

# *The Highlands Voice*

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## *Celebrating 50 Years!*

Canaan Valley State Park

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## Ramblin' the Ridges

By Cynthia D. Ellis

### Steady gaze

Welcome! Greetings! Salutations! Whether you are with us in person at our 50<sup>th</sup> anniversary celebration, or checking up on us by reading this at home, we send you our very best wishes for being part of the first 50 years of the West Virginia Highlands Conservancy.

Throughout this year we've looked back at our past. But now, what's next?

Periodically writers for The Highlands Voice have toyed with forecasting the future.

"On July 4, 1972, hundreds of visitors turned away disappointed during the long holiday weekend when smog prevented the sightseers from catching a glimpse of the spectacular falls." That's how one of us, in 1969, fancied that Blackwater Falls could be affected by the air pollution problems then.

We had also worried about trail bikes. Someone projected another news bulletin, with sarcasm again---

"April 17, 1971 -Another day of bitter fighting broke out between the Suzuki Trail Bikers and forces of the Audubon Society. Forty-seven birdwatchers were killed in the bloody battle of Bear Rocks while 6 Suzukis were destroyed by Audubon mortar fire. Three regiments of Hondas and 7 platoons of minibikes were thrown in to take possession of the whole Dolly Sods area."

Many of us would not feel confident in predicting the future, aside from tongue-in-cheek ones such as those above. The political upheavals and changes in our country magnify our uncertainty.

We could be pessimistic. Perhaps we will not be able to attract folks of an age and inclination to work on the issues. Perhaps industries will be emboldened to oppose scrutiny and activism through litigation and we will suffer. In earlier decades, some of our members and writers foresaw smog and clearcutting everywhere; we could easily imagine frack wastes abounding and more

waters fouled by those same spoils and mine drainages too. We could envisage precious public lands whittled away or commercialized beyond recognition.

Alternately, we could take an upbeat tack. We could foresee years ahead with folks joining our group and ally groups and new groups to make change for better

business." He meant that they would like to lay aside the business of patching up injured birds, because ideally there would be no birds suffering injuries, especially those that are related to humans.

In the future, is that what we wish? Do we hope there will be no West Virginia Highlands Conservancy, because the highlands will be in a state of protection and preservation? Do we want to be out of a "job"?

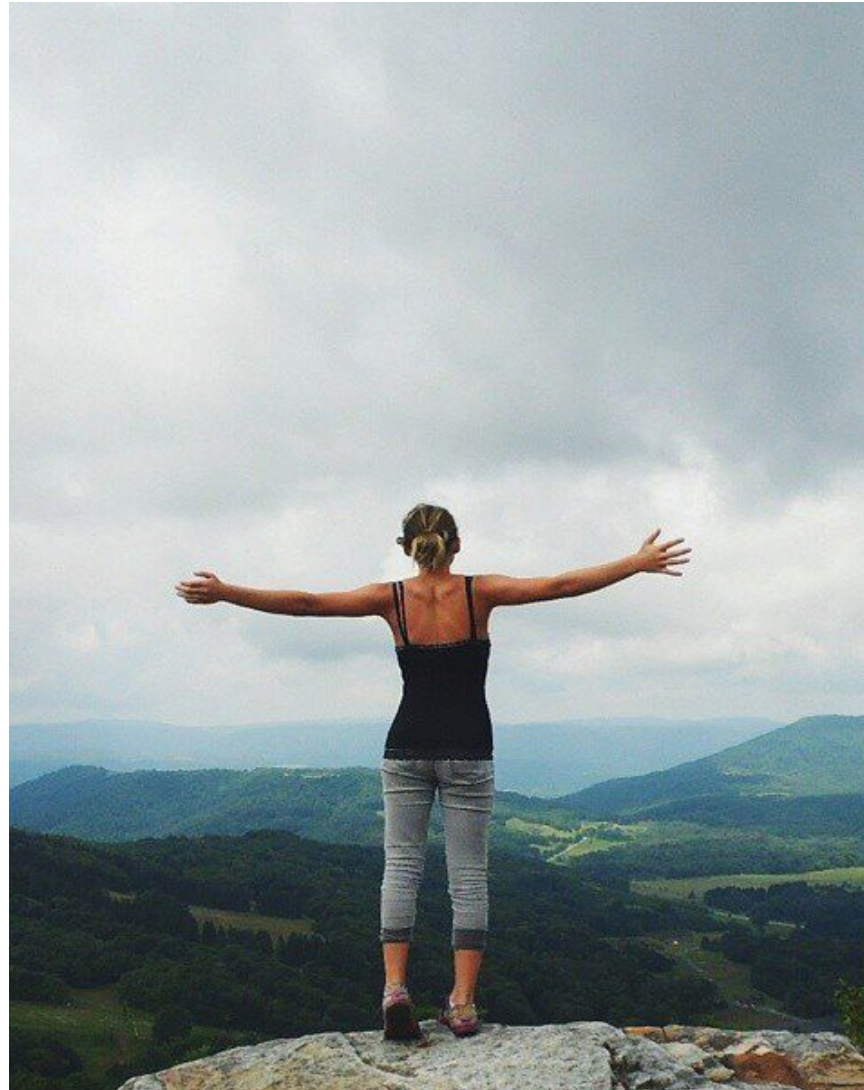
No. But maybe our work will be different and the burden will be even more widely shared.

