this bill was “greased” for passage and had been worked on since early in the session. And while it appeared that House leadership was holding up passage of the bill as leverage to get the Senate to agree on Marcellus shale regulation, that apparently was not the case.

The bill’s lead sponsor was Sen. Brooks McCabe (D-Kanawha), who told the press early on that he intended to push for the legislation, “which encourages and facilitates the development of oil and gas wells and the downstream uses of natural gas in this state and economic development in this state associated with production and various downstream uses.”

Other sponsors of the original bill included acting Senate President Kessler (D-Marshall), and Senators Browning (D-Wyoming), Unger (D-Berkeley), Snyder (D-Jefferson), Stollings (D-Boone), Plymale (D-Wayne), Wells (D-Kanawha), Palumbo (D-Kanawha), Beach (D-Monongalia), Klempa (D-Ohio), Yost (D-Brooke), and Foster (D-Kanawha).

In talking about the bill Sen. McCabe made it clear that he hoped that the tax breaks to the natural gas and manufacturing industries in the bill would facilitate the construction of a facility in Kanawha County to convert ethane -- a natural gas by-product -- into ethylene, which is used by chemical manufacturers and the plastics industry in the county.

This bill represents a windfall to the after market gas industry and its so-called “downstream businesses”, but nevertheless it has to do with alternative fuel manufacturing development after the gas has been produced. The huge credits for companies interested in developing the gas byproducts are staggering in scope and amounts and will be beneficial over a ten-year period beginning Jan 1, 2011.

One bright note is that the bill reinstates the alternative fuel motor vehicle tax credit. West Virginia Environmental Council has been pushing for that since the credit expired in 2006. It includes tax credits for the purchase and or conversion of alternatively fueled vehicles both large and small which utilize compressed and liquefied natural gas, derivatives thereof, hydrogen, coal derived liquid fuels, electricity powered vehicles including those powered by solar energy and they can be bi-fueled and run on gas or diesel and still qualify for the credit. The bill also gives a tax credit for building the infrastructure for those vehicle facilities both commercially and domestically.

The bill also specifies that any manufacturer’s investment tax credit with a value of \$500,000.00 or more must include the hiring of local workers at a rate of 75% of total hired in order to qualify.

Unfortunately, the House Finance Committee removed a provision in the bill that would have provided the Department

of Environmental Protection with two million dollars from excess severance tax monies in order to hire more inspectors to help regulate the new horizontal hydraulic fracturing industry.

It is no surprise that the Acting Governor signed this bill.

New Public Lands Bills Worth Noting

Late in the session two new bills relating to public lands were introduced, but were never taken up by the Natural Resources Committees in their house of origin. However, they are worth noting here.

The first was **HB 2974**, “Relating to Coopers Rock State Forest.” This bill would have transferred the supervisory and jurisdictional responsibilities of Coopers Rock State Forest from the Division of Forestry to the Division of Natural Resources, similar to what has been done with Kanawha State Forest. That transfer would have placed additional limits on timbering in Coopers Rock State Forest. Sponsors of the bill were Delegates Fleischauer (D-Monongalia), Marshall (D-Monongalia), Barill (D-Monongalia), Manypenny (D-Taylor), Ellem (R-Wood), Staggers (D-Fayette), Butcher (D-Logan), Jones (D-Hancock), Hatfield (D-Kanawha), and Stephens (D-Cabell).

The second was **SB 494**, which would have provided “additional protections from timbering operations for state forests and other public lands.” It mandated that the Division of Forestry require timber operators to use “best management practices,” including structural or nonstructural sediment control measures, watershed protection measures and endangered species protection measures to reduce or eliminate disturbances associated with commercial timber harvesting. And it would have required “a minimum ‘no cut buffer’ of three hundred feet adjacent to all trails, campgrounds, public facilities, forest roads, scenic points of interest, playgrounds, riparian zones, known endangered species habitats and historical value areas.” The bill’s sponsors were Senators Beach (D-Monongalia) and Klempa (D-Ohio).

Hopefully, these bills will be considered next session.

MEMORIAL CELEBRATION

The memorial service for Bob Handley will be May 28th at Lost World Caverns near Lewisburg from noon until about 5 p.m. There will be music and food as well as a time to share reminiscences about Bob. Bob’s son Todd wants to spread the word. Please let everyone know.

Less scrutiny for mountaintop removal mining**CORPS OF ENGINEERS WANTS TO RENEW
NATIONWIDE PERMITS****By John McFerrin**

The West Virginia Highlands Conservancy has joined with fourteen other groups to comment on a proposal by the United States Army Corps of Engineers to reissue Nationwide Permits 21, 49 and 50, which all apply to coal mining.

These three Nationwide Permits are part of a mass reissuance of 49 nationwide permits. The Corps proposes renewing 48 of the 49 existing permits and adding two new ones. The groups concentrated on only three, the ones which apply to coal mining.

Most operations that discharge dredged or fill material into the waters of the United States must have an individually issued permit issued by the Army Corps of Engineers. There are, however, some circumstances in which the Clean Water Act allows the Corps of Engineers to issue general permits on a nationwide basis. The activities authorized by these general permits must be similar in nature, cause only minimal adverse environmental effects when performed separately, and cause only minimal cumulative adverse effect on the aquatic environment.

Most familiar to people in West Virginia was Nationwide Permit 21. It was under the authority of that permit that the Corps of Engineers authorized the disposal of waste material from mountaintop removal operations into valley fills without individually evaluating each fill.

There are many phrases to describe mountaintop removal-valley fill operations. "Minimal adverse environmental effects" is not one that readily leaps to mind. Because of this, Nationwide Permit 21 has long been the subject of criticism.

