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The Highlands Voice

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EPA Veto of Mountaintop Removal Mine Upheld (again)

By John McFerrin

The United States Court of Appeals for the District of Columbia has upheld the action of the United States Environmental Protection Agency in withdrawing approval of a permit for a proposed Spruce No. 1 Mine, near Sharples, in Logan County, one of the largest mountaintop removal coal-mining proposals in West Virginia history. The EPA decision which was upheld prohibits five proposed valley fills in two streams, Pigeonroost Branch, and Oldhouse Branch, and their tributaries.

History

This is only the latest chapter in a controversy that began in the late 1990s. That was when Arch Coal proposed an extension of its Dal-Tex mine. The proposal sparked controversy, including the court case *Bragg v. Robertson* in which the West Virginia Highlands Conservancy was directly involved. One of the results of this litigation was a programmatic Environmental Impact Study of the mine and coal mine permitting in general.

The narrower controversy involved here stems from a decision by the United States Army Corps of Engineers and the response of the Environmental Protection Agency to that decision.



Pigeonroost Branch, as it will remain

Among the approvals necessary for a surface mine is a permit from the Corps of Engineers for what is known as a “dredge and fill” permit, authorized by Section 404 of the federal Clean Water Act. The Corps of Engineers authorized the permit in 2007.

Authorization by the Corps of Engineers is not, however, the end of the story. Under Section 404 of the Clean Water Act, the Environmental Protection Agency has the authority to review permits issued by the Corps of Engineers and refuse to approve the activity where the environmental impacts are truly unacceptable.

That was the case here. “The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend,” said EPA Assistant Administrator for Water Peter S. Silva. “Coal and coal mining are part of our nation’s energy future and EPA has worked with companies to design mining operations that adequately protect our nation’s waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water.”

(More on p. 3)

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Ramblin' the Ridges

By Cynthia D. Ellis

NQIMBY! And No MXP!

One mega-pipeline's proposed route is not **quite** in my back yard. It's a mile away. But that's too close.

It will make a wide scar through a neighbor's lush meadow. The matriarch of the family there had said she could see my house across the intervening hills, but "only when the leaves are off." Nowadays her grandson's neat new home faces her meticulously kept old white farmhouse; families in both homes will look upon the wounded land.

The pipeline will cross 14 streams



in my county alone. One, here in Putnam, is Eighteen Mile Creek, down in the wide bottomland below those of us up on the hill. This is a fishing hole kind of stream, splashing through fields and forests. Some early migrating birds alight there first in the spring. Yellow-throated Warblers like little waterways such as this, and I go down to Eighteen Mile Creek to try to find them when they arrive.

Sections of pipe will be positioned under the Kanawha River.

The line will crisscross county roads, state highways, and go beneath Interstate-64.

The "Mountaineer Xpress Pipeline", proposed by Columbia Gas, joins the long list of other large gas transport lines that will trespass upon our state, this one traversing 14 western and central counties.

This project, the "MXP", will also slash through four West Virginia Wildlife Management Areas. One is the Lewis Wetzel WMA in Tyler County. It too features meandering streams and attracts birds. Cerulean Warblers find sanctuary there, as noted in Katie Fallon's book "Cerulean Blues". Unfortunately, natural gas drilling

has occurred there in recent years, so the activity and maintenance of this big pipeline could add to the habitat pressures for all wildlife there, non-game and game as well.

Another WMA slated for similar impacts is "Frozen Camp" in Jackson County, eight miles east of Ripley. I spent a few hours there in late July and enjoyed a fog-rising, high summer morning beside a finger-shaped lake. A Yellow-breasted Chat scolded me from shrubs and vines, and a few fishermen quietly took up spots near the water's edge.

The pressures and problems, connected with the growing list of new pipelines and compressor stations for West Virginia, are numerous. For our backyards, and nearby, we worry about: loss of property value, increased chances for air pollution due to methane leaks from lines and compressors, construction impacts and accidents, polluted water sources, erosion and landslides, highway and travel disruptions, effects on plants, wildlife, and habitats; unrealistic job promises, and the increased costs of emergency preparedness for each county.

Additionally, we question the need for the lines. The gas company does not dispute that the "necessity" is simply to transport natural gas surpluses to markets.

And, we wonder about the cumulative effects of all these lines. We cannot help but remember similar rosy promises made by coal operators. But we now see the "bust" after the "boom". We see that citizens are left with huge clean-up costs for fouled water and land, and a floundering economy.

So we are joining the thousands of other Appalachians opposing the mega-pipelines.

West Virginia Highlands Conservancy and the Ohio Valley Environmental Coalition have sponsored informational meetings about the MXP in Putnam County. We're learning and teaching ourselves and others about the permitting process of the Federal Energy Regulatory Commission. People have been strongly encouraged to document current conditions of their land, and to take photos. Water-testing by citizens is a next goal; other environmental partners will be assisting with hands-on instruction.

West Virginia Highlands Conservancy is sponsoring a "Hands Across Our Land" solidarity event at Pliny, WV. [see page ___ for more on this]

Two social media pages continue to promote information on the MXP. One is our own page for WVHC; the other is "West Virginia Mountaineer XPress; Affected Landowners". Both are on Facebook. And there will be more in "The Highlands Voice".

So, even though this pipeline is Not Quite In My Backyard, I share the concerns of all who oppose it. We think FERC should choose the No Build option. We say No MXP!



A Quick PS

On July 23rd, the West Virginia Highlands Conservancy met with more than a dozen groups, from West Virginia and 5 other states, in Oak Hill, to discuss and plan a coordinated opposition to the impacts of fracking.

And there's more

From what she wrote above you can see that Cindy Ellis has thoughts about pipelines. To see more, see her piece in *The Charleston Gazette*. <http://www.wvgazette.com/gazette-op-ed-commentaries/20160724/cynthia-d-ellis-on-pipeline-history-repeats-when-lessons-unlearned>. Some of it is the same as here but much of it is new. Well worth checking out.

Veto of Mine Permit Upheld (Continued from p. 1)

The Environmental Protection Agency did not take this action precipitously. Throughout the history of the Spruce No. 1 Surface Mine Corps of Engineers permit, EPA has raised concerns regarding adverse impacts to the environment. It has never said that it considered the mine to be environmentally acceptable.

Mingo-Logan Coal Company (another Arch company which had taken over the operation) appealed the Environmental Protection Agency's decision to withdraw approval (the "veto"). It challenged the Environmental Protection Agency's decision on two grounds. First, it contended that the EPA did not have the authority to veto the permit issuance by the Corps of Engineers. Second, it contended that, even if EPA had the authority, it exercised it arbitrarily and capriciously.

The Court of Appeals for the District of Columbia decided that the EPA did have the authority. Mingo-Logan asked the United States Supreme Court to review the decision. It refused so the decision stands.

