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# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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## PATRIOT COAL TO QUIT MOUNTAINTOP REMOVAL

By Cindy Rank

Patriot Coal, the second largest producer of surface mined coal in West Virginia, has pledged to quit mountaintop removal mining as part of its bankruptcy reorganization plans and a settlement agreement with citizen groups.

Of course the consequences of the agreement won't be felt overnight nor is Patriot the only company engaged in large scale surface mining. Questions remain about the intentions of other companies engaged in similar mining operations, and about the legacy of environmental damage from the big mines that have already reshaped significant parts of central Appalachia and impacted nearby communities and generations to come.

### PATRIOT

For now however, the good news is that one company has publicly acknowledged what we have been saying for years – i.e. that when forced to internalize the full cost of mining – especially when forced to bear the cost of water treatment where discharges run afoul of the law and cause harm to the streams – that these large scale mines are no longer

economically feasible.

The settlement agreement with co-plaintiffs West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and Sierra Club comes on the heels of economic difficulties for Patriot Coal and months of negotiations between the company and our attorneys.

Patriot Coal filed for Chapter 11 Bankruptcy on July 9<sup>th</sup> and had previously sought approval from our groups for an extension to the schedule under which the company is required to install expensive pollution controls at several mines in West Virginia, a schedule that was agreed to pursuant to a court order and settlement resolving prior litigation.

As part of the new agreement plaintiffs will allow additional time for the company to come into compliance with our earlier agreements requiring selenium treatment systems at three of Patriot's mine complexes. Estimates for fixing these existing selenium water quality violations run into the hundreds of millions

of dollars long term. This November settlement will allow Patriot to



Photo by Vivian Stockman, with the help of Southwings

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## Ramblin' the Ridges

By Cynthia D. Ellis

### RING OUT!

The "Old" Year  
This has been a fine year.  
Filtered through foggy mornings,  
Burnished by sun polish,  
Wrapped in the cold light  
Of gibbous moons.  
Hummingbirds have found nectar  
In its June hours.  
Wrens have nested  
In its hair.  
Dragonflies and monarchs,  
Spring peepers and deermice  
Danced to its rhythms,  
Hummed its melodies,  
So old, so new  
Gently its days rest in my wrinkled hands.  
By Ora E. Anderson

This has been a fine year. Or, this is the time to review. Sadly, we lost some people dear and important to us. Gladly, some of us enjoyed weddings and graduations. Some welcomed babies; one was specifically named for West Virginia's Mountain Laurel.

There have been set-backs for preservation of the mountains, but there have been gains too.

On one hand:

A ho-hum state legislative session produced a limit for citizen lawsuits on water pollution by coal companies, a "Cracker" tax credit bill, a very weak Marcellus Shale bill, and no action on slurry injection.

In mining matters, there was continued blather about the fictional "War on Coal," the Spruce No. 1 Mine veto was overturned, an appeal was lost regarding the Nellis mine in Boone County, a mining permit was granted for the Reylas Mine in Logan County, and the Corps of Engineers renewed MTR permit 21. A US District Court ruled to limit the EPA's authority regarding a "Final Guidance" for the Clean Water Act.

The Northern Flying Squirrel lost its Endangered Species listing and there was the specter of fracking in the Mon Forest, Again, the Potomac and Coal Rivers were listed among those Ten Most Endangered in America.

Congress failed to sponsor the Land and Water Conservation Fund.

Also:

The Department of Interior issued Voluntary Wind Facility Guidelines.

The EPA [finally] set a Mercury and Air Toxics rule specifying national limits.

The U.S. Congress agreed to a highway finance bill with nothing new.

Then, on the other hand:

Legislatively here, there were bills to enact an increased Special Reclamation tax on coal, two solar energy bills, and a Green Buildings directive.

(More on p. 9)

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# MONONGAHELA NATIONAL FOREST EXPANDING

The Monongahela National Forest is getting bigger. More than 400 acres of mountain forest along Mount Porte Crayon is protected for future generations through a partnership involving The Nature Conservancy, the U.S. Forest Service, and the U.S. Fish and Wildlife Service.

Agreements protecting the 415 forested acres were announced on November 16 during an event along the ridge-top property about 25 miles east of Elkins. The land is to become part of the Monongahela National Forest.

“This area will be a wonderful addition to the National Forest system,” noted Monongahela National Forest Supervisor Clyde Thompson. “Connecting high elevation habitats and providing additional land available to the public is a winning combination, and we’ve been extremely fortunate to have The Nature Conservancy as a partner to make this a reality.”

The property includes 300 acres that will be sold the U.S. Forest Service using funds from the federal Land and Water Conservation Fund, and 115 acres that will be purchased through a grant from the West Virginia Northern Flying Squirrel Conservation Fund administered by the U.S. Fish and Wildlife Service.

The United States’ Land and Water Conservation Fund is a Federal program that was established by Act of Congress in 1964 to provide funds and matching grants to federal, state and local governments for the acquisition of land and water, and easements on land and water. for the benefit of all

Americans. The main emphases of the fund are recreation and the protection of national natural treasures in the forms of parks and protected forest and wildlife areas. The primary source of income to the fund is fees paid to the Bureau of Ocean Energy Management, Regulation and Enforcement by companies drilling offshore for oil and gas. Additional minor sources of income include the sale of surplus federal real estate and taxes on motorboat fuel.

With this transfer, The Nature Conservancy is nearing the culmination of a 10-year project aimed at protecting nearly 2,000 acres of former timber company land in a wide swath of red spruce and hardwood forest not far from the Dolly Sods and Roaring Plains wilderness areas and the Nature Conservancy’s Bear Rocks nature preserve.

“Protecting this land has been a goal of ours for a decade,” said Rodney Bartgis, state director for The Nature Conservancy in West Virginia. “Protecting more than 400 acres of high elevation forest is important in its own right, but completing the entire project will be a significant conservation achievement for everyone who values West Virginia’s wild places.”

In 2008, 275 acres were protected through a conservation easement with the most recent owner, Thunderstruck Conservation LLC. This property, protected by the Nature Conservancy through the Terrestrial Mitigation Fund established by the U.S. Fish and Wildlife Service, included ecologically significant caves and – in one of the caves – the fossilized skeleton of an ancient elk. In 2011, the Nature

Conservancy helped the U.S. Forest Service purchase 1,100 acres for addition to the Monongahela National Forest. In March, 2012, the Nature Conservancy purchased the remaining 590 acres, of which 415 acres will be transferred to the Forest Service in the coming weeks. The partnership will continue to seek funding to transfer the remaining 176 acres to the national forest, Bartgis said.

This most recent purchase is also the highest in the project, with elevations reaching to 4,600 feet – the optimal range for a mixed red spruce forest and spruce-dependent species. The threatened Cheat Mountain salamander has been found there, and it provides suitable habitat for the endangered West Virginia northern flying squirrel.

“The U.S. Fish and Wildlife Service is proud to be a part of this outstanding partnership to preserve red spruce forests that will help recover four federally listed threatened and endangered species and other native wildlife,” said Deb Carter, project leader for the Service’s Ecological Services program in West Virginia.

The land protection project that became known as “Thunderstruck” was first envisioned by Nature Conservancy staff a dozen years ago during biological surveys they conducted for its former owner, MeadWestvaco.

