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The Highlands Voice

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Forest Service Weighs in on Atlantic Coast Pipeline

By John McFerrin

The United States Forest Service has responded to the proposal by Dominion Resources and others to build the Atlantic Coast Pipeline Project. As currently planned, it would pass through both the Monongahela National Forest and the George Washington National Forest. This response was directed to the Federal Energy Regulatory Commission (which must approve the pipeline before it can be built).

It is a substantial document—fifty three pages with 335 specific comments. A few (a very few, actually) of the comments are about minor mistakes. At one point Dominion lists landforms the pipeline will cross and includes “canyon.” The Forest Service correctly pointed out that there are no canyons along the proposed routes. In a couple of places Dominion cites a source for its position. When the Forest Service went to the source, it found that the source had been paraphrased inaccurately.

Unless one wishes to infer something about the care with which Dominion put together its filing, these are minor, correctible mistakes. The other mistakes may be correctible but they certainly are not minor.

If there is a theme to the comments it is that Dominion has not submitted the information that the Forest Service would need to

make a decision on any future request for permission to build in and cross the Forests.

This theme appears from the very first comment: the Forest Service says that it has made numerous comments on previous filings. While Dominion has addressed some of the comments, it has not addressed nearly all. The document also points out that the Virginia Chapter of American Fisheries Society made comments and suggests that Dominion should pay attention to those comments.



Cow Knob Salamander

The theme continues throughout the document. Dominion suggests that it conduct soil and geologic studies later, not now. Dominion doesn’t say how long Forest Service lands will be disturbed. The Forest Service has lots of questions on how Dominion is going to do erosion control, fills, etc. The report doesn’t

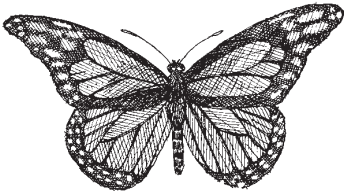
list all stream crossings, including trout streams. It doesn’t list the streams where rare fish have been identified.

There is no indication of how Dominion plans to restore vegetation, no survey of archeological sites, not enough on how Dominion plans to prevent invasive species or control illegal all-terrain vehicles brought on by the greater access that the pipeline

(More on p. 6)

What’s inside:

Thoughts from President Cindy	2	Election coming up	9	Chance to buy stuff	16
History of ♥ing Mountains	3	Petition to consider	9		
Pollution along Corridor H	4	Stream in peril	10		
Slow but steady progress	5	Get a Hiking Guide	11		
Amphibians rejoice!	6	Planting trees	12		
How to join	7	Farming	14		
Get a history book	7	Get some baby trees	15		
Roster of officers	8	Public hearing on stream			
Letter to Earl Ray	9	protection	15		



Ramblin' the Ridges

By Cynthia D. Ellis

DON'T KNOW MUCH 'BOUT HISTORY

Eighth graders across West Virginia have returned to school. One of their required courses is the study of West Virginia history. Some kids will apply themselves with extra effort, take a special test, write an essay and try to win a Golden Horseshoe Award. Each year 221 students kneel in a formal ceremony, are tapped lightly with a sword, and are dubbed "knights and ladies" of the Golden Horseshoe. Their greater knowledge of the background of their home state is recognized with a golden pin. These tokens are based on those given by Governor Alexander Spotswood [of then



Governor Alexander Spotswood

Virginia] to members of a 1700's team of explorers of our rugged terrain. "Sic jurat transcendere monte" was the party's slogan; "Thus he swears to cross the mountains." Author Homer Hickam regretted that he did not earn the prize. Dr. Paul E. Gates, brother of Henry Louis Gates, received his belatedly, due to prejudice against African-American students.

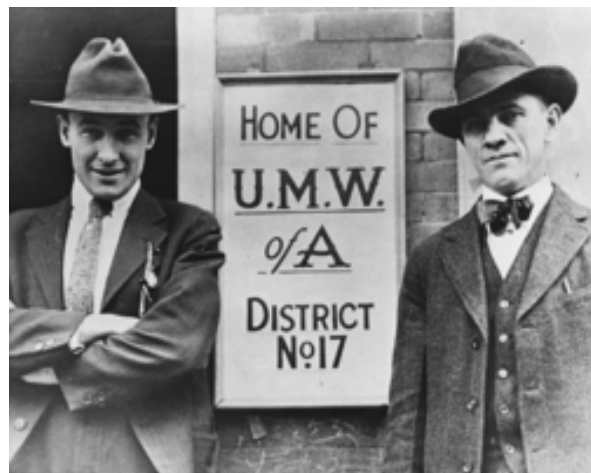
A check of one's friends and cyber-friends can find that most remember taking West Virginia history. But a number of them feel something was missing. Or several things. They realize that important chapters of our past have been slighted or even undermined. This may be especially true of the social and environmental effects

of coal mining and other resource-removal industries. Reviewing textbooks from a while back can be revealing.

It is hardly news that former texts had an unabashed pro-extraction theme. "Throughout her entire history, coal has been West Virginia's basic resource." "Of all the resources of West Virginia none has been more important than coal." Pages are full of tonnage numbers and other statistics. "Far-sighted people purchased mineral rights to seemingly worthless land." Much less space is devoted to the workers involved. Mining towns, however, did evoke a theme. "These towns were drab and monotonous, because homes were often built on the same plan, painted the same color, and the streets seldom had sidewalks." "Meanwhile, mining towns with their painful monotony of architecture and color, sprang up as if by magic; while coal tipples and the refuse which accumulated around them disfigured primeval landscapes." But, claims one, these towns were no worse than mining towns out West or cotton factory towns of the South.

One book does note that, "...West Virginia [coal] operators were a law unto themselves during the 'Golden Twenties'..." and, although scarce, depictions of working children can be found. Mother Jones is usually sketched, but one volume calls the Paint Creek struggle, "The Breaking of Peace in Central West Virginia." The Battle of Blair Mountain may get one sentence; union organizer Frank Keeney is rarely mentioned.

