

West Virginia Highlands Conservancy  
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# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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And when the dust had lifted, and they saw what had occurred ...

## The West Virginia Legislature: What Happened

The 2016 version of the West Virginia Legislature is over. Except for some unfinished business on the budget which it will have to attend to this spring or summer, the legislating, debating, posturing, pontificating, etc. is over.

Among the bills considered there were several that the West Virginia Highlands Conservancy and its members were interested in. Here are some of them:

### Progress, or at least not regress

**S.B. 691** makes a couple of important changes that are essential to the Department of Environmental Protection's ability to develop a state implementation plan under the EPA's clean power plan.

State agencies routinely enact regulations adding detail to and implementing acts of the Legislature. As originally introduced, the Regulatory Reform Act, **S.B. 619**, would have required that when agencies write rules they have to include a study of the economic impact of the rule. It also would have required that when agencies write legislative rules they consider the impact of the rule on human health. It would have done this by requiring the Bureau of Public Health to evaluate the proposed rules. In the end, the requirements of both of these studies were taken out of the bill.

**S.B. 625** would allow the disclosure of the "location, characteristics and approximate quantities of potential sources of significant contamination within the zone of critical concern" near

drinking water intakes. The bill aimed to clear up confusion among various state agencies about what could be made public under the landmark legislative response two years ago following the January 2014 Freedom Industries chemical spill.

### Bullets dodged

For centuries, nuisance law had been the tool that landowners used to protect themselves from offensive land uses by nearby landowners. Any landowner who used land in a way that interferes with its neighbor's use and enjoyment of property was subject to suit in nuisance. **S.B. 508** would have taken away the away that right unless the perpetrator has broken a law, violated a permit, etc. This would have left landowners with no protection from things like dust, noise, etc. that accompany, for example, gas drilling operations. Although the oil and gas industry was the most obvious and immediate beneficiary of the proposed statute, it would eliminate the rights of anyone living near any offensive land use. It passed the Senate but not the House.

**S.B. 565** would have allowed drillers to build roads and well pads with only a storm water permit. Under present law, they would have to have a get both a storm water permit and a well work permit. The well work permit would require more extensive review. Although the oil and gas industry favored the bill, Randy Huffman, head of the West Virginia Department of Environmental Protection opposed it. It didn't pass.

(More on p. 3)

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## Ramblin' the Ridges

By Cynthia D. Ellis

### ~April Fools' Day arrived in March~

Other headlines from other sources beat us to the punch on this theme. Most saw it as some variation of "Worst Legislative Session Ever". Capitol watchers were puzzled, amazed, chagrined, and dismayed as the regular session of West Virginia's lawmaking body came to conclusion on March 12<sup>th</sup>.

Citizens scratched their heads and yelled at radio and television presentations of the proceedings. Senators and delegates repeatedly spent valuable time on issues which seemed far from vital to many of us. This continued throughout, with more than the usual roller-coaster rides of last-minute maneuvers roaring past too. One sneaky issue close to us was a next-to-the last day effort to defund a program known to Highlands Conservancy. A surprise bill emerged in the House [HB4742] which would have stripped millions of dollars from many state agencies in an ill-advised effort to close the budget gap. Part of this would have torn \$1 million from the Division of Forestry's Outdoor Heritage Conservation Fund and would have eviscerated the West Virginia Land Trust. Luckily the bill did not survive.

The lobbyists we support through the West Virginia Environmental Council were amazed and puzzled too. I asked Connie Lewis, Vickie Wolfe, and Elizabeth Chaira Opyoke what they saw as best, worst, and surprising from the session. My question was posed just days after the final gavel, so Connie Lewis was busy polling sources for legal ramifications of a session deemed "unprecedented," with its failure to pass a DEP rules "bundle" and also on what could be called a "collapse" of the industry friendly agenda of the oil and gas interests.

Vickie agreed. She said, "H.B. 4053, the House's DEP rules "bundle," was on second reading in the House on Friday afternoon, and passed with one amendment... The amendment was to "draw a line in the sand" against EPA over-reach by refusing to comply with an EPA standard regulating wood stoves. All members present voted yes. Take that, EPA!

When the bill went over to the Senate, they did approve that rule. The House refused to concur.

So for now, the old rules remain in effect. **This means that the weakening of the aluminum and selenium standards will not move forward** . . . although it looks like the EPA isn't going to approve them anyway.

The worst thing that happened was that the LEEP bill was laid to the side after having passed the Senate Energy, Industry and Mining committee unanimously... for the simple reason that that's what First Energy wanted. REALLY disgusting!

Best thing? Maybe that we could



get a bill like S.B. 625 passed in this particular legislature... This is the bill that provides that, when public water systems are involving the public in the development of their source water protection plans, they are allowed to share information about threats to source water, provided that that info is already in the public domain.

Another candidate for "best" might be the demise of S.B. 565, which would've allowed gas well drillers to enter private property, bulldoze roads, clear timber, and construct a well pad without a permit--they'd have been required to get only a storm water permit. It helped that DEP didn't like it."

Elizabeth Chaira Opyoke, "What was most surprising? The Senate Finance Committee originated a bill decreasing the state's coal severance tax by two percent over two years in hopes of making West Virginia's coal more competitive with other states. The rate would go from 5 percent to 3 percent under the bill SB 705... postponed in the House. The Senate Bill was taken off the table for lawmakers this session and instead was turned into an interim study measure... That would give the legislature time to study the effects of the tax cut in

more detail during the months between legislative sessions. Which is another way of killing the bill.

Worst? Senate Bill 370--- Local Energy Efficiency Partnership--- never taken up by the full Senate after it passed the Senate Energy, Industry, and Mining Committee without a single no vote! This was because First Energy did not want the bill passed this year. So no matter how hard we work, and no matter how good the legislation is, there are still giants that don't want good bills passed and there is nothing we can do about it!

Best? Senate Bill 625 would allow the disclosure of the "location, characteristics and approximate quantities of potential sources of significant contamination within the zone of critical concern" near drinking water intakes. The bill aimed to clear up confusion among various state agencies about what could be made public under the landmark legislative response two years ago following the January 2014 Freedom Industries chemical spill. It passed the Senate 34-0 and was approved 100-0 by the House."