The Court of Appeals then sent the case back to the United States District Court to decide the remaining issue: even if the EPA had authority, did it exercise that authority arbitrarily? The District Court decided that the EPA did not act arbitrarily.

What just happened

The Court of Appeals upheld the District Court, agreeing that the Environmental Protection Agency did not act arbitrarily in this case. Thus the "veto" stands.

As with much of the review of agency decisions, the Court did not expressly decide whether the mine would, as EPA found, "use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend." That kind of a decision would require evaluation of technical matters on hydrology, biology,

etc. that courts feel ill equipped to make. Instead, the Court of Appeals decided that EPA applied the proper legal standard, took into account all relevant information, and made a reasoned decision. Since the Court determined that the EPA had done that, it upheld the EPA's decision.

What this means on the ground

While these years of litigation may be of interest to lawyers and possibly even academics, their real significance are the real world consequences. Because of the outcome of this dispute, several things that were scheduled to happen will not. The proposed mine project would have:

- Disposed of 110 million cubic yards of coal mine waste into streams.
- Buried more than six miles of high-quality streams in Logan County, West Virginia with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and forestlands.
- Buried more than 35,000 feet of high-quality streams under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them.
- Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and streams.
- Caused downstream watershed degradation that will kill wildlife, impact birdlife, reduce habitat value, and increase susceptibility to toxic algal blooms.
- Inadequately mitigated for the mine's environmental impacts by not replacing streams being buried, and attempting to use stormwater ditches as compensation for natural stream losses.

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.

Is It Over Yet?

While not long lasting by some standards (The Hundred Years' War, France v. England, 1337 to 1453, for example, or the Jurassic Period, 63 million years) this has been going on for a long time. So, is this the end? Is the question finally resolved?

Maybe.

The company could theoretically appeal to the United States Supreme Court. That is a long shot. Mingo-Logan could file what is known as a petition for writ of certiorari, the route taken by almost all litigants. The Court receives approximately 10,000 petitions for a writ of certiorari each year. The Court grants and hears oral argument in about 75-80 cases. With fewer than one per cent of the cases being accepted each year, the odds are that Mingo-Logan's petition will be denied. Mingo-Logan tried that route when it argued that the Environmental Protection Agency did not have the authority to veto a permit. The Supreme Court refused to consider the broader question of EPA's authority. It is even less likely that it will accept this case on the question of whether that authority was arbitrarily exercised.

There are three branches of government. Mingo-Logan has already lost with the Executive branch (EPA in this case). It is out of luck with the Judicial branch (above). Litigants who get no satisfaction from the Executive or Judicial branches occasionally scurry to Congress for relief; if current law is not producing the outcome you want, you can suggest that Congress change the law. Mingo-Logan may have a trick up its sleeve there.

So maybe it is over. Unless the deck is shuffled in the next election. Unless...unless...unless...Or maybe Arch decides that the coal market is so weak that the project is not worth pursuing.

Stay tuned.

Two Boys

I watched them walk their bikes
down the steep drive.

Fragile brains snuggled safely into helmets.

I envied their long-anticipated adventure
along the mountain backroads.

Wished for their safe return.

Doused in sunscreen.
A few stretches.

Snacks and water.
Cell phone, just in case.

Sweet, joyful,
Saturday morning bike ride.

Two friends,
fifty-eight, and sixty-three.

Robin Talbert

Holding Hands to Hold Back Pipelines

West Virginia Highlands Conservancy will host a "Hands Across Our Land" event at Pliny in Putnam County, WV on Thursday, August 18 at 7 p.m. Established last year by pipeline opposition groups in Virginia, these celebrations have this purpose--- "Hands Across Our Land is a grassroots action designed to bring attention to the plight landowners and communities face at the hands of bullying, multi-billion dollar corporations in their quest to build new fossil fuel infrastructure." Each local group plans its own actions. HAOL adds, "At some point during your action, we ask you to hold hands to create a human chain, to symbolize our communal efforts to protect the land of your community and to show solidarity with others across our great land facing the same injustices you face within your communities."

Other WV groups will be adding their event to the HAOL website soon. <http://www.handsacrossourland.org/>

You can RSVP to the Pliny event by sending a message to the Facebook page "WV Mountaineer XPress; Affected Landowners" or to cdellis@wildblue.net

Can't join an event? Make your own sign and send us a selfie! Be with us, even right from home!



**A Hands
Across Our
Land Event
in Virginia**

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Floods show need for more public investment, not less

By Angie Rosser

Like many of my Clay and Kanawha county neighbors, I watched the Elk River rise throughout

I was in denial that the river would ever reach into my home. Denial quickly transformed into resignation when I could see the muddy waters coming up through my floor vents. I frantically moved what I could to an upper level and secured the canoe to my back door as the plan of escape.

In the weeks since, even without running water or electricity, inches of mud were shoveled out, floors and walls removed, furniture sent to the dump, flood-water-filled ducts and insulation dragged out — thanks to some amazing friends and volunteers.

Through it all, I've found myself pulled between two poles of thoughts and emotions. One is the overwhelming sense of gratitude for all those people who helped or offered to help, who took time from their lives to help me with mine. The other is a sense of despair for something this flood signifies for West Virginia.

When I now go to work in Charleston, I am struck by a sense of entering another world. It's a world in which people's homes are not destroyed. Where, when the tap is opened, water flows. When a switch is flicked, a light comes on. And neighbors are not sleeping in tents.

When I go to Charleston, I wonder whether legislators bent on spending cuts see the connection between good government and people who are secure.

The floods came on the heels of a legislative session focused on slashing every government service. It has become a point of pride for some legislators to cut spending at all costs.

They have convinced themselves if they make government small enough and cheap enough, new businesses will flock to West Virginia.

The floods show me the opposite is true. It's an alternate universe as striking as the one between those living in tents uncertain what the future will hold and those enjoying a relaxed lunch with friends on Capitol Street.

One of the primary functions of government is to provide the infrastructure for society to flourish and the resources to assist citizens in times of disaster. Most people looking to start or relocate a business get this.

When businesses relocate, they look for schools that are funded for excellence. They look for outdoor recreation opportunities and quality of life. They look for roads that are safe and well maintained. They look for infrastructure that will be there for them when crisis comes.

That is because business owners are investors. They know: You invest to grow; you don't cut your way to greater revenue.

Recent Gazette-Mail articles by Andrew Brown and David Gutman illuminate the contradictive direction our state seems to be moving: How can cutting funding for our infrastructure, public health and public safety help build a place that is inviting to people and businesses?

When we invest in infrastructure, we are investing in people. When we invest in people, we are investing in communities. When we invest in communities, we are building a stronger environment for business to grow — bringing more opportunities for prosperity.

A government that touts itself as pro-business must consider more than cutting corporate taxes and eliminating regulations that

safeguard our people. A government that calls itself pro-family must invest in schools and roads and water and Internet and the other building blocks of a whole and thriving community.