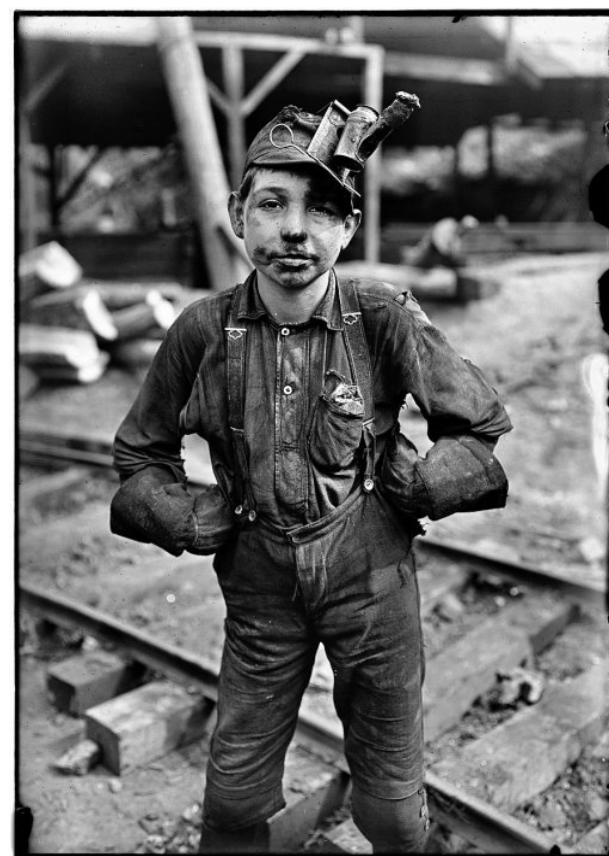
Newer texts, such as the one use in my county, "West Virginia; 150 Years of Statehood," by Vicki Wood, offer more. This author devotes two pages to Blair Mountain



Frank Keeney (right) with Fred Mooney

and includes passages on Bill Blizzard and child labor.

Anyone interested in supplementing lessons can find rich sources. Cindy Rank, chairman of the West Virginia Highlands Conservancy's Mining Committee, maintains a multi-page list of suggested good reads. Two new publications could warrant reviews [hint: write one and send to us]. The first is "Carla Rising" by Topper Sherwood. This novel focuses on people at the heart of the march and battle at Blair Mountain. The second centers on the Paint Creek and Cabin Creek wars of 1912-



Coal mine boy
Photo by Lewis Hine

1913 and is titled, "The Devil is Here in These Hills," by James Green. Textbooks neglected Frank Keeney--- president of United Mine Workers of America District 17. Green seeks to put that right, explaining Keeney's pivotal role in the social justice themes of his time. PBS's "American Experience" plans to base a documentary on Green's book.

One classic novel on mining history is Denise Giardina's "Storming Heaven." A recent Charleston newspaper story announces that a musical will be made

(More on page 8)



Its origins and travels

By Julian Martin

When I saw I ♥ Coal bumper stickers I figured that I ♥ Mountains would express a love of mountains most West Virginians could identify with more than lust for a rock that burns. So, in 1999, I had a batch of I ♥ Mountains bumper stickers printed and started giving them away personally and on line. By now nearly 100,000 have been printed and distributed.

Our trademarked logo travels well. I ♥ Mountains stickers have been spotted from Alaska to Florida and all over West Virginia, I even saw one in coal ravaged McDowell County. I ♥ Mountains have been seen in Philadelphia, Brooklyn, Queens, Nashville, on a car parked at the University of California, Davis and nearby in San Francisco, Berkeley and Oakland, on a Subaru bumper in a Sierra Magazine ad and at Acadia National Park in Maine. They are popular in North Carolina on I-40, many in Asheville, Charlotte and at Elk River Falls. And there was a report of a sighting at Cape Breton Highlands National Park in Nova Scotia. Who would have thunk Bozeman and Anchorage? My favorite sightings were on a water bottle at Lake Baikal in Russia and the one seen on a troop carrier in Iraq.

Among other places, I ♥ Mountains stickers are available in Charleston at The Bread Store and Taylor Books. They can be had in Lewisburg at Plants, Etc. and at the Wild Bean, Wolf Creek Gallery, and Serenity Now Outfitters, when I keep them supplied. Berkeley Springs Books regularly sends donations and asks for more. The Rocks, formerly Nelsons Rocks Outdoor Center, gives them to customers as WVHC board member Larry Thomas keeps them supplied.

Groups and individual fellow travelers in Virginia, North Carolina, Tennessee, Kentucky and Florida ask for quantities of I ♥ Mountains stickers and we share for sure. Please let me know of other businesses and groups that would like to provide I ♥ Mountains stickers, free of charge, for their customers and members.

Every day our trademarked logo is seen on both the front and back bumpers of my car and on our newspaper box out by the mailbox. After the bumper stickers I had t-shirts printed with the I ♥ Mountains logo and West Virginia Highlands Conservancy website. I usually wear one of the T-shirts when I go out and about.

How people receive it

By Cindy Ellis

I can't remember the first time I saw the slogan of the West Virginia Highlands Conservancy. As I become active in the organization, it just seemed to always be there.

A volunteer with one of our partner groups spoke enthusiastically of our slogan and stickers, which we have shared with her own organization and others. "People just snap them right up! They're really popular...We could use some more!"

Here in the Charleston area, I may see quite a few stickers on cars. Once I remember waiting to escort folks to the MTR site at Kayford and seeing a car with an out of state license plate...beside it was our sticker! Fayetteville is another place where our slogan is plastered on lots of bumpers.

Each time I've helped with a presentation table or booth for our group, we've offered the I ♥ Mountains stickers and badges. Both go fast. More than once, someone has said, "Oh good, I need a new one! My old sticker was faded and worn."

We've had fun with the I ♥ Mountains slogan on tee shirts. Of course, Julian is pretty iconic in his...Mr. Mountains attire.

Cindy Rank has been captured in our sloganed ball cap. Dave Saville is pictured holding a sticker up high. Cindy Ellis wears her shirt when helping plant spruce trees.

Our pins, with the I ♥ Mountains slogan atop a blue-green ridgeline, are popular too. Kids are especially drawn to one or more of our heart-y badges when we offer them at events. Our pins have been seen on caps, jackets and vests, purses, and backpacks.

One internet search of images of our slogan, using the heart shape rather than the word "love," came up with, first, a picture of our sticker, followed next by 31 photos of majestic mountains. Granted, most were snowy peaks out west, but...we were number one.