The total project area covers a rugged landscape of red spruce and northern hardwoods blanketing the western slope of Mount Porte Crayon, from the ridgeline to the valley floor. It shelters the waters of

Spruce Run and a labyrinth of subterranean sinkholes. Rare animals like saw-whet owls and the endangered Virginia big eared bats live on the property, which is adjacent to the Roaring Plains Wilderness Area, and near Dolly Sods and the Nature Conservancy’s Bear Rocks Preserve. The globally rare white monkshood can be found growing in the spring seeps and native brook trout swim in its streams. Running buffalo clover, an endangered plant, also grows on the mountain slopes.

Beneath the surface there are caves and sinkholes that provide habitat for rare species like the Virginia big-eared bat and cave-dwelling invertebrates – called springtails – that depend upon the caves of West Virginia.

Purchase of this land provides direct long term protection to important habitats and species, increasing wildlife benefits, but also reduces the threat of fragmentation near adjacent iconic and well-visited recreation areas like Roaring Plains and Dolly Sods North.

“From an ecological perspective this is a very valuable piece of land,” said Kent Karriker, a forest ecologist for the Monongahela National Forest. “We’re glad to have it under conservation management.”

The new tract can be reached by hiking through the Roaring Plains West Wilderness Area, and via a Forest Service road extending off Kisamore Cemetery Road, off W.Va. 32.



# OLD DEEDS USED TO LEARN OF THE ORIGINAL FOREST

By John McFerrin

What was the forest primeval like? What did it look like before the Europeans arrived and wholesale timbering began?

For one thing, we know many of the trees were bigger. When I took Kentucky History in Seventh Grade we learned of one of Daniel Boone's compatriots spending the winter living in a hollow tree. I could not imagine such a thing, having never seen a tree that anything larger than a raccoon could live in. So we know at least some of the trees were bigger.

Now, thanks to work by researchers Michael Strager from West Virginia University and Melissa A. Thomas-Van Gundy, research forester with the U.S. Forest Service, Northern Research Station, Parsons, West Virginia, we know not just that the trees were bigger. We know more about the species that made up the original forest, particularly the part of the forest that was to become the Monongahela National Forest.

To learn the distribution of species, Mr. Strager and Ms. Thomas-Van Gundy studied old deeds. As part of the European settlement, early settlers and those buying and selling land began dividing it up into parcels, parcels which could be bought and sold. Each of those tracts had to be described. The early settlers described the boundaries of the land by referring to trees at the corners of the parcel (South eight hundred feet to a white oak, thence west six hundred feet to a hickory, etc.) By looking at old deeds and the trees used as corner markers, the researchers could determine the species that made up the forest.

Gathering species data from old deeds can be more accurate in determining species distribution than can study of the remaining old growth forests. The Monongahela National Forest contains pockets of old growth. Many of those were spared from logging, however, because they are remote and difficult to reach. The very conditions that allowed them to exist as old growth forest may make them unsuitable as representatives of the forest as a whole.

The researchers found and entered into a final database 15,589 corners and 22,328 trees of 49 species from deeds dating from 1752 to 1899. White oak was the most frequent witness tree, followed by sugar maple, American beech, and American chestnut, and distribution patterns were recognizable across the study area. In early forests of the study area, magnolia, sugar maple, and black cherry were found on high-elevation ridges.

Red spruce, hemlock, birch, and American beech were found on high-elevation toe slopes. Basswood was found in high-elevation coves, and red oak was associated with bench landforms at high elevations. At moderate elevations American chestnut and chestnut oak were associated with ridges, white pine and yellow pine occurred on benches, and an unknown species called spruce-pine was found on valley landforms.

Blackgum was associated with toe slopes on low elevations, and black walnut was found on low-elevation benches. Low-elevation valleys contained white oak, elm, and sycamore.

An important finding from this analysis is that some associations between species and environmental variables differed based on the ecological setting. The researchers found the trees identified associated with different types of sites. Sugar maple and basswood are similar in their site associations across the study area as a whole.

Sugar maple and American beech across the study area were found to be associated with areas of moderate moisture, high elevation, and two geographically associated soils.

Sycamore and elm witness trees across the study area were both associated with similar ecophysical variables. Chestnut oak and American chestnut often showed the same significant associations of soil, landform, and elevation. White oak stands out in comparison to the other oaks because it was found growing in valleys and areas of high moisture, while the other oaks, in general, were associated with areas of lower moisture.

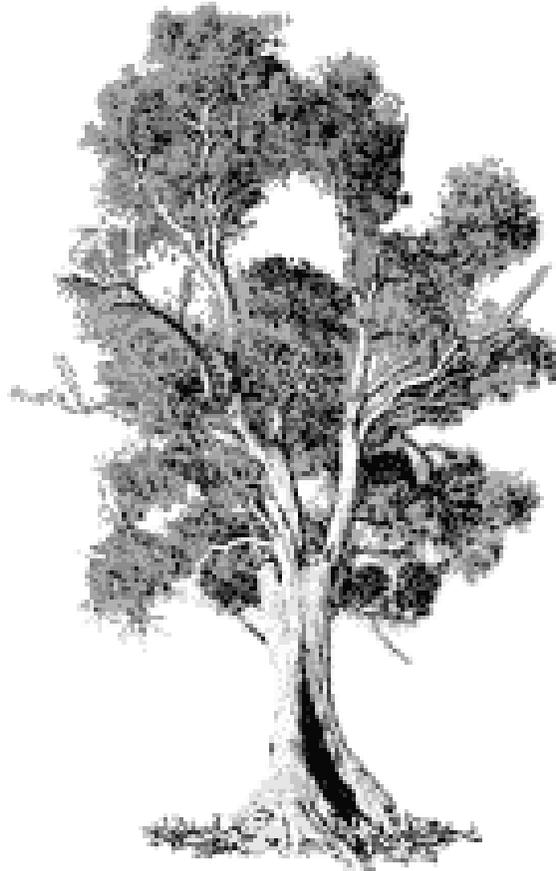
Overall, white oak was the most common species across the study area. American chestnut was the most frequent species in the Monongahela National Forest's Eastern Coal Fields subsection, American beech in the Northern High Allegheny Mountains subsection, and sugar maple in the Southern High Allegheny Mountains subsection. After white oak, the most abundant species across the study area were sugar maple, American beech, American

chestnut, and chestnut oak.

Thomas-Van Gundy expanded the witness tree data from the original deed corners using an interpolation technique called 'indicator kriging,' which is based on the idea that everything is related to everything else, but closer things are more closely related. With indicator kriging, she created maps showing the probability of occurrence of a given species throughout the Monongahela National Forest. "We already had a general idea of what species existed prior to European settlement," Thomas-Van Gundy said. "Our purpose with this study was to uncover greater detail of the early forest – basically what species would you find where in this very complex topography. We also wanted to try a different method of analysis that expands the usefulness of historic documents in recreating forests of the past."

This publication is not the last analysis planned for this dataset. Thomas-Van Gundy, who works in the Forest Service's Timber and Watershed Lab in Parsons, W.Va., plans to use the witness trees to compare the current forest to the past and to determine site variables associated with species of interest for restoration, such as American chestnut and red spruce.

To read the whole study, go to [www.nrs.fs.fed.us/pubs/gtr/gtr\\_nrs101.pdf](http://www.nrs.fs.fed.us/pubs/gtr/gtr_nrs101.pdf).