For West Virginia to realize its full potential, we need to build a place where people want to live. We need to do more than show how little money we can spend on services and infrastructure.

A friend commented that I am smiling in all of the post-flood photos. That is because I was surrounded by the collective spirit of all West Virginians. Many of them were young people, teenagers of modest means growing as good neighbors.

I want to live in a West Virginia that has a future for them. Where they have the job opportunities of tomorrow, not one in which jobs of yesterday become scarcer and scarcer — and where our vision becomes smaller each day.

Every business owner knows one can cut expenses only so deep. At some point, you must focus on new revenue and new economies. The path there begins with our elected officials embracing the role of government as an investment in the future.

None of our political leaders caused these floods. But all of them have a responsibility to imagine a future for West Virginia that is more than longing for the past.

Angie Rosser lives in Prociouss.

Note: This previously appeared in the *Charleston Gazette*.

Plan Ahead: Big Meeting Coming Up

West Virginia Highlands Conservancy and West Virginia Environmental Council Biennial Joint Fall Conference 2016 will be held the weekend of October 21-23 at Camp Virgil Tate, Cross Lanes [near Charleston] WV. The theme is "Green Voices" and features in-person updates on a number of recent issues, including aspects of pipelines, fracking, and the Clean Power plan. Nature walks and a camp fire are planned too. The registration form is available under "Events" of October on our website. We hope to see everyone there!

https://www.wvhighlands.org/?event=joint-meeting-wvec-and-west-virginia-highlands-conservancy&event_date=2016-10-21



Lodge, Camp Virgil Tate

Board Highlights

By John McFerrin

The summer Board meeting of the West Virginia Highlands Conservancy was the usual mix of business and reports on issues. It was a mix of reporting on the past and planning for the future.

Looking forward to the Annual Meeting in October, President Cynthia D. Ellis mentioned that we will have elections in October so she has begun to assemble a nominating committee. She already has two members and will appoint at least one more soon. Cindy reported on plans for the fall meeting: October 21-23. It will be at Camp Virgil Tate; the theme is Green Voices. There will be lots of speakers and discussion of issues. See the story on p. 5.

Bob Marshall presented the treasurer's report. There was nothing out of the ordinary about the expenses or the revenue. He also reported that we are going to rely more upon our accountant, Susan Graves. She had been doing our audit and some reports. Now she will be doing most of the day to day type of work of writing checks, keeping records, etc. This will cost more but it will reduce the burden on the treasurer. With this new development Bob appears to be backing off of his plan to resign as treasurer.

Frank reported on progress and remaining issues with the 9th edition of the Hiking Guide. In previous editions of the Guide Bruce Sundquist had done most of the work in pasting up the maps. Now he is no longer available so we are having trouble with that part of it. There are also questions about formatting and selecting a printer that we have to work out. We still have enough copies of the 8th edition to last for another year.

In matters of membership, Beth Little distributed reports comparing membership numbers over the past several years. Once again membership is up slightly since the last accounting.

We discussed uses of I (heart) Mountains by unauthorized users. We have trademarked the phrase but several other groups are currently using and distributing it. It was the sense of the discussion that there is value in having the sentiment expressed by the bumper sticker widely distributed. At the same time, we would like to protect our trademark. We resolved this by deciding to send a friendly reminder to

those who are using it reminding them of our trademark.

In matters of outreach, Cindy Rank reported that the committee had been working on celebration of the fiftieth anniversary of the West Virginia Highlands Conservancy in 2017. The celebration will be September 15 through 17, 2017, at Canaan Valley. She had circulated a list of possible field trips, speakers, exhibits, music celebration, and unending fun. We offered some support for the list and some suggestions, including enthusiasm for the idea of live music.

In matters of extractive industries, Cindy Rank suggested reading *The Highlands Voice* as the best way to keep up with what we are up to. There remain questions of selenium and conductivity. We are still working to see that, as mining companies go through bankruptcy, reclamation obligations are not forgotten. She also mentioned the challenge to the Environmental Protection Agency's veto of the Spruce mine that was rejected. (See story on p. 1)

There are a couple of ongoing legislative issues that we are watching. One is water quality standards. We are working within a coalition seeking to maintain a vigorous set of standards. Second, we have the perennial question of the cleanliness of state waters. We have always maintained that all streams should be maintained to a level that they are suitable for drinking. This is the current practice; we are continually fighting to hold onto it. Others have maintained that only those which are located near an intake for a water company and are currently being used for drinking should be protected to that level.

Larry had prepared a report on wind which he presented. He also mentioned that Wayne Spiggle is doing a report on the health effects of industrial wind projects. (Story on p.12 of this issue).

On matters of pipelines, Rick reported on the actions of the Dominion Pipeline Monitoring Coalition. Much of the presentation was about the "story maps" that the Coalition has been working on. These are a way of organizing information about different aspects of the Dominion pipeline. For more about the story maps, see the story on p. 14.

Cindy Ellis reported on the Columbia Gas Mountaineer Xpress pipeline. It is 167 miles long, from Doddridge to Wayne County. The line will cross many streams, some wetlands, and, will go under the Kanawha River. There have been meetings of opponents and they are researching the controversial areas it crosses. These include four Wildlife Management Areas, including the Lewis Wetzel Wildlife Management Area (globally recognized as an "Important Bird Area" for the tiny, beautiful Cerulean Warbler). She talks about it in her column on p. 2.

Frank reported on matters legislative, noting that the past legislative session was probably the worst one in living memory. Because the Legislature has been occupied with the budget special sessions, there have not been any interim sessions. There are no environmental topics on the lists of things to be studied during the interim sessions.

Frank discussed how the Environmental Council was considering how it established legislative priorities. The Environmental Council no longer has individual members. The new plan is going to include a requirement that groups which want an issue lobbied will have to supply the lobby team with proposed legislation as well as some potential sponsors that the group has talked to. It is too hard for the lobby team to have to approach potential sponsors cold.

Larry expressed some disappointment that the law requiring wind farm siting regulations which the West Virginia Highlands Conservancy named as one of its priorities last year was not introduced. He supports the new way of choosing WVEC lobbying priorities and plans to speak with legislators regarding sponsorship.

The door prize was Hammock Accessories. It was a book, *Hippies and Homesteaders*, about people who went back to the land in West Virginia as well as an organic lemon for making lemonade. George Hack won.

In addition to the Board members, we had several visitors including Board Member Emeriti Jean Rodman who enlivened the meeting with her pearls of wisdom launched from the peanut gallery.