Note: The West Virginia Highlands Conservancy recently

registered **I ♥ MOUNTAINS** as a trademark. We have had it for so long and have distributed it so widely the we wanted to officially make it a part of our history. For information on how you can get one for your very own, see page 11.

Corridor H: Pollution as Usual

By Hugh Rogers

Violation. Violation. Violation.

Notice. Fine. Plan of corrective action.

Repeat violations. Repeat fines and plans. Continue construction. Continue pollution. Kill the streams that were to attract the tourists who would use the highway. On Corridor H, business as usual is pollution as usual.

The story is the story hasn't changed.

Walter Marshall's article, "Siltation in Beaver Creek," with accompanying photos, appeared in the September 2013 issue of the *Voice*. Two months later, I wrote on the irony of the Division of Natural Resources (DNR) cheerleading for Corridor H "mitigation" sites to offset acid mine drainage into Beaver Creek at the same time the Department of Environmental Protection (DEP) was fining the contractor for silting up the same stream. DNR revised its prediction that trout would thrive in this stream from "the not-too-distant future" to "a long time."

The shame is, this story was foreseen twenty years ago. For its series on "Good Fights," *Backpacker* magazine focused on Corridor H in its issue of February, 1994. The caption of the accompanying photograph read, "Road construction would turn the clear waters of Beaver Creek into a silty mess."

But silt doesn't sit still. Downstream, the Blackwater River, site of a prize catch and release area, has been heavily affected.

It's worth noting again that DEP's first Draft Consent Order, dated July 30, 2013, had to be modified to include additional violations in July, August, and September. Similarly, DEP's latest Consent Order, dated June 24, 2015, only covered violations from last year. It did not include the major violations that have been in the news this summer, nor the citations for fifteen violations that were discovered in its own record review in February. It's hard to keep up with these guys.

Walter Marshall, fisherman and stream monitor, shared with us his comments to DEP on their proposed Consent Order, and DEP's reply. First, Mr. Marshall complained that the fines should have been imposed on the contractor, J.F.

Allen Co., rather than the West Virginia Department of Transportation (WVDOT). Well, it turns out that WVDOT is the permit holder now. (The National Pollutant Discharge Elimination System permit sets the volume of pollutants, here primarily iron, that may lawfully be released from the site.) Last time around, J.F. Allen and WVDOT were issued the permit jointly, but this year, J.F. Allen asked to be removed as a "responsible party." Interesting. Although a typical highway construction contract would require that any fines or penalties



Beaver Creek

be withheld from the final payment to the contractor, J.F. Allen might have worried about other consequences.

Mr. Marshall then recommended that the penalty should include costs for remediation and economic damage. DEP replied that the penalty included WVDOT's estimated economic benefit. The benefit was calculated on the cost of pollution control equipment that had not been installed. The answer was, as lawyers say, "non-responsive."

Going to the heart of the matter, Mr. Marshall commented, "DEP has not taken significant enforcement actions to remedy the problem."

DEP had no defense. All they could do was recite what they'd done, over and over—see paragraph two, above—concluding, "DEP exercised standard procedures to ensure that its response to the aforementioned violations is consistent

with similar enforcement actions throughout the state."

Standard procedures are not about fixing problems. "Remedy" is not in DEP's vocabulary.

Some at DEP have claimed the latest fine, \$74,105, is extraordinarily large. Divided by the number of violations, though, it is actually lower on average than the fine assessed in 2013. And compared with the millions of dollars J.F. Allen is paid on these contracts, it's puny.

On August 24, Scott Mandirola, director of DEP's Water and Waste Management division, spoke on MetroNews "Talkline". One could hear him shrug as he explained that most likely nothing would change. As Corridor H construction moves toward Davis, he said, "You then have to construct new sediment control structures and, during that time period, it's a very critical time and there's a possibility of violations occurring at that time, if not done correctly."

After more than fifty violations, there's no reason to believe that future work will be done "correctly." DEP will continue to cite violations, J.F. Allen Co. will continue polluting, and WVDOT will continue to push Corridor H, regardless of damage.

Is there a remedy? Yes. Terminate the contract for failure to abide by its terms and state law.

Note: As with many *Voice* pictures, this one is not nearly so dramatic in the black and white paper version. In the color version, the stream is brown (approximately "rockwood brown" on the Sherwin-Williams paint chart). To see the picture in color, look for the on-line version of the *Voice* at wvhighlands.org Viewer discretion advised.

Another Step Forward

By John McFerrin

The United States District Court for the Southern District of West Virginia has decided that the Fola Coal Company has violated the federal and state Clean Water Acts at its surface mines along the southern portion of the Leatherwood Creek watershed: (1) Fola Surface Mine No. 2 in Clay and Nicholas Counties; and) Fola Surface Mine No. 6 in Nicholas County, West Virginia. The case was brought by the West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition ("OVEC"), and Sierra Club.

A little background

The whole point of the Clean Water Act is to keep streams fishable, swimmable, drinkable, etc. Most of this is done by a permitting system (called NPDES) that allows small amounts of pollution to be discharged into state waters. The system is supposed to protect these uses by keeping the amount of pollution that goes into them small enough that the streams remain fishable, etc.

Sometimes the NPDES system is not sufficient. West Virginia (along with all other states) has adopted what are known as water quality standards. These standards are supposed to protect the public health or welfare, and enhance the quality of water. The water quality standards are supposed to be established taking into consideration the use of water for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation. For example, if the scientific data shows that fish can thrive only when the water has less than X parts per million of some pollutant, then the states would establish a water quality standard of X parts per million for that pollutant.

