FRACKING BANNED IN THE GEORGE WASHINGTON NATIONAL FOREST?

By John McFerrin

Whether or not there will be horizontal drilling (and the associated hydraulic fracturing (fracking)) in the George Washington National Forest remains an open question. The United States Forest Service proposed a ban on the practice. Doing so produced an uproar, an uproar that may result in the ban never being put in place.

Background

All National Forests are required to have a Land and Resources Management Plan. The Plan sets out the general plan for management of the Forest for the next fifteen years. After fifteen years, more or less, this Plan will be replaced by a new Plan. The Plan does not approve or disapprove of any specific projects; they must be reviewed individually. Any projects which are proposed must be designed to move the forest towards the desired conditions described in the Forest Plan. The current Land and Resource Management Plan (Forest Plan) for the George Washington National Forest has been in use for 18 years.

In 2007 the Forest Service began working on a new Plan. It held a series of public meetings asking people what a new Plan should include. In the time since, it has done environmental studies, proposed a draft Plan, published a draft Environmental Impact Statement, and accepted public comments.

It had hoped to publish a final Plan in the summer of 2013. Now the target date has been pushed back to fall 2013 (the website literally says, “We now expect the final versions to be completed and released in the spring fall of 2013.” with spring marked through). It appears that the delay is because the Forest Service does not know what to do about hydraulic fracturing.

Gas in the George Washington

There are no active, producing wells on George Washington National Forest lands. In the past, there were five wells drilled on Forest land, four exploratory and one development. All were dry holes.

There were wells drilled on private lands near the Forest. There were exploratory wells targeting the Devonian Oriskany Sandstone in Rockingham County, Virginia. The discovery led to the drilling of...
Come ye thankful people come Raise the song of harvest home All is safely gathered in Ere the winter storms begin

So begins an old hymn. This is the season for warmth and home and considering gratitude.

But some warmth may have come with a price. Many residents in West Virginia still remember last year’s storms. At my own home, we were dealing with downed trees from the 2012 Derecho storm and Superstorm Sandy this year even up through late spring. We have gathered in lots of firewood. And we are glad to have it—even in a way, grateful, although recognizing storm damage near and far.

Now, as sunny hours dwindle, moments of reflection, by the fire, can call up other reasons for gratitude—-for the past, the present, and the future.

I can have gratitude for optimism about the future; optimism prompted by interaction with young people. College kids keep coming to Kayford Mountain, to look and learn about ruinous mining practices. At one state college, a young professor continues to bring students, and to try to encourage them to think and read widely on environmental issues such as water. Presently, we have water enough to work. And we were buffered by a sprinkling of middle-agers. It was productive and warming by a non-polluting source.

So I am grateful for water heater. So I can have gratitude for optimism about the future; optimism prompted by interaction with young people. College kids keep coming to Kayford Mountain, to look and learn about ruinous mining practices. At one state college, a young professor continues to bring students, and to try to encourage them to think and read widely on environmental issues such as water. Presently, we have water enough to work. And we were buffered by a sprinkling of middle-agers. It was productive and warming by a non-polluting source.

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At my home, we now have a solar water heater. So I am grateful for water heater. So I can have gratitude for optimism about the future; optimism prompted by interaction with young people. College kids keep coming to Kayford Mountain, to look and learn about ruinous mining practices. At one state college, a young professor continues to bring students, and to try to encourage them to think and read widely on environmental issues such as water. Presently, we have water enough to work. And we were buffered by a sprinkling of middle-agers. It was productive and warming by a non-polluting source.

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Then, there is gratitude for those who speak out. It was terrific to note how many people, nationwide, spoke out for parks and wild places, during the government shut-down. That makes much ammunition for keeping public lands protected and preserved.

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The Highlands Voice

November, 2013

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FRACKING COMING TO THE GEORGE WASHINGTON NATIONAL FOREST? (Continued from p. 1)

18 development wells. Seven were initially productive, but all are now plugged and abandoned.

There was also exploration activity in Hardy County, West Virginia in 2010. There has also been an application for a permit in Rockingham County, Virginia, to explore in the Marcellus Shale.

There was also the Thornwood-Horton Field located in Pocahontas County, West Virginia. The field, which is immediately adjacent to George Washington National Forest lands in northwestern Highland County, Virginia, produces from the Oriskany Sandstone.

The Marcellus Shale underlies 569,763 acres of the 1,065,499 acre George Washington National Forest. Of this total, 484,299 acres are projected to be capable of natural gas production from the Marcellus Shale.

The Plan Proposal

The draft Plan makes most of the George Washington National Forest available for gas and oil leasing. It would make over 990,000 acres of land administratively available for drilling. There would be some restrictions upon surface use for part of this. In public comments, many opposed including any gas or oil leasing in the Forest.

The more substantial controversy, however, concerns how the Plan addresses drilling in the Marcellus Shale and the fracking and horizontal drilling which that entails. That type of drilling is prohibited. Banning horizontal drilling largely bans hydraulic fracturing since horizontal drilling is where hydraulic fracturing is primarily used. The Forest Service summary of the Plan says, “Concern about the development of gas resources in the Marcellus shale formation led to Plan direction that horizontal drilling would not be allowed on any federal leases. This restriction is based on concerns about the impacts of extensive hydraulic fracturing associated with horizontal drilling on water quality, the unknown potential for developing the Marcellus shale formation on the George Washington National Forest, and the limited experience with horizontal drilling in the immediate vicinity of the George Washington National Forest.”