# NEW BATTLE OF BLAIR MOUNTAIN CONTINUES

By John McFerrin

The West Virginia Highlands Conservancy, the Sierra Club, the Ohio Valley Environmental Coalition, Friends of Blair Mountain, the West Virginia Labor History Association and the National Trust for Historic Preservation are continuing their fight to keep the site of the Battle of Blair Mountain on the National Register of Historic Places.

As reported in the November, 2012, issue of *The Highlands Voice*, the United States District Court for the District Of Columbia dismissed their action which sought to keep the site of the Battle of Blair Mountain on the National Register of Historic Places. The Court dismissed the action because, in the judge's view, the plaintiffs lacked "standing." Now the groups have appealed this ruling to the United States Court of Appeals for the District of Columbia Circuit.

"Standing" is a legal term for the idea that no one may pursue a case unless its interests or the interests of its members will be affected by the outcome.

The threat to Blair Mountain is that it will be mined. If this happens, then its value as a historical site is diminished. In this case, the District Court ruled that the groups lacked standing because, in the judge's view, the outcome of this case would not determine whether or not the property was mined.

Since the threat was the mining, and this case could not definitively decide whether there would be mining or not, the Court reasoned that the plaintiffs lacked standing.

There were several factors which convinced the Court that mining may or may not go ahead regardless of what the Court decided. The mining was not imminent. The mining permits have been in existence for several years and the areas have not been mined. The companies could decide not to mine.

Finally, the Court said the Plaintiffs lacked standing because a decision in the Plaintiffs' favor might not help the Plaintiffs anyway.

Even if Blair Mountain were listed on the Registry, it might still be mined under certain conditions. A determination on whether or not the property might meet some condition that would allow mining in spite of Blair Mountain being on the Registry was not before the Court. Since the Court could not grant relief that would give the Plaintiffs

the relief they sought, it concluded that the Plaintiffs lacked standing.

Blair Mountain is a significant historical site. It was the site of the 1921 Battle of Blair Mountain that ended an unsuccessful three-year struggle to unionize the coal miners of Logan, Mingo, McDowell, and Mercer counties.

In August of 1921, 7000 striking miners led by Bill Blizzard met at Marmet for a march on Logan to organize the southern coalfields for the UMWA. Reaching Blair Mt. on August 31, they were repelled by deputies and mine guards, under Sheriff Don Chafin, waiting in fortified positions. The five-day battle ended with the arrival of U. S. Army and Air Corps. UMWA organizing efforts in southern WV were halted until 1933. The confrontation between union and non-union forces was the largest organized armed uprising in American labor history, ending only when federal troops intervened.

"With the exception of the Civil War, the Blair battle is the largest insurrection in U.S. history," said Regina Hendrix of the West Virginia Chapter of the Sierra Club. "We cannot let this rich, undisturbed, site be wiped away forever. The area is a vital part of U.S. labor history. The archaeological record waiting to be explored will clearly show the places where the battle occurred, as well as the intensity of the battle at different sites. The archaeological record has lain dormant for 90 years along the Spruce Fork Ridge from Blair Mountain to Mill Creek and it cries out for our protection."

"Blair Mountain stands as a centerpiece of American labor history and West Virginia culture," said Kenny King, a lifelong resident of Blair and member of the Board of Friends of Blair Mountain. "The courageous resistance of ten thousand striking coal miners in 1921 was an outcry for basic human rights. Blair Mountain must not fall to the insatiable greed of the coal industry but rather stand as a monument that honors the gains for which those miners sacrificed their lives and livelihoods. Never before, nor since have so many American workers taken up arms to fight for their constitutional rights. Blair Mountain, West Virginia stands not only as a reminder of our proud history, but also as a living symbol of hope for all who seek justice."

"Blair Mountain is an important part of my family's history," said Julian Martin of the West Virginia Highlands Conservancy. "My

grandfather and great uncle fought at Blair Mountain in 1921 on the side of the United Mine Workers of America. It would be a huge loss for Blair Mountain to be unprotected from mountain top removal strip mining."

With this history, there is not much doubt that Blair Mountain meets the standards set forth in the standards set forth in the federal National Historic Preservation Act. Under that Act, the United States Department of the Interior maintains "a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture." Because of what happened there, no one involved in the case seriously denies that it meets that standard.

The controversy, instead, is over ownership of the land. A site cannot be placed on the Register of Historic Places over the objections of a majority of the landowners. In the case of Blair Mountain, there was confusion over how many landowners objected, who landowners were, etc. At one point it appeared that a majority of the landowners had not objected. Then the West Virginia Preservation Office decided that it had counted the number of objections incorrectly so it appeared that a majority of the landowners had objected.

Because the District Court dismissed the case on standing grounds, there was never any determination of whether or not a majority of landowners had objected to placing Blair Mountain on the National Registry. The Court assumed that it was of sufficient historical value but the question of whether a majority of landowners objected remains unresolved.

That question will in all likelihood remain unresolved by the Court of Appeals. That Court will determine whether the Plaintiffs have legal standing. Any final resolution of the question of whether or not a majority of landowners objected will be left for another day.

# WEST VIRGINIA SCRAPING THE BOTTOM IN ENERGY EFFICIENCY

By Molly McLaughlin

West Virginia is a leader in energy production, but there are few policies in place for using the energy we create wisely. The average household in West Virginia uses 25% more energy than the average U.S. household. As a result, West Virginia's lower than average electricity rates don't always add up to lower utility bills. Additionally, electricity rates in WV increased 46% between 2007 and 2011, while the national average electricity rate increased just 14%. In light of these dramatic rate increases, West Virginia needs energy efficiency more than ever.

Recently, the American Council for an Energy Efficient Economy (ACEEE) released their 2012 Energy Efficiency Scorecard, where West Virginia is ranked 49<sup>th</sup>, dropping from 46<sup>th</sup> in 2011. West Virginians cannot afford to be at the bottom of this list. Our neighboring states are all ranked at least 12 places higher than we are. Pennsylvania and Ohio, where the parent companies of our utility companies also operate, are ranked 20<sup>th</sup> and 22<sup>nd</sup>, respectively.

The ACEEE report, which can be found at [www.aceee.org](http://www.aceee.org), highlights key strategies for states aiming to be more energy efficient. A major difference between West Virginia and the higher ranking states, including Ohio and Pennsylvania, is that those states have adopted an Energy Efficiency Resource Standard. This policy is so effective that the ACEEE ranks it as the most important strategy for improving energy efficiency in a state.

An Energy Efficiency Resource Standard (EERS) establishes specific, long-term targets for energy savings that utility companies must meet through customer energy efficiency programs. Utility companies are required to reduce overall sales and peak demand by a certain percentage each year until they reach the specified

target. These savings are achieved by providing free or reduced-rate energy audits, offering rebates to customers who purchase energy efficient appliances, and helping customers recycle their old, inefficient appliances.

This policy is valuable because it can save customer's money by reducing their energy use. Additionally, it is less expensive for a utility company to save a kWh through energy efficiency than to generate a kWh through any other source of power. As a result, this policy could potentially eliminate or reduce electricity rate hikes. The EERS program in Ohio is saving customers \$3 for every \$1 invested and the EERS program in Pennsylvania is saving customers \$8 for every \$1 invested, proving that it is an economically sound policy.