In 1973, in our 8<sup>th</sup> year, noted Charleston Daily Mail columnist Skip Johnson wrote a piece complimenting us and said, "Every government bureaucracy, every coal executive, every politician needs a suspicious citizen looking over his shoulder. The Conservancy is West Virginia's suspicious citizen, and more power to it." We too think that the mountain state is lucky to have us, and we find it hard to imagine a time when captains of industry and elected officials wouldn't need our scrutiny. Johnson also wrote, "The success of the Conservancy stems from the fact that it gets a lot of people from different walks of life involved in a common goal: a better environment for West Virginia and West Virginians. What could be more purposeful than that?"

We still have that purpose.

We still have many friends and ally groups; indeed, the number of groups forming up to meet challenges to the mountains seems to be growing and we welcome a congenial cooperation with all.

The greatest, steadiest strength of the West Virginia Highlands Conservancy remains, as ever, you. The individuals who support us will ensure that our stewardship endures. Three cheers for us! Three cheers for fifty years! Three cheers for fifty more!!!



outcomes...for protected lands and waters. We could see uniting to work for legislative reforms so that lawmakers and citizens would be working together to avert climate collapse.

Thinking glumly or cheerfully though, it's difficult to imagine a time when our organization would not be needed. As when our predecessors were dealing with dirt bikes and smoggy days, sometimes the outlook seems grim.

Once a speaker for a West Virginia raptor rehabilitation center made a startling claim. "We'd like to see ourselves go out of

# Putting the Brakes on Corridor H: A Brief History

By Hugh Rogers

In early July, I got a call from a free-lance writer in Michigan. She was doing a piece on Corridor H for a magazine called *Construction*. Part 1, “52 Years and Counting – Corridor H Continues in West Virginia,” was done. She wanted to interview me for Part 2.

Corridor H opponents used to love publicity. Getting the story out exposed lies and disasters, helped us find allies, slowed the juggernaut a little. Now it’s seventeen years since our settlement agreement; the only unsettled section has been put off another ten years. If I was going to preach to *Construction*, I knew I wouldn’t be preaching to the choir.

The writer sent me Part 1. Her informant (who had referred her to me) was Marvin Murphy, a Senior Adviser on Corridor H for the West Virginia Department of Transportation. She asked why H was the only one of the six Appalachian Corridor Highways in West Virginia still not completed. Murphy replied: (a) the other routes were shorter, (b) the topography was more difficult, and (c) there were more “major environmental and historical matters” on the route. “Add to this the concerns of active citizen groups both for and against the project, which resulted in considerable litigation and time delays.” Not to mention funding troubles. I could agree with all of it except the odd notion that groups *for* the project had somehow delayed it.

It’s hard to fit fifty years of controversy into a short article in a trade magazine—or the *Voice*, for that matter. Dave Elkinton did an excellent job in Chapter 4 of his history of the West Virginia Highlands Conservancy, *Fighting to Protect the Highlands*. It took him 25 pages.