The ban does not apply to all gas or oil leasing. The federal government owns 84% of the minerals within the George Washington National Forest. The restriction would not apply to those lands where the minerals are privately owned.

The Comments

The Forest Service received thousands of comments on the proposed Plan. Many opposed oil and gas development of any kind on the Forest. Thousands of individuals submitted comments opposing hydraulic fracturing as did many groups. An overwhelming majority of the commenters opposed horizontal drilling. Eight members of Congress (from Maryland or Virginia, none from West Virginia) supported the ban. Many of the commenters were aghast that the Forest Service could even consider allowing the practice.

Industry commenters were equally aghast that the Forest Service could even consider banning hydraulic fracturing, a practice which the industry commenters thought could be safely and responsibly carried out with a minimum of environmental damage. Among others, the Independent Petroleum Association of America, XTO Energy, Inc. (a division of Exxon) America’s Natural Gas Alliance, Conoco Phillips, American Petroleum Institute, and the West Virginia Oil and Natural Gas Association weighed in in opposition to the ban on hydraulic fracturing.

There were also comments from government agencies. The Bureau of Land Management opposed the ban on hydraulic fracturing, as did the West Virginia state geologist.

Those bleeding heart tree huggers at the United States Army Corps of Engineers supported the ban. The Corps is charged with protecting the water supply for Washington, D.C. Since the watershed for that water supply is in the George Washington National Forest, the Corps does not want to take the risk that is inherent in allowing hydraulic fracturing in that watershed.

Although it did not participate in the formal comment process, the Charleston Daily Mail offered the editorial opinion that “Experience in Pennsylvania and West Virginia shows fracking can be done safely without harming the environment. Instead of a moratorium, the Forest Service should consider the facts.”

The Decision

Industry spokesmen have expressed concern that a decision banning horizontal drilling in the George Washington National Forest would set a dangerous precedent for other federal lands. Thousands of citizens have expressed concern that horizontal drilling and the hydraulic fracturing that comes with it will damage the Forest and put the water supplies of several million people at risk. A decision is expected shortly.

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.

The West Virginia Highlands Conservancy web page is www.wvhighlands.org.
DEVIANCE AND DENIAL ABOUT DRILLING WASTE AT THE DEP
By Beth Little

There are two problems with the drill cuttings (solid waste) from Marcellus shale drilling. One is the volume, which the West Virginia Department of Environmental Protection is dealing with by arbitrarily issuing new rules that circumvent the law. The other is the probability of radioactivity, which the West Virginia Department of Environmental Protection is dealing with by denial.

The Wetzel Co landfill began receiving drilling waste in 2010. At first it was small amounts (see chart below), but in 2012 it began increasing rapidly, and by the end of 2012 it went over the legal limit of 9,999 tons for the Class B landfill.

Knowing something about the “garbage wars” and our landmark Solid Waste Management Act (SWMA) that was passed as a result helps in understanding the issue. West Virginians were never particularly careful about what to do with their own trash, but when threatened with out-of-state garbage filling up their hollows, they rose up and demanded action from the legislature. Coordination of this monumental legislative effort was one of the most successful efforts of the West Virginia Environmental Council, including the WV Sierra Club, WV Highlands Conservancy, WV Citizens Action Group, and numerous local groups of impacted citizens. The SWMA created a strict permitting process for landfills with classification by amount of tonnage — Class A up to 30,000 tons/month and Class B up to 9,999 tons/month. Class A landfills were to be approved by county referendum.

Also in WV Code, county or regional solid waste authorities were to come up with a siting plan based on transportation infrastructure, property values, aesthetic and environmental quality, and the public health, welfare and convenience, among other things. The code also states “it is unlawful for any person to establish, construct, install or operate a commercial solid waste facility at a site not authorized by the siting plan” and a Class B solid waste facility “may not increase the aggregate monthly solid waste capacity in excess of ten thousand tons monthly unless such a facility is authorized by the siting plan (§22C-4-24(e)).

So what did the WV DEP do about all the Marcellus drilling waste? In January 2013 the WV DEP sent a memo to landfills under Secretary Randy Huffman’s signature stating:

There are two options landfills can pursue in order to address the tonnage issues created by the new Legislative mandate: (1) a Class B facility can apply to expand to a Class A facility in order to increase its monthly tonnage limit from 9,999 tons to 30,000 tons, or (2) either a Class A or a Class B facility can construct a cell separate from the municipal solid waste (“MSW”) cells to be dedicated solely to the disposal of drilling waste; disposal of drilling waste into this separate cell will not count toward a facility’s monthly tonnage limits.

In the meantime:

Those facilities that .... apply for approval to construct a special waste cell will be eligible to exceed their monthly tonnage limits by twenty percent (20%) until January 31, 2014.

There follows a list of requirements, including:

3. By November 30, 2013, the permittee must have completed construction of the special waste cell...

From the chart, you see that Wetzel Co landfill was already way over the 20% above their tonnage limit, and they are not close to completing a special waste cell. Not to worry. The WVDEP will fix it. In February, they sent another memo amending the bold faced language above from the January memo as follows:

Those facilities that .... apply for approval to construct a special waste cell will be eligible to exceed their monthly tonnage limits until June 1, 2014.

3. By June 1, 2014, the permittee must have completed construction of the special waste cell...

Note that the 20% language has disappeared, making the exceeding tonnage unlimited, and the date is extended for completing the special cell. Then the WV DEP sent a third memo in July 2013 amending the deadline for completing the special waste cell to September 30, 2014.