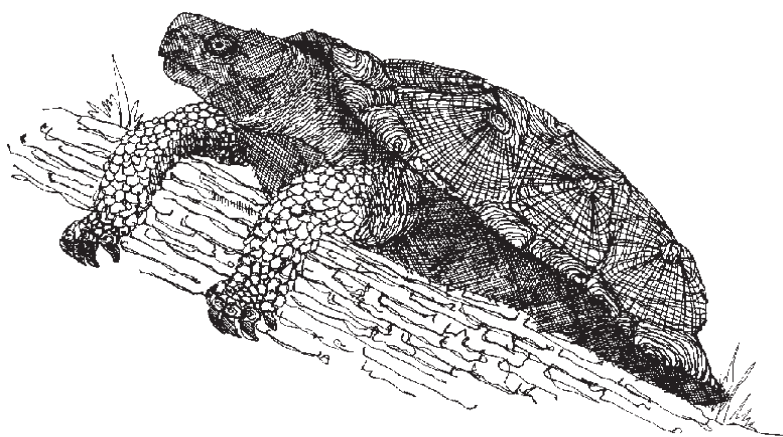
What happened

In this case, the Court determined that Fola was causing a violation of water quality standards. More specifically, the Court determined that were causing an increase in conductivity which, in turn, resulted in causing what is known as a "biological impairment." This is anything that causes a decline in population and species of the aquatic life in the stream that indicates stream life is being damaged.

The details

(1) What is conductivity

Conductivity is a measure of the ability of water to pass an electrical current. Totally pure water is a poor conductor of electricity. Generally speaking, the more inorganic dissolved solids such as chloride, nitrate, sulfate, and phosphate anions (ions that carry a negative charge) or sodium, magnesium, calcium, iron, and aluminum cations (ions that carry a positive charge) that are present in the water, the more easily the water can conduct electric current. Thus, if we measure the conductivity and



it is high, it tells us that there are a lot of these and other substances dissolved in the water. While it does not identify individual substances, the conductivity reading gives an overall reading of the concentrations of substances in the water.

Conductivity is useful as a general measure of stream water quality. Each stream tends to have a relatively constant range of conductivity that, once established, can be used as a baseline for comparison with regular conductivity measurements. Significant changes in conductivity could then be an indicator that a discharge or some other source of pollution has entered a stream.

Research has shown that high conductivity can make a stream inhospitable to aquatic life, making the stream biologically impaired.

In this case, the Court determined that Fola was causing a dramatic increase in the conductivity of streams near its mining.

(2) What is biological impairment

Biological impairment just means that the water becomes less hospitable to aquatic life. The Court's opinion relies upon both published studies of the relationship

between conductivity and aquatic life and the testimony of experts. The short version of the research and expert testimony is that small increases in conductivity can have an effect upon aquatic life. At some point, the conductivity is so great that many species of aquatic life cannot survive.

In this case, the conductivity in the streams was well beyond the point where many species of aquatic life could not survive.

The Short Version of what happened here

Fola Coal operations are putting something in the water. Nobody knows exactly what but we know there is something because the conductivity of the water is through the roof. Conductivity this high kills aquatic animals. Fola is going to have to fix this. Exactly what it has to do will be determined later.

A little history lesson

Not too long ago, the only thing that companies or any regulator considered was what came out of the pipe leaving the operation. Companies had permits which allowed them to discharge water with certain concentrations of pollutants from certain points. Someone would test the water at those points for some three or four named pollutants. If the concentration of those pollutants was below the discharge limits then nothing else happened.

Through the advocacy and litigation by the groups involved in this litigation and many others, we began more seriously considering in-stream water quality standards. This had been a part of the law all along but generally ignored. Even if the discharge limits were met, the mine was not allowed to cause a violation of water quality standards. These are the standards which require that the water be fishable, swimmable, etc.

Finally, the relevancy of conductivity was established. The coal industry had long argued (and no doubt will continue to argue) that just because there is high conductivity does not mean that the stream is biologically impaired. The Court in this case carefully considered the evidence and the scientific literature. From it, he concluded that when the conductivity in

(A little more on p. 8)

Forest Service Comments on the Pipeline (Continued from p. 1)

will produce. The Forest Service thinks Dominion has done a generally poor job of surveying for threatened and endangered species. Dominion should have included more information on landslide potential and something about subsidence when the pipeline is planned to go over abandoned mines.

The list of things that Dominion didn't do just goes on and on. To see the whole thing, go to http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20150730-5223.

There are also things that Dominion just didn't think about. Part of the proposed route goes along what Dominion describes as an "old strip mine", apparently acting on the assumption that old strip mines are such a mess that nobody could possibly object to anything someone wants to do there. This, however, was the site of a spruce restoration project by the Central Appalachian Spruce Restoration Initiative (for more about them see the story on page 12) which had spent a million dollars on restoration. The Forest Service's comment is that Dominion should explain the effect the proposed pipeline would have on the restoration. Between the lines it says, "Find someplace else to put your pipeline. You're not going through the restoration site."

Another theme of the comments is that Dominion has not seriously considered alternatives to the pipeline. When Dominion said that it was "infeasible" to put the pipeline anywhere other than the Forests, the Forest Service replied, in essence, that Dominion was not looking hard enough and should go look some more.

The comments point out that Dominion has never said why it needs to cross Forest Service land at all. It would not be enough just to say that it would be cheaper to cross Forest Service land. It must show that the pipeline would be "consistent with the mission of the Forest Service to manage NFS lands and resources in a manner that will best meet the present and future needs of the American people" and that it "cannot reasonably be accommodated off non-NFS lands." The Forest Service says that Dominion has not yet explained how it meets these requirements.

One rationale that Dominion has offered for crossing Forest Service lands is that one alternative route would take the line through the Shenandoah National Park. Since crossing Park Service land would require an act of Congress, approval could not be secured soon enough to suit Dominion's plans. The Forest

Service says that this not sufficient and that Dominion must point to some environmental reason for putting the line through the national Forest instead of the Park.

The Forest Service also pointed out that there are existing Columbia gas lines and that Dominion should consider the possibility of expanding them.

The Forest Service's comments also insist upon the integrity of the Plans for each Forest. Both the Monongahela and the George Washington have developed master plans for how the Forest Service will manage the Forests. Dominion says that if the pipeline is inconsistent with the plans we will just have to change the Plans. The Forest Service comments that it has no intention of changing the any Plan unless the result is consistent with its overall objectives for the Forest.

This is only one step in the long process toward a decision on whether to build or not build the Atlantic Coast Pipeline. Right now the Forest Service is not refusing to grant permission but it is not jumping up and down in support either. Mostly it is telling Dominion that it has a lot of explaining to do.

Salamander Supporters, Take Heart!

