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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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Proposed Pipeline a Piscatory Peril

By Rick Webb

The native brook trout (*Salvelinus fontinalis*) is a symbol of the best of what remains of wild landscape and intact mountain forests in the central Appalachian Mountain region. Naturally reproducing trout streams are associated with healthy ecosystems, clean water, and, above all, relatively undisturbed and undeveloped watersheds.

Brook trout are no longer present in much of their historic range, and further loss seems inevitable, given continuing development pressure and changing climate. Most of the surviving brook trout habitat in the central Appalachians is restricted to small, relatively cool, high-elevation headwater streams.

And now, the Atlantic Coast Pipeline is proposed to cut through that part of the region that holds the most promise for conservation of the brook trout and its habitat.

Due to the extreme difficulties associated with pipeline construction in steep mountain terrain, the proposed ACP pipeline corridor is routed to generally follow ridgelines and cross mountains at right angles. While this reduces construction problems, it does not avoid problems associated with erosion and runoff control,

slope failure, and unavoidable karst systems in the valleys between the mountains. These risks will be compounded by hundreds of miles of access roads, hundreds of stream crossings, plans for winter-time construction, and requests for exemption from critical environmental standards – such as the time-of-year restrictions on construction designed to protect brook trout during sensitive early-life stages.



Trout Unlimited has developed a Conservation Success Index (CSI) that compiles the best available information on trout species distribution, populations, habitat features, and future threats. One of the outputs of the CSI analysis is a map that shows the location and health of trout populations. This map shows

that the proposed ACP would bisect the area with

Trout Unlimited has prepared a Story Map on regional brook trout habitat and the potential negative impacts of the ACP and other proposed pipelines. The Story Map, [Atlantic Coast Pipeline Monitoring](#), describes a strategic stream monitoring program under development in partnership with the West Virginia Rivers Coalition and other conservation groups.

What's inside:

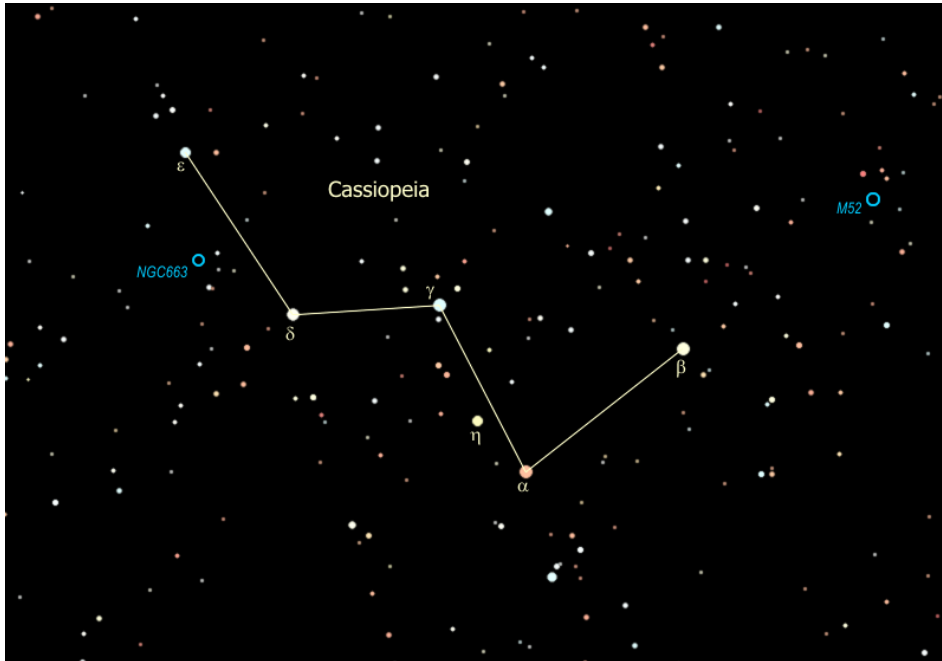
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Ramblin' the Ridges

By Cynthia D. Ellis

Remembering Beyond November

The dreadful campaign season is over. Perhaps the most valuable source of respite for those of us who love the highlands was...the highlands. Luck resided with any of us who could spend time in our favorite hills or hollers. Some of us in this group found our relaxing moment when star-gazing in October atop a knoll at



Camp Virgil Tate near Cross Lanes.

We did not hear much about stars, or hills and hollers during the campaign. We did not hear much about the dangers to them of the now ever-increasing warming of our atmosphere. We heard little of keeping water clean and preserving wild spaces. Renewable energy solutions were almost never mentioned.

It is dispiriting. In general, conservation issues continue to get short shrift. A satellite group of the National Parks Conservation Association produced a pre-election Congressional scorecard on parks-related matters. On 33 issue votes, Congressmen Jenkins and McKinley only voted in favor of parks 2 times. Congressman Alex Mooney introduced a bill to allow mine run-off in parks. At this writing, election outcomes are unknown, so optimism for state and federal attention on the environment is guarded.

In the primary election, here in West Virginia, \$2 million dollars of funds

from wealthy and industrial special interest groups propelled Beth Walker to victory in the state Supreme Court race. She will now serve for 12 years, stepping out from behind the red velvet curtains of that highest state courtroom with her bench mates. That leaves us a long time to wish that campaign fund disclosure laws, with enforcement, had reassured us of her impartiality.

Environmental concerns have been ignored, and efforts to financially support those concerns and candidates have been buried under tons of secret money. We need to do better. We see the eroding power of apathy that stems from the money crush. People young and old say, "Why vote?" Recruiting candidates who will work for preservation of the land, air, and water is tough. Assembling local and state Voter Guides is challenging. There seems to be a sense from some office seekers that big funding will carry them through and that explaining their platforms can be skipped. This must be challenged.

We can now look to newly elected legislators and representatives [as well as



helpful re-elected folks] to see if they will support campaign disclosure. We can look to see if they recognize connections with election funding reforms and the goals we pursue. We want protections for wilderness, and for water. We want cumulative impact surveys for burgeoning gas projects and more meaningful siting regulations for industrial energy facilities. We want our mountains to remain intact and unfettered by unnecessary power lines. We want health impacts to be considered when mountain lands and communities face proposed development projects.