From this we can conclude that the WVDEP will continue to alter the regulations to meet the needs of industry in disposing of drilling waste. Secretary Huffman’s explanation is that they are trying to avoid having the waste buried onsite. This is still legal, by the way, if the landowner consents, despite years of vigorous efforts to abolish the practice, which has resulted in tens of thousands of pits containing toxic material buried all over West Virginia. Until a couple of years ago, they weren’t even required to have liners. However, the volume of the waste and the possibility of radioactivity (more about that below) from Marcellus drilling

(More on the next page)
WHAT TO DO WITH DRILLING WASTE
(Continued from previous page)

make it a new ball game.

Note that these DEP memos went to the landfills, not the solid waste authorities. The Wetzel Co solid waste authority is concerned that a special waste cell with no limit will take up space and limit the life of the landfill. They also note that they were excluded from the process that they have legal authority to oversee through the siting plan. The Wetzel Co Class B landfill is already exceeding the tonnage limit for a Class A landfill, though there has been no new siting plan and no county referendum.

For justification, WV DEP refers to the Natural Gas Horizontal Well Control Act, passed in December 2011, that said drilling waste was to be disposed of “in an approved solid waste facility.” In other words, it's the legislature’s fault for passing conflicting legislation.

Now we come to the conceivably more critical problem with the Marcellus drilling waste: radioactivity.

Geologists have known for 50 years that the Marcellus is radioactive. Drillers know from their gamma log, or gamma radiation detector, when they have reached the Marcellus. That's when they know to turn the bore hole from vertical to horizontal and drill through the Marcellus where the gas is. An industry shale gas study FRACTURED SHALE GAS POTENTIAL IN NEW YORK by David G. HILL, Tracy E. LOMBARDI and John P. MARTIN (page 8) states “The Marcellus formation is highly radioactive....” Radioactivity monitors are required at all landfills in Pennsylvania. Periodically their alarms go off when they detect a higher than desirable level of radioactivity. Below from the Pennsylvania Tribune Review, April 23, 2013:

DEP spokesman John Poister confirmed the drill cutting materials from Rice Energy's Thunder II pad in Greene County had a radiation level of 96 microrem. The landfill must reject any waste with a radiation level that reaches 10 microrem or higher.

The level of radioactivity may be low, and we are all exposed to low levels when we get x-rays at the dentist; but the dental assistant leaves the room, because it is cumulative. What about the landfill workers and the truckers who are exposed to this stuff for hours every day? To what level are they being exposed? We don’t know, because radioactivity is not required to be monitored at WV landfills.

When questioned about this, the WVDEP responded that results from a study done by the Water Research Institute (WRI) “clearly indicate that no human health hazard is posed by the low level radiation by the naturally occurring radiation.” However, further investigation revealed that the samples tested by WRI were from vertical bores. It seems that at no time did the researchers have any access to drill cuttings from a horizontal bore where the radioactivity would likely be found.

And here’s the crux of the matter for the WV DEP: WV Code says “The disposal of radioactive waste material in a solid waste facility or in a commercial solid waste facility, as defined in section two, article fifteen, chapter twenty-two of this code, is prohibited (§16-27-2(b)). If they find out that Marcellus drilling waste is radioactive, where would they put it?

There is talk of a legislative fix, but this writer is doubtful that it will do more than adjust the law to suit the gas industry.

PRESIDENT CINDY KEEPS ON GOING
(Continued from p. 2)

And, there are a few new faces to take notice of, in politics, where so much policy is made that affects the Highlands. One to watch on the state scene could be Wayne Worth, a candidate for the WV legislature, in Harrison County. Another could be Ed Rabel, veteran journalist, returned home to West Virginia and now a Mountain Party candidate for a Congressional seat.

But the easiest feelings of gratitude to write about are those connected with the past...and with home.

It was providential, for me, years ago, to try to find out about birds, nature, and conservation beyond the feeder in my back yard. I was introduced to some amazingly memorable mentors—“three Georges,” Leon, and many more—professionals or gifted amateurs. They all were inspiring and opened doors. Long before the Master Naturalist programs, there were people generously teaching others here in West Virginia.

Finally, I’m grateful for the Grannies. That is, I was able to know all my grandparents. They lived here, and were very traditional—my grandpas with silver hair and canes; grandmas with hair in a bun and aprons. At meals, my one tiny grandma darted in and out, to and from the table, refilling dishes and glasses. Visits there meant an overnight stay and we fell asleep listening to the grown-ups talk beside the coal fire in the grate. My other plump grandma had piercing eyes and a tongue that was sometimes tart; the aunts and uncles at her house settled in next to her or in the other room. Gossip and stories flowed while all the cousins tumbled around like puppies on a lawn. We were “gathered in” and the memories are strong.

I hope that you too enjoy strong memories, perhaps accompanied by some cheer for the present and hopes for the future, and that we all may weather any storms.
The Board of the West Virginia Highlands Conservancy met on October 20, 2013. We had a resignation, some boring listening, some looking to the future and some planning for the legislature.

The resignation came from Mike Morgan. We accepted it reluctantly.

The treasurer’s report was as it is supposed to be: boring. We are three fourths of the way through the year. In most categories we have received about three quarters of the budgeted revenue and spent about three quarters the budgeted expenses. Boring is good; we have seen exciting budgeting in Washington and look how that turned out. The report may be boring but we’re not shutting anything down.

In the Voice Editor report John McFerrin made a pitch for more stories.

Membership secretary Beth Little reported that membership was down but not alarmingly so. She continues to weed the database so there are now fewer and fewer people that we have not heard from in more than two years still listed as members. Revenue from membership remains stable because members still continue to renew at high levels.