Friends and family of the Cow Knob Salamander (*Plethodon punctatus*) should be heartened by these comments by the Forest Service. The Cow Knob Salamander only lives in the George Washington National Forest. It is the subject of a Conservation Agreement between the Fish and Wildlife Service and the Forest Service. Measures to protect it are incorporated in the George Washington National Forest management plan. These include routing utility corridors around the salamander habitat. From the tenor of these comments, it is apparent that the Forest Service was not kidding with these protections and intends to enforce them.

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 Highlands Voice is published monthly by the West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by the last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor elsewhere in this issue. Submissions by internet or on a floppy disk are preferred.

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.

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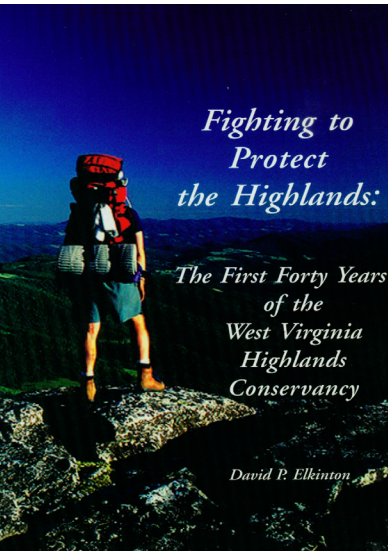
	Individual	Family	Org.
Senior	\$15		
Student	\$15		
Introductory	\$15		
Other	\$15		
Regular	\$25	\$35	\$50
Associate	\$50	\$75	\$100
Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

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

GREAT HISTORY BOOK NOW AVAILABLE

For the first time, a comprehensive history of West Virginia’s most influential activist environmental organization. Author Dave Elkinton, the Conservancy’s third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy’s energy, but profiles more than twenty of its volunteer leaders.



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

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

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

518 pages, 6x9, color cover, published by Pocahontas Press To order your copy for \$14.95, plus \$3.00 shipping, visit the Conservancy’s website, wvhighlands.org, where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy’s ongoing environmental projects.

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.

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. With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived. The electronic Voice is in color rather than in black and white as the paper version is.

Cynthia D. finishes up (Continued from p. 2)

from Giardina’s novel, despite her own initial skepticism. She approves of the producers’ approach and sees the effort as one way to counter Appalachian stereotypes.

So there are new resources. And also, the old standards were sometimes prescient. From 1971, there is this: “While we may look upon our state with great pride, we must not shut our eyes to some of the ways in which we have failed to do our best. Like most other Americans, we have been wasteful of our resources and have spoiled some of the beauty of the region in which we live. Much of the wealth of the state has been taken out of it. West Virginians need to be more concerned about the way in which our resources are used and must seek to preserve the state’s riches and beauty for generations yet to come.”

NOTES: Traditional texts consulted were “West Virginia: The Mountain State” by Charles H. Ambler and Festus P. Summers, “West Virginia History” by Phil Conley and William Thomas Doherty, “A Panorama of West Virginia” by David A. Bice and Caroline Neal, and “West Virginia: The State and Its People” by Otis K. Rice. To see current state board approved WV History materials use this link and click on “all vendors” <http://wveis.k12.wv.us/nclb/Materials/public12/MainMenu.cfm?tsele1=224>

More about Fola Coal (continued from p. 4)

a stream gets above a certain level aquatic animals die. In legal terms, high conductivity results in biological impairment. The Court rejected the defendant’s argument, concluding that there was not much of a scientific argument to the contrary.

Agencies are institutions who change slowly; companies don’t want to change. We are not there yet. At the same time, there has been significant progress in the last few years in moving toward a comprehensive system of regulation of the effects of mining on streams.

The progress is buried in the details of legal jargon and technical terms (this opinion alone was 60 pages and 2 cups of coffee) but it is there nevertheless.



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An Open Letter to Governor Earl Ray Tomblin

Honorable Governor Tomblin,

There are, and have been a number of plans for new electricity transmission lines and natural gas pipelines in West Virginia. The lines cross our beautiful mountains and damage our environment while exporting West Virginia's valuable resources: all to provide energy for new jobs in Virginia, North Carolina, Ohio, and beyond. With respect to the Atlantic Coast Pipeline Dominion Resources, Inc.'s press release announces that "ICF also found that more than 2,200 full-time, permanent jobs could be created in the two states (North Carolina and Virginia) because of the lower energy prices."¹

Dominion Resources, Inc. went on to say "Consumers and businesses in Virginia and North Carolina could save an estimated \$377 million annually in lower energy costs thanks to the proposed Atlantic Coast Pipeline, according to an [analysis by Virginia-based consulting firm ICF International](#)."² The same pipeline will eventually transmit natural gas to the Cove Point, Maryland liquid natural gas facility for export, and raise natural gas prices for all Americans.

You have a unique opportunity to minimize our environmental damage while creating jobs in West Virginia. Create two new laws. The first law being a substantial tax on all energy mined, drilled, or created in West Virginia, taxing both British Thermal Units (BTUs) and kilowatts. The second law creates an immediate refund of the tax for all energy used in West Virginia. This will be an incentive to move jobs to West Virginia, the source of energy instead of creating them in other states. It would encourage the industries that want to use our natural gas, coal, electricity, and oil to locate here; bringing jobs and taxes. We might even be able to stop exporting our natural resources, jobs, and kids to other states.

As the transmission projects dwindle in size, or even prove uneconomical and are abandoned you save West Virginians the destruction of our beautiful state. Imagine... jobs and environment at the same time without hurting the West Virginia energy producing industries. This is a win – win – win for West Virginia.

I look forward to reading where you introduce and sign this legislation.

Respectfully,
Tim McGowan
Davis, WV

1 Source: <http://dom.mediaroom.com/2015-02-11-Atlantic-Coast-Pipeline-Estimated-To-Save-Consumers-Businesses-377-Million-Annually-In-Energy-Costs-Analysis-Says>

2 Source: <https://www.dom.com/corporate/what-we-do/atlantic-coast-pipeline/benefits-and-economic-impact>

A Petition to Consider

On August 3, 2015, President Obama and EPA announced the Clean Power Plan as a step to reduce carbon pollution from power plants and take action on climate change. It requires states to develop plans for how the Clean Power Plan would be implemented in their states.