As in the past two years, an EERS bill will be introduced to the 2013 WV State Legislature. This legislation would require electric utilities in West Virginia to reduce 2011 electricity sales and 2011 peak electricity demand by 15% by 2027. The WV Division of Energy recommended that the state adopt an EERS in their draft 5-year Energy Plan. Passing the EERS bill would improve West Virginia's ranking in the ACEEE Scorecard, and it will save ratepayers money and create local jobs that cannot be outsourced. Our legislators should act and implement this policy for West Virginia.

**Editor's note: It's not as bad as it appears at first glance. In the American Council for an Energy Efficient Economy ratings the District of Columbia has its own ranking. That makes us 49<sup>th</sup> of 51 instead of 49<sup>th</sup> of 50.**



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.

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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](http://www.wvhighlands.org).

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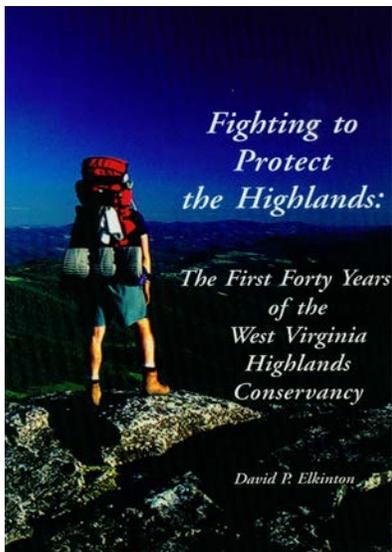
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Introductory			
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Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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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](http://wvhighlands.org), where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

### 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 \$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.

## LUNCH BREAK LECTURE

### Join Us in Charleston---

We're trying a new feature at our regular Board Meeting in January. We invite Charleston area members to join us just after lunch for a presentation on "Natural and Cultural Histories of Coal River" by Doug Wood! Doug is a WVHC member, historical researcher and naturalist, with an extensive background in making the past come alive. Join us at the Habitat for Humanity Community Center [at the Habitat ReStore] 301 Piedmont Road. There's easy parking at their lot directly across from Green's Feed & Seed; come in to the Center by the side door [on Court Street]. We hope to meet old friends and new, on Sunday, January 27, 12:30 to 1:30. RSVP to Cindy Ellis [cdellis@wildblue.net](mailto:cdellis@wildblue.net) 304 586-4135. See you there!

## PATRIOT GETTING OUT (Continued from p. 1)

put off some \$27 million in compliance costs until 2014.

The outstanding part of the news is not that we've agreed to a delay of a year, but what Patriot Coal has agreed to do – or more importantly NOT do.

On Thursday November 15, 2012 a handful of people representing co-plaintiffs gathered in Huntington WV to attend a brief ½ hour federal court hearing in the United States District Court for the Southern District of West Virginia.

We listened as our attorneys Joe Lovett and Derek Teaney of Appalachian Mountain Advocates (appalmad) summarized the key details of the proposed 15 page settlement agreement.

They explained Patriot has agreed to no longer engage in mountaintop removal mining or other large scale surface mining once its current permits run out. The company will no longer pursue a couple of Clean Water Act 404 fill permits for operations already in the pipeline and also agreed to a permanent cap on surface mining tonnage to be achieved over a limited amount of time. Any new small scale surface mining it engages in must be associated with an underground mine and even that will come to an end when its current leases expire. The company will retire two draglines now operating in West Virginia and plans to focus on underground mining only. [For more detail see the accompanying box...]

All eyes and ears then turned to Ben Hatfield, CEO and President of Patriot Coal, who read the company's official statement reprinted word for word here.

*Patriot Coal has concluded that the continuation or expansion of surface mining, particularly large scale surface mining of the type common in central Appalachia, is not in its long term interests. Today's proposed settlement commits Patriot Coal to phase out and permanently exit large scale surface mining and transition our business primarily toward underground mining and related small scale surface mining.*

*Patriot Coal recognizes that our mining operations impact the communities in which we operate in significant ways, and we are committed to maximizing the benefits of this agreement for our stakeholders, including our employees and neighbors. We believe the proposed settlement will result in a reduction of our environmental footprint.*

*This settlement is consistent with Patriot Coal's business plan to focus capital on expanding higher margin metallurgical coal production and limiting thermal coal investments to selective opportunities where geologic and regulatory risks are minimized.*

*Patriot Coal urges the Court to approve the settlement because it strengthens the Company's ability to continue operating with our nearly 4000 employees, and significantly increases the likelihood that we will emerge from the chapter 11 process as a viable business, able to satisfy our environmental and other obligations.*

After hearing from both sides, Judge Robert C. Chambers acknowledged that selenium has become a major issue in these mining operations --- and he should know since he has presided over much of our litigation targeting selenium pollution from these mines. He thanked the parties for working toward a mutual agreement that appears to be a pretty fair result and seems to be to the benefit of

both sides of this litigation and, hopefully, to the people of the state of West Virginia.

The settlement now must be reviewed by the Department of Justice and approved by both District and Bankruptcy Courts.

### **OTHERS**

As other companies disassociate themselves from Patriot Coal's recent actions saying that every company has decisions to make based on their own particular set of circumstances, I prefer to think of Patriot as being the first to make the hard choices that other companies already face but haven't yet admitted.

And even though industry representatives and many of our state politicians have referred to the Patriot settlement as a response to a unique set of circumstances... and by no means starting a trend or setting precedent, Ben Hatfield of Patriot appeared to point the way to a different conclusion in an interview with Ken Ward in an article in the Sunday Charleston Gazette-Mail. "It's a matter of industry's natural need to reduce risk. I think it recognizes the reality in our industry that large-scale surface mines have a lot of risks associated with them both in terms of market and regulatory risks." (<http://wvgazette.com/News/MiningtheMountains/201211170043>).

Finally, to echo words from the appalmad website that also reflect the belief and determination of the WV Highlands Conservancy, "We believe any mining company that actually has to pay the costs to clean up the environmental destruction caused by mountaintop removal mining will realize that this destructive method of mining doesn't make environmental or economic sense. We will continue to work to ensure that every mining company does have to pay those costs." (<http://www.appalmad.org/slider/patriot-to-end-mountaintop-removal-mining-operations/>)

**Note: Don't miss the additional information in the box on the next page.**

### **Voice Available Electronically**

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

## THE YEAR IN REVIEW: CYNTHIA D. FINISHES UP (Continued from p. 2)

In mining, the Alpha Consent Decree required the clean-up of discharges at 14 outlets in four counties, with a subsequent penalty award to the West Virginia Land Trust. Patriot Coal was required to treat selenium pollution at three major mine complexes and, again, financial penalties went to the WVLT. The health effects due to MTR finally began to be recognized.

Citizen groups joined in defense of the EPA, the George Washington National Forest made plans to ban fracking, and we joined those calling for a moratorium on Marcellus Shale drilling.

The Appalachian Spruce Restoration hummed along---making plans to establish a Hawk's Nest Memorial Forest, hosting a replanting project for the Upper Greenbrier North area of the Mon Forest, and continuing seed sales and wreath-making.

Gratifyingly, we co-sponsored two very successful forums... The Central Appalachian Women's Tribunal and the Water and Wellness Conference and hosted a well-received Fall Review, "Where the Wind Blows."

We adopted a new policy on wind facilities.

And last, deserving special note, Patriot Coal acknowledged the effects of MTR!!!

This has been a fine year.