The Corps of Engineers apparently agrees with this criticism in 2010 when it suspended the use of NWP 21 in Appalachia. When it proposed that suspension, the Corps admitted that NWP 21 "has been used to authorize surface coal mining activities that involve discharges of dredged or fill material into waters of the United States that have resulted in adverse environmental impacts that may be more than minimal on a cumulative basis." 74 Fed.Reg. 34311, 34313 (July 15, 2009). The Corps also acknowledged that "it would be more appropriate to evaluate these adverse effects through the individual permit process, with a full public interest review, rather than through NWP 21." In its final decision, the Corps repeated its "concerns that continued use of this permit in the Appalachian region . . . may result

in more than minimal individual and cumulative adverse effects to aquatic resources."

Now the Corps of Engineers has reversed itself. It proposes three ways to address the questions raised by NWP 21. Option one is no reissuance. Option two would reissue NWP 21 with a ban on valley fills and a 300 linear foot limit on stream loss, but would allow that limit to be waived by the district engineer for ephemeral and intermittent streams. The third option is the same as Option two except without the ban on valley fills.

The Corps has said that its preference is Option two. It has convinced itself that mountaintop removal mining could be carried out with minimal adverse environmental impact.

The West Virginia Highlands Conservancy and the other groups has supported the first option. Under this option, there would be no more Nationwide Permit. Each operation would have to apply for an individual permit and have its operation evaluated separately.

Much of the groups' criticism of the approach that the Corps is proposing comes from the Corps refusal to consider the multiple studies

which concluded that the activities that would be allowed under the proposed general permit would have substantial environmental impact.

The Corps proposal relies heavily upon mitigation. It would require that companies which destroy streams "recreate" them at another location. From this, the Corps reasons that the net effect upon the waters of the United States would be minimal. The groups point out, however, that there is no evidence that recreating streams is even possible.

The approach has also been rejected previously by the United States District Court in *OVEC v. Hurst*, 604 F. Supp.2d 860 (S.D. W.Va. 2009). There the Court criticized the Corps' reliance upon mitigation when it did not have any procedures for determining whether the mitigation will really work.

The groups' comments were filed April 18, 2011. Once the Corps has reviewed all the comments it will issue draft nationwide permits and receive more comments. The decision on the final issuance of these permits will be announced in December, 2011.



Minimal adverse environmental effects

Photo courtesy of Ohio Valley Environmental Coalition

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

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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 \$14.95, 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.

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Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$14.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership.

Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

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

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

MORE FROM PRESIDENT HUGH

(Continued from p. 2)

The Center's press release makes this point: "All Southeast aquatic species are intricately interconnected. For example, the map turtles' survival depends on the abundance of snails and mussels, which they eat, while mussels depend on fish to host their larvae — and the fish, in turn, depend on the abundance of flies, whose larvae they consume. Protecting all these species through a group approach will help save their entire amazing ecosystem from unraveling before it's too late."

It insists that listing species together by habitat or geography not only recognizes common threats, it's also more efficient. Streamlining the process can save money and get the job done more quickly.

In fact, Fish and Wildlife recently listed forty-eight Hawaiian birds and plants as a group. But its officials don't want to be forced into this approach, and they continue to regard the Center as adversaries.

In its article on the dispute, the Times gave the last word to Patrick Parenteau, a law professor who was special counsel to the Fish and Wildlife Service in the 1990's. He said, "The agency does seem to be reaching a political tipping point. They feel overwhelmed, they feel politically vulnerable, they can't handle the job, and all these petitions makes it harder and harder.

"But from an endangered species conservation perspective, the environmentalists are doing exactly what the science demands. If you want to save these species, you have to list them, designate their critical habitat, and spend money. We're pushing species to extinction every day, and it's an overwhelming job, frankly, that the Fish and Wildlife Service has. But is the answer to put your head in the sand and say, We're not going to do it?"

* * * * *

Less controversially, we joined an appeal to the National Trust for Historic Preservation to list Camp Allegheny, a Civil War battlefield located in Pocahontas County, as one of "America's Most-Endangered Historic Places." The threat is a proposed wind energy project clearly visible just across the border in Highland County, Virginia.

Camp Allegheny is a rarity on two counts, its significance and its condition. The setting, at 4400 feet, is protected by the Forest Service, and has hardly changed in the century and a half since Americans fought, died, and lived there. The terrain is quite legible with the assistance of a few carefully placed signs.

After the first skirmishes in western Virginia in the summer of 1861, more than a thousand Confederate troops set up winter quarters at Camp Allegheny, twenty miles by road east of the Federal camp on Cheat Summit. The stalemate allowed a movement for statehood to continue, cutting off a third of Virginia at a line that ran near the camp.

In December, about 1900 Union soldiers crossed the no-man's-land and attempted to take Camp Allegheny. Altogether nearly three hundred men were killed. This was a more serious engagement than the first land battles at Philippi and Rich Mountain, and a better predictor of the length and nature of the war.

After that bloody fight, the rebels were "ordered to hold their icy perch" (Hunter Lesser, Rebels at the Gate), which they did until April, 1862. So Camp Allegheny tells us a story about more than the clash of armies; it illustrates the miserable conditions the troops had to endure between battles.

Disturbing the brooding serenity of this place by erecting giant wind turbines so close would be a desecration of our history.

TIME TO COMMENT ON PROPOSED NEW FOREST PLANNING RULES

The United States Forest Service manages 155 national forests, 20 grasslands, and one prairie. These include our own Monongahela National Forest and George Washington National Forest. It must periodically make a management plan for each one of these.