There is now an on line petition (initiated by Jim Sconyers of Terra Alta, WV) urging West Virginia's state leaders to support the Clean Power Plan and move forward with an effective State Implementation Plan. To sign, go to <http://www.thepetitionsite.com/takeaction/594/177/539/>

Election Time

There's an election coming up! It takes place at the Annual Meeting in October, 2015.

President Cindy Ellis has appointed a nominating committee to fill these positions when the terms of current Board members expire in October 2015. John McFerrin, Bob Marshall and Cindy Rank agreed to serve with Don Garvin, Jim VanGundy, and others volunteering to suggest and contact potential candidates.

If you wish to suggest someone for the Board, please contact a member of the committee. Contact information is on page 8. Nominations will also be taken from the floor at the Annual Meeting in October.

If you would like to serve on the Board, feel free to suggest or nominate yourself. This is no time to be modest. The only requirements are membership in the organization and enthusiasm.

STREAM ZERO

By Rick Webb

One small stream in West Virginia is at the epicenter of mega pipeline construction in the central Appalachian region. If industry plans go forward, a two-mile stretch of Meathouse Fork and its tributaries, Big Isaac Creek and Laurel Run, will be crossed by three of the largest pipelines ever built in the region. The smaller of these, the Stonewall Gathering Pipeline (36-inches and 55 miles long), is under construction. The others, the Atlantic



Stream Crossing

Coast/Supply Header Pipeline and the Mountain Valley Pipeline (up to 42-inches and 100s of miles long), are proposed and currently under review by the Federal Regulatory Commission (FERC).

The inevitable impact of these converging pipelines on the environment and people in one small area serves to emphasize the risk associated with the current rush to build more and larger pipelines for shale-gas transmission. Critical questions concerning optimal siting, potential co-location, cumulative impact, and regulatory capability have not been answered. Each project is instead planned and constructed as a separate and independent activity.

Conservation groups, concerned citizens, and elected officials have called on FERC to conduct a comprehensive assessment before authorizing the multiple big interstate pipelines proposed for moving shale gas across the Appalachian Mountains to the east coast. (These were covered in the May and July, 2015 issues of *The Highlands Voice*--Editor) A regional or programmatic Environmental Impact

Study is needed for objective evaluation of the costs, benefits, and need. The current lack of coordinated analysis and planning does not bode well for the steep mountains, high-quality streams, sensitive water-supply areas, National Forests, and private lands in the path of the proposed pipeline projects.

The Stonewall Gathering Pipeline project demonstrates the problems with the business-as-usual approach to pipeline construction. Surveillance by the DPMC's Pipeline Air Force, inspection by the WV Department of Environmental Protection (WVDEP), and observation by local residents, reveals a lack of concern for proper installation, operation, and maintenance of basic erosion and sediment control measures. There is no reason to believe it will be any different for the other, larger pipelines.

Precision Pipeline, LLC, the construction company that is building the Stonewall Gathering Pipeline, promotes itself in terms of environmental stewardship and professional integrity. (*"We have the experience and expertise to safely complete any project while maintaining total environmental compliance with minimal impact to landowners."*)

Although environmental protection is a public-relations priority for the pipeline construction industry, it's obvious that other considerations take precedence in actual practice. Construction of the Stonewall Gathering Pipeline provides a case in point.

The contrast between the hype and on-the-ground performance is remarkable.

The Pipeline Air Force has flown and obtained aerial photographs of the construction corridor. The first flight, on June 22, revealed mountain-side construction and stream crossings with

failed or missing erosion and sediment control structures and apparent intentional discharge of sediment-laden water into a wetland and stream.

The WVDEP inspected the Stonewall Gathering Pipeline on four dates in June and July of this summer. Following those inspections, the WVDEP issued 12 Notices of Violation, citing failures:

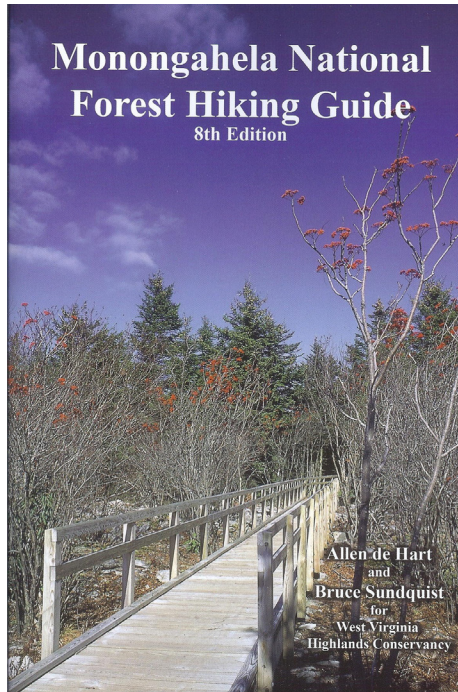
- to prevent sediment deposition in streams
- to properly operate and maintain treatment and control systems
- to prevent sediment laden water from leaving the construction site
- to prevent impacts to streams associated with earthen slippage

The WVDEP observed many other erosion and sediment control deficiencies and issued warnings related to general disregard for the local environment, citing the need to minimize exposure of construction wastes, trash, agricultural chemicals, and sanitary wastes to precipitation and stormwater, and noting that water bottles, foam detritus, and used blasting caps/detonators were observed throughout the inspected area.

For more pictures and links to the relevant inspection reports, go to <http://pipelineupdate.org/2015/08/28/stream-zero/>



Slope failure



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

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.

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.

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.





THE CENTRAL APPALACHIAN SPRUCE RESTORATION INITIATIVE

PROTECTING ONE OF THE CENTRAL APPALACHIAN'S MOST UNIQUE
ECOSYSTEMS: 2014 HIGHLIGHTS

YEAR-END REVIEW

We are pleased to share highlights of the Central Appalachians Spruce Restoration Initiative!

CASRI is a diverse partnership of private, state, federal, and non-governmental organizations who share a common goal of restoring historic red spruce-northern hardwood ecosystems across the Central Appalachians.

CASRI's vision is of a functioning red spruce-northern hardwood forest ecosystem restored across portions of its former range on both public and private lands, with the scale, connectivity, maturity and other features that provide habitat to sustain and enhance the viability of the many species and natural communities dependent on this ecosystem.



Ben Rhodes cheerfully pulls invasive garlic mustard with the Potomac Highlands CWPMA field crew.