One hundred ninety five people donated to the fund appeal.

Beth has occasional difficulties with misunderstandings by people who receive the fund appeal letter and their membership renewal letters close to each other. People think that we are soliciting money right after having solicited it. It is more accurate to say that the membership renewal is for regular dues. The fund appeal is for donations. We are working on a way to address this problem.

Our webmaster position is still in transition. Jim Solley is still posting the Voice on the website. Jackie Burns is doing some of the webmaster duties but we remain in transition.

The West Virginia Environmental Council’s fall conference is coming up. We needed to list our priorities. We listed as priorities addressing the externalities of the gas industry (disposal of drill cuttings, control and disposal of drilling fluids, and injection wells) and siting rules for wind farms.

The problem with wind siting rules is that the current rules don’t have any teeth. They list some things that applicants for approval to build an industrial wind facility must list in the application. The rules do not, however, say what the Public Service Commission is supposed to do with the information or give much guidance on where the facilities should and should not be located.

We discussed problems with disposal of drill cuttings. Companies are disposing of them in landfills. This results in the capacities of landfills being exceeded. There is also a problem with injection wells. West Virginia is desperate to find some way to dispose of drilling fluids that result from the drilling of oil and gas wells. West Virginia’s response is mostly to promiscuously allow the disposal of fluids in injection wells with little or no oversight.

We discussed the celebration of the 50th Anniversary of the Wilderness Act during 2014. We talked generally about the kind of activities that we could undertake.

We also discussed the This Land Is Your Land program. It was the strong sense of the Board that the outings had been fun and worthwhile.

We decided to seek a trademark for the “I (heart) Mountains” slogan. We (more specifically Julian Martin) thought of it and it is now a part of our history. As such, we want to protect it.

We had been solicited to become an underwriter on West Virginia Public Radio. We had not budgeted for it so we could not do it but might consider it for the next budget year. Bob Henry Baber has opened a store in Richwood; he is going to have a permanent display of West Virginia Highlands Conservancy materials there. Cindy Ellis is going to get it together for him.

We considered renting the Cheat Mountain Club for the Fall, 2014, meeting. It is such a big facility that we would have to have more than just a Board Meeting to justify renting it. Cindy Ellis reported that she had attended the Summit for the Mountains meeting. Summit for the Mountains is a gathering of groups, designed to make sure that everybody who is working on mountaintop removal knows what everybody else is doing and that we coordinate our efforts to the extent possible.

President Ellis gave out tickets for the raffle of the sculpture by Mark Blumenstein entitled “Mountain Melody: Phoenix Duet.” Tickets are $3 each; 2 for $5. The drawing will be held on Sunday, October 19, 2014. The piece is 31” tall, 21” wide, and is on a base that is 12 1/2” in diameter.

President Ellis drew for the Door Prize. Buff Rodman won. It was a jar of ramp jelly and a jar of strawberry daiquiri jam.

As an additional taste treat, Beth Little brought Kernza cookies. Kernza is a hybrid of a perennial prairie grass and more conventional strains of wheat. Because it is a perennial it comes up every year without being replanted. No plowing required. As a perennial, it can be grown more sustainably. Beth had been to a conference where the Kernza flour was available and brought some back. The Kernza flour passed the taste test with flying colors.

GET YOUR RAFFLE TICKETS NOW!!!

We are having a raffle of the sculpture by Mark Blumenstein entitled “Mountain Melody: Phoenix Duet.” (Picture on this page). Tickets are $3 each; 2 for $5. The drawing will be held on Sunday, October 19, 2014. The piece is 31” tall, 21” wide, and is on a base that is 12 1/2” in diameter. Tickets are available from any Board member and on the website (www.wvhighlands.org).
. . .the holiday weekend is over and the 747 roar of destruction is heavy upon the land. . .

How can so few raise so much hell?

Even Great Grandpa Bill, 93 years old, and who once stripped himself and justified cannot now justify, “The scale, the sheer scale of it, O Lord.”

No, these are not the Tonka toys of your youth.

No more the finger nail clips of yesteryear—mere poesy rings around the mountains in comparison to the New Improved stripping.

Now its Mountain Top Removal, Nay, Mountain Range removal.

The mantra is: they will reclaim. It’s a bald faced lie. They will not reclaim. Hydro-seeding grass seed on rubble does not a hardwood forest replace.

The morning mist of Blue Knob lifts. The nightmare is real—there is no waking up to a quiet dawn. . .

at least this day. . .this year. . .this decade. . .

Bob Henry Baber, 2013
NEW SCENIC AREA FOR SHENANDOAH MOUNTAIN?

The Friends of Shenandoah Mountain has proposed that land on Shenandoah Mountain in Virginia between Rt. 250 and Rt. 33 be designated a National Scenic Area. The proposed National Scenic Area would imbed four Wilderness Areas: Skidmore Fork, Little River, Lynn Hollow, and Bald Ridge Addition to Ramsey's Draft Wilderness.

The proposal calls for two new National Scenic Areas in the George Washington National Forest. One would be the Shenandoah Mountain National Scenic Area, a 90,000-acre scenic area located in Augusta, Rockingham, and Highland Counties. The other would be Kelley Mountain - Big Levels, located in Augusta County. They would be in the North River Ranger District of the George Washington National Forest.

The proposed National Scenic Area would not include any private lands. Current roads would remain open for access. A National Scenic Area is a federally designated area of outstanding natural and scenic value that receives a level of protection that is less stringent than wilderness designation. Scenic areas are typically occupied or used in some manner by people and either cannot be considered for wilderness designation, or are seen as suitable for a wider range of uses than those permitted under wilderness designation.