So...this column is either one of the last in-state publications lamenting the poor performance of legislators in 2016...or among those now calling for conservation-minded citizens to research and vote through "Remember in November"...and also in the primaries in May!

### Update

In this space for the February, 2016, issue, Cindy discussed ants. At press time she had not completed the research on the question of whether fire ants exist in West Virginia. Since then further research has revealed that some fifteen years ago or so, we had an accidental infestation of fire ants. They snuck in with a load of hay from another state. Surveys were conducted several years after that to ensure that they had not become established in the State. As of now, no one has ever reported them again. The cold climate is much too harsh for them to survive here. It's not impossible, but very unlikely.

## Legislative denouement (continued from p. 1)

### Swimming upstream

One of the issues that the West Virginia Highlands Conservancy had identified as most important—siting rules for Exempt Wholesale Generators—found itself swimming against the mood of the Legislature. As a result, it never got off the ground.

Exempt Whole Generators generate electricity. They are exempt from most Public Service Commission rules because they sell wholesale electricity to other power companies, not to consumers. The most prominent of these are industrial wind farms.

The Siting Rules which the Conservancy supported would cover a fairly broad range of topics regarding the potential impacts of industrial wind generating facilities. They would control the siting of windmills in such a way that damage to wildlife, disruption of viewshed, diminishing

the integrity of historic resources, and noise would be minimized.

These rules were contrary to the mood of this legislature and its leadership. This Legislature was all about unshackling the job creators, unleashing business so that it could drive West Virginia forward, blah, blah, blah. The Siting Rules were all about telling a class of these businesses that they could not build their facilities any place they pleased and that they had to take the concerns of their neighbors into account. The rules had about as much chance as a resolution promoting vegetarianism at a wolf convention.

Sometimes it does not take an entire wolf pack to derail a bill; a single alpha male is sufficient. The bill authorizing LEEP (local energy efficiency partnerships), **S.B. 370**, would have provided a financing mechanism for businesses who want to fund energy efficiency improvements. It

was making some substantial progress, raising the hopes of its supporters. Then First Energy stepped in and opposed it. That was that for S.B. 370.

The details of these bills, as well as everything the Legislature did (excluding parties, fundraising, back scratching, and such off the record extra-Legislative activities) may be found on the West Virginia Legislature's website ([www.legis.state.wv.us](http://www.legis.state.wv.us)). You can also find the name and contact information for your Senator or Delegate, should you wish to offer them your thanks or whatever is appropriate. For information on who is running against your Senator or Delegate, contact the Secretary of State, [sos.wv.gov/elections](http://sos.wv.gov/elections).

**Note: There is more about the Legislature in Cynthia D. Ellis' story on p. 2.**

## U.S. Government to Study Coal Leasing Policies

The United States Government has undertaken an effort to review its policies and practices as an owner and lessor of coal.

The United States is the largest owner of coal lands in the country. Wyoming's Powder River Basin alone produces over 40% of the coal mined in the United States. All of it comes from land owned by the United States and leased by private companies.

Now the United States Department of the Interior has begun a review of its policies concerning the leasing and mining of that coal. It would like to figure out both whether it is getting a fair price for the coal it leases and whether its coal leasing practices are consistent with environmental policies.

It is time for a review. The payments for mining rights have not changed in thirty years. There is much more known now about the health impacts of mining upon communities. (The November, 2012, issue of *The Highlands Voice* had a listing of the health impacts. For a more updated list, go to [http://www.ohvec.org/issues/mountaintop\\_removal/articles/health/index.html](http://www.ohvec.org/issues/mountaintop_removal/articles/health/index.html)) In the years since the last review, the United States' policy on climate change and carbon dioxide emissions has evolved. It is time to reexamine the policy on leasing publicly owned coal.

The mechanism for this review will be a Programmatic Environmental Impact Statement (PEIS) of the federal coal program. In the words of Bureau of Land Management Director Neil Kornze. "As we undertake this review, we look forward to hearing from the public on a wide range of issues, including how, when and where to lease federal coal, how to account for the environmental and public health impacts of federal coal production and how to ensure that American taxpayers earn a fair return for the use of their public resources, including whether current royalty rates should be adjusted."

As part of the PEIS, a series of six public meetings will be held to solicit input to inform the scope of the review. The meetings are currently planned to be held in May and June in Casper, Wyo.; Grand Junction, Colo.; Knoxville, Tenn.; Pittsburgh, Pa.; Salt Lake City, Utah; and Seattle, Wash. Final information on dates, times and locations of the meetings will be announced soon.

This review would have a trivial direct impact on coal mining in West Virginia or other eastern states. When the Bureau of Land Management publishes data on how many leases it has in each of the western states, it lumps the entire eastern United States into one column. The figures in that column are still dramatically lower than the figures for any one of the western states.

Neither will it have any immediate impact. Any new policy would be for future leases. According to Department of Interior estimates, current production from current leases will continue for another twenty years.

A change in leasing policy could have an indirect impact upon West Virginia coal. While the "war on coal" is just a rhetorical device, trotted out to dramatize some real or imagined grievance, there is one area where West Virginia coal mines may have a legitimate complaint. Much of the coal on federal land in the west is leased at below market rates. This makes it more difficult for the West Virginia coal to compete on price.

The Interior Department will release an interim report by the end of 2016 with conclusions from the scoping process about alternatives that will be evaluated and, as appropriate, any initial analytical results. The full review is expected to take approximately three years.

# The Forgotten Laurel Fork Trail

By Hugh Rogers

Laurel Fork of the North Fork of the South Branch of the Potomac rises in Highland County, Virginia, at an elevation of 4000 feet. It flows sinuously but generally northeast, as one would expect in this ridge-and-valley province. A few miles to the east, Straight Fork follows a parallel but more direct course. Their confluence in West Virginia forms the familiar North Fork that, thirty miles further, passes below Seneca Rocks.