The magazine writer sent me five questions to organize our interview. They make the story too personal, but with a few caveats, I’m going to take advantage of that outline. Long before I got involved, the Conservancy had played an important role in this drama. Elkinton points to a meeting in March 1975, when Geoff Green and Lowell Markey presented their study to the staff of Senator Jennings Randolph, then chair of the Public Works and Environment Committee. It strongly influenced the eventual decision to give up the original plan (and six miles of four-lane) heading east out of Elkins, and instead go north through Tucker County.

For years after that, while the Department of Highways learned to do environmental impact studies (EIS), and they were shelved for lack of funding, then revived and redone, discussions within the Conservancy went back and forth between two reasonable positions: no-build or go-north.

In 1992, halfway through the intertwined histories of the Highlands Conservancy and the highway project, I helped to form Corridor H Alternatives from small local groups that had sprung up along the 100-mile proposed route. Four years later, we would become the lead plaintiffs in the lawsuit that led to the settlement agreement. By then, Cindy Rank had recruited me to join the Conservancy board and head the Highways Committee. During the project’s long dormancy, activists had either turned to other issues or retired; when Senator Robert Byrd took over the chair of the Appropriations Committee, all sorts of projects, good and bad, sprang to life and so did a new citizen movement.

Perhaps because we were new on the case, we questioned everything. Begin with “need”. Given the purpose of the Appalachian Development Highway System—“A balanced, integrated, and

efficient transportation system is critical to the Region’s future economic success”—how did that translate as “four-lanes everywhere”? It was obvious that current traffic numbers and future estimates did not justify four lanes between Elkins and the Virginia line, and on to I-81. Hence the name, Corridor H Alternatives, and our campaign for an Improved Roadway Alternative.

We had less success with that than Green and Markey did with the northern route, although we did win in Virginia. For the foreseeable future, the thirteen miles of Va. 55 from the state line to I-81, now designated US 48, will remain two lanes.

In the 90’s, national allies and attention helped us with comments on the EIS, and gave us an opportunity to testify before a House of Representatives committee. That experience was most memorable for an appearance by then-Congressman Bob Wise, not a committee member, who was invited by the chair to lambaste us for our impertinence in opposing Senator Byrd. (Wise had once opposed a dam project favored by the Senator, and had been smacked down; he had learned his lesson.) Following that, we were granted an interview with the Senator himself.

We reached our high-water mark, though, in the spring of 1995, when staff scientists at the Environmental Protection Agency gave Corridor H the lowest rating: “environmentally unsatisfactory.” The Regional Director, Peter Kostmayer, a former congressman, had joined us at the Highlands Conservancy Fall Review for a comprehensive discussion of Corridor H and other issues. His job, he told us, was to support his staff and to adopt their findings. How refreshing! But he wouldn’t last long in the Clinton administration. He announced the rating and declared that the highway should not be built. Shortly thereafter, he was fired.

So much for the political arena. The outcome had been foreseeable for twenty years, ever since the Conservancy had led the charge to push the alignment north, and save Seneca Rocks, Dolly Sods, and many other sites and streams. Although that had been politically astute—better half a loaf than none, etc.—the project was still “environmentally unsatisfactory.” The benefits weren’t worth the cost. When the Federal Highway Administration signed a Record of Decision approving federal participation (then 80% of the cost; now it’s 100%), we sued.

The writer for *Construction* wanted to know if our biggest concerns were addressed in the settlement agreement that came out of the lawsuit. Good question, difficult to answer. As in politics, so in law, you prevail where you have leverage. We had lost in the District Court, and we only won our appeal on an issue that really wasn’t our biggest concern. That was the failure of the Environmental Impact Statement to seriously address the highway’s impact on historic sites. Fortunately, our lawyer, Andrea Ferster, was an expert on the law in this area.