So, any of us who are not still whimpering and groaning from the election cycle of 2016 may look ahead. We can take hope from conservation-minded candidates who did survive. We can educate ourselves on campaign disclosure and share the word. We can write letters to the editor and can plan now to lobby the state legislature in person, or to offer varieties of support to folks who do try to inform legislators. [note: The WV legislature will have a somewhat later start, because after the election of a new governor, the session starts in January with the governor's address but then adjourns until February.] We can resolve to try.

This must seem like a column fit for January. It is written now, though, with optimism...and maybe with some thanksgiving. The West Virginia Highlands Conservancy has partners and allies who join us in working in many ways, including the political process, to keep our mountains thriving and sustained. We want to cultivate legislative "stars" who will join us in that work too.

This may well be people who could have enjoyed our star gazing in October... when board member Jackie Burns surprised us with her wide knowledge of constellations. She grasped a green laser pointer and flashed on star after star. She told us of Cassiopeia, Cepheus, Andromeda and their legends. We leaned back in the chilly air and were lost in reflection, awe, and wonder. The stars gave us peace.

!! START THE COUNTDOWN !!
10 Months to go !!



MAKE PLANS NOW
 Save the Dates
 September 15-17, 2017
 West Virginia Highlands Conservancy
50TH Anniversary Celebration
 Canaan Valley

Planning Team Wants Your Input: How shall we Celebrate 50 years?

In 2017 the West Virginia Highlands Conservancy celebrates 50 years of working for the health of West Virginia's highlands. We are planning a weekend celebration September 15th through 18th 2017 in the beautiful Canaan Valley; and other field trips throughout the year. You can help. We would like your help. Please tell us what you would like to see and how you can help us celebrate this milestone. Send your input to clrank2@gmail.com.

We envision the September celebration as being like the fall review weekends, with field trips, workshops and information on how you can be involved. What field trips would you like to see that weekend in or near Canaan Valley? Do you know of any speakers on pertinent topics that might be of interest and that we might ask to do a workshop? Who might do a session on becoming an activist, on how to be more involved in the many issues that confront us these days?

At the September gathering or during the year leading up to the 50th Anniversary celebration, what field trips would you be interested in? Where to? What topic? Who might lead them?

Do you belong to a partner organization, like West Virginia Environmental Council, or Central Appalachian Spruce Restoration Initiative, or Ohio Valley Environmental Coalition, or West Virginia Rivers Coalition, or Sierra Club, or Friends of Blackwater, or local watershed groups, or Morgantown Area Paddlers, or Trout Unlimited, or Taylor Environmental Advocacy Membership) or Coal River Mountain Watch? How might your organization help us celebrate? Would you be interested in having a table display at the September celebration, or co-host a field trip, or provide a speaker, or participate in a panel discussion? We'd love to have you join us. We want to recognize the good work we've all been part of these past 50 years. Please let us know. Send your input to clrank2@gmail.com.

Thanks.

REMEMBER -- Save the dates: September 15-18, 2017, plan to join us in Canaan Valley to celebrate and learn and grow. West Virginia Highlands Conservancy, 50 years of working for the health of the highlands and beyond!

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

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The West Virginia Highlands Conservancy web page is 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.

Unconventional Shale Gas Development Alters Forest Songbird Communities

By Laura Farwell

In a long-term study at Lewis Wetzel Wildlife Management Area, in Wetzel County, WV, researchers from West Virginia University and the USGS West Virginia Cooperative Fish and Wildlife Research Unit found that forest fragmentation from increasing amounts of shale gas development negatively affected forest interior songbirds, while benefitting species that prefer disturbed areas and human-modified landscapes. The researchers found that shale gas development increased forest loss and fragmentation at the site, and that changes in the songbird community reflected sensitivity to forest disturbance associated with unconventional gas development. The findings were published in a recent issue of the journal *Biological Conservation*.

From 2008 to 2015, graduate students from Dr. Petra Wood's research lab monitored forest land cover change and surveyed breeding songbirds throughout the study site. Construction of well pads, fluid impoundments, access roads, compressor stations, and pipelines led to an overall loss of forest cover at the long-term study site, but perhaps more importantly led to a significant increase in forest fragmentation – particularly from new pipelines.

Increasing rates of forest loss and fragmentation associated with shale gas development are of particular concern in the Marcellus-Utica region, given that this area contains some of the largest



Cerulean Warbler

expanses of core forest remaining in the eastern U.S., and much of the development is occurring in previously intact forests. Preliminary analyses of existing shale gas disturbance combined with projections of future development suggest that shale gas is already driving substantial land use change, and will continue to alter forested landscapes in the central Appalachian region for decades to come.



Photo by Diane Pitcock (wvhostfarms.org)

Forest loss and fragmentation pose serious threats to biodiversity, and are considered major drivers of population declines of forest birds. The Marcellus-Utica shale region is a key conservation area for forest songbirds, and comprises important breeding habitat for many neotropical migratory songbirds. Forest loss and fragmentation have been implicated in declines of multiple bird species of conservation concern in Pennsylvania and West Virginia, including the Wood Thrush and Cerulean Warbler, among others. There are growing concerns that the rapid expansion of shale gas development will increase impacts of forest fragmentation on breeding songbirds in the central Appalachian region, particularly in areas of previously undisturbed forest. Species most likely to be at risk are those with ranges that closely overlap the Marcellus-Utica shale gas basin, and which are additionally vulnerable due to small population

sizes, restricted ranges, narrow habitat requirements, and/or specific sensitivities to disturbance.

Site-wide declines in Cerulean Warblers over the eight-year study are particularly concerning given that this is a species of global conservation concern. Cerulean Warblers declined over the eight-year study by 35% – a rate of decline 15% steeper than the 20% declines reported by the Breeding Bird Survey for the Appalachian Mountains region, over the same time period. The majority of the core breeding range of this species overlies the Marcellus-Utica shale gas basin, and the Lewis Wetzel Wildlife Management Area was designated as a globally Important Bird Area for Cerulean Warblers by the National Audubon Society, in 2010. A main driver of Cerulean Warbler declines is the extensive loss and fragmentation of forests within their breeding range; the steep declines observed during this long-term study suggest that shale gas development may be increasing pressures on this species of high conservation concern.