Before making a new management plan, the Forest Service must follow certain procedures. It has now proposed the procedure it wishes to follow in preparing these management plans. In announcing the new proposed procedure, the Forest Service described its purposes this way:

The proposed rule sets forth process and content requirements to guide the development, amendment, and revision of land management plans to maintain, protect, and restore NFS lands while providing for sustainable multiple uses, including ecosystem services, so that NFS lands continuously provide ecosystem functions and contribute to social and economic sustainability. Planning under the proposed rule would be collaborative and science-based with the responsible official required to take the best available scientific information into account and provide opportunities for public participation throughout the planning process.

The proposal also sets forth the goals that the Forest Service hopes to meet in the planning process: The new planning rule must be responsive to the challenges of climate change; the need for forest restoration and conservation, watershed protection, and wildlife conservation; and the need for the sustainable provision of benefits, services, resources, and uses of NFS lands, including ecosystem services and sustainable recreation. It must provide a process for planning that is adaptive, science-based, and collaborative with ample opportunities for active and effective public participation.

The planning rule which was recently published is only a draft. The public has until May 16, 2011, to submit comments. As illustrated by the stories below, there are differences of opinion on whether these proposed rules will be beneficial. The Public Lands Committee of the West Virginia Highlands Conservancy will be making comments on the rules.

To see the entire rule go to http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5270250.pdf

West Virginia Mountain Odyssey



Outings, Education and Beyond 🇺🇸

May 14-15, 2011, Allegheny Trail-South Backpack/WV Rt92 to I-64, Monongahela National Forest, WV: 28 mile moderate shuttle with a couple of steep climbs and a lot of ridge walking, some views. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

June 11-14, 2011, Ohiopyle State Park Car Camping, PA: 2 hikes: a 12 mile shuttle on the Laurel Highlands Trail and a 10 mile circuit in Bear Run Nature Reserve. If you wish to do your own thing there is a rail trail, canoeing and kayaking also available. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

June 25-28, 2011, Mount Rogers National Recreation Area, VA; Grindstone Car Camp: Two day hikes-Little Wilson Creek Wilderness and the Laurel Valley-Iron Mountain Loop. Both about 10 miles, moderate difficulty. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

July 9-10, 2011, Quebec Run Wild Area Backpack, Fuller SF, PA: 15 mile moderate circuit with pretty streams and campsites shaded by Hemlocks. This trip is suitable for experienced hikers who want to try backpacking. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

August 6-8, 2011, Dolly Sods Backpack/Rohrbaugh Plains to Bear Rocks, Monongahela National Forest, WV: 18 mile moderate shuttle featuring vistas, waterfalls, streams, forest, open plains and bogs. Short first and third days. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

September 3-5, 2011, Reddish Knob Backpack, George Washington National Forest, VA: 20 mile Circuit featuring views from one of the highest peaks in VA at the halfway point. Daily mileage: 3/12/5 (Subject to change.). Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

October 29-November 1, 2011, Coopers Rock State Forest Car Camp, WV: Two hikes: Scotts Run Loop and a hike through a virgin Hemlock Forest, both about 8 miles. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or 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 or Larry Gibson (304) 542-1134; (304) 549-3287

COMMENTS ARE NEEDED NOW ON US FISH AND WILDLIFE SERVICE GUIDELINES FOR WIND ENERGY DEVELOPMENT

Rick Webb

The United States Fish and Wildlife Service (FWS) is apparently moving toward more-effective implementation of federal laws that will potentially reduce the negative environmental impacts of wind energy development in the Appalachian highlands. The Fish and Wildlife Service, however, is facing intense industry pressure to back down, and public support and input are needed now.

Public comments and recommendations will be accepted until May 19, 2011, on two FWS guidance documents that will affect wind energy development:

- The Draft Land-Based Wind Energy Guidelines
- The Draft Eagle Conservation Plan Guidance

The complete text of both documents, background information, directions for submission of comments, and a listing of questions posed for consideration are available at: <http://www.fws.gov/windenergy>.

Text provided on the website states that these documents contain guidelines designed to provide information needed to make “the best possible decisions in the review and selection of sites for wind energy facilities to avoid and minimize negative impacts to fish, wildlife, plants and their habitats.”

One of the key questions posed by the FWS is whether the guidelines should be voluntary or mandatory.

In my view, the guidelines are largely about implementing environmental laws that are already in force and should be carried out: the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Endangered Species Act. The wind industry is campaigning hard to ensure that effective enforcement of these laws does not occur.

I attended an April 27th meeting of the Federal Advisory Committee (FAC) that was established by the United States Fish and Wildlife Service to provide recommendations on the development of the wind energy guidelines. The meeting was essentially a day-long complaint by wind industry representatives that the FWS had ignored the “consensus-based” and “negotiated” recommendations of the FAC.

A major complaint concerned assurance sought by the wind industry that it will not be subject to Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Projection Act (BGEPA) enforcement action if it adheres to the guidelines. Industry representatives on the FAC stated that this type of assurance is essential when developers talk to bankers and project investors, and that the promise of this type of assurance was necessary to obtain wind industry participation on the FAC in the first place.

The draft guidelines published by the FWS do offer some such assurance. The following is stated on page thirteen of the draft guidelines:

“The Service urges voluntary adherence to the draft Guidelines and communication with Service when planning and operating a facility. Service will regard such voluntary

adherence and communication as evidence of due care with respect to avoiding, minimizing, and mitigating adverse impacts to species protected under the MBTA and BGEPA, and will take such adherence and communication fully into account when exercising its discretion with respect to any potential referral for prosecution related to the death of or injury to any such species.”

The critical words here are “voluntary adherence and communication.” The following definition is provided on page six in the FWS draft guidelines:

While the Federal Advisory Committee recommendation would require only that the advice of the Fish and Wildlife Service be considered, the Fish and Wildlife Service draft guidelines would instead require that its advice be followed to the maximum extent practicable.

“For future projects, voluntary adherence and communication means that the developer has applied these draft Guidelines, including the tiered approach, through site selection, design, construction, operation and post-operation phases of the project, and has communicated with Service and followed its advice to the maximum extent practicable.”