A Few Sentences Threading the Holes Together

By Marc Harshman

I've stood in the midnight wilderness and seen it lit
daylight-bright with well rigs.
I've seen the road wind in and out along the orange
stream below the mountain.
I've seen the gray and brown waste smoking with
dust under summer's sun.
I've seen where the cemetery was shoveled over
the side of the hill.
I've seen the bullet holes and graffiti on
Larry's outbuildings.
I have a piece of fuse I picked up on Kayford Mountain.
I've stood in a hotel room listening to a lovely woman
telling me not to drink the water.
I've walked a sidewalk where a young man was murdered
because an out-of-state worker had enough of
a crap job and enough beer to light his fuse.
I've seen gas and coal drive unemployment up
and property prices down, down, down.
I've seen enough that no politician can ever lie to me again
about how it's all about jobs, how it's war on coal, how
it's the EPA, how it's not his fault, how it's not poetry, how
it is . . .

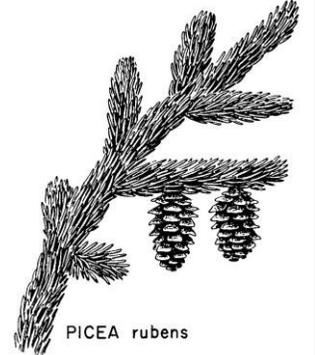
A Small Hole a Last Poem Enters

A cold, steady flow
unseen and
splattering upon soft stone,
goes where it will down
the hill and away.
Chances were good, once,
under the unbroken shade
of the Alleghenies
it might find itself joined, here, there,
and with every joining increase
into stream, river, and
finally sea, the great path's destination
to brew the rain, to slake the all-thirst
that drives us living, alive, filled
with waters not marred by the hand of men.

Marc Harshman, the Poet Laureate of West Virginia, lives in Wheeling. His work has appeared in numerous journals and been widely anthologized. The author of four chapbooks, his second full-length poetry collection, *Believe What You Can*, will appear in 2016. His twelve children's books include *The Storm*, a Smithsonian Notable Book. This is a sample, a sliver from a longer poem much too long to publish in *The Highlands Voice*. The poem, *A Breach*, is a meditation on the chemical leak that poisoned Charleston's water supply in 2014 and how it is related to life in West Virginia. It was published in the "Justice in Appalachia" issue of *Now & Then: The Appalachian Magazine*. *Now & Then: The Appalachian Magazine* is published by the Center for Appalachian Studies and Services at East Tennessee State University.

West Virginia Source Red Spruce Trees Available for Sale!

The West Virginia Highlands Conservancy organizes volunteers to collect seeds from our 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 high quality Red Spruce trees available for Fall 2016 and Spring 2017. New for 2016 we have a few Winterberry Holly plants available too.

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

Fall 2016

Red Spruce plugs

2 year old container-grown seedlings
approximately 10-15 inches tall.
50 (minimum order)- \$120.00, 100 - \$210.00,
1,000 - \$1000.00

- These Plugs are 1.5 inches in diameter and 6 inches deep.
- These trees will be "hot-lifted" from the container and rush shipped to us just in time for our planting events on September 17. Because the trees are still actively growing, the planting of these trees needs to occur promptly and they must be picked-up September 16 -18, 2016.

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Tree band containers, \$6.00 Each, 4/\$20.00

- These Tree bands are 4 inches square and 10 inches deep.
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- Limited quantities available on a first-come- first served basis.

Spring 2017

Red Spruce plugs

2 year old container-grown seedlings
approximately 10-15 inches tall.
50 (minimum Order)- \$120.00, 100 - \$210.00,
1,000 - \$1000.00

- These Plugs are 2 inches in diameter and 6 inches deep.
- Available for pick-up during April or early May, 2017.

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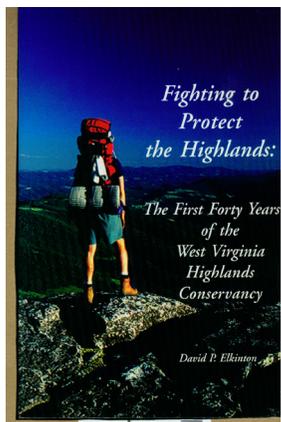
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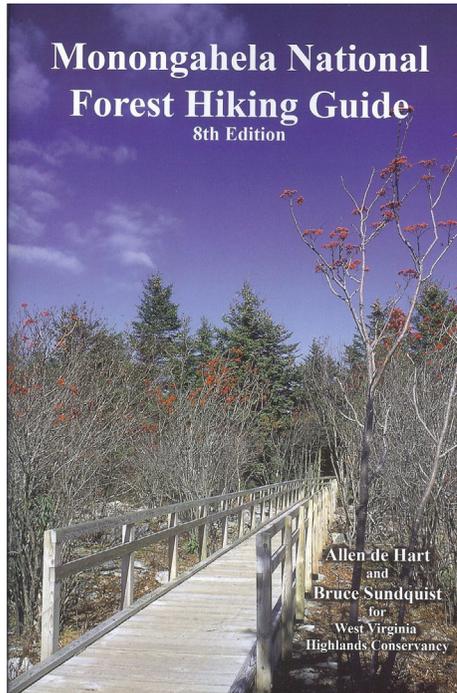
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The way it works: Anyone you refer gets *The Highlands Voice* for six months. At the end of the six months, they get a letter asking if they want to join. If they join, we're happy. If not, then maybe next time.

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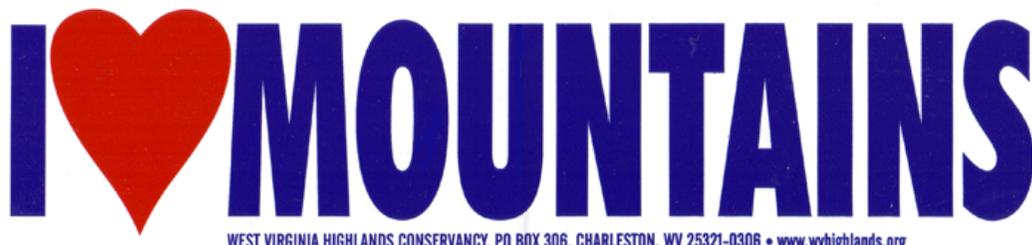
VOICE AVAILABLE ELECTRONICALLY

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. 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.

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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.



Antero Clearwater – Will it Be?

By Cindy Rank

Ah the stories people tell about the many [non] joys that accompany 21st century shale gas drilling... massive water and gas transmission pipelines snaking across the land, hundreds of trucks ruining back country roads and main highways too, exploding pipelines, daily truck traffic on narrow roads and spills and crashes and safety hazards to local communities, noxious air and noisy compressor stations, muddy streams and broken up farms, gashes in the forested hillsides, poisoned water and mysterious health problems. The list and details go on and on in one community and one state after another.

One of the most widespread concerns and generally recognized problems is WHAT TO DO WITH THE WASTE WATER. It's a continuing theme whenever anyone talks or writes about today's massive shale gas horizontal drilling and hydraulic fracturing operations and the huge amounts of water used to frack wells – e.g. 5 million or more gallons per well.

Of course the problem of waste has always accompanied much of the advancement and innovations of the modern era.