Shenandoah Mountain offers some of the most spectacular scenery in Virginia. The undulating ridgeline serves as a backdrop for the Shenandoah Valley, enjoyed daily by those of us fortunate enough to live in the Valley and those who pass through on Interstate 81 alike. When we see a storm coming or a glorious sunset, we look toward Shenandoah Mountain. Those who venture to Reddish Knob are inspired by the panoramic view of the surrounding area. Shenandoah Mountain is more than a beautiful mountain; it is part of our culture and history. Protecting its beauty should be our generation’s legacy to our children and grandchildren.

The 90,000-acre section of Shenandoah Mountain that lies in Virginia between Rt. 250 and Rt. 33 knits together one of the most significant concentrations of roadless wildlands in the Southern Appalachians. It includes the 6,519-acre Ramsey’s Draft Wilderness and seven areas identified in Virginia Mountain Treasures: The Unprotected Wildlands of the George Washington National Forest (The Wilderness Society, 2008). The Shenandoah Mountain area between Rt. 250 and Rt. 33 includes 10 named peaks that rise above 4,000 feet. The highest point is Reddish Knob which offers a 360-degree panoramic view of surrounding mountain valleys.

Shenandoah Mountain’s eastern flank forms a major drainage divide for the headwaters of two major rivers, the Potomac to the north and the James to the south, both of which flow into the Chesapeake Bay. The North River and its tributaries drain most of the Shenandoah Mountain area, flowing into the Shenandoah River and on to the Potomac River. Ramsey’s Draft, Shaws Fork, and the Calfpasture flow from the southern end to the James River. Several streams in the Shenandoah Mountain area support native trout populations.

Perennial springs high on the mountains give rise to numerous pure streams, such as Skidmore Fork, North River, Black Run, Gum Run, Maple Springs Run, Little River, Hone Quarry Run, Briery Branch, Shaws Fork, Calfpasture River, and Ramsey’s Draft. These streams support aquatic life and provide abundant clean drinking water for municipalities in the Shenandoah Valley, including Harrisonburg, Staunton, and Bridgewater. Some of these mountain streams are dammed for municipal water supply, flood control, and recreation.

The value of these streams and reservoirs will increase as the population grows and clean water becomes more scarce. National Scenic Area designation would provide permanent protection of these critical watersheds. Reservoirs and lakes would continue to be maintained.

Friends of Shenandoah Mountain is a working coalition of local citizens, businesses, faith groups, wilderness advocates, mountain bikers, hikers, hunters, and other forest users who are working to protect the wild heritage of Shenandoah Mountain for future generations. The West Virginia Highlands Conservancy has been asked to support this proposal. Our Board will take up the matter at an upcoming meeting.
Sunday, November 24 Balsam Swamp tour, Canaan Valley National Wildlife Refuge  11 am  We'll take a short (1 hour) tour on the Accessible Boardwalk (the Highlands Conservancy helped to build) on the Freeland Road tract of the Refuge. We'll see the first deer exclosure that we built to protect some of the beautiful balsam fir trees where we've collected cones for the seed used to grow the seedlings to support our ecosystem conservation and restoration program. Consider joining us during the afternoon for the wreath making workshop across the street at White Grass Ski Touring Center. RSVP please, Dave Saville daves@labyrinth.net

Sunday, November 24, Evergreen Wreath Making Workshop  - Join us at White Grass Ski Touring Center in Canaan Valley for an afternoon of fun learning how to make your own holiday wreath. Bring a hand pruner and any decorations or adornments you'd like to add to your wreath. We'll have all the materials you'll need, including a variety of firs, to construct your very own piece of artwork. If you have anything special to share, such as pine cones, boughs of holly, etc., bring them along. We'll get started at 1pm and be around all afternoon. RSVP please, Dave Saville daves@labyrinth.net  (To see how much fun it was last year, see the pictures on page 14)

Open dates. 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.

West Virginia Highlands Conservancy President Cynthia Ellis escorts a field trip from Glenville State College on a tour of Kayford Mountain. This is the ninth year for these tours from Glenville College with assistance from West Virginia Highlands Conservancy and Keepers of the Mountains. The leader is Ass't. Prof of Biology, Dr. Ross Conover. The group included about forty students from West Virginia, Alabama, Maryland, and North Carolina. Their majors include Education, Forestry, Natural Resource Management, Criminal Justice, Biology, and Business Management.
CORRIDOR H GIVETH, CORRIDOR H TAKETH AWAY

By Hugh Rogers

There’s more than one Beaver Creek, and I don’t mean all the streams by that name scattered around our state. I mean two Beaver Creeks in the same location in northern Tucker County, emptying into the same Blackwater River at Davis. One Beaver Creek, polluted by acid mine drainage, will be saved by the Corridor H construction alongside it; the other Beaver Creek has been polluted by sedimentation from that same construction.

These contradictory creeks were discovered simultaneously by three state agencies.

You’ve seen the sad Beaver Creek in the September issue of The Highlands Voice. Walter Marshall’s stream sampling for Friends of Blackwater measured the damage from Corridor H construction, “where we found inundated silt fences, ditches, and a beaver pond draining water heavily laden with silt into Beaver Creek.” An avid fisherman, Marshall worried about the impact on the Blackwater, which has become an important trout stream: “Whatever happens to the Beaver happens to the Blackwater.”