The FAC recommendations included another substantially different definition of “voluntary adherence and communication.”

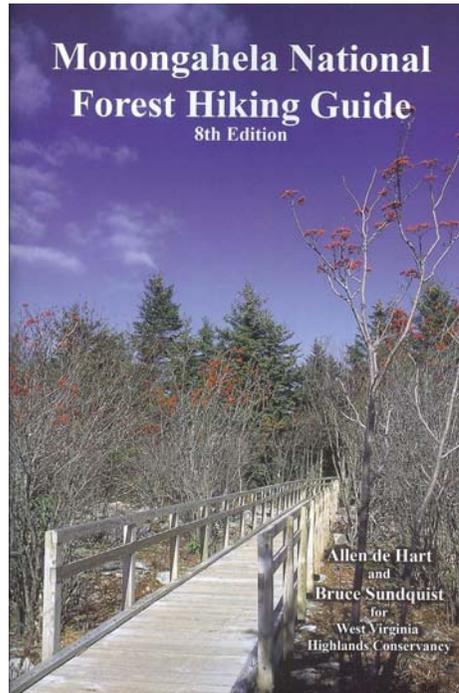
“For projects commencing after the Effective Date of the guidelines, “voluntary adherence and communication” shall mean that the developer has applied the guidelines, including the tiered approach, through site selection, design, construction, operation and post-operation phases of the project, and has communicated with Service and considered its advice.”

While the Federal Advisory Committee recommendation would require only that the advice of the Fish and Wildlife Service be considered, the Fish and Wildlife Service draft guidelines would instead require that its advice be followed to the maximum extent practicable.

Industry representatives on the FAC complained that this “shift” in language represents a violation of trust and general consensus.

Words matter, and the choice of words in this case will determine the outcome of Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act implementation. Enforcement will be extremely difficult or impossible if the Fish and Wildlife Service publishes guidelines expressing the notion that simple consideration of FWS advice is evidence of due care with respect to these laws. The FWS cannot possibly accept the remarkably lax definition of “voluntary adherence and communication” promoted by the wind industry and still meet its own obligations under the MBTA and the BGEPA.

Yet, based on what I heard at the April 27th FAC meeting, it seems that the FWS may be forced to back down without a strong show of support from the conservation community.



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:

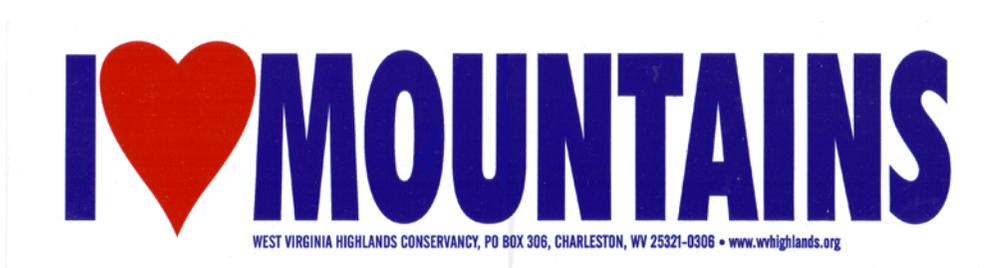
- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
- Special Features not found 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.

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.



Where are the bumper stickers?

The West Virginia Highlands Conservancy has been supplying bumper stickers for several years now. In that time we have distributed thousands. Now we are curious about what unusual places they may be appearing. Far flung states? Foreign countries? The Mars rover (just kidding)? If you have seen or heard of one in some unusual place, please send a report of the sighting to Voice editor John McFerrin at johnmcferrin@aol.com. You could also send them to John's regular address, listed on page 2.

BOARD HIGHLIGHTS

By John McFerrin

The Board of Directors of the West Virginia Highlands Conservancy met on April 17, 2011. We had the usual stuff—minutes of last meeting, treasurer's report (holding our own, little bit ahead), etc. We also had some interesting presentations.

We had a presentation from Andrea Brandon of the Potomac Highlands Cooperative Weed and Pest Management Area (CWPMA). The CWPMA hates invasive species like a Baptist hates sin. It wants to rip them out, root and branch. More formally, its mission is the prevention and management of invasive species in the headwaters region of the South Branch of the Potomac River in West Virginia and Virginia.

Ms. Brandon distributed a brochure listing the eleven species that it is targeting this year. It plans to attack invasive species on 850 acres. She had come to ask for our endorsement and a letter of support.

After Ms. Brandon had left, we considered this matter. We ended up taking no action because of uncertainty over the herbicides that would be used in the project. The brochure lists several herbicides that would be used in the control efforts. Some thought that carefully targeted use of herbicides would be acceptable but others thought that the introduction of herbicides was too risky.

We decided to join in litigation on behalf of endangered fish and aquatic life. Some time ago we joined with the Center for Biologic Diversity in a petition to include some 400 aquatic species on the Endangered Species list. Since then, the Fish and Wildlife Service has taken no action. Now is the time to sue. We would not be leading the effort, just joining in with the Center For Biologic Diversity. Many of the species in question are affected by mountaintop removal.

Hugh reported on efforts to preserve the Land and Water Conservation Fund. We signed on to these efforts which were successful.

Hugh also noted the resolution by the County Commission of Pocahontas County asking the Legislature to take action on Marcellus Shale regulation.

Don Garvin reported on matters legislative. The good news, such as it is, is that he can walk again. He has had serious problems with his feet. He could not venture to the capitol itself and had to spend the session communicating and strategizing from home. Now he can walk again and is still able to fish.

The legislature was grim, worse than he has ever seen it. He thought there were reasonable prospects for substantial progress on Marcellus Shale regulation but ended up with nothing. The Legislature did manage to pass a bill giving tax breaks to gas companies.