Ashley Akers, AmeriCorps member of the Ecological Restoration Team, plants a red spruce seedling.



MAJOR HIGHLIGHTS

2014 proved to be another extremely productive and fruitful year for CASRI:

- Over \$896,000 for land conservation purchases and on-the-ground restoration projects in 2014, totaling \$2,984,141 raised to date.
- Over 750 acres of high-elevation lands placed on a trajectory to develop into functioning red spruce ecosystems, bringing our restoration total to nearly 2,250 acres.
- 58,000 red spruce seedlings and 39,575 native plants were planted upon high priority conservation and restoration sites.
- Volunteers dedicated 461.5 hours of their time working to restore red spruce.
- Over 600 acres of non-native invasive species were treated in high-elevation red spruce systems.
- The monitoring subcommittee developed and finalized a rapid assessment monitoring datasheet, protocol, and Access database for red spruce plantings and sites for use in future monitoring.



Several of CASRI's partners are engaged in spruce release. At left, a gap created by commercial spruce release at Kumbrabow SF promotes growth of mid-story spruce into the canopy. On the right, the TNC field crew girdles a neighboring maple to release a young spruce tree. The trees girdled are selected based on factors, such as abundance and wildlife use.

RESEARCH

The research done by CASRI partners leads to a better understanding of the ecological relationships within spruce communities. This year, our partners released research on a diverse range of topics:

- **Corinne Diggins** (Virginia Tech) conducted a microhabitat assessment for WV northern flying squirrels using telemetry data.
- **Brandon Davis** (NC State University) tracked snowshoe hares to study the relationship between color change and weather patterns.
- **Melissa Thomas-Van Gundy** used the landscape scale model LANDIS-II to simulate the response of red spruce-dominated forests to restoration actions over 100 years.
- **Jim Rentch** and others presented 6 year results of understory red spruce release.
- **West Virginia Restoration Venture (USFS, WVU, NRCS)** gave grad level presentations on restoration and associated spodosols, based on research by **Travis Nauman**. **Katey Yoast** published carbon estimates for above ground and below ground systems. This data shows that the red spruce ecosystem has tremendous carbon sequestration potential.

HEADS IN THE TREES, FEET ON THE GROUND

CASRI hit the ground running this year, carrying out a broad array of restoration projects:

- The **Canaan Valley National Wildlife Refuge** brought 104 volunteers to the Refuge during volunteer events who planted 8,300 red spruce seedlings on 82 acres. These events are used to achieve restoration objectives and educate volunteers about the importance of spruce ecosystems and restoration.
- **The WV Division of Forestry – Kumbrabow State Forest** released 50 acres of red spruce through commercial timber harvest, established four permanent spruce research plots with pre-harvest baseline data, created 25 vernal pools/wetland areas within the commercial release plots, and hosted an Active Spruce Restoration Field Tour for CASRI partners. Additionally, **The Nature Conservancy**, working with Dave Saville, released a total 472 acres of understory spruce in the Greenbrier River watershed.
- **The Nature Conservancy** planted 35,000 red spruce seedlings and 14,000 northern hardwood seedlings across 186 acres of the Pharis Knob/Gandy Ranch conservation easement and 7 acres of adjacent USFS land, for a total 193 acres. The **Potomac Highlands CWPMA Field Crew**, which is employed by TNC, treated 576 acres of invasive species in and around red spruce-northern hardwood forests.

CASRI would like to thank the following organizations that have contributed funding to support conservation and on-the-ground efforts in 2014:

Appalachian Stewardship Foundation
 Arbor Day Foundation
 Environmental Protection Agency: American Rivers Grant
 Ohio River Basin Fish Habitat Partnership
 Outdoor Heritage Conservation Fund
 U.S. Forest Service and NRCS Chiefs' Joint Landscape Restoration Partnership
 West Virginia Department of Environmental Protection
 Wildlife Conservation Society

To learn more about CASRI and view the complete 2014 annual report, visit:
<http://RestoreRedSpruce.org>



On Farming in West Virginia

By Charlie Feldhake

As the summer winds down and we take stock of our season's agricultural harvest we need to keep in mind that an important part of the West Virginia landscape is small farms and the species diversity they facilitate. They provide ecosystem edges that are valuable for wildlife. Our current Agriculture Commissioner, Walt Helmick, is encouraging more local food production. This is an important priority to counter the trend of losing the small farms that we need for economic, ecological, and human health promotion.

I spent 30 years as a research scientist for the U.S. Department of Agriculture studying topographic -induced microclimate variation and ecological function of species diverse agroforestry systems. I was uncomfortable towards the end with how the priorities of USDA were evolving. The research arm of the USDA is called the Agricultural Research Service (ARS) and over 50 years ago it was split off from the service-oriented, formerly named, Soil Conservation Service to focus on research to support American agriculture and natural resource conservation.

In recent years however, funding priorities for USDA-ARS increasingly support large agribusiness and biotechnology. Research locations, such as the Appalachian Farming Systems Research Center in Beaver, WV, where I worked, have been defunded and closed. This is a national trend and similar locations in other states have also been closed. The USDA is no longer considered by many to be a friend of the family farm. Much of its research has been on tweaking production systems in ways that only large agribusiness has the scale to incorporate into greater profits. The agency management was openly hostile towards my research, since it likely benefited small farms most, even though it received international recognition.

This past spring, the organization named "U.S. Right to Know", called for a congressional investigation of alleged restrictions and censoring by USDA officials when their scientists' research conflicted with agribusiness interests. Of particular concern was the safety of some widely used agricultural chemicals. Subsequently more than 25 farm worker, environmental, and food safety organizations sent an open letter to the USDA also demanding an investigation. At this time I don't know the status of any investigation.

One organization that is trying to support family farms and local food production is the Pennsylvania Association for Sustainable Agriculture (PASA). They have an annual conference in early February that draws over 2000 people from eastern US. I was invited to teach an agroforestry workshop at a couple of their conferences and enjoyed meeting a mix of local-food, organic, and specialty-crop growers. This organization also sponsors workshops around their state throughout the year. They welcome participants from other states.