The Court of Appeals, after reviving our case, ordered us to its mediation arm. It might as well have said, “We don’t want to see this mess again. Figure out some accommodation.” So we did, mostly. In our meetings, Andrea and three of us representing the plaintiffs faced off against lawyers and staff representing the U.S. Department of Justice, the Federal Highway Administration, the U.S. Department of Transportation, the West Virginia Department

(More on page 8)

# 50 Years of Mining Concerns

By Cindy Rank

WestVirginiaHighlandsConservancy filed its first lawsuit against strip mining in 1967. That was the beginning of 50 years of leadership on coal mining issues in West Virginia. Now, in 2017, together with local and national partners, we continue to challenge unwise mining practices, weak enforcement of laws and regulations, and individual mining operations that pollute the environment and harm local communities.

## Early Days

### *Land reclamation and new law*

From its inception the West Virginia Highlands Conservancy challenged the state of West Virginia's poor control of the coal industry, fighting against mining threats to specific places such as wilderness and public lands (Dolly Sods, Shavers Fork, Monongahela National Forest, Cranberry Backcountry, etc.) and small communities like Sugar Grove in Marion County and Duo in Greenbrier County. In early

1970s the organization called for the abolition of strip mining along with the group Save Our Mountains, Ken Hechler, Jay Rockefeller, and others.

After years of Congressional wrangling the Federal Surface Mine Control and Reclamation Act was passed in 1977. As the state of WV assumed primacy for implementing the requirements of the Federal Act in West Virginia, the Highlands Conservancy became more heavily involved at the policy and regulatory level, repeatedly advocating for strict regulation of the industry and full compliance with the newly enacted laws.

## 1980s

### *Acid mine drainage and bonding*

With the new law, land was no longer left in total rubble piles from uncontrolled shoot and shove mining practices. Even with the more conscientious [read forced]

reclamation of the land, enforcement of the new law and adequate attention to cleanup of old sites did not come easily.

Every step along the way the coal industry devised ways to confound the regulatory agencies, stretching the law and regulations sometimes beyond recognition, using political pressure to influence policy, making enforcement a bit dicey, and rendering citizen monitoring of mining operations all that more difficult and all that more necessary.



**Highwall**

**To understand how big this highwall is, remember that those little bitty things in the foreground are rock trucks. Each is the size of a small house. Photo by Bob Gates**

Increased mining in northern West Virginia in the 1980s meant mining acid producing coal seams which discharged acidic waters laced with harmful amounts of metals like Iron, Manganese and Aluminum into lightly buffered streams, streams with little to no capacity to assimilate the toxic drainage. The result has been a legacy of polluted streams and treatment costs that far exceed any bond monies the companies were required to pay.

The Conservancy engaged in informal meetings with both federal and state regulators, pursued administrative and court appeals to strengthen the regulatory program, testified before the United States Congress about the growing problems with acid mine drainage at post-law sites and the need for extending the Abandoned Mine Program to clean up pre-law sites.

From filing a Lands Unsuitable for

Mining petition for acid prone watersheds, to suing for Federal takeover of the West Virginia regulatory program in 1988, to lobbying the West Virginia legislature for additional funds for reclamation and water treatment at forfeited sites, to a successful mandamus action from the WV Supreme Court that held the state responsible for full reclamation at mine sites when the operator walked away, there has been no end.

A settlement agreement in the 1988 litigation resulted in significant, though relatively short-lived, improvements in the state regulatory program. But it wasn't just the weakness of the state regulatory program that the Conservancy kept fighting. New mining methods and recurring reclamation failures increasingly led to additional concerns.

In 1986 WVHC organized local and legal opposition to successfully challenge the expansion of a 2,000-acre acid producing strip mine in Upshur County, WV. The expansion would have included a 1-mile long valley fill in the headwaters of a native brook trout stream and a 90-foot-high dam across a farm field downstream to control drainage from future mining. Turns out the Upshur County mine complex was a harbinger of even more nasty things to come.

## 1990s

### *Reclamation and Mountaintop Removal*

In the early 1990's requirements of the Clean Air Act as well as costly water treatment liabilities in the northern, higher sulfur, acid prone coalfields of WV, caused mining to shift back to the southern coalfields, areas formerly declared "mined out". Tax credits enabled industry to invest in new technology and bigger machinery

**(More on p. 5)**

## Fifty Years of Mining (Continued from p. 4)

and other financial incentives encouraged mining the thinner and more difficult to get to seams of coal layered in the steep southern mountains.