Postscripts~~

A postscript to Dave Cooper, regarding his wonderful tribute to Larry Gibson.... He noted that Larry said, "Golly Nez." My husband reminded me of the local saying, "Golly Ned," or "Golly Neds," which we had heard his parents and grandparents say. I'm not sure of its origin. My father-in-law, Harold, had the nickname Ned, which he did not like. Family lore is that, to him, it tied in with an old ditty about "Little Ned and the Nine Naughty Nosepickers." Well, it's amusing to speculate on these Appalachian sayings while appreciating your words, Dave. Some of your eulogy had me, "grinning like a mule eating greenbriers..."

I want to wish Happy 25<sup>th</sup> Birthday to our sister group, the Ohio Valley Environmental Coalition! One measure of their effectiveness, in fighting the excesses of Big Coal, is that they have become the target of bumper stickers. Remember the Calvin and Hobbes comic strip? Then you may have noticed bumper stickers and decals picturing a naughty Calvin urinating on...well usually a car, Ford or Chevy. But, on some vehicles, seen in coal communities, there are decals with Calvin "saluting" OVEC. And, by OVEC's hard work and accomplishments, and the fact that they have often made their point, they earned that salute!

## PATRIOT COAL—The Rest of the Story

Here are the key points of the settlement agreement:

- Patriot will never submit new applications for Clean Water Act "dredge-and-fill" permits for new "large-scale surface mining." That term is defined as any surface mining that requires an individual permit review by the federal Army Corps of Engineers. It does not include permits for underground mine face-ups, coal-hauling roads, preparation plants and other such facilities.
- The company agrees to a five-year plan to reduce its surface mining tonnage from last year's 7.7 million tons to a permanent cap of 3 million tons annually in 2018. If Patriot buys other companies that conduct surface mining, those new subsidiaries are subject to the tonnage cap. If Patriot sells any of its surface mining operations, the expected future tonnage from those mines is subtracted from the cap.
- In West Virginia, Patriot will retire its two draglines, giant boom excavators used at its largest mountaintop removal sites. A dragline used at its Paint Creek complex will be retired within 60 days, while one at its Hobet complex along the Boone-Lincoln border will be retired by Dec. 31, 2015. Patriot can sell the machines, but only if the buyer agrees never to use them again in Kentucky, Tennessee, Virginia or West Virginia.
- Patriot can continue with "small-scale surface mining," but only at existing mining complexes where both underground and surface mining was already underway or planned. Small-scale surface mining is also limited to coal already owned or leased by Patriot, and is defined as not being associated with the construction of valley fills requiring an individual permit under Section 404 of the Clean Water Act.
- Patriot agrees to withdraw existing permit applications for two large surface mines, Colony Bay and Hill Fork, both in Boone County. The company can continue to pursue a permit for its Huff Creek Surface Mine in Logan County, and environmental groups agreed not to file a legal challenge unless the U.S. Environmental Protection Agency raises water quality concerns about the proposal.

These were originally outlined by Ken Ward for the *Charleston Gazette*:

(<http://wvgazette.com/News/201211150075?page=1>)

## MOUNTAINTOP REMOVAL—UP CLOSE AND PERSONAL

Visit **Kayford Mountain and/or Mud River Mountain** south of Charleston to see mountain top removal (MTR) up close. Bring lunch for a picnic on Kayford mountain. Hear the story on how the late Larry Gibson saved fifty acres from mountain top removal on Kayford Mountain. Call in advance to schedule. Julian Martin (304) 342-8989; martinjul@aol.com.

## ***Our Readers Write***

### **No to a Moritorium**

Editor John McFerrin,

According to the Conservancy's publication of October 2012, it supports a moratorium on further gas drilling operations in West Virginia. A moratorium is a stoppage or delay until certain criteria are met.

I consider such a delay irresponsible and foolish. According to the Oil and Gas Associations of West Virginia, such a shut-down would result in the loss of 7,000 new jobs, \$1 billion per year to our economy, \$60 million in severance taxes, a possible \$118 million by 2016, \$170 million to our schools, and an increase of monies flowing overseas.

One criterion calls for shutting down operations until certain pollution issues are met. China is known for its great pollution now. Why? China has few resources (money) to correct this assault on its environment. Our nation has been able to fix pollution and other problems just because we've had the necessary resources—capital. If we shut down energy production, and, thus, capital, we cannot correct environmental problems which arise.

We must think before arbitrarily calling for moratoriums on gas operations in our state.

Carl M. Patsche

Weirton West Virginia

## **ANOTHER SUGGESTION**

The West Virginia Highlands Conservancy has joined with many other groups in urging Congress to pass two dozen bills introduced to protect America's wilderness.

The Wilderness Act was passed nearly fifty years ago by overwhelming majorities in both houses of Congress. Under that Act, proposals for giving public lands wilderness protection are developed locally. It takes an act of Congress, however, to actually designate land as wilderness. Historically these have had bipartisan support in Congress.

There are dozens of bipartisan wilderness bills authored by Republicans and Democrats alike, pending before the Congress. Most of these bills have strong local support and are supported by the Representative and Senators representing the area. Advancing these bills will help build local economies, protect valuable open space, and preserve wonderful recreation opportunities for future generations.

The record of the 112th Congress in public land protection is headed for a historic low. If this Congress adjourns without taking action on two dozen bills introduced to protect America's wilderness, this will be the first Congress since 1966 not to protect a single acre of wilderness.

To avoid this possibility, the Highlands Conservancy has joined with other groups in urging Congress to pass the pending bills.

## **Bad Review of Lost Flats, WV, 2012**

I watch the tandem log trucks  
straining with hardwoods down the steep mountain,  
mostly big wild cherry with still-wet red rings aplenty.

These are the last of these we'll see  
for who knows, perhaps two centuries, perhaps much more,  
after the land is stripped  
for the first time in Earth's history--

--a terrible last chapter  
in a crime novel based on real facts  
that can never be written off  
and is unforgettable.

Bob Henry Baber

## **JUST A SUGGESTION**

The West Virginia Highlands Conservancy has joined several other groups from around the country in a letter suggesting that President Obama appoint Congressman Raul Grijalva as the Secretary of the Interior for his second term. Mr. Grijalva is currently serving as a Congressman from Arizona.

In making this suggestion, the groups praised Mr. Grijalva as a "tireless and effective leader on conservation and land management issues faced by the Department of the Interior. Congressman Grijalva has unparalleled expertise with Native Americans and Indian tribes, a strong understanding of border issues, a well-established and pragmatic conservation ethic, and valuable experience with a wide variety of funding challenges. "

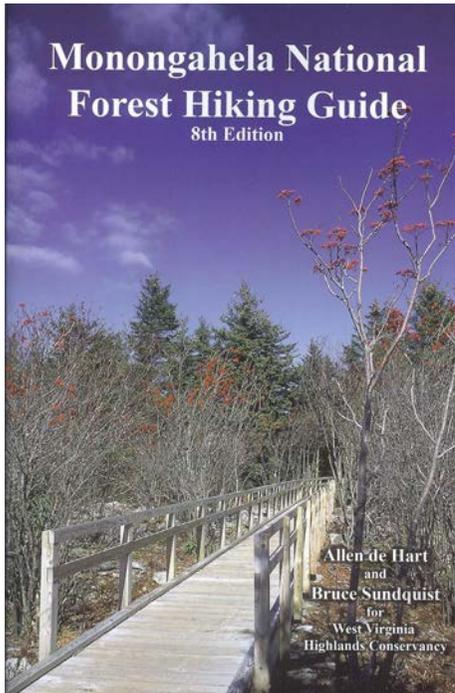
The Wikipedia entry for Mr. Grijalva describes his environmental record this way:

As a member and chairman of the Pima County Board of Supervisors, Grijalva was widely regarded as a central figure behind the Sonoran Desert Conservation Plan, an ambitious County program for planned land-use and biodiversity conservation. He consistently supported endangered species and wilderness conservation on the Board of Supervisors and has continued to do so in Congress, introducing a bill in 2009 to make permanent the National Landscape Conservation System within the Bureau of Land Management. In 2008, Grijalva released a report called *The Bush Administration's Assaults on Our National Parks, Forests and Public Lands*, which accused the Bush administration of mismanaging public land and reducing barriers to commercial access.