At the same time, Brown-headed Cowbirds showed large increases at the study site, as forests were opened up by shale gas development. Brown-headed Cowbirds pose a specific threat to forest birds in fragmented forests; this nest parasite lays its eggs in the nests of other species, leaving their young to be raised by host species. Cowbirds have been implicated in the declines of several songbird species of conservation, including Kirtland's Warblers and Black-capped Vireos. Although Brown-headed Cowbirds increased primarily in areas impacted by gas development, in later years they also were detected in undisturbed areas of forest where they did not occur at the start of the study.

Forest-dependent songbirds are negatively impacted by the direct loss of mature forest habitat on which many species

(More on p. 5)

Birds and fracking (Continued from p. 4)

rely, coupled with an increase in open spaces and forest edges avoided by area-sensitive species. Other issues potentially driving songbird response to shale gas development include increasing noise and light pollution, and overall increased truck traffic, human access and activity.

At the same time, shale gas development creates linear corridors and edge environments that benefit early successional species and 'weedy' species that thrive in human-disturbed areas. This leads to biotic homogenization, a process by which specialists are displaced by generalists, with common and widespread species increasing in numbers while habitat specialists and rare species decline. The changes in avian community structure observed at Lewis Wetzel Wildlife Management area suggest that loss of unique, native biological communities may be a consequence of unconventional shale gas development.

The extensive horizontal reach (1.5 km or more) of unconventional gas wells allows some flexibility in placement of pads and infrastructure in relation to target shale basins. Because many forest interior species decline with even small amounts of

forest cover lost in the landscape, placement of pipeline corridors and access roads around the periphery of larger tracts of mature forest would help maintain core forest habitat for forest songbirds and other taxa associated with undisturbed forests.

Consolidation of well pads along existing road and pipeline networks, and drilling multiple bores on existing well pads would further minimize impacts to forest habitat. At the same time, implementation of best vegetation management practices along pipeline and well pad borders, by promoting establishment of native vegetation and softening abrupt forest edges with low-growing shrubs and cut-back borders may decrease barrier effects for forest interior species, while increasing suitable habitat for early successional birds. Planning the timing of construction, drilling, and mowing or spraying of pipeline corridors to avoid critical nesting periods could further reduce impacts on breeding birds. Lastly, monitoring the effectiveness of mitigation efforts is a critical step towards improved understanding of how to minimize negative impacts of shale gas development on wildlife in forested systems of the Marcellus-Utica region, and perhaps in other forested shale regions world-wide.



West Virginia Highlands Conservancy has co-sponsored with the Ohio Valley Environmental Coalition a workshop on how to effectively monitor water quality along proposed pipeline routes before, during and after potential pipeline construction. Trout Unlimited and the West Virginia Rivers Coalition organized and operated the lessons. Volunteers will initially focus on streams in Cabell, Wayne, Putnam, Jackson, and Roane Counties. Here workshop participants get some hands on training. Photo by Vivian Stockman.

Groups Object to Permitting Shortcuts

By John McFerrin

Several citizen groups, including the West Virginia Highlands Conservancy, have objected to plans by the United States Army Corps of Engineers to renew two Nationwide Permits: the one which authorizes valley fills on mountaintop removal sites (Nationwide Permit 21) and the one that authorizes stream crossings for pipelines (Nationwide Permit 12).

Background

Most operations that discharge dredged or fill material into the waters of the United States must have an individually issued permit issued by the Army Corps of Engineers. The Corps actually looks at plans for a specific project and decides whether it can allow the project consistent with the Clean Water Act.

There are, however, some circumstances in which the Clean Water Act allows the Corps of Engineers to issue general permits on a nationwide basis. The activities authorized by these general permits must be similar in nature, cause only minimal adverse environmental effects when performed separately, and cause only minimal cumulative adverse effect on the aquatic environment. The idea was that there could be groups of activities which are small, don't have much of an impact, and are pretty much all the same. The Corps could allow those activities under a Nationwide Permit rather than individually evaluating each one.

In the past, most of the West Virginia Highlands Conservancy's focus has been on Nationwide Permit 21 (NWP 21) and its use to authorize valley fills. We found the idea that anyone could conclude that a valley fill had "only minimal adverse environmental effects" jaw dropping.

The West Virginia Highlands Conservancy had advocated for the withdrawal of NWP 21 for several years. Finally, in 2009, the Corps of Engineers decided to suspend that permit as it applied to many of the activities related to mountaintop removal operations. In its suspension, it noted that NWP was issued in 1982 and that things had changed since then: the fills had gotten bigger and there were more of them. It doubted that the earlier assumptions about minimal adverse environmental impacts were still true. For more about this, see *The Highlands Voice*, November 2009.

The 2007 version of NWP 21 (the one that was suspended in 2009) allowed all manner and size of fills and other stream disturbance (ponds, etc.) as long as companies notified the Corps what their plans were and promised to mitigate for the amount of impact to streams. These were routinely approved without much review.

In 2012 NWP 21 was renewed. It didn't outlaw stream disturbance (ponds, etc.) per se, but rather chose to include limitations on area of disturbance, length of stream to be impacted, etc. The Corps of Engineers assumed the limits would be sufficient to prevent the problems that the West Virginia Highlands Conservancy and other groups had been highlighting as concerns. So long as companies met the limitations, they could operate under the general permit (NWP 21) and avoid individual review.

Nationwide Permit 12 authorizes stream crossings for utility pipelines. This was never much of a concern until the Atlantic Coast Pipeline and the Mountain Valley Pipeline were proposed. They will cross multiple streams. All of these crossings, including several in difficult terrain, calls into question whether the assumptions about minimal adverse environmental impact still apply.

What's happening now—Stream Crossing permit (NWP 12)

The Corps of Engineers is considering a renewal of Nationwide Permit 12. It was issued years ago before anything so

dramatic as a 42 inch pipeline through varied and difficult terrain was contemplated. The Dominion Pipeline Monitoring Coalition (West Virginia Highlands Conservancy is a member) has objected to its renewal unless gas pipeline projects proposed for construction in the mid-Atlantic mountain region are excluded.