Unfortunately, before we've learned how to take care of the wastes we've already created, before making significant strides to clean up after ourselves, we've embarked on another adventure into the world of energy that creates even more waste than we now know how to handle --- i.e. water from the massive new shale gas drilling operations.

First we suck up millions of gallons of fresh water from streams and wells and public water supplies. Then we mix in a few unhealthy chemicals to facilitate the drilling and fracturing of rock deep in the earth. Then it all comes sloshing back out of the ground in worse shape than when it was put down there.... AND it brings with it some even nastier stuff that's been contained deep in the bowels of the shale layers of the earth and released only as part of the drilling, fracking, and production processes.

AND And what's to do with it ?

Reuse what little bit that can be used again ? Store it in lined but leaky pits ? Store it in giant tanks above ground ? Pump it back underground where the trusted old adage of "out of sight, out of mind" relieves any qualms we might have ? ... where pressure becomes too great not to interfere with nearby fresh water layers,

or is too close to fissures in the earth or tectonic type plates that move and shift with the unnatural new forces and cause the earth's surface to become unstable beneath our feet and under our homes and cities?

Even if any of the above were the safe alternatives they're often advertised to be, there's too very much of the stuff [polluted waste water] to be absorbed by any combination of these options.

Answers on the Horizon ?

For the past several years much has been made of the idea of creating centralized treatment facilities that would not only treat the waste water to some level acceptable for reuse in the fracking process at future drilling sites, but also separate out the tremendous amount of salt(s) that are contained in the flowback of the once fresh water used in the fracking process and in what is known as produced water that comes to the surface once released from the shale layers deep in the earth as gas continues to flow.

Currently there is one such facility in the Fairmont WV area. Written about in the January/February issue of the WV FOCUS magazine, Fairmont Brine Processing is using its patented evaporation and crystallization process to provide what they believe is a comprehensive waste fluids treatment solution for the waste water generated at shale gas wells.

The Fairmont facility has the capacity to accept and treat some 4,500 barrels of waste water per day, all of which is currently under contract.

Antero Resources has proposed to move out on its own and build a second such facility designed to treat some 60,000 barrels per day. Antero Clearwater (formerly proposed as the Sandstrom facility) is to be located along Route 50 east of Clarksburg, WV near the Doddridge/Ritchie County line.

Antero Clearwater plans to use its own enhanced evaporation and crystallization technology for separating solids (mostly salt) from the waste water, construct and utilize an adjoining landfill for the salts that cannot be marketed, and remove the Naturally Occurring Radioactive Material (NORM).

As stated in Antero's permit application:

"The Treatment Facility, in combination with the Landfill, allows Antero to convert almost 98 percent of its wastewater

into clean products: salt and freshwater. It virtually eliminates Antero's need to use wastewater storage pits and wastewater disposal wells. The water treatment process will separate incoming water and associated solids, including salt that will comprise approximately 92 percent of all solid byproducts from the facility. Moreover, a portion of the salt is of such high quality that it will be commercially marketable. The remaining salt will be of landfill-quality.

The facility's enhanced design provides environmental protection at a state-of-the-art level, including the Landfill's multiple liners that create redundant layers of groundwater protection."

According to information on Antero's website the Clearwater treatment facility is designed to accept water containing NORM that is present in flowback and produced water due to the properties of rock that the water contacts during the completion and production of a natural gas well, remove that NORM, and segregate it into a separate waste stream. The segregated waste stream is known as TENORM based on the technological means of enhancing and removing NORM from the delivered water and will be disposed of "in appropriately permitted landfills following strict regulations and environmental safeguards, just as is done now across the industry."

[Eyebrows will be raised high at this last statement for anyone following the rather unproductive WV legislative discussions about appropriate assessment and disposal of radioactive materials in drilling waste from shale gas wells.]

The 110 acre landfill will be constructed in stages over the course of 26 years. Apparently Antero (and others) see the current downturn in production and profit to be but a mere stepping stone for an industry accustomed to adapt to the somewhat normal boom and bust cycle.

End Note: Both 401 Certification and the Stormwater permit for the landfill are currently under review by the WV Department of Environmental Protection. Comments for both can be submitted to WVDEP the first two weeks in August. And at least one public meeting (on the Stormwater permit) will be held August 23rd at the Doddridge County High School at 6 p.m.

Battle for Blair Mountain – One More Step

By Cindy Rank

The Battle for Blair Mountain may have begun with the 1921 armed conflict that arose out of the effort to unionize coal miners in southwestern West Virginia and liberate miners living under martial law, but the struggle to preserve the historical site continues today – some 95+ years later.

The current legal skirmish is about having the Battlefield area officially recognized on the National Register of Historic Places, a declaration that will provide a level of protection for the heart of the Battlefield site along the Spruce Fork Ridge from Blair Mountain to Mill Creek.

The National Register of Historic Places (NRHP) is managed by the National Park Service and is the U.S. government's official list of districts, landscapes, sites, buildings, structures, and objects deemed significant in U.S. history.

Listing a battlefield provides formal recognition of its historical significance based on national standards used by all state and Federal agencies.

The nomination process requires that a battlefield's significance be documented, that it be located on the landscape, and that boundaries be drawn to identify the battlefield. The National Register boundaries and documentation are tangible proof of a battlefield's location and significance and help in its preservation.

My first personal recollection of efforts to preserve Blair Mountain was the struggle by the United Mine Workers in the early 1990s to prevent major strip mining on the mountain. Then, as now, the area in question involved coal properties and objections by the coal industry to any limits placed on their ability to mine that coal – no matter the historic significance, no matter the history and cultural significance to West Virginia.

Since those earlier unsuccessful efforts, years of field work, research and

documentation compiled and presented by Friends of Blair Mountain and other concerned individuals and organizations have provided the necessary archeological information and mapping of a narrow strip of land along the spine of Blair Mountain Ridge from Blair Mountain to Mill Creek, the heart of the Battlefield, now designated as the Blair Mountain Battlefield.



Their efforts were finally successful in 2009 when the Keeper of the Register of Historic Places officially placed the Blair Mountain Battlefield on the Register.

Industry was quick to challenge the decision and Blair Mountain was once again embroiled in controversy. The area was officially listed – then unlisted. Ownership of property was debated and challenged and recognition of the battlefield has been the subject of court battles since 2010.

In the May 2016 issue of *The Highlands Voice* John McFerrin wrote an article entitled “Blair Mountain Battlefield Protected (Maybe)” relating some of the back and forth legal actions from 2012 and the appeal in 2014 and finally the May 2016 District Court decision that appears to have put the Battlefield back on track to be ‘listed’.

At issue was whether or not the agency had looked at all the relevant evidence, applied the right standard, and considered all the arguments put forth and basically engaged in reasoned decision making.

The good news in John's May article was the District Court decision that ruled the Keeper had acted improperly in removing the Blair Mountain Battlefield from the National Register of Historical Places. The “maybe” in his title implied a possible appeal by the Department of the Interior (DOI) (parent to the National Park Service and the Park Service operation of the National Register of Historic Places).