The border here is a northwest-southeast line first drawn in 1847 when Highland was carved out of Pendleton County. While it's not surprising to see a political boundary defy local landforms, it is remarkable how the Laurel Fork, after crossing this artificial line, turns east-southeast against the grain of ridge and valley to its meeting with the Straight Fork, where it resumes compliance with geological custom.

The result of the Laurel Fork's waywardness over its last two miles is a dramatic canyon dividing what is now Middle Mountain, in Virginia, and Big Mountain, in West Virginia. A trail has been notched into the escarpment facing south. Though it's on the Monongahela National Forest, it belongs to the George Washington-Jefferson National Forest as an extension of their Laurel Fork Trail. It first appeared in the 8<sup>th</sup> edition of our Mon Forest Hiking Guide. I hadn't noticed it until a few of us began preparing for a 9<sup>th</sup> edition. Who could resist this description, written ten years ago by Allen de Hart: "In the canyon the trail is skillfully constructed on a rocky slate slope. ... The spectacular escarpment, the rapids, the caves, and the wilderness atmosphere—all beckon the public to use this trail."

On a lovely cool day shortly after the equinox, I drove there, about an hour and twenty minutes from my home near Elkins. Now I want to update and underline what you can find in the Hiking Guide.

Because of its peculiar status, and the distance from the George Washington's ranger station in Warm Springs, the trail has not been officially maintained for about fifteen years. One should be prepared to climb over many blowdowns and step lightly where the treadway has slipped. There were spots near the river where the route was confusing. I replaced one blue

diamond I found by a fallen tree. A minor annoyance at the outset was the multiflora rose and greenbrier blocking the trail. Take clippers.

The trailhead was easy to find, although the sign with its name and the distance to the Virginia line was no longer there. A newer sign set out fly-fishing rules. The only person I saw, far below me, was working his way upstream, casting, walking, and casting again. If he had used the trail, it was only the first hundred yards, before it climbed the rocky slope. The river was loud and clear and the bottomland was marked by the dry braided courses of old floods.

This part of the trail was loose rock anchored by slabs like low guardrails. The river kept dropping out of sight. Upslope, where the angle eased, was a dry oak forest. Outcrops and rock shelters. Sweeping views upstream. One mile in, the trail descended all the way, and though it appeared to climb again, this was the point where its character changed. It set out across the bottom, crossed Vance Run, and followed an old railroad bed before veering off to the right and uphill. The narrow notch on this stretch was very different, piney and rhody and soft underfoot.

Then another descent to the railbed where the river was fringed with hemlocks. Here, it reminded me of the other Laurel Fork, that branch of the Cheat in its isolated canyon north of US 33, though it lacked the abutments of lost bridges. At the far end of this bottom, the old railroad led me into a tunnel—a rhododendron tunnel—and out to a broad cascade. There was the trail, across the sizzling river. But this spot was better for pausing than crossing. We had not yet come to Virginia.

Backing out of the tunnel, I found two blue blazes facing west that seemed askew from the trail, then spotted another blaze far uphill. One more chance to climb above a sheer cliff, tiptoe along a notch, and gaze at the river below. One more wide beautiful room opened before me. I walked to its downstream end, directly below the trail, to see the river hit the wall and turn sharply east.

At the upstream end was a shallow crossing into Virginia and a sign to welcome my return: "Monongahela National Forest / Vance Run 0.7 / WV State Rte 19 1.8."

The Hiking Guide has no map of the

Laurel Fork Trail. It refers to the topo map, "Snowy Mountain, WV-VA." The version available from the Monongahela National Forest, dated 1995, shows a trail along the south bank of the river, and a ford east of the Vance Run crossing; it doesn't show the trail on the north side. Pocket maps for the Laurel Fork Trail System that you can obtain from the Warm Springs Ranger District show the old southside trail. However, the George Washington-Jefferson National Forest web site has a link to the topo updated to 2013 that shows the trail as I found it: [data.fs.usda.gov/geodata/rastergateway/data/38079/fstopo/383007930\\_Snowy\\_Mountain\\_FSTopo.pdf](http://data.fs.usda.gov/geodata/rastergateway/data/38079/fstopo/383007930_Snowy_Mountain_FSTopo.pdf).

The trail manager at Warm Springs told me they had been trying to convince "the people at Bartow", i.e., the Greenbrier Ranger District, to take over maintenance of the trail. Since it's actually located on the Potomac District, they could do it as well. But it's not a priority anywhere. You could call it an orphan trail. It's available for adoption.



Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XL [Shirts run large for stated size.] \$ 25.00, 2XL \$26.50. To order 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

Also available in our online store: [www.wvhighlands.org](http://www.wvhighlands.org)

## Blue Jeans Ball a Smashing Success

By Ella Belling

The 2nd Annual Blue Jean Ball, co-hosted by the Mon River Trails Conservancy and WV Land Trust, is expected to yield over \$5,000 in profit for the protection of public green space. The event received 175 registrations, with guests wearing their favorite blue jeans and joining the party for green space at Camp Muffly in Monongalia County.

The purpose of the event is to raise awareness and funds to support the land protection of public recreational green space. Proceeds from last year's event are being used to help secure and build the Collins Ferry connector trail from the Suncrest neighborhood to the Mon River Rail-Trail. Participants enjoyed local BBQ by Woodburn Shanks and live music by Blue Rhododendron, who played a blend of traditional and contemporary bluegrass styles. The silent auction and raffle with items donated by local businesses and friends brought in over \$2,500 in proceeds.



Ella Belling, executive director of the Mon River Trails Conservancy, spoke on the upcoming Parks and Trails Levy that will be on the Monongalia County ballot

in May. Voter support is needed to pass this critical funding for three county parks, the Mon River and Deckers Creek Rail-Trails, and local youth sports facilities, such as the Morgantown Ice Arena, Westover baseball fields, and Cheat Lake and Laurel Point soccer fields.

Dr. Brent Bailey, Executive Director of the West Virginia Land Trust, mentioned that part of the WVLT's mission is to cast a wide net to create public awareness about conservation and to build momentum for protecting the Mountain State's special places. The EPIC (Engaging People In Conservation) program is a great opportunity to get involved with the Land Trust and venture outdoors with staff providing guidance and basic instruction so you can engage in similar outings on your own or with friends. You can find the schedule of upcoming activities on the Trust's website: [www.wvlandtrust.org](http://www.wvlandtrust.org), under the "Get Involved" tab.