The United States Department of the Interior is the department responsible for the management and conservation of most federal land and natural resources, and the administration of programs relating to Native Americans, Alaska Natives, Native Hawaiians, territorial affairs, and to insular areas of the United States. It includes the Office of Surface Mining which has oversight of the regulation of surface mining.

# The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist



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

Send \$14.95 plus \$3.00 shipping to:  
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OR  
Order from our website at  
[www.wvhighlands.org](http://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:

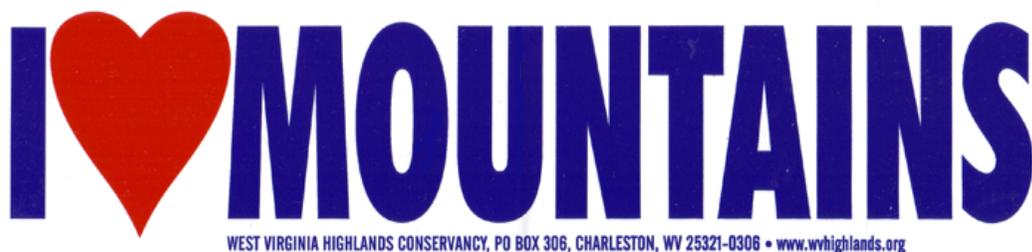
- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
- Special Features not found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



# BACK IN THE SADDLE ON THE WEST FORK TRAIL

With a note on conditions since the late October storm

By Hugh Rogers

Suppose a bicycle has been sitting in your garage since your youngest son left home. Do you ever notice it? That may have less to do with the size of the garage than with what else is in there. In our garage, for example, what's in there is almost anything that doesn't move, plus a groundhog that does, now and then.

So this bicycle can exist more vividly in the back of your mind than in the back of your garage, although you might be surprised to see it in either place.

Here's how it happened to me: in August, gazing at a map of the Monongahela National Forest, I focused on a big chunk between US 250 and US 33, east of Cheat Mountain, that I hardly knew at all. I was drawn to the mysterious "Lynn Divide".

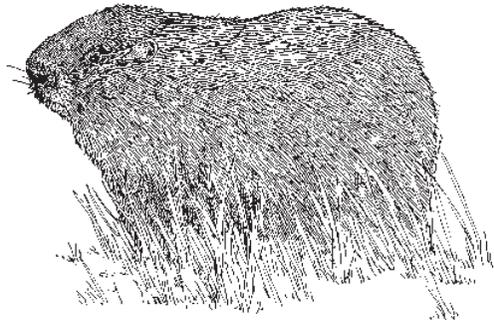
To get there, I found FR 44 in Durbin. The trailhead for Lynn Knob was off FR 17 east of 44. After a pleasant, unremarkable hike, I drove back to 44 and resumed traveling north toward Glady. The road followed the West Fork of the Greenbrier from one defunct logging camp to another: Braucher, Burner, May, Wildell, Beulah. The barest traces of settlement could be seen, not in remnants of metal or masonry, but in the shape of the land and odd changes in vegetation.

I stopped the car at the few access points to look at the river and the West Fork Trail, now on the near side, now on the opposite bank. I was charmed. There was a strong feeling of being *inside* the mountains. You get that in Otter Creek, but on a smaller scale. This was a big, unpopulated area. As I continued driving north, meeting two vehicles in 24 miles, I remembered the old bike that hadn't moved for ten years. It would be the best way to get on that trail.

After rehabilitation at Joey's Bike Shop in Elkins, it had new tires, a new chain, and one new shifter (a mouse had forced seeds into the old one). The obvious place for a first ride was the nearby Allegheny Highlands Trail (AHT). That Sunday, I hopped on the bike, plunged down the driveway—*whoa!*—and took off for Parsons. Since I had last been on it, the AHT had been routed behind the old depot, across the Shavers Fork on a rebuilt rail bridge, through the park, across the Black Fork on a protected lane of the new highway bridge, and along the river all the way to Hendricks, where it met the Blackwater Canyon trail. Irresistible, it seemed. Thirty-six miles round trip, it was.

So much pedaling first turned my legs to jelly and then hardened them into petrified wood. Miraculously, I was able to walk. I did that a lot on Pheasant Mountain. The AHT's profile confirms that the climb from Parsons is steeper than from Montrose, but that was only the grossest challenge. On the bike I had a princess-and-the-pea sensitivity to inclines.

Two days later, more or less for the same reason a thrown rider is encouraged to get back on a horse, I biked to Montrose by the AHT and back by road, five miles each way. Two days after that, I rode the same course with my brother Alan, who was taking a bike



**Generic Groundhog. Any resemblance to the one living in Hugh's garage is coincidental.**

from Montreal to the old house on the North Carolina coast that he has been fixing up. His bike cost \$10 at a yard sale; a new seat cost \$20. Spending twice as much for a seat as for the rest of the machine had begun to seem reasonable to me. No more delays or investments, though. It was time to realize my dream.

**The surprising grade out of Glady** flattened to an imperceptible divide between the north-flowing West Fork of Glady Fork of Cheat and the south-flowing West Fork of Greenbrier. I left behind a scatter of old houses in odd places—once, when the railroad still ran, they would have had access to the outside world. Now, it was hard to see whether they were used or even what kept them upright.

Waypoints listed in the Mon Hiking Guide suggest the trail's remoteness:

1.3 mi. Gate and cemetery; 4.0 mi. High Falls Trail crossing; 4.8 mi. Cross glade; 5.3 mi. Logging road; 6.7 mi. Meadow with hawthorns; 7.2 mi. Wildell: gate and parking area, 0.2 mi. from FR 44; 10.2 mi. and 10.4 mi. Trestles; 12.2 mi. Gate and crossing to Mill Run Rd.; 13.2 mi., 15.4 mi., and 20.6 mi. Trestles over Iron Bridge Run, Little River, and Mountain Lick Run; 17.5 mi. Allegheny Trail joins near Braucher Run; 18.2 mi. Access to FR 44; 21.7 mi. Trail passes under US 250; 22.2 mi. Trail ends at gate, parking area by Pocahontas County Route 250/13



**Wildell in the old days**

At Wildell, as I stood at the info kiosk, a Forest Service pickup truck pulled into the little parking area. Jack Tribble, District Ranger for the Greenbrier District, came over to point out landmarks, on the ground and on the large-scale map. The Lynn Divide between the two West Forks was in sight, back the way I had come. The Greenbrier began in the marsh beyond the fence. It became a recognizable stream where Snorting Lick Run poured in from Middle Mt. to the east.