The DOI did in fact file an appeal on June 10th.

Now, for the good news: on July 26, 2016 “Sally Jewell in her official capacity as Secretary, U.S. Department of the Interior, et al” voluntarily dismissed the appeal.

West Virginia Highlands Conservancy joins with the major movers and shakers in these

legal pursuits in celebrating this welcome move during this 100th year anniversary of the National Park Service.

We recognize and applaud the yeoman efforts of the Friends of Blair Mountain, the National Trust for Historic Preservation, the West Virginia Labor History Association, Sierra Club, the Ohio Valley Environmental Coalition, other individuals, and the legal team who have brought us this far.

We will continue to work together to secure permanent protection for Blair Mountain Battlefield from the threat of mountaintop removal, and other devastation, to preserve this important landmark of the history of the labor struggle against the coal industry, to preserve for future generations this slice of West Virginia history and the cultural significance it represents.

WHAT ESTABLISHED SCIENCE TELLS US ABOUT THE HEALTH IMPACTS OF GRID SCALE WIND TURBINES AND WHY THE PRECAUTIONARY PRINCIPLE SHOULD DRIVE PUBLIC POLICY ON THIS ISSUE

Compiled by Wayne C. Spiggle, M.D.

Living In Proximity to Wind Turbines Does Cause Disease:

Noise & Health, an Inter-Disciplinary Journal, published a study finding that residents living within 6500 feet of a turbine feel an overall diminished quality of life. Those exposed to turbine noise at 5000 feet also experienced significantly lower sleep quality and rated their environment as less restful. The study concluded: "night time wind turbine noise limits should be set conservatively to minimize harm, and, on the basis of our data, we suggest that setback distances need to be greater than 2 km in hilly terrain. Shepherd D, McBride D, Welch D, Dirks KN, Hill EM. *Evaluating the impact of wind turbine noise on health-related quality of life. Noise & Health* 2011; 13:333-9. Fourteen studies in the academic literature have come to similar conclusions and are included in the bibliography of this brief.

The National Academy of Sciences Institute of Medicine says that: "Sleep disorders and sleep deprivation are an unmet public health problem." Institute of Medicine (IOM) Committee on Sleep Medicine and Research, Colten HR and Altevogt BM (ed.), *Sleep Disorders and Sleep Deprivation: An Unmet Public Health Problem*, Washington, DC: National Academy of Sciences, 2006.

Many prestigious medical centers, including Harvard University have cautioned, "In the short term, a lack of adequate sleep can affect judgment, mood, ability to learn and retain information, and may increase the risk of serious accidents and injury. In the long term, chronic sleep deprivation may lead to a host of health problems including obesity, diabetes, cardiovascular disease, and even early mortality." Research has overturned the dogma that sleep loss has no Health effects, apart from daytime sleepiness. <http://healthysleep.med.harvard.edu/healthy/matters/consequences>

Children and teens are particularly susceptible to sleep deprivation. A study published in the Journal of The American Academy of Child and Adolescent

Psychiatry, found a strong link between insufficient sleep and aggression, delinquent behavior, and attention problems among 7- to 12-year-old children. *Sleep and Psychiatric Symptoms in School-Age Children. Journal of American Academy of Child and Adolescent Psychiatry.* 2000;39:502-508.

The World Health Organization has cited numerous studies showing that sleep deprived children can be less reflective, more impulsive and hyperactive and show poorer attention span. WHO also accepts the research that some children and teens show reduced academic performance and learning when exposed to fractured sleep. One such study is referenced. It concludes: "Observational and experimental studies have shown that noise exposure leads to annoyance, disturbs sleep and causes daytime sleepiness, affects patient outcomes and staff performance in hospitals, increases the occurrence of hypertension and cardiovascular disease, and impairs cognitive performance in schoolchildren." Dr Mathias Basner, MD, Wolfgang Babisch, PhD, Prof Adrian Davis, PhD, Mark Brink PhD, Charlotte Clark, PhD, Sabine Janssen, PhD, Prof Stephen Stansfeld, PhD: Auditory and non-auditory effects of noise on health, *The Lancet*, Volume 383, Issue 9925, 12-18, Page 1270.

The WHO notes that outside noise of 30 to 40 decibels (dB) may cause some harm to children and the elderly; but above 55 dB the situation is considered increasingly dangerous for public health. WHO night noise guideline for safe sleeping indoors is 30 dB. WHO –*Night Time Noise Guidelines for Europe*. Roko, Kim; Van den Berg, Martin: Noise and Health, Volume 12, Issue 47, Page 61-63. 14 May 2013.

An article in the Canadian Journal of Rural Medicine came to this conclusion: "If placed too close to residents, IWTs (industrial wind turbines) can negatively affect the physical, mental and social well-being of people. There is sufficient evidence to support the conclusion that noise from audible IWTs is a

potential cause of health effects. Inaudible low-frequency noise and infrasound from IWTs cannot be ruled out as plausible causes of health effects. "Jeffery, Roy D. MD, Krogh, Carmen M.E., Horner, Brett BA, CMA: *Industrial wind turbines and adverse health effects. Canadian Journal of Rural Medicine*, 2014;19

Why Does Public Policy Generally Allow Wind Turbines to Be Close Enough to Homes To Cause Harm?

Until recently, most information about grid scale wind has come from industry sources. Like the tobacco industry of a few decades ago, this industry has been quite disingenuous and successful in contending that there is no scientific evidence that exposure to wind turbine noise causes disease.

Reports on wind development written for the government tend not to address health effects on people living in the vicinity of turbines.

As a result, very few members of the public, including policy makers, are aware of the significant physical and mental harm of people living close to wind turbines.

The Public Health Profession Is Trying To Correct This Situation.

For the last 15 years or so, the public health profession has reported how wind turbines harm human health (see above) and has endorsed the **Precautionary Principle** to respond to the many technological events that are becoming part of the experience of society. *WHO-Europe: The Precautionary Principle: protecting public health, the environment and the future of our children*. Edited by Marco Martuzzi and Joel A. Tickner. Document # ISBN 92 890 1098 3, Published by World Health Organization 2004.

According to the precautionary principle, the burden of proof is placed on the industry associated with the problem, not the people who are being aggrieved. Public policy is not deferred until absolute scientific proof is settled. The World Health

(More on the next page)

Wind and Health (Continued from p. 13)

Organization puts it this way: “The Principle states that in the case of serious or irreversible threats to the health of humans or the ecosystem, acknowledged scientific uncertainty should not be used as a reason to postpone preventative measures”. *How to Apply the Precautionary Principle to Wind Energy Projects*. Waubra Foundation. June 19, 2012. <docs.wind-watch.org/How-to-Apply-the-Precautionary-Principle-to-Wind-Energy-Projects.pdf>

Precaution is at the heart of public health protection. For example, current regulations pertaining to tobacco, environmental lead and pharmaceuticals are based on precaution and prevention. Initially, especially with tobacco and lead related diseases, the tendency was to wait on scientific proof, with disastrous results.