The Blue Jean Ball helps kick-off the Spring Season of recreation and outdoor events and programs. It provided a great reunion of green space leaders and friends to share news and celebrate victories in environmental conservation, outdoor recreation, and green space protection.

**Note: The West Virginia Highlands Conservancy was one of the co-sponsors of the Blue Jeans Ball.**



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.]---\$25, Infant tee [18 mo.]---\$20, Toddler tee, 2T,3T,4T, 5/6---\$20. To order 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 Also available in our online store: [www.wvhighlands.org](http://www.wvhighlands.org)

# On Cows, Grass, and Species Diversity

By Charlie Feldhake

With spring and the new agriculture production season approaching, I thought I would share a story that I hope has relevance to the expanding (hopefully) agricultural community in West Virginia. To qualify my perspective, our family eats a lot of legumes for protein, supplemented with mainly local range fed poultry, grass fed beef, fish and venison.

I was invited to a United States Department of Agriculture conference in Denver, Colorado a good few years back as one of about 40 research scientists to share our research on water use and quality in agriculture around the country. There were a lot of diverse talks from scientists, many of whom were friends, about how their research benefitted solving large scale regional agriculture problems.

Some of these scientists were quite clever at applying mathematic tools like fractal theory and chaos theory to track pollutants from large production acreages. By the end of the second day I was feeling frustrated that important issues were taking a back seat to the big pictures by clever tweaking.

I stood up and got myself into trouble.

I asked why do we grow feed grains when cows can walk around and eat grasses? We plow up the sod and plant crops, mainly corn and soybeans, which causes erosion during storms and stream silting. Then we apply fertilizers, some of which washes into streams thereby degrading watersheds. Pesticides are applied that have a detrimental impact on the ecosystem's wildlife diversity. Doing these operations with tractors consume a lot of fossil fuel that degrades the atmosphere, causes soil compaction and this whole package of activities is expensive.

The crops are harvested and transported to feedlots, consuming more fossil fuel. They are then fed to animals that concentrate pollution to the local region with their excrement. And why do we do all this? To put more fat on the meat and the fat isn't even good for us!

At this point the high level USDA official that organized the conference approached me and took me by the arm. He said he appreciated my perspective as he led me back up the aisle of the conference room, escorted me out the door into the hotel lobby, and closed the door behind me.


I guess I won!

A couple of years later I attended an agroforestry conference in Ames, Iowa and heard an interesting talk by a local farmer. He had been producing many hundreds of acres of corn and soybeans for years and was going bankrupt. He converted his land to rows of trees for microclimate modification with perennial forages in between and started rotational grazing of livestock and selling grass fed meat.



He was able to eliminate his debt by selling all his monster tractors and other equipment, and quit buying agribusiness promoted chemicals. The best part of changing his farming system was not being out of debt he said, but having more time to spend with his family since he was no longer an indentured servant to his tractors and chemicals.

Since humans have disrupted the evolutionary species balance of the Appalachian region, well done agriculture provides ecosystems edges that benefit species diversity. This is true for the whole country if we stop trying to bully the land for short-term profit and work with what is natural for each region.

## 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 \$20 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

## 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 \$18 by mail; **long sleeve** is \$22. 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.



The same items are also available at our on-line store: [www.wvhighlands.org](http://www.wvhighlands.org)

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Patron	\$250	\$500	\$500
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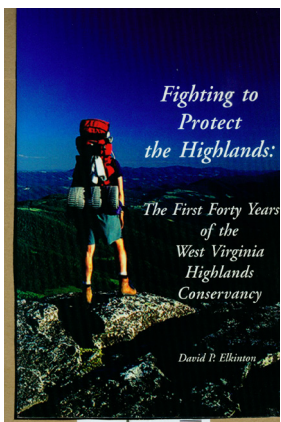
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**GET A GREAT HISTORY BOOK**

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.



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 \$15.95, plus \$3.00 shipping, visit the Conservancy's website, [wvhighlands.org](http://wvhighlands.org), where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

**Tell a Friend!**

If you have a friend you would like to invite to join the West Virginia Highlands Conservancy just fill out this form and send it to West Virginia Highlands Conservancy, Box 306, Charleston, WV 25321.

Person you wish to refer: \_\_\_\_\_

Address: \_\_\_\_\_

Email \_\_\_\_\_

Your name: \_\_\_\_\_

Filling out the form, etc. is, of course, the old school way of doing things. If you prefer, just email the information to Beth Little at [blittle@citnet.net](mailto:blittle@citnet.net).

The way it works: Anyone you refer gets *The Highlands Voice* for six months. At the end of the six months, they get a letter asking if they want to join. If they join, we're happy. If not, then maybe next time.

**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 \$15.95 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.

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The West Virginia Highlands Conservancy web page is [www.wvhighlands.org](http://www.wvhighlands.org).

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

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

### 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](mailto: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.

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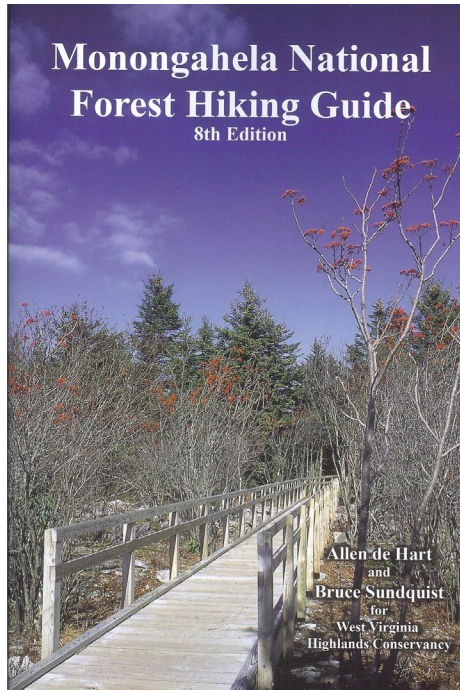
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## The Monongahela National Forest Hiking Guide

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)

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### 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:

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- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
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### VOICE AVAILABLE ELECTRONICALLY

The Highlands Voice is now available for electronic delivery. You may, of course, continue to receive the paper copy. Unless you request otherwise, you will continue to receive it in paper form. If, however, you would prefer to receive it electronically instead of the paper copy please contact Beth Little at [blittle@citynet.net](mailto:blittle@citynet.net). 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.