A major difficulty with approving the Atlantic Coast Pipeline or Mountain Valley Pipeline is that adequate mitigation would be difficult. Mitigation refers to actions taken by a developer to improve stream quality in one location to make up for damage in another location. If done properly, mitigation would make the net result of the crossings zero.

If the Atlantic Coast Pipeline or Mountain Valley Pipeline is approved under a general permit, there could be no site specific mitigation plan and no specific plan until after the project has begun. Neither would there be an opportunity for public comment on the plan.

Use of a general permit to approve the Atlantic Coast Pipeline would result in the company being required to follow standard industry practices. Standard industry practices would not be sufficient in the extreme conditions that the Atlantic Coast Pipeline or Mountain Valley Pipeline would encounter. Using similar practices, Dominion has already experienced serious problems on an eight inch pipeline project in northwestern West Virginia. If these practices don't work there, there is no reason to think they would work in the proposed 42-inch Atlantic Coast and Mountain Valley pipelines as they cross steeper mountains, sensitive karst areas, and more-difficult terrain. It would not be appropriate to approve such pipelines with no more than a requirement that the companies follow standard industry practices.

What's happening now—Valley Fills permit (NWP 21)

The 2012 version of NWP 21 is up for renewal. WVHC and several other groups have opposed that renewal.

The heart of the opposition comes from the groups' belief that valley fills can never meet any "minimal adverse environmental impacts" standard required before a general permit such as NWP 21 may be issued.

The groups' comments focus on the inadequacy of the limitations that the Corps suggests would be an adequate substitute for complete, individual review. Under NWP 21, if companies fill less than three hundred feet of a stream and less than one half acre of waters and promise to do mitigation, they can operate under NWP 21. They avoid individual review of the permits and the opportunity for public comment that goes with it.

The difficulty with this approach is that it doesn't work. In their comments, the groups point out that there is no evidence to show that the limits the Corps proposes result in "minimal adverse environmental impacts." This is particularly true when one considers that the "minimal adverse environmental impacts" must be met both for individual mines and for the cumulative effects of multiple mines.

The groups also cite numerous studies where activities authorized by NWP 21 have caused environmental degradation. There are no studies which indicate that the restrictions found in current NWP 21 (the one the Corps seeks to renew) are preventing environmental degradation.

The decision on whether or not these permits will be renewed will probably come early to mid 2017.

Join Now !!!

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Membership categories (circle one)

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

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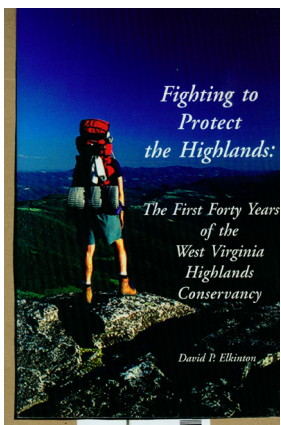
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Working to Keep West Virginia Wild and Wonderful

You may also join on-line at www.wvhighlands.org

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Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

SUCH A DEAL!

Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$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.

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@citynet.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.

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.

Our Readers Write

Dear Editor;

After reading the article in the Highlands Voice (Big Strip Mines and Public Health Are We Finally Going To Address This Problem?) we had to respond.

After dealing with every State and Federal agency we could think of and find out about, we have yet to find anyone that will address this problem in Accoville Hollow, West Virginia. We have had over 25,000, coal trucks pass our home since Blackhawk Mining came in the Hollow April 23, 2015, and we are expecting more. Every one half of a minute a coal truck passes our home. It is mind blowing how the West Virginia Department of Environmental Protection, Office of Surface Mining, Logan County Commission, Logan County Sheriffs Dept, the Department of Transportation, all sweep the health and property value of residents of Accoville Hollow under the rug for a little tax on coal. I say this because we were told first hand by the Logan County Commission that they weren't going to give us any help because coal is where they (LCC) get their monies from. We have asked for studies and sampling to be done in this area, but all have been denied. Sometimes the diesel fumes are so bad we get sore throats just sleeping. Though there will be a Strip Mine located in the head of the hollow; deep mines and the haulage of coal pose a big health problem for the residents of Accoville Hollow Logan County.

Dreama's brother and my brother-in law passed away August 23, 2011, of lung cancer later to be (Mesothelioma) relating to his living in a coal camp at Earling, West Va. The Doctors and Lawyers over seeing his estate states his problem started as a child growing up in a coal camp (Earling, W.Va) in Logan County, then moving on to military, and then his work place. If it would be all possible could you get Accoville Hollow, West Va included in The Study of Big Strip Mines and Public Health.

We would like to invite anyone to visit and see first hand the noise, diesel fumes, the dust and living conditions associated with this mining operation (Blackhawk Mining, Hampden Coal Co., K.C. Transport) which will be here for twenty years in the small community of Accoville Hollow, Logan County, West Virginia. There are already 5 homes for sale in just 1/4 of a mile where this injustice is occurring and there no doubt will be more.

Sincerely

Danny & Dreama Peters
Accoville, WV 25606

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

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

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Out of Bankruptcy and into a “New Era” with Environmental Duties Still Intact

Arch Coal Gets to Start Over

By Cindy Rank

As the imaginary “War on Coal” rages and the Clean Power Plan battles through legal challenges individual coal companies hasten to shore up their financial woes via bankruptcy, restructuring, and diversification.

Articles in previous issues of *the Highlands Voice* have described the basics and resolutions of some of the recent bankruptcy filings by companies like Patriot and Alpha and in February noted that Arch Coal followed suit and had filed for bankruptcy the previous month.

Negotiations were ongoing until early October 2016 when Arch emerged from bankruptcy commenting that the restructuring process ushered in a “new era” for the company.

As mentioned in the October 2016 *Highlands Voice*, the West Virginia Highlands Conservancy along with the Sierra Club, and the Ohio Valley Environmental Coalition participated in the Arch bankruptcy proceeding as parties in interest. Represented by Earthjustice and Goldstein & McClintock LLLP, with Sierra Club also serving as co-counsel, we were concerned that our enforcement actions against Arch Coal subsidiaries in West Virginia would be dismissed as one of the less important concerns during the bankruptcy actions.