Policy Makers Are Beginning to Respond to Public Health Professionals on the Wind Turbine Issue.

In Europe where the experience with wind installations has been longer and the most pervasive:

The Bavarian government has a “10-H-law” that calls for a setback distance to the nearest residential area of ten times a turbine’s total height. This is based on data that show sleep-depriving noise from turbines is a function of their height. A turbine 150 meters high (492 feet) would be kept 1500 meters (4921 feet) away from homes. In May, 2016, the Bavarian Constitutional Court affirmed this law. *The precautionary principle: protecting public health, the environment and the future of our children*. WHO-Europe, 2004. www.euro.who.int/_data/assets/pdf_file/0003/91173/E83079.pdf

A second German state, Rhineland-Palatinate, (southern Germany) plans to impose a minimum of 1,100 meters (3609 feet) between wind developments and nearest housing.

Ireland has a bill that says the distance from a wind turbine to a house should be 10 times its height;

Jurisdictions in the United States are also realizing that large wind turbine installations are harmful and people are beginning to resist their placement:

On 10-14-14 the Brown County Board of Health declared the 2.5 MW wind turbines at Duke Energy’s *Shirley Wind* project in Brown County, Wisconsin, to be a “human health hazard”. That declaration was based on the Board of Health’s five years of experience, research, and review of the evidence. On 6-3-16 it was reported that the Brown County Commissioners gave initial approval of the board of health findings. *Shirley Wind Farm opponents see ray of hope*. Doug Schneider: *USA TODAY NETWORK-Wisconsin*; July 3, 2016

Since 2010 many local jurisdictions have established safer setbacks:

Umatilla County, Oregon, and Riverside, California have ordinances stipulating a setback of 10,561 ft.

Catarunk, Maine and Moscow, Maine – 8,000 ft.

13 times the turbine height – Montville, Maine and Buckfield, Maine.

6,000 ft. – Fayette County PA.

5,280 ft. – Trempealeau County, Wisconsin, Sumner, Maine & Hillsdale County, Michigan.

Other locales are cited in this reference. <http://kirbymtn.blogspot.com/2014/10/wind-turbine-setback-and-noise.html>

In a letter to constituents dated May 19, 2016, Tennessee Senator Lamar Alexander shared the following information:

“In October, the residents of Irasburg, Vermont, voted 274 to 9 against a plan to install a pair of 500 foot turbines on a ridgeline visible from their neighborhoods.”

“In New York, three counties opposed 500 to 600 foot wind turbines next to Lake Ontario”

In Kent County, Maryland, Apex Clean Energy, is trying to put down 25 to 35 500-foot turbines a quarter-to a half-mile apart across thousands of acres of farmland,”

“According to the Baltimore Sun, Stephen S. Hershey Jr., a local state legislator, introduced a bill that would give county officials the right to veto any large-scale wind project in their juris-

diction. *Alexander urges Cumberland County Residents, All Tennesseans to Oppose Proposed Wind Farm* – e-mail Newsletter, May 19, 2016 : lamar@alexander.senate.gov

There is now a proposal in the NC State Legislature that would provide a setback of at least 1 ½ miles from a neighboring property line. NC Senate Bill 843: Renewable Energy Property Protection: Sen. Bill Cook & Sen. Andrew Brock: <ncleg.net>

In December 2015, the Board of Zoning Appeals, Allegany County, Maryland, supported Code 360-92 (requires turbines to be placed at least 2000 feet from resident’s homes) by unanimously denying an application for 26 variances that would have placed the Dans Mountain Wind Project within 1000 feet from some residences. *Wind farm developer denied in Allegany County: Cumberland Times-News* 11/17 2015 <http://www.your4state.com/news/news/wind-farm-denied-in-allegany-county>

COMMENT

Established science shows that wind turbines cause sleep deprivation which in turn causes ill health and diseases. Increasingly, jurisdictions are recognizing this and are developing setbacks for wind turbines that protect the public health. A distance of 10 times the height of the turbine to the nearest residence is emerging as a safe setback, while lesser distances fail to protect the public health. Until such regulations become the norm, people who live adjacent to wind turbines will continue to suffer and public resistance to this industry can be expected to increase.

Regulatory authorities could find themselves in a position in the future where they are successfully prosecuted for breaches of their duty to protect the community from harm.

Still in Need of Something to Read?

Here are the materials Wayne Spiggle relied upon for the wind story on pages 12-13:

- (1) Shepherd D, McBride D, Welch D, Dirks KN, Hill EM. **Evaluating the impact of wind turbine noise on health-related quality of life.** *Noise Health* 2011; 13:333-9
- (2) Institute of Medicine (IOM) Committee on Sleep Medicine and Research, Colten HR and Altevogt BM (ed.), **Sleep Disorders and Sleep Deprivation: An Unmet Public Health Problem**, Washington, DC: National Academy of Sciences, 2006.
- (3) <http://healthysleep.med.harvard.edu/healthy/matters/consequences>
- (4) **Sleep and Psychiatric Symptoms in School-Age Children.** *Journal of American Academy of Child and Adolescent Psychiatry.* 2000;39:502-508.
- (5) Dr Mathias Basner, MD, Wolfgang Babisch, PhD, Prof Adrian Davis, PhD, Mark Brink PhD, Charlotte Clark, PhD, Sabine Janssen, PhD, Prof Stephen Stansfeld, PhD: Auditory and non-auditory effects of noise on health, *The Lancet*, Volume 383, Issue 9925, 12-18, Page 1270.
- (6) WHO –**Night Time Noise Guidelines for Europe.** http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf pp. 25 -28.
- (7) <PLoS One.9(12); 2014PMC4256253>
- (8) Jeffery, Roy D. MD, Krogh, Carmen M.E., Horner, Brett BA, CMA: **Industrial wind turbines and adverse health effects.** *Canadian Journal of Rural Medicine*, 2014;19
- (9) **How to Apply the Precautionary Principle to Wind Energy Projects.** Waubra Foundation. June 19, 2012. <docs.wind-watch.org/How-to-Apply-the-Precautionary-Principle-to-Wind-Energy-Projects.pdf>
- (10) **The precautionary principle: protecting public health, the environment and the future of our children.** WHO-Europe, 2004. www.euro.who.int/_data/assets/pdf_file/0003/91173/E83079.pdf
- (11) *Süddeutsche Zeitung - Christian Sebald - May 9, 2016*
- (12) <http://www.oireachtas.ie/documents/bills28/bills/2014/1914/b1914d.pdf>
- (13) **Setbacks and noise regulations since 2010:** <Kirby Mountain.blogspot.com>
- (14) **Xiong Shirley Wind Decision Discredited__BC-CRWE_Requests_County_Board_Officially_Dismiss.pdf**
- (15) **Alexander urges Cumberland County Residents, All Tennesseans to Oppose Proposed Wind Farm – e-mail Newsletter, May 19, 2016 :** lamar@alexander.senate.gov
- (16) **NC Senate Bill 843: Renewable Energy Property Protection:** Sen. Bill Cook & Sen. Andrew Brock: <ncleg.net>
- (17) **Wind farm developer denied in Allegany County: Cumberland Times-News 11/17 2015** <http://www.your4state.com/news/news/wind-farm-denied-in-allegany-county>