### 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.



## Mother Jones aka Cindy Ellis ....

The Mother Jones Award is the West Virginia Environmental Council's highest honor. Mother Jones came to be known as "the most dangerous woman in America" because of her effective organizing and unrelenting fight for social justice for coal miners and their families. Remembering Mother Jones as someone who may have "prayed for the dead but fought like hell for the living" the WV E-Council annually bestows this award on an individual who embodies the fighting spirit of Mother Jones. The 2016 Mother Jones award was given to WV Highlands Conservancy president Cindy Ellis.

To acknowledge Cindy's contributions to West Virginia, her inhabitants and their environs we offer the following.

**From Hugh Rogers, immediate Past President:**

Cindy came onto our board in July, 2003, as the organizational representative of the Brooks Bird Club. In that role, she succeeded our long-time wise woman, Mary Moore Rieffenberger. Mary Moore and her husband Joe had known Cindy for several years; they guided and encouraged her into this new position.

Eight years after that, it was my turn to recruit her, this time to replace me as president. I was funking out midway through my fourth term. I don't know how much trouble Joe and Mary Moore had had, but I had to beg, plead, and badger. Like most of us, Cindy felt unready for the job. I knew she'd be a star.

She knew how to run a meeting, coddle the irascible, compliment the activists, have fun, and make non-board members feel welcome. Beyond running the

show, she got involved in many issues where her help is essential and inspiring - including her recent involvement with and concern about the proposed Columbia Gas Mountaineer Xpress pipeline.

Following on the work of Peter Shoenfeld and the late James Solley, who brought us into the world of electronic communication, she brought us into the age of social media. In everything she does, there is a contagious enthusiasm. We will continue to depend on that as she remains on the board after she leaves her current office.

**From another Past President, Frank Young,** snippets from his remarks when presenting Cindy the Mother Jones award at this year's Environmental Council dinner.

- Cindy is a retired school teacher and active volunteer, especially on projects or actions that involve books, kids, or birds.

- She is a veteran surveyor for state and national counts of wild birds, and a past president of Brooks Bird Club, an independent group established in 1932, and of the Charleston Chapter of that Club.

- She supervises the Brooks Bird Club Sanctuary Sign program wherein the club sells metal Wildlife Sanctuary signs nationwide. For 34 years she has conducted seasonal bird population surveys for the Fish & Wildlife Service, Cornell University, and the WV DNR. And Cindy worked with the Army Corps of Engineers and hunting dog trainers to affect a compromise at the Winfield Locks & Dam so that migratory birds would not be disturbed by dog training activities.

- Feeling it was not enough to study, count, and enjoy birds... Cindy wanted to help with their conservation and that of their habitat. She accepted a position on the West Virginia Highlands Conservancy Board of Directors to engage in opportunities for helping with an even wider variety of issues.

- She attends rallies, hearings, protests; represents the organization by setting up tables of displays and sharing information at events, and has helped with stream sampling in coal extraction areas. She served on the Citizens Advisory Committee for the Beech Ridge wind facility, and pressed that operation to permit her to witness their raptor survey process.

- As has been true for each preceding Presidents, her monthly column for *the Highlands Voice* provides a window to her



West Virginia Highlands Conservancy past presidents Hugh Rogers, Frank Young, and Cindy Rank join current president Cindy Ellis at the ceremony.

## More on Mother Jones Ellis (Continued from previous page)

own distinctive character and personal perspectives.

- Cindy takes birders, college students, and others to Kayford Mountain, where her presentation focuses on birds as part of the interlocking nature of a once-vibrant ecosystem there. For the student tours, she bakes WV-shaped cookies---topped with green sugar---to sweeten the message.

- Cindy is especially interested in books that help with our causes -- she helped promote "Cerulean Blues" by WV writer Katie Fallon---a book that centers on one of the five birds most affected by mountaintop removal mining; help publicize and distribute a children's book on MTR; "Lone Mountain". She headed WVHC's effort to



place a copy of that book in each WV public library, as she had previously done with copies of the Conservancy's history book: "Fighting to Protect the Highlands: the First Forty Years of the West Virginia Highlands Conservancy".

- She spends much time and has fun with administering one Facebook page and two group pages--- for WVHC, for birders in WV, and another for people concerned about the proposed Mountaineer Xpress megapipeline planned for the western counties of West Virginia.

- Cindy has brought smiles to the faces of nieces and nephews and grandkids with

her design and promotion of the WVHC baby and tot shirts bearing the logo "I Love Mountains, Save One for Me".

**And finally, Cindy's own acceptance remarks:**

### **NEVER NOT A BIRDER, NEVER NOT AN ACTIVIST**

I'm really appreciative of this award and want to thank some helpful people.

Luckily I have an understanding support person at home; I'm glad of that. I also have a small cheering section of friends in the Kanawha Trail Club and among my fellow birders. They help. Back in time, I was assisted by an Elkins couple, Joe and Mary Moore Rieffenberger. They were active in both the establishment of the West Virginia Highlands Conservancy and in activities of the Brooks Bird Club.

Mary Moore was a gifted amateur botanist who brought conservation news to birders. Joe was the WV DNR's supervisor of the Black Bear population program here, he was a founding member of Highlands and he played a large part in the fight to prevent the flooding of Canaan Valley for the ill proposed Davis Power Project. The Rieffenbergers guided me to my first slot on the Highlands board.

That same board has had a terrific impact. These volunteers have demonstrated over and over a fine array of activist skills. Of course one outstanding mentor was the redoubtable Julian Martin and my other mentors have been the collective team of every past president from recent years. They've been great coaches. All of you and the collective organizations here at WV Environmental Council dinner are wonderful role models for me.

To be linked in any way with Mother Jones is an honor indeed.