Most small farm owners are excellent land stewards (as opposed to out-of-state corporations). We need them not only to maintain economic and ecosystem diversity, but for the connection they provide to our cultural heritage. I often think of the novel written by Hillsboro, West Virginia native Pearl S. Buck, "The Good Earth". She was so right that growing things and getting our hands in the soil is good for our mental health. It is tragic for our society that so many large-city kids are deprived of this connection with nature and our past heritage with the values it promotes.

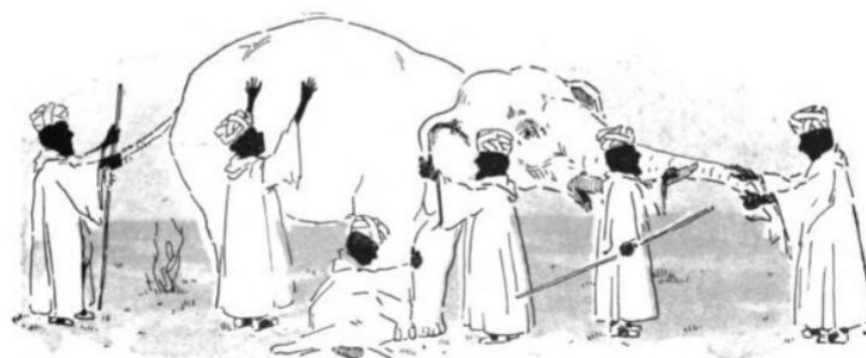
Even with a worn-out back, I grow a small garden every year to keep me grounded (pun intended).

Send Us a Post Card, Drop Us a Line, Stating Point Of View

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

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.



Six Blind Men of Hindustan

Hearings Set on Stream Protection Rule

The federal Office of Surface Mining has scheduled public hearings on its proposed Spring Protection Rule:

Thursday, September 10 - Pittsburgh, PA

Double Tree by Hilton Hotel Pittsburgh
500 Mansfield Ave., Pittsburgh, PA 15205
Time: 5:00 PM-9:00 PM

Tuesday, September 15 - Big Stone Gap, VA

Mountain Empire Community College
3441 Mt. Empire Rd., Big Stone Gap, VA 24219
Time: 5:00 PM-9:00 PM

Thursday, September 17 - Charleston, WV

Charleston Civic Center
200 Civic Center Dr., Charleston, WV 25301
Time: 5:00 PM-9:00 PM

There have already been hearings in Denver, St. Louis, and Lexington, Ky.

There was a story about the proposed rules in the August, 2015, issue of *The Highlands Voice*. The rule is so big and covers so much that approaching it makes a reader feel like one of the *Six Blind Men of Hindustan*. What one thinks of the rule depends upon where one approaches it.

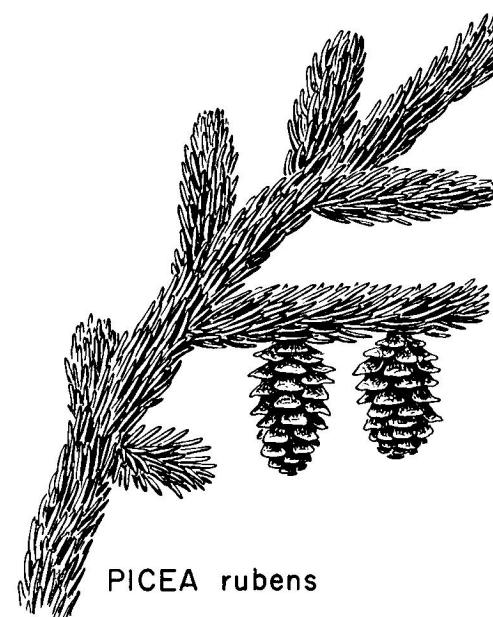
In one list, the proposed rule would:

1. Establish in each permit the point at which adverse mining-related off-site impacts on groundwater and surface water reach an unacceptable level (*i.e.*, the point at which adverse impacts from mining would cause "material damage to the hydrologic balance outside the permit area")
2. Require collection of adequate pre-mining data about the site of a proposed mining operation and adjacent areas and establish a comprehensive baseline against which the impacts of mining can be compared
3. Require effective, comprehensive monitoring of groundwater, surface water, and the biological condition of streams during and after mining and reclamation activities
4. Restore perennial and intermittent streams and related resources (including fish and wildlife)
5. Ensure the use of advances in information, technology, science, and methodologies related to surface and groundwater hydrology, surface-runoff management, stream restoration, soils and revegetation
6. Ensure that land disturbed by surface coal mining operations is restored to a condition capable of supporting the uses supported before mining
7. Protect threatened and endangered species and designated critical habitat under the Endangered Species Act of 1973 (ESA), and implement SMCRA to protect fish and wildlife

How one sees the Rule as a whole depends upon one's perspective. It abolished the longstanding (but mostly ignored) requirement that mining stay away from streams, the rule known as the stream buffer zone rule. On the other hand, the proposed rule prohibits longwall mining under streams causing them to disappear underground.

In any event, these hearings are available to offer support or condemnation of different parts of the rule.

AVAILABLE FOR SALE!



West Virginia Seed Source Red Spruce and Balsam Fir Seedlings

The West Virginia Highlands Conservancy organizes volunteers to collect seeds from native plant species.

We contract with commercial growers to grow seedlings for ecosystem restoration projects in the highlands. When we have a surplus of plants, we make them available to the public.

We currently have a limited number of Red Spruce and Canaan Valley Balsam Fir trees available for Spring 2016. These are high quality seedlings grown from the seeds we collect locally. All proceeds go to support red spruce ecosystem restoration efforts in West Virginia.

Spring 2016

Red Spruce

2-0 plug 10-15 inches. These quality container-grown seedlings are the same product we have been using in restoration projects very successfully for many years.

100 - \$210
1,000 - \$950

Balsam Fir

Plug+1 10-15 inches. A one-year plug is grown in a transplant bed for an additional year.

100 - \$210

Prices FOB Morgantown, WV. Available for pick-up during April 2016. Limited availability - Minimum order 100. For more information contact:

Dave Saville, david.saville12@gmail.com

HIGHLANDS CONSERVANCY BOUTIQUE



- 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 West Virginia Highlands Conservancy, Online Store, PO Box 306, Charleston, WV 25321-0306

T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. “West Virginia Highlands Conservancy” in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$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: Online Store, 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 ♥ 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 West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306