Mountaintop removal bullied its way onto the scene and expanded beyond all expectations.

During the '90's WVHC played a key role in laying the groundwork for the growing opposition to mountaintop removal mining and in convincing state and federal regulatory agencies of the significance and overall impact of the ever-increasing number and size of valley fills being permitted. Conservancy members participated in state sponsored mine tours, were appointed to legislative committees established to review state policies of mitigating for streams buried under valley fills, and wrote articles describing the practice and the convoluted permitting process. Members also participated in many public and media forums and debates with government and industry representatives. Appointed to the governor's task force on mountaintop removal mining in 1998, WVHC offered a minority report that pointed to the illegality of filling streams and to the environmental and economic harm caused by mountaintop removal mining. In 1997 – in the days before widespread use of GIS - we compiled the first map visually documenting the extent of stream loss from mountaintop removal and valley fills permitted in the three county area of Boone, Logan and Mingo in southern West Virginia.

In 1998 we were the first organization to join litigation that challenged the destructive practice of mountaintop removal. A favorable court decision on one count of that litigation upheld the Buffer Zone Rule in the Surface Mine Act as requiring no mining be allowed within 100 feet of a stream, a ruling that has been challenged and debated and studied and replaced and overturned for the ensuing two decades with no resolution in sight.

With regard to several other portions of the 1998 Bragg v Robertson litigation, WVHC was instrumental in convincing EPA to prepare the first ever Environmental Impact Statement (EIS) on the effects of mountaintop removal mining and valley fills with the intent of finding ways to reduce the impact of those activities. Although the politically tainted recommendations of the final 2005 EIS called instead for streamlining the permitting process, scientific studies contained in the report have been invaluable as some of the first official documentation of the destructive impacts of mountaintop removal mining and the foundation for more to come. Few permits were issued while the EIS was being prepared.

### 2000s

#### *Stream and human health*

Together with a growing number of organizations concerned about the mammoth destruction of mountaintop removal coal mining, the Highlands Conservancy continued its vigorous opposition to this destructive method of mining by engaging in litigation, education, actions, publicity and research, and has joined in several ongoing legal efforts to preserve Blair Mountain Battlefield in Logan County.

Beginning in 2005 West Virginia Highlands Conservancy represented by the Appalachian Center (now Appalachian Mountain Advocates) challenged inadequate Clean Water Act 404 "fill" permit applications submitted to the Army Corps of Engineers, and later successfully litigated the inadequate and illegal permitting process itself.

Efforts to tighten permits and strengthen regulations have been partially successful; but permit denials are few and the practice of Mountaintop Removal, though somewhat reduced, has continued. The term "Mountaintop Removal" may not be the technically correct name for these operations, but huge strip mines known by other names continue to be permitted, blasting apart mountains above communities and raining toxic dust and chemicals onto homes and gardens below. Streams are no longer "filled" but rather "mined through", i.e. torn apart, and (supposedly) re-created.

Health impacts to local residents living nearby had been largely ignored until commitments by the federal government in 2016 directed the National Academies of Sciences to assess the research and nearly three dozen health studies that that have already been done. WV Highlands Conservancy was represented and spoke at National Academies hearings in Logan with hopes for more to come .... Incredibly, in August 2017, the new administration in Washington D.C. has put a halt to the National Academies study.

Stream impacts are as monumental as the acid mine drainage legacy that haunts the state. These big mines leave behind a legacy of hundreds of streams destroyed by burying headwaters under tons of "excess overburden" and degraded by selenium pollution and ionic stress from dissolved salts that diminish water quality and harm aquatic life. Represented by Appalachian Mountain Advocates and Public Justice, the Conservancy and our co-Plaintiffs Ohio Valley Environmental Coalition, WV Rivers Coalition, and Sierra Club have won court decisions that hold individual mining companies responsible for expensive and extensive treatment at many of these polluting mines, and, in some cases, for making additional payments to independent land protection organizations boosting their efforts to preserve and protect properties especially in watersheds harmed by Mountaintop Removal Mining where possible.