Like me, Mother Jones was short. Like me, Mother Jones was of Celtic background. Like me, Mother Jones was drawn to considerations for little children. That's about it for similarities.

But maybe not everyone can be larger-than-life and make larger-than-life impressions.

Like some others of you, I perceive my contributions and talents to be small, not big like hers. But maybe, we have more of an impact than we ordinarily think.

For birders, there is a phenomenon known as Never Not Birding. A person

gains enough knowledge and finds herself or himself so enthusiastic, that they do not lay aside their birding efforts. Whatever they're doing, they are always birding. Working, playing, driving, whatever...their eyes and ears are always tuned to the sky, the bushes, and the trees. That might be why I could have been the only protestor, at any event at the Capitol, looking for the Red-tailed Hawk or noting the nice number of Yellow-rumped Warblers. Maybe I was the only one at the People's Foot rally look at the Turkey Vultures over the mountain... checking to see if any Black Vultures were soaring there too.

And maybe that's what happens to some of us who think our environmental actions are small in number and in impact. We turn into Never Not Activists. More than we realize, we are always thinking of how to address the issues.

It did not seem to me that I had done anything at all like Mother Jones. But...she brought shoes to kids up on Campbell's Creek; I could try to bring binoculars to kids in Whitesville. We might be more alike than I imagined.

Thank you for helping me to think so.

Thank you for helping me to continue to try to learn.

### **A little history**

Cindy Ellis is not the only West Virginia Highlands Conservancy president to have won a Mother Jones award. She joins Mother Jones laureates Cindy Rank (1991) and Frank Young (2006) as presidents who have also won. Good company, that.

## Groups Ask for Better List of Dirty Streams

By John McFerrin

The West Virginia Highlands Conservancy, the Sierra Club, and the West Virginia Rivers Coalition have requested that the United States Environmental Protection Agency review and disapprove West Virginia's list of streams that are not clean enough to be used for designated uses, whether those uses are drinking, fishing, swimming, etc. The groups have also informed EPA that if it does not do its duty the groups will file suit asking that a court compel it to do so.

### Background

The goal of the federal Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. That Act requires that states develop lists of what are called "impaired waters" and submit them to the Environmental Protection Agency. Because the lists are required by Section 303(d) of the Act, the jargon for those lists is "303(d) lists."

Impaired waters are streams or parts of streams where the water is not clean enough to be used for designated uses, whether those uses are drinking, fishing, swimming, etc. The next step is for states to develop a plan to clean up the waters that are on the list. So long as West Virginia has not made its list of impaired streams, and had that list approved by EPA, we can never move on to the next step: making a plan to clean up those streams.

The Clean Water Act sets up a federal state partnership. West Virginia is supposed to develop the list and the plan to address problems with streams on the list. The Environmental Protection Agency is supposed to oversee this.

### What has happened

The groups complain that EPA has not done its part in this federal state partnership. It has not done its part by not pressing West Virginia to complete its list of impaired streams.

In the groups' view, West Virginia is dragging its feet and the EPA is not doing anything to stop it. West Virginia has a list. It has done so, however, by using an outdated technology and inadequate measurements of stream health. The groups want EPA to disapprove West Virginia's list and make an adequate list.

The root of this problem is coal-industry-supported legislation passed during the 2012 legislative session. That law ordered the DEP to abandon its existing methods of measuring stream health and come up with a new set of rules to define when streams are considered biologically impaired. The DEP has yet to write those rules, and agency officials declined to add to the new cleanup list hundreds of streams that otherwise might have been included under the state's old formula.

If the impaired streams are not on the state's list—as EPA says they should be—then West Virginia Department of Environmental Protection will not work on any plan to clean them up or provide them further protection. So long as this situation exists, the absence of these streams from the list makes it possible for DEP to demand less of the coal industry in protecting streams.

### The nutshell

West Virginia is supposed to make a list of streams that are not clean enough for their designated uses (drinking, fishing, swimming, etc.) With this list, it can then make a plan for cleaning up these streams. West Virginia has done a list but it used outdated methods. The groups want EPA to disapprove what West Virginia has submitted and come up with its own list of streams that are impaired so that we can go forward with plans to correct these problems.

## Pat McGinley Wins Award



West Virginia Highlands Conservancy lifetime member Patrick McGinley has won the 2016 Svitlana Kravchenko Environmental Rights Award at the Annual Public Interest Environmental Law Conference. The award is named in honor of Ukrainian and American law professor Svitlana Kravchenko, longtime international expert and law faculty member at universities in Ukraine and the United States who was recognized by the American Bar Association as a pioneering legal scholar who helped build the connection between human rights and environmental protection. The award is given to "those who carry on in Svitlana's spirit: having exquisite qualities of both head and heart; mixing academic rigor with spirited activism; and speaking truth to power, while exhibiting kindness toward all. Also in that spirit, the award winner inspires young adults to reach for the stars, while keeping their feet firmly planted in the Earth they want to protect, as Svitlana did. The award goes to a person who makes broad impacts in the law, while working to support local communities." The award was presented on March 5, 2016, to Professor McGinley as a person who exemplifies the ideals and work of the late Professor Kravchenko, including not only important scholarly and reform work, but a special attention to the mentoring of law students.

Mr. McGinley has represented the Highlands Conservancy in litigation to protect Shavers Fork, litigation to require water treatment at acid mine drainage sites, litigation challenging mountaintop removal mining, as well as other matters.

Way to go, Pat!

**Editor's note:** As a long time member. I can remember some of the ways Mr. McGinley has helped the Conservancy. But nobody can remember it all. For that we all still rely upon *Fighting to Protect the Highlands, the First Forty Years of the West Virginia Highlands Conservancy*, by David Elkinton.



# THE CENTRAL APPALACHIAN SPRUCE RESTORATION INITIATIVE

PROTECTING ONE OF THE CENTRAL APPALACHIAN'S MOST UNIQUE

## 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.



Photo Credit: V. Woltz

The Ecological Restoration Team hikes to a monitoring plot.