There were also bills to ban timbering in Coopers Rock State Forest and a separate bill which would do a good job of controlling timbering in all state forests. Neither passed.

In membership, Hugh distributed a report prepared by Beth Little. The report itself was unremarkable. It shows some nominal loss in membership but this is largely the result of her removing inactive members from the rolls. The number of active members remains the more or less the same.

More significant was Beth's observation that we have no one doing outreach. When Beth took the job that was formerly held by Dave Saville she specifically declined the portion of it that included outreach and membership building. She thinks that this lack of anyone doing outreach will be a problem in the long run. We talked

about it some and Hugh agreed to appoint a committee to work on this.

In mining matters, Cindy Rank distributed a report on our numerous activities. She discussed more specifically litigation on selenium. The West Virginia Department of Environmental Protection is less effective than many would like and companies routinely violate permit limits. It has been well documented that this is a problem but the governmental response has been inadequate.

Beth Baldwin reported that TEAM (Taylor Environmental Advocacy Membership) is preparing for the worst. They are documenting present conditions in preparation for the coming destruction.

On public lands, Marilyn Shoenfeld noted that we had commented on the Draft Environmental Assessment for the Upper Greenbrier North Project, as proposed by the US Forest Service. The project includes some timbering, riparian improvements, road closures, spruce restoration and other items. In our view, it contains some good and some bad. The comments may be moot since the Northern Flying Squirrel has since been reinstated on the endangered species list. The planning document had addressed concern about the squirrel by noting that they are clever creatures who could be counted on to run away when they heard the chainsaws start up. Now that the squirrel is back on the endangered species list more careful planning may be necessary.

The public lands committee has been preparing comments on the new rules setting out the procedure for planning in national forests. It is not clear what we should do; the rule is a mix of good and bad. The result of the rules will be that the plan for the Monongahela will be rewritten within 4 years.

While there was discussion of the effort to make North Fork Mountain a wilderness area, there was nothing dramatic to report.

In Don Gasper's absence, Marilyn relayed his suggestion that we adopt a policy regarding timber management in the Monongahela. The public Lands Committee will consider such a policy and propose some language.

We also discussed briefly hiring a forest steward to monitor activities in the Monongahela National Forest. Such a step would involve budgetary considerations and is not nearly concrete enough for board action.

On matters of wind, Peter Shoenfeld presented some of his research on the state of battery technology or other storage techniques. A major disadvantage of wind power is that it is produced intermittently. We need some way to smooth out the availability of the power. While we were on the subject, Hugh observed that he would like to return to a policy of opposing wind farms in "special places." We still have no way of defining "special places"; every place is special to somebody.

WVU EXTENSION AND MARCELLUS SHALE (Continued from p. 1)

pasture or carved out of a mountain side or lopped off a mountain top, the pumper trucks sucking water out of local streams, the noise, the fumes, the flames that light the night sky – the list is endless.

Many in attendance were also angry about being confronted with the rather belligerent attitude of land reps for the geophysical seismic surveying company [DAWSON] hired by Chesapeake Energy to conduct a 3D seismic survey over an eighty square mile area of Upshur and Lewis Counties [a second and I now understand a third 80 square mile area are also being surveyed].

The land men and women sought written permission to enter property in order to lay cables and set off small blasts every 150 feet on 'source' lines running perpendicular to the cables and receptors. However, if a person didn't want the blast holes and cables on their property and wouldn't give permission, he or she received a letter from Jackson Kelly law firm on behalf of Chesapeake threatening to take them to court – which they did in several instances I'm aware of. ... Not exactly the way to win the hearts and minds of the people.

Of course, some in the Buckhannon audience were supporters and beneficiaries of the new gas drilling, but many were not. It was probably not the friendliest audience to test the new program.

Meeting in Flatwoods

I've not kept up with the several meetings held since Buckhannon, but did make it to the April 26th meeting in Flatwoods. There were surprisingly few in attendance, perhaps because of the nasty weather, but it was well worth the hour long trip through pouring rains and high winds.

The lineup of speakers was similar to the first meeting in Buckhannon, but with a few welcome tweaks.

I still bristle at the more effusive statements about the importance and abundance of shale gas for our energy needs in the opening presentation overview of the natural gas industry and Professor Carr's certitude about our ability to 'manage' whatever risk factors this drilling presents.

Perhaps it's an emotional response to hearing the same or similar words and phrases repeated endlessly over the past several decades in praise of King Coal for his beneficence while many of his subjects in the most coal rich counties of Appalachia are

left to grovel for crumbs.

WVU geology professor Tim Carr does now begin with many disclaimers about his personal work history in industry and his basic belief that mankind is quite capable of managing any risk factors that shale drilling presents, but still I cringe at some points in his otherwise interesting presentation.

Dave Belcher WV DEP Office of Oil and Gas continued his low key, straight forward presentation of the role of the DEP in overseeing the gas industry and the increasing number of well permits for the more unconventional Marcellus horizontal wells. His power point presentation was a nice addition.

I was disappointed that Paul Ziemkiewicz was out of country and couldn't be there for his presentation since his was perhaps one of the two most confounding and complex in the first go-round in Buckhannon. I don't always agree with Dr. Z's conclusions but I do know he continues to explore the water and wastewater discharge issues of Marcellus drilling in the Monongahela River watershed and have seen recent versions of his power point presentations that are far better than the first one last November.

In his stead, John King with the WV Department of Environmental Protection Office of Environmental Advocate gave a picture postcard presentation of some on-the-ground events easily recognizable to those of us who live in communities where this shale is being drilled. i.e. trucks hanging off the sides of narrow roads, streams covered over with rock, erosion, smoke clouds enveloping workers and nearby homes, articles about the recent 'boil water' advisory in Carmichaels PA due to high bromide levels in the public water supply that interacted with chlorine disinfecting agents and produced some dangerous levels of trihalomethanes.