Federal agency oversight and advocacy by environmental groups within and outside the bankruptcy proceeding headed off threats under Arch Coal’s initial plan that the company might seek bankruptcy court authorization to escape certain environmental obligations under federal and state law. The final plan recognizes that the reorganized company remains responsible for the environmental harm the coal company has caused and may cause in the future. [See the summary below from our press release when the

draft reorganization plan was announced.]

Having secured these assurances we plan to continue pursuing two Clean Water Act enforcement actions against Arch Coal subsidiaries in West Virginia, represented by Appalachian Mountain Advocates. Those actions, which seek to ensure that Arch Coal complies with critical environmental safeguards to protect water quality, had been stayed during the company’s bankruptcy.

Though some three quarters of coal

Federal agency oversight and advocacy by environmental groups within and outside the bankruptcy proceeding headed off threats under Arch Coal’s initial plan that the company might seek bankruptcy court authorization to escape certain environmental obligations under federal and state law. The final plan recognizes that the reorganized company remains responsible for the environmental harm the coal company has caused and may cause in the future.

mined by Arch is out west in the Powder River Basin, several Arch subsidiaries operate mines in West Virginia. Included are four major underground mine, prep plant, and refuse operations familiar to West Virginia Highlands Conservancy members: the Mountain Laurel complex in Blair WV just over the ridge from Pigeonroost hollow in Logan County, the Leer longwall complex in Taylor County adjacent to Tygart Lake State Park, the Sentinel mine complex just north of Philippi and adjacent to the Adaland Mansion in Barbour County, and the Beckley mine complex in Raleigh County.

#####

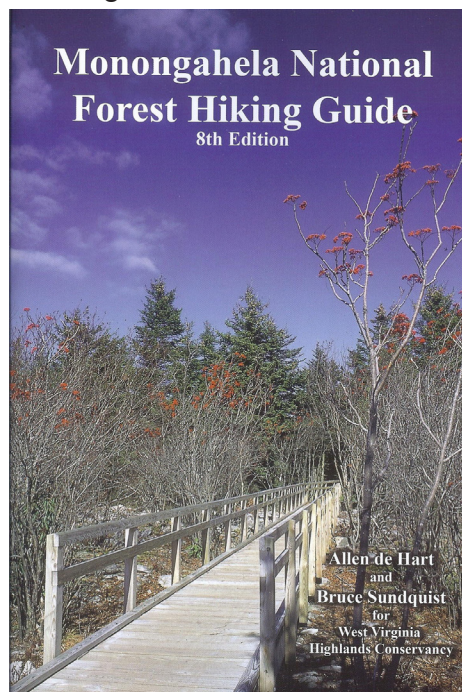
SUMMARY: ARCH COAL’S CHAPTER 11 PLAN RE: ENVIRONMENTAL EFFECTS

●Section 11.4 of the plan recognizes that environmental obligations are not released or discharged, and pending enforcement suits seeking injunctive relief to remedy and prevent harm under the Clean Water Act and Surface Mining Reclamation Act (SMCRA) may proceed in litigation on liability.

●Importantly, the plan requires the coal company to promptly replace all \$485.5 million in self-bonds for natural resource reclamation obligations in the Powder River Basin in Wyoming with more reliable financial assurances. This follows requirements of federal law that prohibit coal companies from mining without ensuring sufficient resources are dedicated to restore and reclaim waters and mountain areas in the event that the company faces further financial difficulties.

●The plan’s recognition that Arch Coal must replace all self-bonds with more secure financial assurances is a further example illustrating why federal reform is needed to prevent self-bonding by coal companies, as the [Office of Surface Mining Reclamation and Enforcement \(OSMRE\)](#) has recognized in a new policy statement and initiation of a federal rulemaking under SMCRA.

●As a result of its reorganization, [Arch Coal is also relinquishing its 38 percent interest in a controversial proposed coal-export terminal in Longview, Washington](#) (the Millennium Bulk Terminal), and has [dropped plans for an unsound mining project in Montana’s Otter Creek valley](#). In addition to being bad investments, both projects would have wreaked havoc on local communities opposed to the projects and exacerbated climate-disrupting greenhouse gas pollution.



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

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

Send \$15.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy

P.O. Box 306

Charleston, WV 25321

OR

Order from our website at

www.wvhighlands.org

8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
- Special Features not found in the printed version of the Hiking Guide: Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
- Trail mileages between waypoints have been added to the maps.
- ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more

Price: \$20.00 from the same address.

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.

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.



By John McFerrin

The Board meeting came at the end of the joint West Virginia Environmental Council-West Virginia Highlands Conservancy weekend conference. We had been learning stuff and having fun all weekend. The Board meeting was mostly just getting down to business with an occasional dollop of levity.

In the **President's report**, President Ellis mentioned a few items of interest. A filmmaker had contacted us for permission to show the I [Heart] Mountains bumper sticker in a movie. She said OK. She reminded us that we had talked about doing something to help in flood relief but had never done anything because we didn't have a specific need or a specific plan. We still have no specific plan but it is the sense of the Board that we should do something and that the Executive Committee should proceed with any sensible proposal that comes before it.

We also discussed the possibility of offering college students scholarships to come to our meetings and events. Those at our maturity level often forget that impecuniness is a chronic condition among college students who might be able to participate more if they had a little financial boost. We don't have any specific plans on how to do this but will keep it in mind for future events.

Bob Marshall presented the **treasurer's report**. There was nothing out of the ordinary about the expenses or the revenue. Larry Thomas presented the **endowment report**. He is watching our investments and seeking ways to improve returns.

We decided to continue to support the West Virginia News Service in the 2017 budget. There is a discount if we commit early to continuing our support so that it is cheaper if we commit now rather than wait until January.

Frank reported on progress and remaining issues with the 9th edition of the Hiking Guide. Allen DeHart has done text for the 9th edition. For previous editions of the Guide Bruce Sundquist had done most of the work in compiling paste-up of maps and copy. Now that he is no longer available we are having trouble with that part of it. Several Board members offered to pitch in and help with this. Rick will help with maps; he has a lot of experience working with USGS topos for DPMC. Jackie will do assembly of different parts. Hugh will do

text editing. Buff has from Beth a collection of changes in trail conditions sent in by our members. And Frank will continue as liaison with the publisher. We still have enough copies of the 8th edition to last for another year.