**We Are CASRI**

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- NRCS Natural Resources Conservation Service
- ARRI
- green forests work
- U.S. Fish & Wildlife Service Department of the Interior
- West Virginia Highlands Conservancy
- NATIONAL WILDLIFE REFUGE SYSTEM U.S. DEPARTMENT OF THE INTERIOR U.S. Fish and Wildlife Service
- FOREST SERVICE U.S. DEPARTMENT OF AGRICULTURE
- TROUT UNLIMITED
- The Nature Conservancy Protecting nature. Preserving life.
- APPALACHIAN MOUNTAINS JOINT VENTURE
- WEST VIRGINIA DIVISION OF FORESTRY
- APPALACHIAN LANDSCAPE CONSERVATION COOPERATIVE
- The Mountain Institute www.mountain.org/appalachia

## MAJOR HIGHLIGHTS

*2015 proved to be another extremely productive and fruitful year for CASRI:*

- Over \$800,000 for land conservation purchases and on-the-ground restoration projects in 2015, totaling \$3,784,141 raised to date.
- Over 1,916 acres of high-elevation lands placed on a trajectory to develop into functioning red spruce ecosystems, bringing our restoration total to nearly 4,166 acres.
- 62,040 red spruce seedlings and 48,100 native plants were planted on high priority conservation and restoration sites.
- Over 234 volunteers dedicated over 1,521 hours of their time working to restore red spruce.
- Over 500 acres of non-native invasive species were treated in high-elevation red spruce systems.
- Standardized and digitized monitoring forms for spruce release, spruce planting, and NNIS control.
- New research on a diverse range of topics concerning the red spruce ecosystem and restoration.

# What Birds Need and a Program to Help Them Get It

By Kyle Aldinger

In a moment, close your eyes. Imagine a healthy, natural scene. Picture the soil under your feet. Consider the vegetation. Feel the breeze as the plants sway. How is the flora arranged? Envision the animals that might call this place home. What species do you see? Where do they go to find food? Mates? Shelter for themselves and their young?

We might picture a forest with towering trees and a park-like under-story that allows picturesque views of countless acres. Nearby a doe nurses her fawn under a stately white oak. Other times we may imagine a manicured meadow replete with grasses and wildflowers. Barn Swallows tumble after flies just above a field of mountain oatgrass. These scenes, defined by neatness and order, are engrained in our collective psyche as healthy, natural, and “good”. Just look to many children’s books for proof. But are such scenes a boon or burden to wildlife?

Park-like forests and to a lesser extent manicured fields are common throughout West Virginia, often in stark juxtaposition. These structurally uniform communities form abrupt ecotones that can have negative impacts on wildlife populations. For example,



**Vegetation communities with greater structural diversity support a greater diversity of wildlife. Animals that depend on mature forests or grasslands during one part of their life cycle may require shrublands or young forests during another. Photo by Kyle Aldinger**

friendly environment for a young Cerulean Warbler.

Field Sparrows, on the other hand, nest on the ground among grasses early in the breeding season and place later nest attempts higher into shrubs and saplings. This behavior is a response to foliage development that increases the chances of a successful nest, but it is only facilitated by the presence of woody plants scattered throughout the field. Scattered woody plants also can increase Field Sparrow nest success by diffusing predator travel corridors along otherwise abrupt forest-field ecotones.

Rest assured, there’s nothing inherently unnatural, unhealthy, or “bad” about forests and fields! In the Appalachian Mountains region, 67 bird species require woodlands for nesting and 11 require grasslands (give or take a few feathered friends), demonstrating the importance of these habitats to a diverse avian community. But as I have alluded to already, we should be concerned when forests and fields lack structural diversity or form abrupt edges. The solution to

these issues lies in a stage of ecological succession somewhere between a forest and a field.

## The Middle Ground

These “middle ground” communities, often called shrublands and young forests, develop following natural and manmade disturbances and form gradual transitions between forests and fields. They may range in size from a single dominant canopy tree felled by lightning to hundreds of acres of recently abandoned pasture.

Conservationists have identified at least 65 birds, mammals, and reptiles classified as Species of Greatest Conservation Need that depend directly on shrublands and young forests for their continued existence. This number omits many species,



**Cerulean Warblers (photo by Matt Shumar) benefit from disturbances like wind storms that create small canopy openings.**

like Blackburnian Warblers and Wood Thrush, who opportunistically use shrublands and young forests during brief but critical parts of their life cycle (e.g., brood rearing).

Anyone who has spent a late-May morning exploring Canaan Valley or Dolly Sods can attest to the fact that the ecological diversity of these complex communities is unrivaled! The reason that so many wildlife species are attracted to shrublands and young



**Golden-winged Warblers (photo by Kyle Aldinger) depend on more significant disturbances capable of clearing all but 10-15 large trees per acre across several acres.**

forests is linked to the four essential elements of habitat: water, food, cover, and space. We’re fortunate in West Virginia that water is rarely a limiting factor for wildlife, so I won’t go into that topic. As for food, shrublands and young forests tend to have a greater variety of fruit- and seed-bearing plants and herbaceous vegetation than other successional stages. Many wildlife species (and humans!) feed on these plants and/or the insects they attract seasonally or year-round. The same plants that provide energy-rich foods (blackberry, elderberry, greenbrier, hawthorn, serviceberry) also may be adorned with sharp thorns

**(More on the next page)**

## More about Birds and Bushes (Continued from previous page)

or grow in dense thickets, providing ideal cover from weather and predators.

This leaves us with the final element: space. Wildlife need room to find and procure water, food, and cover. Therein lies a problem. Despite their ecological significance, shrublands and young forests are an overlooked, underrepresented, and sometimes even maligned component of our landscape. So what can we do to help?

### What Can We Do?

In 1934, Aldo Leopold wrote, “conservation will ultimately boil down to rewarding the private landowner who conserves the public interest.” This statement still rings true with about 70% of the continental United States and 84% of West Virginia under private ownership.

But conservation can be costly in terms of technical know-how and financial expense, so the reward Aldo spoke of certainly would help us to get the job done! That’s where two songbird habitat projects offered by the U.S. Department of Agriculture Natural Resources Conservation Service, in partnership with the Appalachian Mountains Joint Venture, National Wild Turkey Federation, West Virginia Division of Forestry, and U.S. Fish and Wildlife Service, among others, come in.