Now we have a settlement agreement between the Department of Environmental Protection (DEP), the Division of Highways (DOH), and the contractor, J.F. Allen Company. Their failure to stabilize banks and water diversions allowed sediment-laden water to leave the site, causing “conditions not allowable in State waters.” First reported by DEP inspectors last May, the same conditions were reported in July, and even worse in August. By then the damage was severe, and the company was still failing to comply with the terms of its permit; failing to report or produce records of its own inspections; and failing to re-seed cover crops where the first seeding had failed. Some of these violations were determined to be major.

Along with various enforcement provisions, the DEP assessed the company a civil penalty of $54,540.

The happy Beaver Creek appeared in many state newspapers on August 8 and 9: “In the not-too-distant future, people will be fishing for trout in Beaver Creek,” said Steve Brown, stream restoration program manager for the state Division of Natural Resources (DNR). “That will be a huge environmental victory, and the Division of Highways should get credit for making that happen.”

Specifically, Brown credited DOH environmental monitor Carl Nucilli, who came to him for ideas about spending mitigation money on the section of Corridor H that parallels Beaver Creek for more than eight miles. Acid mine drainage has poisoned the stream for at least forty years. Together, they planned four DOH-built sites where the DNR could put limestone sand in the creek to neutralize the acid.

DNR has been using limestone fines in streams damaged by acid rain for a long time. However, fishermen tell me that limestone fines are less effective at treating acid mine drainage. Fines dumped in the stream tend to get a coating that prevents the lime from mixing well. That’s why liming machines, such as at Otter Creek, are more effective. They can control the mixture and the timing of the release better. But they are more expensive.

Brown might have been overoptimistic when he forecast Beaver Creek’s restoration as a trout stream. Now that he has learned about the heavy sedimentation from highway construction, he’s not so happy. When I asked him about it, the “not-too-distant future” had become “a long time.”

In the newspaper story, Brown had said, “This is a case of recreational development made possible by the construction of a four-lane highway. People need to know the story of how this happened.”

What people need to know is that the construction that had to be mitigated was a total boondoggle—and particularly this stretch that will replace WV Route 93. The existing highway’s Level of Service, in highway engineers’ jargon, was excellent: relatively level, long sight distances, many passing lanes, more than sufficient for expected traffic.

As for “mitigation,” well, sure, we’d rather have them spend their money cleaning up stuff than dirtying it all over again. Building unnecessary highways is a damned expensive way to fund reclamation.

A BREATHTAKING PROPOSAL

By Mark BLumenstein

Let’s take this dream to a new level.....

When I attend any kind of meeting about environmental issues I see a sea of white haired folk and a few of the younger generation. These young kids will inherit this world and I would like to see them educated and ready to take on the mantle of these causes. I wonder if this idea might get some traction.

Let’s create a center to teach environmental activists. Include all areas of concern: water, air, forests, land & wildlife. Courses will be offered in all areas of conservation, protection of land, waters, air and soil involve state experts and foundations like the one at Canann Valley. College credit perhaps as well as certification in areas for the young, Boy and Girl scouts. Reviews of actions taken in the past and current needs to protect what’s left. Involve West Virginia Land Trust, organizations such as the West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition, West Virginia Environmental Council, and Coal River Mountain Watch. Offer college accredited classes. An institute without walls, so these courses can be taught in schools, colleges, open outdoor class rooms, on site offerings and in multiple sites throughout the Appalachians from Georgia to New York and all the way to Maine.

Programs dedicated to enlisting the young college student and High School grad towards a future in environmental protection and activism. Teach environmental law and Federal environmental laws and how they are manifested. Perhaps get a law school somehow involved or West Virginia University to offer such courses.

Perhaps find a sponsor and call it the Rockefeller or Kennedy Appalachian Institute for Environmental Studies.

Editor’s note: Mark Blumenstein is a longtime environmental activist and West Virginia Highlands Conservancy member. He does not present this as a finished proposal, complete with a budget, time line, etc. It’s an idea, an idea that would take a while to develop. There is no reliable record of just when the lightbulb first appeared over Thomas Edison’s head or, in his case, in his head. Thus there is no record of how long it took from that moment until America was ablaze with incandescence. But great things begin with an idea. This is Mark’s idea, an idea to which he would like to have a reaction. Mark would be willing to sit down with a group of people interested in this concept, to discuss the possible ways forward and how to associate this with non-profits and institutions of higher learning. Inspiring the next generation to accept the mantle of environmental stewardship should be one of our highest callings.
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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.
CONSOL SELLS COAL MINES TO FOCUS ON GAS

By Cindy Rank

While we often ponder the various problems associated with shale gas drilling, there’s one downside that I for one hadn’t seen coming.

CONSOL Energy with its huge mines in Marion, Marshall and Monongalia Counties has always been central to any conversation or discussions about mining in northern West Virginia - especially underground and longwall mining.

But that is about to change.

Here in West By God CONSOL is divesting itself from the thermal coal market (coal burned for electricity), holding onto some of its met coal (used for making steel, etc.) operations, and is putting more of its money into the promise of better days ahead via investment and exploration of its shale gas reserves.

Rumors have been circulating for weeks about who might buy the expansive CONSOL mines in northern WV and now the final die has been cast. The somewhat infamous Bob Murray and Murray Energy of Ohio are the apparent new owners of the Blacksville No. 2, Loveridge, Robinson Run, McElroy and Shoemaker mines.

Though not without its faults and significant environmental problems, CONSOL has a reputation for being a somewhat reasonable and respectable company, fair to its mostly unionized workers and a long history of mining in southwest Pennsylvania and northern West Virginia.