In matters of **membership**, Beth Little reported that we have had an increase in the number of new members.

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 also have a plan to use *The Highlands Voice* to solicit ideas from members (see page 3).

In other matters of outreach, Jackie reported that we had not sponsored a table at the Forest Festival this year, though Dave Saville did make available his native plant seed display. It is a three day festival, making having a table a big undertaking and we just couldn't manage it. Jackie also recommitted to keeping current the calendar of upcoming events on the website and ask everyone to keep her informed of events to include.

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. She also relayed a message from Ashton Berdine of the WV Land Trust of that group's appreciation for our support these past couple of years.

Larry had prepared a report on **wind** which he presented. We also discussed (and applauded) the presentation on the health effects of industrial windpower that

Wayne Spiggle had made the previous evening.

On matters of **pipelines**, Rick announced an upcoming summit by the Appalachian Blue Ridge Alliance (Highlands Conservancy is a member) on November 12. They intend to discuss issues and strategy on the proposed pipelines.

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. She is cooperating with the Ohio Valley Environmental Coalition. They have made and distributed bumper stickers. They await an upcoming draft Environmental Impact Statement. She also attended an air quality meeting in Doddridge County.

In matters of **public lands**, Cindy Ellis reported that new Board member George Hack has started monitoring the Schedule of Proposed Actions (that's SOPAs to the acronymically inclined) to see if there are things we should be involved in. The SOPAs are Forest Service publications which list actions that the Forest Service is doing or considering in the National Forest.

In matters **legislative**, Larry presented our list of legislative priorities:

1. Exempt Wholesale Generators Siting Rules Review and Revision
2. Require a Public Health Impact Assessment from Bureau of Public Health on all DEP proposed changes to water quality and air quality limits.
3. Bill requiring oil and gas operators to pay for water they withdraw from streams and rivers.
4. Campaign finance reform legislation.
5. Energy efficiency legislation.

Larry had previously polled the Board and these received the most votes. For lobbying, we cooperate with the West Virginia Environmental Council. We will present these suggestions to the Environmental Council. They will be considered along with other suggestions from other Environmental Council members as the Environmental Council prepares for the upcoming legislative session.

The door prize had a batty theme. It was a guide to bat identification and a water bottle with picture of a bat. Larry won.

High Point Trail (Not in Hiking Guide)

By Hugh Rogers

South of Red House, Maryland, a mile and a half into West Virginia, past Silver Lake and “The Smallest Church,” US 219 begins climbing Backbone Mountain on its way to Thomas and Elkins. A large sign welcomes travelers to the Monongahela National Forest. Another sign, less than a mile up, is easy to miss. It’s smaller than a standard highway sign, square instead of rectangular. White letters on a green background read, “Maryland High Point.” An arrow points east.

A rough trail can be seen up a steep bank on the opposite side of the highway. You have to turn and drive back downhill to find the entrance. The trail is four-wheel-drive negotiable for less than a hundred yards, where there is room to turn around and park. That may be safer than parking beside the highway.

A few signs are planted beside the rocky trail where a hiker might be confused by old logging roads; these are white on red, and bear a second line: “Marker No. 3.” The reference is explained when you reach the top.

It’s a little more than a mile up, on a steep, well-worn trail. In the fall of 2016, parts of the trail were chewed up by logging



equipment, but still passable. According to the Monongahela National Forest map, a strip of land here between the highway and the state line is within the Forest.

At the ridgetop, the trail emerges from the forest, and is joined by a trail coming from the southeast. There are views in both directions. The red sign here is more informative: “Md./W.Va. Marker No. 3.” This is the border. Marker No. 3 is a four-foot-tall obelisk that was affixed to a rock outcrop in 1910.

The trail continues a short distance, out of the clearing, to the Maryland High Point. A state historic marker, the same size and style as those standing beside highways and old buildings, designates the spot as “Hoye Crest,” named for Capt. Charles Hoye, founder of the Garrett County Historic Society. Beside it is a huge cairn, roughly six feet across and six feet high; a park bench; and a black mailbox, bearing logos of the High Point Society and Foundation. Inside is a register that you may use to record your visit. In September 2016, a recent entry read, “I’m going to marry this girl!”

How many states have been granted such attention by the High Point Society? Some high points are more obvious, and perhaps for that reason lack the mailbox: Spruce Knob, WV, Mt. Rogers, VA, Mt. Mitchell, NC, Mt. Greylock, MA, and Mt. Washington, NH, to name a few in the East this writer is familiar with. You can check out the complete list at highpointers.org. This site will take you to a discussion, not to say controversy, about changing trail conditions and signage to Maryland High Point: summitpost.org/u-s-state-highpoints/171191.

Pipeline Summit Coming Up Natural Bridge Hotel and Conference Center November 12, 2016

On November 12 the Allegheny-Blue Ridge Alliance (ABRA) and the Protect Our Water, Heritage, Rights (POWHR) coalition will co-sponsor a Pipeline Summit. It will provide a unique opportunity to catch up with the latest developments in the fight against the proposed Atlantic Coast Pipeline and the Mountain Valley Pipeline and to spend quality time exchanging ideas and strategies with other attendees from West Virginia, North Carolina and Virginia who are engaged in the battle against these unneeded projects.

REGISTER by going to <http://www.abralliance.org/> and clicking on the Register Here button

Agenda highlights:

9 am Registration opens and coffee available

10 am ACP and MVP: where we are, where we’re headed - A review of the current issues, status and outlook for the MVP and ACP.

The Policy Landscape After November 8 – A discussion of how the November 8 elections results will impact public policy decisions affecting pipeline issues.

The need for property rights reform – An exploration of property rights threats posed by the eminent domain power granted by FERC to pipeline companies and the recent challenge to environmental easements.

12:15 pm Lunch

1:15 pm Remarks by Jane Kleeb. Jane Kleeb, founder of Bold Alliance and the leader in the successful fight to defeat the Keystone XL Pipeline will be one of the featured speakers. Jane spoke at the first Pipeline Summit in April and has returned to the area to assist our fight against the ACP and MVP.