The Golden-winged Warbler Working Lands for Wildlife project and the Cerulean Warbler Appalachian Forestland Enhancement project both are designed to reward private landowners by providing technical and financial assistance to facilitate conservation practices that benefit the warblers and other wildlife. Landowners will work with professional planners to develop a unique conservation plan that captures that landowner’s objectives while creating more structurally diverse communities where plants and wildlife can thrive. While Cerulean Warblers and Golden-winged Warblers benefit from different amounts of shrubland and young forest habitat, conservation practices such as forest stand improvement, non-native invasive plant control, and tree/shrub planting could be part of individual conservation plans for either species. If you decide to participate, the next time you’re asked to close your eyes and imagine a healthy, natural scene, it could be your own backyard.

To learn more about these projects, the wildlife that benefit from them, and how to get involved, please contact Kyle Aldinger (304-284-7595 or kaldinger@nwtf.net).

## ~Deep, Dark Book Review~

By Cynthia D. Ellis

The most recent session of our state’s legislature seemed to mimic those of other states. As elsewhere, our officials spent nearly all their time on matters such as reproductive abortion and guns. We echoed North Carolina, Wisconsin, Michigan, and foreshadowed Kentucky in our pursuit of topics not much mentioned by average citizens struggling with unclean water, disintegrating roads, and economic woes. Citizens could wonder about the origin of this “agenda” of legislation.

The book *Dark Money* by Jane Mayer has answers.

This reader notes admits that, for myself, when marking passages, nearly forty tab page markers were used, as were two highlighters. That’s how the book “Dark Money” might affect a motivated reader. There’s that much worth noting in this very timely work.

ALEC, ALEC, ALEC...those 4 letters make up an acronym heard often just lately. Jane Mayer has written a book that explains the origins of the American Legislative Exchange Council, and of its founders, Charles and David Koch---who they are and what they want. In doing so, she gets at the heart of what many believe to be the major problem within the American democratic process today---the smothering proliferation of nearly untraceable funds influencing elections and legislative actions.

Jane Mayer does not provide solutions. But, year by year, state by state, she lays out a compelling history which is its own urgent call to action.

West Virginia figures in this account, albeit in a minor role. When Mayer wants to point to universities that have accepted Koch/ALEC funds to set up academic projects with professors controlled by industry, she cites West Virginia University’s “Center for Free Enterprise”. WVU professor Russell Sobel, of that center, went on to brief our state governor and legislature; one political party here adopted his anti-government regulations book when crafting its party platform. Mayer goes on to link the reality of our poorly regulated businesses to the Elk River chemical spill of 2014.

Equally fascinating is the recounting of the part of the Mountain State in the election of George W. Bush, which she notes the Wall Street Journal characterized as “a coal-fired victory”.

Don Blankenship, Massey Energy, and Alpha Natural Resources show up too.

For all who try to keep up with the deep tentacles of political influence on our land, water, and community here, “Dark Money” could prove enlightening. It says, of ALEC’s founders, “They believe justice can be bought, and the rules are for chumps.”



## Worst Sites for Windmills

American Bird Conservancy (ABC) has identified 10 of the worst-sited wind energy projects for birds in the United States, both existing and proposed. In identifying these sites, the American Bird Conservancy has the intention of educating the public and key decision makers about bird impacts from wind development. Many individuals and organizations have embraced wind energy without addressing the difficult questions about its potential impact on our nation's wildlife. As a result, many wind development projects are causing significant bird mortality—at a scale that is now becoming a major source of concern for bird conservationists.



Hundreds of thousands of protected birds, including some endangered species, are already being killed annually in collisions with wind turbines and associated power lines. The number of turbines is set to grow significantly as wind industry build-out continues across the

landscape, likely causing a major increase in this already serious problem. Some prosecutions have already taken place due to these mortality events, because the killing of migratory birds without a permit is a violation of federal law. See e.g., the story in the February, 2016, issue of *The Highlands Voice*).

This wind-power-related bird mortality adds to the many other threats that birds face that act cumulatively to impact populations, yet it is likely among the most easily reduced through better siting and mitigation. We are still in the early stages of wind energy development and have time to get it right. Without careful planning, however, we could reach the point where some bird populations continue to decline toward extinction due to the accumulation of threats they face.



The 10 projects listed by the American Bird Conservancy are merely illustrative of a much broader problem. They were selected to illustrate a range of wind development-related threats to birds in

various regions and habitats that are unfortunately widespread in the wind industry. Many or all of these projects could undoubtedly be improved through better siting.

West Virginia had a site on the list of the ten worst sited wind energy projects. It identified the Laurel Mountain site, describing it this way:

### 4. Laurel Mountain

Location: Laurel Mountain, West Virginia (AES Energy Storage)

Why listed: Site of one of the largest single songbird mortality events ever recorded in North America

This project illustrates risks that occur not just from turbines but also from other associated infrastructure, including power lines, communication towers, and battery storage facilities. Neotropical migratory birds, some of conservation concern, move through or nest in this area every spring and/or fall. These include Wood Thrush; Scarlet Tanager; and Black-throated Blue, Golden-winged, Worm-eating, and Connecticut Warblers.

In 2011, nearly 500 birds representing at least 30 species—including many Blackpoll Warblers and a number of Connecticut Warblers—were killed within a few hours when colliding at night under foggy conditions with lighted energy-storage units and communication towers near the turbines. To its credit, the company reported the incident, pled guilty to violations of the Migratory Bird Treaty Act, and was subsequently fined \$30,000 for the violations.

To see the entire list, go to [abcbirds.org/10-worst-wind-energy-sites-for-birds](http://abcbirds.org/10-worst-wind-energy-sites-for-birds)

### Board Meeting Coming Up

The spring board meeting of the West Virginia Highlands Conservancy will be held on Sunday, April 24 in Fayetteville. We will meet at the Soldiers & Sailors Memorial Building, 200 Maple Avenue W., at 9:30. While only Board members are allowed to vote and make motions, all members are allowed to participate in discussions.

You should come. The Board is a fun bunch, there will be snacks, and you will be glad you came. Promise.