Jack said "Wildell" with a short i—I had always seen it as

**((Hugh pedals on, next page))**

## PERSEVERANCE (Continued from p. 12)

“Wild” with an ell tacked on, but the “Wil” came from Wilson, the family whose lumber business had set up the village, and the “dell” from the first Wilson’s wife. Wildell in its prime, 1903-1914, had forty houses for married employees, a boardinghouse for single men, and five “woods camps” for loggers. It had a debating society, a Shakespearian society, and two fraternal organizations, the Red Men and the Woodmen of the World. The Wildell Sluggers were the best baseball team in a sixty-mile radius. In eleven years the company cut out everything it could reach. On the Forest Service map, two black dots remained. One was a little cabin for hunters to bunk in, built much more recently. The other, visible farther down the trail, was a solid two-story house in a hemlock-bordered glade. It might have been original, and well-kept over the last hundred years. The dark green paint looked fresh.

In spruce-hemlock forest, the woods were lovely, dark and deep—and cold. Gradually, mixed hardwoods resumed, with spuce and hemlock interspersed. The gravel surface varied, and as it changed so did the sound of the tires, from a low hissing to an even rumble to the rhythmic popping of an Indian percussionist’s drum.

The trail became more parklike, with wide margins, diligently mowed. Jack had asked me about the trail’s condition north of Wildell, the only part the mowers hadn’t reached. In places, the grass was no problem, in fact the opposite, forming a smooth cushion over the crushed gravel. Elsewhere the grass grew in clumps and made for a bumpy ride. Canes of blackberry, raspberry, and multiflora rose reached over the trail and grabbed for sleeves. Usually the bushes grew on one side and could be avoided.

A bigger problem was the cumulative effect of vibration, a steady pounding on arms and hands especially, until my thumbs turned numb. But that was near the end. (Newer bikes have springs to smooth the ride.)

Chilly at first, it became one of those late October days that turn hot in the sun but remain cold in the shade and wear out your jacket’s zipper. I interviewed rocks and hemlocks about the best places to stop: What is your view of the river? Can you hear riffles? Do you have good, good, good, good vibrations?

With the stops to eat, snooze, drink tea, and just sit, I got to Durbin in five hours. Durbin is an old rail town that still has a functioning railroad, although now it shuttles tourists to Cass State Park instead of coal and timber to market. From Cass, you can take another train, pulled by an old Shay locomotive, up the mountain. Beyond Cass, the rail-trail resumes and follows the main stem of the Greenbrier for more than eighty miles.

Jack Tribble had told me of John Smith’s plans (he runs the Durbin scenic railroad) to restore the tracks along the West Fork line, so that it would be rail-with-trail. Running only once or twice a day, the train would not intrude much on the trail’s solitude. Ultimately, one could catch the train in Elkins and beginning at High Falls ride a loop through the old tunnel between Bemis and Glady, down the West Fork, back up the mountain from Cass, down the Shavers Fork to High Falls, and return to Elkins. For a cyclist, the train would provide an option to get off and on at many points.

It’s a different view of Durbin, coming in by the old railroad. The highway shows you stuff that depends on the highway. The rail-trail gives you the river, the forest opposite the town, and an old bridge patched with steel plates. I contemplated the gap between the trail and the active rail line, the gap between old dreams and new

ones, and I wondered if I’d ever see it bridged.

**Note on conditions since the late October storm:** I talked to Jack Tribble again at the end of November. He told me that the West Fork Trail had relatively few trees across it, but they would not be removed until spring. The Forest Service was still clearing roads. Trails must wait.

The storm was particularly hard on northern and western sections of the Forest. Parsons and north, the Gauley, and the Cranberry were the worst. The West Fork Trail, east of Shavers and Cheat Mountains, fared better because it was somewhat protected, as were other trails on eastern flanks. The bulk of the damage occurred between 1500 and 3200 feet, where the wet snow was “like cement.” Above 3200 feet, the snow was light and fluffy.

A warning and a call for volunteers: First, hikers should be especially careful now with so many damaged trees—“widowmakers”—in the Forest. On windy days, limbs continue to fall. Be aware of what’s ahead of and above you. Second: come spring, there will be many opportunities to help clear trails. The contact person will be Eric Sandeno, Recreation Program Manager, at 304-636-1800, ext. 280.



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

Please email any poems, letters, commentaries to the VOICE editor at [johnmcferrin@aol.com](mailto:johnmcferrin@aol.com) or real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

## BATS IN BIG TROUBLE

Bat populations are crashing in the wake of a disease called white-nose syndrome, which first appeared in a cave near Albany, NY, in 2006. White-nose syndrome is caused by a white fungus that is sometimes visible on the muzzles and bodies of infected bats. The fungus lives in caves, where it attaches to bats and weakens them by invading body tissue and disrupting their hibernation cycle.

Bats may be too weak to survive once they leave the cave, or they may become agitated and leave the cave in midwinter for a disoriented flight that usually ends in death. Bats pick up white-nosed syndrome from each other. People can transport spores between caves on their shoes and clothing but, so far, the disease appears harmless to humans.

The U.S. Fish and Wildlife Service reports that in six short years, at least 5.5 million bats have died in 19 states and 4 Canadian provinces. In the Chesapeake region, this includes Virginia, West Virginia, Maryland, Pennsylvania, New York and Delaware. Species at research sites have typically declined by more than 90 percent, and the disease continues to spread.

White-nose syndrome has affected a large number of bat species, including the little brown bat, northern and southeastern myotis, gray bat, tri-colored bat (also known as the eastern pipistrelle) and Indiana bat.

The endangered Indiana bat has been called a critical indicator species for the upland part of the Chesapeake watershed. Its population was beginning to stabilize, until white-nose syndrome knocked it back. Federal researchers now estimate that the population has declined more than 10 percent each year between 2006 and 2009.

Pennsylvania has lost approximately 99 percent of its northern long-eared bats, little brown bats, and tri-colored bats since 2008. The state is considering placing them on its endangered species list.

"This infection is not like anything we've seen in mammals to date," said Ann Froschauer of the U.S. Fish and Wildlife Service. "Where we used to have colonies of thousands of bats, biologists are happy to find 50."

Even if white-nose syndrome stopped immediately, the prospects for a rebound are daunting. Bats normally live for 20 to 30 years and most have only one offspring each year. "It's not expected that bats will rebound to pre-white-nose-syndrome levels in our lives, our kids' lives, or our grandkids' lives. It could take hundreds of years," Froschauer said.

The sudden and dramatic hole in the ecosystem has researchers across the nation scrambling to understand its cause. The disease has been traced to a European soil fungus (*Geomyces destructans*) that is new to science. The fungus has no effect on European bats, but when introduced to the United States, it began to act like a pathogen.

Little is also known about the potential impact of white-nose syndrome on farms and forests. Their diet includes mosquitos, agricultural pests and insects that effect tree health. Without bats, their numbers could conceivably explode. That could mean problems for organic farmers, who avoid pesticides, and also for traditional

farmers, who might need to apply more of them. With the help of stormwater runoff, pesticides on the land also lead to pesticides in the water.

Getting a handle on the scope and financial impact of bat loss is difficult. One of the first studies, published in *Science Magazine* in 2011, estimated that 1 million bats consume between 660 and 1,320 metric tons of insects each year. The study also concluded that, nationwide, bats save farmers approximately \$22.9 billion each year by helping them avoid or reduce the use of pesticides.

The U.S. Fish and Wildlife Service funds a number of research projects that look at ways to slow the spread of the disease and identify why some bats survive better than others. That includes European bats, which are unaffected by white-nose syndrome, and variations of survivorship here in the United States.