[It is my hope that this or a similar broad brush approach showing a collage of the real life drama that surrounds the more staid and formal presentations about geology, water chemistry, regulation and leasing connected to the shale drilling is included with every program.]

Andrew Graham, the Steptoe and Johnson lawyer, is a welcome addition to the program. He adds a level of clarity to the complicated legal clauses that often confront unsuspecting owners of gas rights. His cautionary comments are far too brief but time constraints allow only for repeated

reminders that people should consult a lawyer knowledgeable in gas leasing before signing anything.

The program is still a mind and butt numbing three and a half hours, but it is jam packed with information and much improved - especially with the addition of John King's presentation and slides. Also time for questions is now built into the program and that lends an element of authenticity when people in the audience probe a bit deeper into the information presented.

"Gaps" in the Program

I have to give credit the Extension folks at West Virginia University who continued to develop a worthwhile project and stood by their commitment to educating the public despite some hard criticism from a bunch of people – myself included. Sierra, WV Highlands Conservancy and others – including my community organization Friends of the Little Kanawha that I represent on the Board of the Highlands Conservancy - recently sent a letter to the President of West Virginia University [the land-grant university that sponsors the WVU Extension Service] complaining about the apparent lack of balance in the Extension Marcellus program, the need for more down to earth reality checks from community people affected by the drilling, etc.

Looking back, it was probably good to send the letter based on the impressions from earlier meetings – if only to alert the powers that be in Extension and WVU that people are watching and are concerned about the image being presented.

However, in light of the [in my opinion] improved program, the letter may have been overly harsh. The head Extension representative at the Flatwoods meeting told me when I complimented her on the improvements that we could have been more patient, given them more time to adjust the program, etc. Point well taken.

Nonetheless, our letter also made suggestions for improvements in the program – or for future programs – which are still valid. The need to address more specifically surface owner rights, the ongoing and growing concerns about health impacts (from air emissions, water exposure, etc), safety issues remains.

Though some problems people experience firsthand or see happening in their

(More on the next page)

MARCELLUS SHALE, THE REST OF THE STORY (Continued from previous page)

community can be classified as accidents, and some might be explained away and even corrected, there remain unexplained and disturbing 'coincidences' of excessive methane and chemical pollution of water wells, series of small but unusual earthquakes near Underground Injection wells used for disposal of frac fluid and brines, people experiencing skins rashes and breathing and other serious health problems if they live near wastewater impoundments and venting condensate tanks and compressor stations.

Only so much can be packed into an evenings' worth of meetings and WVU Extension is making good use of their limited amount of time. I can only hope that perhaps future WVU Extension Service, or other similar public meetings, can highlight more directly and expand on 1) public health and safety issues, 2) surface owners' rights and regulations to protect them, 3) more detailed and expansive depiction and description of the impacts to families and communities in proximity to drilling development, compressor stations and the like, 4) a more thorough evaluation of the limitations, authority and existing needs of WV DEP to protect our people and other natural resources in light

of the current gas boom, and 5) as Professor Carr responded to a questioner in Flatwoods, a full cycle analysis of the extraction and use of gas in our energy and industrial mix of today, including recent studies such as the Cornell research about emissions from burning gas and studies about the cracking plants encouraged here in West Virginia to assist in the production of plastics.

#####

I often hear gas industry reps say that fracturing the geological formations to release gas is nothing new.... 'Been going on for decades'. HOWEVER, I believe any honest industry rep would also admit the scale of these unconventional operations is quite new and does present some new challenges here in Appalachia.

Just as it is accurate to describe mountaintop removal coal mining as strip mining on steroids and long-wall mining as underground mining on steroids, techniques involved with this new quest for extracting gas embedded in the Marcellus and other deeply buried shale rock is gas drilling on steroids. The scale of the activity demands a new look at how drilling is regulated and monitored and how potential problems can

be avoided.

The Surface Owners Rights Bill (SORB) of the 1980's was not only a mere drop in the bucket of protection for surface owners three decades ago, but is entirely inadequate for today's Marcellus and deep shale horizontal drilling operations. Former state senator and gas driller Mike Ross may still wear his old "I survived SORB" T-shirt, but the surface owners of today are going to be lucky to survive the new wave of drilling without additional protection for their homes, families, community infrastructure and water supplies.

Surface owners' rights and environmental protection measures are more and more closely intertwined the bigger and more extensive these gas drilling operations become. Addressing concerns about both are of utmost importance.

To see more about the current WVU Extension Programs go to: http://anr.ext.wvu.edu/oil_gas.

WINGS OF HENS

By B. R.

A mountain is a living thing

I turn to

These ancient rounded peaks

When bruised in body or spirit

I lift my eyes

When thirsting for inspiration

I lift my eyes

Or wanting remembrance of blessings

I lift my eyes again to you

Strong beyond measure

Beautiful beyond words

You set me right

Where then shall we turn when you are stripped and torn

Our Jerusalem shaped by God and time

Beneath the watchful eyes of Sun and stars

Oh, Appalachia,

Would that I could wrap you safe

Gratitude soft as wings of hens

Love, as warm.

IN LATE SUMMER

By Ed Zhaniser

Ace global commuters

shorebirds scoot about arctic

mudflats—breeding done—

to double their body weight

—like double-A batteries—

for the long flight back south

Don't try this at home

they're trained professionals

besides which you would

have to eat—in 30 days—

sixteen hundred hamburgers

with no note from your doctor.

You don't even know how to fly.