Murray Energy also has a reputation. - It’s just not on a par with CONSOL.

Despite the glowing words of mutual praise from both companies and assurances that Murray will carry on in the same fine traditions of Consolidation Coal, one only has to think back to 2007 and the Crandall Canyon mine disaster in Utah, or to coal slurry incidents along Captina Creek in Ohio to feel a Halloween chill creep into your blood.

One major concern to me is how Mr. Murray will manage the ever expanding underground lake -- the Mon Pool, the Pittsburgh Pool -- that lies beneath the earth filling interconnected mine voids that stretch roughly from the Monongahela River in the east to the Ohio River in the west and from Fairmont WV up to Pittsburgh PA. The presence, pressure and potential pollution from this vast lake has been giving local, state and federal agencies in West Virginia and Pennsylvania heartburn for years.

First mentioned in an article by Richard diPretoro in the October 1996 issue of the Highlands Voice, the great underground pools of water filling the voids left as deep mine operations carve and carry out massive amounts of coal and rock have only expanded with each passing year.

A solid company with deep pockets and substantial stash of assets, CONSOL has been capable of and willing to [when its feet were held to the fire by legal action or major mishaps] support expensive treatment efforts.

To prevent the seeps and the build up of pressure that pushes the metal laden water of the million or so acre Pittsburgh Pool to whatever weak fissures might allow release into stream beds or water wells or low lying yards CONSOL agreed to pump the bad water to treatment facilities at their active operations and hence relieve the pressure and avert what threatens to be a massive problem at some point in time.

Then after discharges emanating from the depths of CONSOL mines killed most of the stream life in 30 miles of Dunkard Creek along the West Virginia-Pennsylvania border the company agreed [in a 2011 court settlement] to construct a $200 million dollar state of the art treatment facility and collection system to pump and treat water from these northern West Virginia deep mines at the new facility in Mannington WV in Marion County … not far from Fairmont.

When the CONSOL to Murray Energy transfer was announced I scoured one article after another, looking for mention of the Mannington facility and how that might fit into the deal.

Most of the news reports stuck to some of the repetitive basic financial information in the releases from both companies until at last the Morgantown Paper honed in on the multimillion dollar water treatment facility in Mannington WV.

According to the Dominion Post: “CONSOL will also retain ownership of its Northern West Virginia Water Treatment Facility, on Dents Run Road near Mannington. The facility receives and treats runoff from the three Mon and Marion mines. CONSOL spokeswoman Lynn Seay said Murray will pay treatment fees, which are part of the $184 million.” [estimated liability for water treatment payments, tolls and a royalty on selected reserves acquired as part of the transaction.]

So I breathe somewhat more easily – at least for awhile. However, like the union mineworkers and retirees whose futures and pensions are for the moment protected by the current contract [purportedly to be honored by Murray] I too will await the unfolding of what the next few years bring.

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.

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.
By Beth Little

In late September I traveled to Salina, Kansas to attend the Prairie Festival, which the New York Times dubbed “an intellectual hootenany.” The Prairie Festival is a weekend of speeches and presentations, music, art and food that takes place on the grounds of The Land Institute. Speakers include Wendell Berry (a regular), Gary Snyder, Alice Waters, Ken Kesey, Michael Pollan, Bill McKibben, Bruce Babbitt, Barbara Kingsolver, Sandra Steingraber, the Land Institute founder Wes Jackson, and many more.

It certainly was exhilarating to be in company with 700 other like-minded Americans who recognize that our corporate run system is broken and is interested in ideas about how to fix it. And I’m not talking about 700 people you might see at Occupy Wall Street (although that would have been fine with me). As a 74-year-old retired accountant staying at a nearby B&B, I was a typical participant. Not only that, but all the people I became friendly with (which was just about anyone who happened to be nearby), were people who had attended before – some for several years. There were about 200 students there, sent by some extremely forward thinking professors to gain knowledge from such talks as “Wild Earth Economics: Rethinking Economic Evolution” and “Toward a More Just, Regenerative and Sustainable Way of Living through the Transformation of Finance” by a former investment banker.

But the talk that moved me to tears was “The Importance of Beauty” by Sandra Lubarsky. Her talk included a walk through the history of philosophy showing that, from the Greeks through the enlightenment, beauty, along with harmony and proportion, were vital and valuable characteristics of reality. Then came Des Cartes with a mechanistic perspective (the human body can be reduced to pumps and levers), and beauty was trivialized to a subjective merely personal viewpoint. Fact was separated from value, objectivity was separated from subjectivity, humans were separated from nature, and nature was separated from life.

The following excerpts from her talk thundered home with me:

“So far, in central Appalachia, the tops of 500 of the oldest mountains on the continent have been obliterated by the gruesome form of mining that strips away all landmass lying above the coal seams of a mountain. Up to 400 vertical feet have been blasted away--whole summits and ridges of mountains-- resulting in a topography intentionally destroyed and impossible to restore. Country-wide, a sprawl of fracking pads now lies helter-skelter across Texas, Colorado, and Wyoming and it will soon be the same throughout the Marcellus Shale formation that runs from New York to Virginia; from the air, it looks like a malignant network of flat, brown cells scarring the countryside, tied together by 350,000 miles of gas pipelines.

“What good is a mountain just to have a mountain?” This was the question asked by a representative of the West Virginia Coal Association in a public debate over Blair Mountain and whether it would remain a mountain or become a slagheap. What should have been a shameful question is, in a world described as senseless and valueless, nothing more than perhaps a little uncouth-- and maybe not even that.