"The thing that makes me most hopeful is the remnant population," Froschauer said. "Are they picking better roosting sites, or doing something else differently? Are they reproducing and are the pups surviving? Hopefully we will get some clues from them that will help interrupt this destructive cycle."

Researchers are also pursuing options for treating white-nose syndrome in the caves, but there are currently few options.

Spraying fungicides or other treatments into the delicate cave ecosystem could damage other organisms, as well as the subterranean network of groundwater that feeds streams and public drinking supplies. Vaccines or biological controls are more likely, but treating large numbers of bats will be difficult.

Cavers shouldn't be in the dark about white-nose syndrome. White-nose syndrome came from Europe to a New York cave in 2006, likely on the sole of someone's shoe. While the disease has largely jumped from one bat to another, humans can also infect new sites and hinder the survival of uninfected bats.

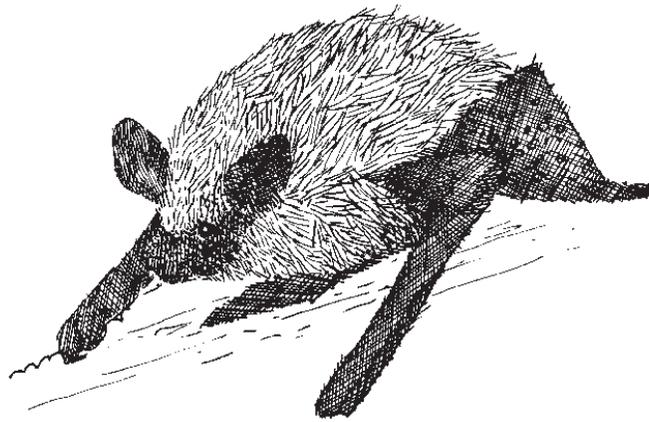
Advice varies on how tourists and cavers should respond to the crisis, but anyone who cares about cave ecosystems should give extra thought to the situation before going underground.

Some smaller areas are already saturated with the disease, and visits between caves in that limited area won't make it worse. But don't enter caves with hibernating bats, because disturbances during their winter "sleep" decrease their chance of survival.

Visiting different caves in wider geographic areas could definitely add to the problem. If a public cave has decontamination procedures for its visitors, follow them. If not, or if you explore caves on your own, use different shoes and gear at each site.

Readaboutwhite-nosesyndromeat[www.whitenosesyndrome.org](http://www.whitenosesyndrome.org) to learn more. Both bats and scientists will be grateful you did.

**Note: This is an abbreviated version of an article by Lara Lutz that appeared in the November, 2012, issue of *Chesapeake Bay Journal*. Thanks to Don Gasper for calling the article to our attention and helping by abbreviating it.**



## LUNCH BREAK LECTURE

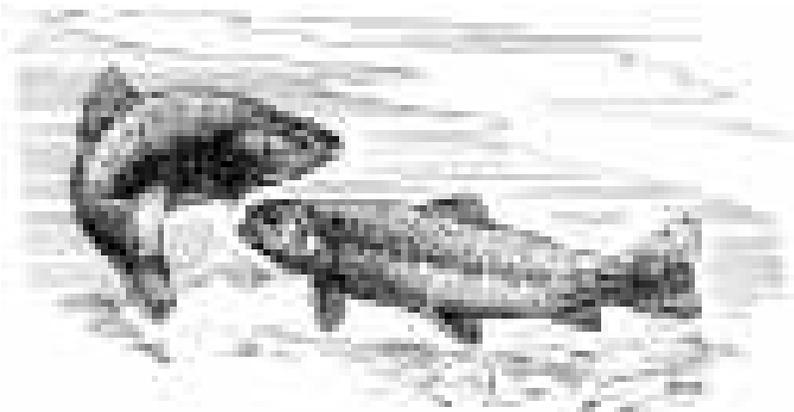
### Join Us in Charleston---

We're trying a new feature at our regular Board Meeting in January. We invite Charleston area members to join us just after lunch for a presentation on "Natural and Cultural Histories of Coal River" by Doug Wood! Doug is a WVHC member, historical researcher and naturalist, with an extensive background in making the past come alive. Join us at the Habitat for Humanity Community Center [at the Habitat ReStore] 301 Piedmont Road. There's easy parking at their lot directly across from Green's Feed & Seed; come in to the Center by the side door [on Court Street]. We hope to meet old friends and new, on Sunday, January 27, 12:30 to 1:30. RSVP to Cindy Ellis [cdellis@wildblue.net](mailto:cdellis@wildblue.net) 304 586-4135. See you there!

**Note: If this announcement looks exactly the same as the one you read on page 7, it's just because it is. Deja vu all over again. From this one might infer that the editor has lost his mind and is putting the same story in twice. While there may be a body of evidence to that effect elsewhere, this is not part of that evidence. The announcement is in here twice because it's going to be interesting and we really, really want you to come. SO BE THERE!!!**

### *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.



West  
Virginia  
Highlands  
Conservancy

PO Box 306 Charleston, WV 25321

## West Virginia Seed Source Conifer Seedlings

The West Virginia Highlands Conservancy continues its efforts to conserve and restore the High Elevation Red Spruce Ecosystem in West Virginia, and the Central Appalachian Mountains, by offering high quality seedlings grown from seed collected locally by volunteers.

**All proceeds support red spruce ecosystem restoration efforts in West Virginia.**

### Red Spruce

10-18 inches, these are a 2 inch plug 6 inches deep.

#### Spring 2013

Thru August 31, 2012	1,000 minimum
\$0.85 each	
Beginning September 1, 2012	1,000 minimum
\$0.95 each	
Beginning September 1, 2012	100 minimum
\$2.00 each	

#### Spring 2014

Thru August 31, 2012	1,000 minimum
\$0.80 each	
September 1, 2012 - August 31, 2013	1,000 minimum
\$0.85 each	
Beginning September 1, 2013	1,000 minimum
\$0.95 each	
Beginning September 1, 2013	100 minimum
\$2.00 each	

### Canaan Valley Balsam Fir Seedlings

14-20 inches, these trees, are a 1 year plug grown in a transplant bed for 2 additional years.

#### Spring 2013

Beginning September 1, 2012	100 minimum
\$2.50 each	
Beginning September 1, 2012	1,000 minimum
\$1.25 each	

25% deposit will reserve your trees.  
Flexible availability from late March thru early May.

Quantities Limited

All prices FOB Morgantown, WV

For more information visit [www.restoreredspruce.org](http://www.restoreredspruce.org) or contact:

Dave Saville, Program Coordinator

304-692-8118

daves@labyrinth.net

# HIGHLANDS CONSERVANCY BOUTIQUE

## NEW STUFF



**Future Angler contemplates catch and release strategy in new toddler outfit.**



**Supermodels James Solley and Cynthia D. Ellis show off the new polo shirts.**

► Our newest online store items are here just in time for holiday shopping. The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is "I ♥ Mountains Save One for Me!" Onesie [18 mo.]---\$17, Infant tee [18 mo.]---\$15, Toddler tee, 2T,3T,4T, 5/6---\$18

► Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XXL [Shirts run large for stated size.] \$18.50

► Order now from the website!

Or, by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to James Solley, PO Box 306, Charleston, WV 25321-0306

## SAME STUFF

### 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 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.



### HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps 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 ♥ 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