ENVIRONMENTAL PROTECTION AGENCY LEGISLATION IN CONGRESS: A REACTION

By Mike Harman

When you scrape the topsoil off of land, blast the subsoil and rock above coal seams, and dump it all into hundreds of miles of streams, that is the definition of "dirty."

When the air pollution created by burning coal has to be controlled by expensive smokestack "scrubbers," that is the definition of "dirty." When the effluent from those smokestacks is trucked away and piled up in huge coal-ash landfills, where chemicals and heavy metals leach into the water table and affect human health, that is the definition of "dirty." When huge piles of coal processing sludge are dumped behind makeshift dams and threaten water supplies and downstream communities, that is the definition of "dirty." When the carbon dioxide from those power plants contributes directly to the chemistry of rainfall, affecting the chemistry and temperature of the oceans and atmosphere, this is the definition of "dirty."

The U.S. Environmental Protection Agency has correctly identified these effects of coal-fired electric power as pollution, and moved to bring reasonable regulations to bear which will ultimately reduce the effects on human health and the environment. Over many years, we have seen the positive effects of reversing and cleaning up the pollution of the air that we breathe, and the water that we drink. We have benefited from the creation of jobs that accompany those laws and regulations. Jobs not only in the public sector that inspects and oversees the polluting industries, but the additional jobs created in industry itself that does the job right instead of half-assed.

It pains me deeply to see my West Virginia congressional delegation line up behind one of the dirtiest and most dangerous industries in the world, and try to argue that the EPA either has no

jurisdiction, or doesn't know what it is doing. No wonder only 12 US senators supported Senator Rockefeller's amendment to stall EPA regulation of CO2 by 2 years. It was a bald-faced stalling tactic, and nothing else. Thankfully, Senator Rockefeller broke from West Virginia tradition and opposed the overall dismantling of EPA's authority to regulate greenhouse gasses. Robert C Byrd would have certainly deplored Senator Joe Manchin's vote for the McConnell Amendment. *(Editor's Note: The McConnell amendment was to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.)*

"Clean Coal?" It's a joke, but it isn't funny. When you travel through the hills and hollows of West Virginia, and visit the areas responsible for the most coal production, you find pervasive poverty, undereducated people, poor health, illicit and prescription drug addiction, and a ruined landscape.

This is the ongoing saga and legacy of coal mining today.

Those of us in West Virginia who recognize the impacts of coal mine production and pollution, recognize and appreciate the actions of Senators like Brown of Ohio, Casey of Pennsylvania, and Warner and Webb of Virginia, who voted against this horrible move to block the regulation of greenhouse gasses. But the 50-50 vote on the McConnell Amendment was too close for comfort. We must redouble our efforts to educate our elected officials about the devastation of today's coal mining and coal burning practices.

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 (heart) Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I (heart) 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 James Solley, P.O. Box 306, Charleston, WV 25321-0306



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.



NATIVE BROOK TROUT QUALITY THE STREAM / WATERSHED “GOLD STANDARD”

By Don Gasper

Our ability to perceive quality in nature begins with the word “pretty” and extends through successive stages of “the beautiful” to values have yet to be captured by language. It is beyond the reach of words - nearly the mind. Our appreciation of the native brook trout and its beautiful little streams begin with what we now know of the earth’s early history and of his tribe. Older members of that early fauna in which the native brook trout originated are long entombed within the landscape.

It is sometimes called the “Eastern Brook Trout;” but, there are no western brook trout, though brook trout has recently been distributed in the Western United States by man. The brook trout ranges in the east now from the southern Appalachians through Canada. It is distributed in the Appalachians as islands in the highest elevations - “Islands in the Sky”. This relic of the ice age, 10,000 years ago, is now found in West Virginia only in the coldest 500 or so tributaries. Most of these streams are located above 3000 feet. The brook trout is this state fish of West Virginia.

Brook trout are a living legacy of an untrammled past, of that sweep of millennia of evolutionary time. Now, with the retreat of glaciers comes the advance of man. Today, brook trout are only found in our little disturbed, still wild, watersheds. The brook trout presence confers a unique distinction upon the watershed and region, and is treasured more and more by residents and tourist alike. Rare today, among the commonplace mediocrity, such a watershed holds a paleological nobility, won through the march of time.

The small brook trout stream is so closely tied to its watershed that it reflects immediately the health of the land. The brook trout is an indicator species of ecosystem health, which we are all a part. The linkage between air quality, acid rain, trout stream acidification and brook trout loss, and our own health is very clear to most citizens. The hollow loss of a brook trout population leaves a sad history for its watershed, adrift so long in geological time, and now lost because of a lack of man’s ability to be a good steward to the land.

It is sad, a sadness felt by neighbors, the community, the region and those who visit. All feel a remote ownership of a trout stream - all cared. We must preserve these streams that are valued more and more every day. The remaining native brook trout streams are a living legacy for ourselves and for our future generations.

Mr. Gasper notes of this essay that” a line or two were suggested by Aldo Leopold in Sand County Almanac.”

A Friend Remembered

TOM ALLEN WAS HERE FOR A TIME

By Don Gasper

He died last summer. We remember him as an active, amicable and inquiring DNR game biologist (deer, bear, raccoon, turkey and rattlesnakes). He was also an outstanding outdoor artist, featuring the wildlife species he must have cared for and admired - one species at a time and centered in a beautiful appropriate landscape with great detail. His realistic paintings were widely displayed, and he generously gave many away as prizes and awards. Many were featured, over the years, in the DNR Wildlife calendar. Our two wildlife license plates we his. Many can be found at <http://www.thomas-j-allen.com>

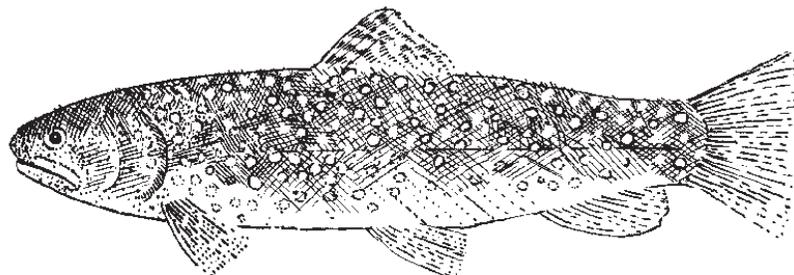
He wrote the book “The Butterflies of West Virginia and Their Caterpillars” Though he had a degree in entomology, and he did much research on them in his thirty years here, his interests were varied. He had a master of science in wildlife management. He loved to teach, particularly the young. He had so much to impart. He wrote often and well and expertly on many topics.