1:45 pm Breakout Sessions

- Why new pipelines are unnecessary
- Improving effectiveness in coalition and grassroots work
- Water Resource and Geohazard Issues
- FERC’s DEIS Process

2:45 pm Troubled Waters – video presentation from Voices From Bath

3 pm Breakout group reports and wrap-up comments (adjourn by 4 pm)

Justice for Justice ?

By Cindy Rank

Together with local and regional allies West Virginia Highlands Conservancy has filed comments on the Proposed Consent Decree lodged in litigation by the U.S. Department of Justice (DOJ) on behalf of the Environmental Protection Agency (EPA) against the Southern Coal Corporation.

The original EPA complaint alleged numerous environmental violations of the Clean Water Act by various companies affiliated with Southern Coal Corporation and James C. Justice II. [*United States et al. v. Southern Coal Corporation et al.* Civil Action No. 7:16-462 (W.D. Va)].

The proposed consent decree was noticed in the Federal Register October 7, 2016.

Citizen groups who signed the comment letter have long monitored the various Southern Coal Companies' compliance with environmental laws and are concerned that the consent decree may be unclear in its potential affect on any citizen's legal actions with regard to past or future violations not specifically identified in the Consent Decree.

In their brief formal comments citizen groups highlighted this concern and are seeking clarification from the Department of Justice and EPA about their understanding of the prospective effect of the Proposed Consent Decree.

We basically want to confirm that the agreement does not preclude the ability of any person to bring a citizen suit against the Southern Coal Companies for violations of environmental law.

"Accordingly, we ask that you confirm that it is the position of the United States that the Proposed Consent Decree does not preclude any citizen suit against the Southern Coal Companies for Clean Water Act violations (or violations of any other environmental laws) that are not specifically listed in Appendix F of the Consent Decree. If the United States is unwilling to confirm our understanding on this issue, then the Citizens' Groups object to the entry of the Proposed Consent Decree."

Stay tuned.

Arboretum Update

As reported in the January, 2016, issue of *The Highlands Voice* (www.wvhighlands.org/highlands-voice-mag/) the Core Arboretum in Morgantown is threatened by a proposal to build a bridge over and through it. Although there has been no decision, the proposal is still pending.

The goal is to improve traffic in Morgantown by creating a more efficient way to get cars out of downtown and across the river to Interstate 79. In order to do this, the Morgantown Monongahela Metropolitan Planning Organization (MMMPO) commissioned a study of traffic and what to do about it.

That study came up with twelve alternatives plus the alternative of not doing anything. After the study, the Morgantown Monongahela Metropolitan Planning Organization (MMMPO) received comments from the public, including the West Virginia Highlands Conservancy. We commented in December, 2015, opposing any alternative which crossed the Arboretum.

Since then, the MMMPO and its consultants have eliminated five of the alternatives. Each was eliminated from further study because "it does not meet the project's Purpose and Need because of a low cost/benefit ratio of minimal traffic reductions on key corridors." The

alternative that crosses the Arboretum was not eliminated.

In October, 2016) (and up until November 2), the MMMPO accepted additional comments. The West Virginia Highlands Conservancy submitted additional comments, again opposing any alternative that crosses the Arboretum.

So far the public comment has been against the bridge over the Arboretum. The MMMPO received over 300 letters against it. These letters included a wonderful letter from the administration at WVU, which strongly supports the Arboretum and opposes any bridge project that would impact the Arboretum.

An additional public meeting and public comments are planned for January, 2017. The Arboretum is 91 acres, stretching from one of the main roads in Morgantown, down a steep hill, and ending at the Monongahela River. The top part, up near the road, was part of a farm until West Virginia University acquired the property in the 1940s. The Biology Department at WVU planted trees it considered interesting, including some native to other countries. There is a loop walking path around that part. The Biology Department keeps the grass cut so it looks like a city park.

Then you take one of the trails that drops down over the hill to the part where there was never any farm and minimal dis-

turbance of any kind. You are in the forest primeval. Some of the trees are great behemoths with trunks so large that even the lankiest of tree huggers could not hope to reach around them. They so dominate their part of the forest that the forest floor is dark on the sunniest of days. With little light, there is little growth on the forest floor.

In other places, one of the behemoths has fallen, toppled by wind or storm. The great trunk is lying there, a massive ball of unruly roots sticking up in the air. In those spots, there is a profusion of new growth. The age of the new growth depends upon how long it has been since the dominant tree fell.

It is also a prime birding spot. 187 species of birds have been spotted there.



Golden Wing Warbler

The Stream Protection Rule: the Eternal Rulemaking

By John McFerrin

The West Virginia Highlands Conservancy has joined with several other groups in writing a letter to Congress urging that it support a strong Stream Protection Rule.

The Stream Protection Rule has been a long time in the making and it is not over yet. The short version of the history is that it began as what was known as the Stream Buffer Zone rule. This rule, enacted in 1983, said that there could be no mining within 100 feet of streams. It was always the West Virginia Highlands Conservancy's view that this meant that there could be no filling of streams. Such an interpretation would eliminate most mountaintop removal mining. The tops of mountains that are removed have to go somewhere. If mining companies could no longer put the tops in valleys (which almost always contain streams) then the practice would be dramatically curtailed.

The 1983 rule lay there unenforced until 1998 when Judge Hayden made his famous decision, concluding that the rule did prohibit most valley fills. Judge Hayden's decision was reversed on procedural grounds. No court ever said he was wrong on the law; the appeals court said he followed an incorrect procedure.

The possibility that someone might be taking the Stream Buffer Zone rule seriously and applying it to valley fills brought on a flurry of rulemaking, litigation, and more rulemaking. We had two changes in administration along with at least two changes in perspective on how mining should be regulated.

Along the way things changed. What started out as a revision of the old Stream Buffer Zone rule developed over the years into the current proposal: the Stream Protection Rule. The expanded rule modifies most of the rules promulgated under the federal Surface Mining Control and Reclamation Act which deal with water. Since

the Act mostly deals with protecting water from mining, changing the rules that deal with water means changing most of the rules. At the same time, the new rule eliminates the old Stream Buffer Zone rule.

It is with mixed emotions that the West Virginia Highlands Conservancy supports the new Stream Protection Rule. In our view, the old Stream Buffer Zone rule protected streams in the only way it could be done: keeping the mining away from them. The new rule accepts the reality of valley fills. It then softens this by requiring that destroyed streams be recreated after mining or that there be water related improvements elsewhere.