Great place for a lot of information

Dominion Pipeline Monitoring Coalition Does “Story Maps”

The Dominion Pipeline Monitoring Coalition has started a series of “story maps” that collect and present information on the proposed Dominion Pipeline. So far, they have done maps on *Forest Fragmentation and The Atlantic Coast Pipeline*, *Dominion’s Pipeline Threatens Protected Private Land*, and *Unique Shale Barrens Threatened by the Atlantic Coast Pipeline*.

To see these, start at <http://pipelineupdate.org/>. From there, look over to the right, click on the Story Map title for the title you are interested in. For example, click on *Forest Fragmentation and The Atlantic Coast Pipeline* and you go to a page telling you what forest fragmentation is and why it is a problem. There are six tabs which take you to more specific information.

And there’s more.

Right now there are these three story maps. There are, however, more on the way. To find out when a new one is added, you can check back with the Dominion Pipeline Monitoring Coalition webpage. You can also go to the Dominion Pipeline Monitoring Coalition Facebook page www.facebook.com/DPMCoalition/. When new story maps are added it is announced there.

The West Virginia Highlands Conservancy is a member of the Dominion Pipeline Monitoring Coalition.



Worried warbler ponders forest fragmentation

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

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

New Boat Launch for the Mon River

As of the end of June, Monongalia County (and West Virginia) has a new place for launching kayaks and canoes. Thanks to the efforts of the Morgantown Area Paddlers (MAP), the Mon River Trails Conservancy (MRTC), the Upper Mon River Association (UMRA), and their community supporters (including the West Virginia Highlands Conservancy), we now have a new and better way to access the Upper Monongahela River Water Trail.

The new kayak/canoe launch is located at the Van Voorhis Trailhead along the Mon River Rail-Trail, north of Star City.

It makes safe and easy one of the trickier parts of paddling: getting in and out of the boat. The launch facility looks like an ordinary dock but with one added feature. Beside and slightly below the level of the dock there is a launching platform open on both ends. When the user gets in, the boat is out of the water, fixed and stable, not bobbing around reacting to the user's weight and movements. The difficulty of getting in a boat is gone.

Once in the boat, the paddler grabs the railings on each side, and pulls the boat into the water. This works because of the dozen or so wheels mounted on the platform under the boats. When the boat is launched, the user is not dragging the boat along a surface, but rather rolling it easily over the wheels and gently into the river.

When the paddling fun is done, the user just paddles up to the ramp, grabs the bars, and pulls the boat up onto the platform. The wheels again make it easy. Once on the platform, the boater gets out of the now-stable boat.

The new launching facility was a long time coming. Since 1991, the Mon River Trails Conservancy has been working to acquire, develop, and manage the Mon River and Deckers Creek Rail-Trail System in North Central West Virginia. It manages these trails for non-motorized use, primarily walking, jogging, cycling, and cross-country skiing.

The Van Voorhis site had historically been occupied by the Quality Glass Factory. When the factory closed, it left behind contaminated industrial land. Using federal

funds from the US EPA's Brownfields program, remediation was completed in 2012, and the site became safe for public recreation use.

Subsequently, working with the Mon County Commission and the town of Star City, MRTC developed the site as a major trailhead for the rail trail. It now boasts a 30-car parking lot, restroom and signs. The last phase of the overall project was the river access. One problem the launch was designed to address was the deep muck along the river's edge at this particular access point, making it virtually



Mary Wimmer breaks the ribbon as she pulls her boat into the water!

untenable as a put-in.

Fundraising for the kayak/canoe launch began with two small grants to MRTC and UMRA in 2012 (money used by Allegheny Restoration and Builders to install the cement pad and footers last December). The effort to put the launch facility effort over the top came from the Morgantown Area Paddlers (MAP), a newish group, focused on promoting and developing social, relaxed kayaking, canoeing, and paddleboarding in the Morgantown area. MAP contacted businesses, individuals, and organizations (including the West Virginia Highlands Conservancy), sold tickets for a Cabela's gift card drawing, and wrote more grants, ultimately raising the remaining money (over \$32,000) needed to complete the launch. Installation was done by the EZ Dock Company at the end of June. The ribbon cutting ceremony on July 6 was fun. There were short talks on the history of the site and what all had to be done to make the launch a reality. Star

City owns the site, and now the launch, so its Mayor, Herman Reid, was there to say a few words (considering he is an elected official, remarkably few).

Mary Wimmer, a leader of the Morgantown Area Paddlers and of its fundraising efforts, recognized the twenty one businesses and organizations who had supported the effort. A representative of each supporter came forward, got a tiny cup of champagne, and raised their glasses (cups, really) to toast the launch as Mary poured some bubbly over it.

Mary and MRTC Executive Director Ella Belling then got in kayaks and pulled their boats into the Mon River, breaking ribbons in the process. The crowd of about 60 cheered, and the Launch was launched. For those who wanted to try it out, the Morgantown Area Paddlers provided several kayaks.

On "river right" (the side when heading downstream), at River Mile 95.1 of the Upper Mon River Water Trail, the launch is at a convenient location. It is 2.9 miles north of the Star City boat ramp; 0.9 miles south of the Ft. Martin/DNR boat ramp on river left; and 5.1 miles south of the Point Marion, PA boat ramp, the latter trip including

lockage through the Pt. Marion Lock and Dam (open 24/7).

MAP is taking full advantage of this access point. On July 17, for MAP's 14th flatwater paddling trip of 2016, ten MAPers took off from Van Voorhis Landing and paddled just past the Ft. Martin Power Plant and up Crooked Run before returning. This section of the Mon River is largely wild and wonderful, with lots of birds and wetland flora along the way – a beautiful trip!

For more information about the Morgantown Area Paddlers, see their Facebook Page, which has photo albums of each outing since the group formed last October, as well as announcements of upcoming trips. [Trips are typically planned a week or so ahead to watch the weather.] A joint paddling trip with WV Highlands Conservancy will occur this fall, as well as in 2017, to celebrate WVHC's 50th Anniversary! So keep your eye out.

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.]---\$25, Infant tee [18 mo.]---\$20, Toddler tee, 2T,3T,4T, 5/6---\$20
- ▶ 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

The same items are also available at our on-line store: www.wvhighlands.org

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.



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 \$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