He attended a West Virginia Summer Teacher’s Workshop for about two dozen teachers that I ran for about three years. The day he came was always a highlight. He told me that he would always make time to teach the teachers.

His West Virginia legacy is not only his careful and superb paintings, but his many friends and colleagues who have profited so much from knowing him. He has contributed mightily to West Virginia’s Knowledge and wonder of nature.

Speakers Available !!!!!

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



THE GARLIC MUSTARD CHALLENGE

Would you like to become a steward of West Virginia's beautiful landscape? The Monongahela National Forest, Appalachian Forest Heritage Area (AFHA), and Potomac Highland Cooperative Weed and Pest Management Area are offering outdoor enthusiasts an opportunity to make a difference in the forests across West Virginia. We are back with our third annual "Garlic Mustard Challenge." The goals of this exciting event are to provide quality time outdoors that everyone can enjoy, offer the opportunity to learn about invasive species, and also to remove a staggering amount of garlic mustard - at least 20,000 pounds from our forests.

Originally introduced by European settlers for medicinal purposes and used in cooking, garlic mustard is now spreading throughout river floodplains, forests, roadsides, edges of woods, and along trails. That's why we have teamed up to challenge you to do your part to keep West Virginia "Wild and Weed Free." A number of garlic mustard pulls are being hosted throughout West Virginia and we need your help! You can get a group of friends together and join one of our organized pulls, or you can even pull from your own yard. Every bag counts. And, a trophy will be given to those that pull the most! We will even teach you how to cook the plants that we collect (there are many popular recipes).

Please join us for the "2011 Garlic Mustard Challenge" and together we can stop the spread of one of the most invasive species found in our state. The dates and locations are:

- Greenbrier State Forest – May 7th
- Seneca Rocks Discovery Center – May 7th
- Sugar Grove Naval Base- May 13th
- Big Bend Campground- May 14th
- Fernow Experimental Forest – May 20th
- Greenbrier State Forest- May 21st
- Blue Bend Campground- May 21st- 22nd*
- Pocahontas 4-H Camp- May 28th

This event is designed to be an enjoyable and memorable experience for all who participate, and we will have lots of great prizes thanks to our with lots of great prizes thanks to our generous partners and sponsors: AFHA, C.J. Maggie's Restaurant, Dick's Sporting Goods, Elkins Cinema 7, Good Energy Foods, Highland Prospects, Kroger, Mainline Books, Steer Family Steakhouse, Theatre West Virginia, and White Grass.

All of these pulls begin at 10:00 a.m. Please check the website at: <http://www.phcwpma.org/GarlicMustard.cfm> to learn the latest information about the pulls and to report your bags. Or, contact Charissa Bujak at 304-636-1800 ext. 285. Take matters into your own hands and join us for this important event!

The Target:

Rules of engagement:
Pull to kill!



HOW TO SPEND YOUR SUMMER VACATION

There is an entire summer of action in the campaign against mountaintop removal mining and dirty energy, and you are invited!

May 20-27 is Mountain Justice Summer camp in eastern Kentucky, on top of a beautiful mountain that overlooks Black Mountain, which is being blasted apart for coal. Mountain Justice Summer camp offers a low-cost week of trainings, speakers, workshops, hiking, waterfalls, tent camping, bonfires, kite-flying, mountain views, good food plus live music and fun in the mountains. Our camp will be completely off-the-grid again this year, powered by a huge Greenpeace solar panel, with earth-friendly composting toilets and solar showers. The Mountain Justice camp is suitable for people who are just learning about mountaintop removal as well as long-time veterans of the campaign. Everyone is welcome, and it's a lot of fun. Bring your mountain bike and a frisbee. Mark your calendars and check the Mountain Justice website, www.mountainjustice.org/ for more information.

May 27-30 Heartwood's 21st Annual Forest Council in Damascus, Virginia (in the mountains of southwest Virginia) at beautiful Camp Ahistadi. I'm really looking forward to this year's Forest Council and riding the [Virginia Creeper Rail-Trail](#) after the camp - probably the most spectacular rail-trail in America. To register and for more information go to www.heartwood.org/forest-council/

June 5-11 Appalachia Rising - March on Blair Mountain. Join hundreds marching through the West Virginia coalfields to save this historic mountain. More info at www.appalachiarising.org/

June 16-19 The Whippoorwill Festival - Skills For Earth-Friendly Living. Near Berea KY, low cost, workshops on sustainable living skills, plus evening speakers including Gatewood Galbraith, Pulitzer Prize-Winning Editorial Cartoonist Joel Pett, Food Not Bombs Co-Founder Keith McHenry, plus some great bluegrass bands and dancing to old-time mountain music after dark. More info homegrownhideaways.org/Whippoorwill.aspx

July 1-3 Mountain Keepers Music Festival, Kayford Mountain West Virginia. See mountaintop removal and meet the one and only Larry Gibson. Mountain Keeper mountainkeeper.blogspot.com/

Note: This invitation came to Voice readers from Dave Cooper.

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.