Without a re-affiliation of nature and life and a reintroduction of value into the world there will be no deposing of this kind of thinking that so clearly illustrates philosophical and economic materialism. At most, we will scramble to argue for the usefulness of ecological “services;” at the least, we’ll simply admit that “having mountains” is a luxury the 99% can’t afford and the 1% literally, doesn’t put stock in.

It isn’t customary, though, to speak of beauty as a critical dimension of sustainability. Though beauty is very much a casualty of ecosystem destruction and the increase of human demands on the planet, it is not generally noted in the litany of loss along with fresh water, soils, rain forests, coral reefs, and innumerable species. But beauty is no mere sentimental, idiosyncratic human affect; it is the way we describe encounters with vitality, with life-affirming patterns and relationships. Aldo Leopold was right to add it as the third principle in his taxonomy of sustainability. Does the land exhibit stability? Do its members have integrity and is there integrity of the whole? Does beauty abound? If by sustainability we mean something more than mere persistence, if we aim beyond subsistence to wellbeing, then beauty must be included in our efforts to safeguard the planet.

The current idea of sustainability demands a broader, deeper foundation. The term itself basically means the ability to endure, which is best exemplified by such things as rocks. Rather than ask, “How can we endure endlessly on the planet?” It seems far better to ask, “How can we live in life-affirming ways” This question is, I believe, synonymous with the question, “Can we live in such a way as to promote beauty?”

She ended with the following: Edgar Mitchell was one of Shepard’s colleagues on the Apollo 14 mission. He also saw the earth from the vantage point of the moon’s surface which brought Alan Shepard to tears. He said this: “You develop an instant global consciousness, a people orientation, an intense dissatisfaction with the state of the world, and a compulsion to do something about it. From out there on the moon, international politics look so petty. You want to grab a politician by the scruff of the neck and drag him a quarter of a million miles out and say, “look at that, you son of a bitch.”

The Prairie Festival is just a weekend in September. The work of The Land Institute that goes on all year, year after year, since 1976, is developing an agricultural system with the ecological stability of the prairie and a grain yield comparable to that from annual crops; i.e. perennial grains. Their work to date has produced Kernza, a perennial wheat that mills into tasty flour. I brought some home and made cookies for the recent WVHC board meeting, which were consumed with audible pleasure.

The Land Institute mission statement is: “When people, land, and community are as one, all three members prosper; when they relate not as members but as competing interests, all three are exploited. By consulting Nature as the source and measure of that membership The Land Institute seeks to develop an agriculture that will save soil from being lost or poisoned, while promoting a community life at once prosperous and enduring.”

For more information about their work go to www.landinstitute.org, click on About Us and then scroll down to FAQ Sheet.

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.
A DAY OF WREATHMAKING
This Land Is Your Land

For the past few months, the Public Lands Committee of the West Virginia Highlands Conservancy has been carrying out its *This Land Is Your Land*, featuring outings to public lands. Participants have been spending a day or so each month exploring, and learning more about, our public lands. As a part of this effort, we offer the information below on how much public land there is in West Virginia and how it is divided among parks, forests, etc. This information was compiled by Dave Saville as a part of a presentation he has given on the history of public lands in West Virginia.

### Ownership of Land

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### Federal Lands in West Virginia

#### National Forests

**George Washington**, 105,504 acres in West Virginia, bulk of forest is in Virginia

**Jefferson**, 9,648 acres in West Virginia, bulk of forest is in Virginia

**Monongahela**, 911,000 acres located, completely within 10 counties of West Virginia. 570 miles of roads, 825 miles of trails, 576 miles of trout streams, 23 campgrounds, 17 picnic areas, 0 ATV areas, 8 wilderness areas, 128,000 acres of Wilderness, 900 ft. to 4863 ft in elevation, 230 known species of birds, 75 species of trees.

#### National Wildlife Refuges

**Ohio River Islands**, established in 1990, 22 islands along 362 miles of the Ohio River comprising 3354 acres.

**Canaan Valley**, Established in 1994 as nations 500th NWR, Currently ~16,000 acres, Over 6,000 acres of wetlands, Over 580 species of plants, Over 280 species of animals.

#### National Parks

**Harpers Ferry National Historic Park**, designated a National Monument in 1944, then a National Historic Park in 1963, Over one million visitors annually, over 4,000 acres in three states. The site on which Thomas Jefferson once said, “The passage of the Potomac through the Blue Ridge is perhaps one of the most stupendous scenes in Nature” after visiting the area in 1783.

**New River Gorge National River**, Established in 1978, 78,000 acres along 53 miles of the New River, provides some of the country’s best whitewater paddling, most popular climbing spot in the east with over 1400 established climbs.

**Bluestone River National Scenic Area**, Protects 10.5 miles of the Bluestone River

**Gauley River National Recreation Area**, Protects 25 miles of the Gauley and 6 miles of the Meadow Rivers, Dropping more than 668 feet through 25 miles of rugged terrain it is considered among the best Whitewater Paddling streams in the country.

### State Lands in West Virginia

State Parks (35 parks ~75,000 acres) (WV DNR Parks & Rec. Section)

State Forests (9 forests ~ 78,000 acres) (WV Div. of Forestry)

Wildlife Management Areas (72 WMAs 200,000+ acres) (WV DNR Wildlife Resources)
HIGHLANDS CONSERVANCY BOUTIQUE

NEW STUFF

►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 $15 by mail; long sleeve is $18. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: 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.