At the same time, if the old Stream Buffer Zone rule was never going to be enforced, its disappearance is no great loss. The new Stream Protection Rule does add some hydrological protections and some provisions on longwall mining. It is a step forward in many respects, enough to make it worth supporting.

For more details on the rule and its history (including what is good about the rule), see the August and November, 2015, issues of *The Highlands Voice*. Both are accessible at www.wvhighlands.org/2015/.

That Congress is involved is also noteworthy. The ordinary route is that Congress passes a statute—here the Surface Mining Control and Reclamation Act—and leaves it to the agency—here the Office of Surface Mining—to write the regulations that implement the statute. While that may be ordinary procedure, this is not an ordinary situation. Coal mining in general, and mountaintop removal mining in particular, is so controversial that it is inevitable that everyone who is interested in the issue will be asking Congress to help make sure that the final rule is to their liking.

Watching Birds for Fun and Science

For the 30th year, the Cornell Lab of Ornithology and Bird Studies Canada are conducting Project Feeder Watch. This long-running citizen-science project has amassed decades of information about winter feeder birds across the United States and Canada. **The 30th season of FeederWatch kicks off on November 12.**

More than 20,000 participants report species counts at their feeders during periodic two-day watches through early April. These counts add up to a lot of information, and after 29 years of watching, Feeder Watchers have helped scientists discover the expanded ranges of some species because of climate change, track the spread of disease, and predict periodic mass movements of birds, called "irruptions."

The thirty year duration of Project Feeder Watch has made the data more valuable. The data become more valuable the longer they are collected. Researchers need to collect data before and after an unusual event in order to really understand its impact. FeederWatch observations have driven discoveries about the spread of House Finch eye disease and the explosion of the invasive Eurasian Collared-Doves from Florida all the way to Alaska.

To learn more about joining Project FeederWatch and to sign up online, visit FeederWatch.org. To register by phone in the U.S., call the Cornell Lab toll-free at (866) 989-2473. In Canada, contact Bird Studies Canada at (888) 448-2473, toll-free.

In return for the \$18 fee (\$15 for Cornell Lab members), U.S. participants receive the FeederWatch Handbook and Instructions with tips on how to successfully attract birds to feeders, an identification poster of the most common feeder birds, and a calendar. Participants also receive Winter Bird Highlights, an annual summary of FeederWatch findings. The fee is \$35 in Canada and includes Bird Studies Canada membership.



EPA Sides With Citizen Groups

By John McFerrin

The United States Environmental Protection Agency has sided with the West Virginia Highlands Conservancy, the Sierra Club, and the Ohio Valley Environmental Coalition in a dispute over the pollution from mine sites and its effect on water quality.

This case is an illustration of the significant shift in how pollution from mining has been measured and controlled that has taken place in the last few years.

The point of the Clean Water Act was always to keep our streams clean, to maintain them so fish could live, people could swim, etc.—all the things we would use water for. In earlier times, the main tool of regulators was setting limits (called “effluent limits”) on what came from potential polluters. Permits would include limits on a few types of pollutants; companies would test the water going into the stream for those pollutants. If the pollutants were below the limits then we assumed the water was being protected. There was some interest in the condition of the stream itself but most of the attention was directed to the effluent limits.

This case advances a different approach. The plaintiffs say—with ample support in the regulations—that meeting effluent limits is not enough. There are also what are called narrative water quality standards. They say that, in addition to just meeting the effluent limits, the stream can’t

have such things such as a visible scum, odors, or anything that is harmful to people or aquatic life.

Here, the plaintiffs said the narrative water quality standards were being violated. The proof of that allegation was in the conductivity readings for the streams near the mine. Conductivity is a measure of how well water conducts electricity. The more that is dissolved in the water the higher the conductivity is. The scientific evidence is that high conductivity impairs aquatic life, a violation of narrative water quality standards.

The United States District Court agreed with the plaintiffs. It ruled that Fola Coal operations are putting something in the water. Nobody knows exactly what but we know there is something because the conductivity of the water is through the roof. Conductivity this high kills aquatic animals. After appointing a Special Master to advise the Court on what was necessary to fix the problem, the Judge ordered that Fola take specified steps to correct the problem.

The company appealed. During the course of the appeal, the Court of Appeals recognized that it would hear what the citizen group Plaintiffs thought the law required and what the coal company thought the law required. It thought it would be helpful if it knew what the Environmental Protection Agency thought the law required. It ordered

the Environmental Protection Agency to file a brief.

The Environmental Protection Agency has now filed its brief. It carefully hedged its opinion on the specific facts of this case and whether the Judge ordered exactly the right steps to fix the problem. On the question of what the law requires, however, there was no hedging. EPA said that the plaintiffs are right on the law. Companies have to meet narrative water quality standards and measuring conductivity is one way to tell if they are doing it.

The Rest of the Story

The legal and technical issues in this case can get complicated. For some more detailed explanation, see *The Highlands Voice* issues of February 2015, and November, 2015. The September, 2015, issue has what amounts to a small primer on the Clean Water Act. Not enough to make you an expert but enough that, if Clean Water Act were a *Jeopardy* category, you could ring in with confidence. All are accessible from <https://www.wvhighlands.org/2015/>.

Way to go, Frank!

Before and during our recent joint conference with West Virginia Environmental Council, Frank Young was the West Virginia Highlands Conservancy’s go to guy for planning and handling details, both expected and unexpected. There is no data on how many things he handled (observers lost count at a bazillion) but it was a lot. He made the conference a lot smoother. Thank you.



West Virginia’s ranking in the American Council for an Energy Efficient Economy Scoreboard:

44th

In the scoring system used by the American Council for an Energy Efficient Economy, states are given points in different areas where they could be more or less energy efficient. The overall ranking is a result of the total of points accumulated. Massachusetts was first with 45 points. North Dakota was last with 3. West Virginia was 44th with 8 points, the same as our 2015 score and .5 points better than our 2014 score.

We improved one spot from our 2015 ranking; Kansas dropped three places, overtaking us in the race to the bottom. We had best be looking over our shoulder. Oklahoma dropped six places in 2016 and now is right on our heels in the race to the bottom.

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