Reclamation costs have increased but earlier warnings and ongoing legal efforts to require higher bonds and sufficient financial guarantees have pretty much limped along or stalled completely and now the proverbial chickens are coming home to roost. State agencies are left to fumble around for ways to deal with the land and water problems that remain. And at the end of the day, the cost of the state's short-sightedness will be borne by the people of West Virginia.

On another note, if mountaintop removal surface mining is strip mining on steroids, longwall underground mining is deep mining on steroids and hasn't gone completely unnoticed by the Conservancy. With the increased cost and liability of big surface mines and the reduced reliance on coal for energy, longwall deep mining - especially for metallurgical coal destined for export and steel making has increased ... and with it comes increased subsidence damage to properties, homes, wells and streams. The Conservancy continues to monitor streams and wells near the 6,000-acre Tygart #1 longwall operation and recognizes the need for further vigilance in that area.

We work with local and national groups to oppose weakening amendments to water and mining laws, to hold accountable the coal industry and agencies empowered to regulate that industry for the protection of the earth and her inhabitants.

# Canaan Valley for the Future

By Jackie Burns

The West Virginia Highlands Conservancy was one of many non-governmental organizations and individuals whose support was instrumental in conserving a large portion of Canaan Valley as a National Wildlife Refuge. As we examine our progress on this, our 50<sup>th</sup> anniversary, let's take a brief look at what was a very long story.

## **Pre- 1970**

The logging era of the late 1800s and early 1900s clear cut much of our eastern forest, including that in our lovely valley. Also in the early 1900s electricity in homes was becoming common.

Rather than waiting 40 years for the forest to grow back after logging, companies were looking to divest their property, Runoff from barren lands contributed to flooding in downstream cities. This triggered the federal government to begin buying land and re-growing forests to stabilize the soils. Thus the US Forest service was born. But power companies were also interested in some of the land, particularly where dams might be built to generate power. Such was the case in Canaan Valley. The company that would become Allegheny Power Systems acquired much land in the northern part of the valley.

Some of the first conversations about conserving Canaan Valley land probably happened in the late 1950s. Early successional habitat in the valley made it an ideal spot for woodcock, and some woodcock hunters worked for the WV Division of Natural Resources (WVDNR) and the US Fish and Wildlife Service (USFWS or the Service). In 1961 the USFWS conducted a biological survey of the wetlands and wildlife habitat in Canaan Valley. At that time most of the wetlands the USFWS conserved were production areas for waterfowl. Canaan Valley was different, so the Service didn't act on what they found at that time. But the stage was set for the future struggle.

## **The 1970s – The Proposed Davis Power Project**

In July of 1970 the Allegheny Power System (APS) applied for a permit for the Davis Power Project (DPP or proposed project) from the Federal Power Commission (FPC, a pre-cursor of Federal Energy Regulatory Commission, FERC). A year later they submitted an environmental assessment of the proposed project. The

project would build two dams. The large one would be on the Blackwater River, between Canaan and Brown Mountains and would flood the valley floor. The small one would be in the Dobbin Slashing area of north Dolly Sods. At night when power demand was low, water would be pumped to the upper reservoir. During the day when more power was needed, the water would flow through pipes from the upper reservoir to the lower one, turning turbines and generating power as it went.

Linda Cooper had grown up in the valley and was distressed that this might happen to her home. As a student at Berea College in Kentucky she had gotten experience in community organizing and working on environmental issues. She and her husband filed to be interveners on the project. They also started working with WV Highlands Conservancy as volunteers, forming a committee to work on this issue, and eventually becoming board members and officers of our group. Writing articles, writing letters to FPC and to Senators and Congressmen, gathering allies in the environmental community, encouraging them to write, and write and write.

For Linda Cooper, this work came at great personal cost. The Davis Power Project was sold to her community as something that would bring jobs, recreation and tourism to the Canaan Valley. Many of her family and old friends supported the project. It was hard.

And then there was the legal front. The environmental assessment that Allegheny Power System (APS) had written was found to be insufficient. Federal Power Commission was told by the courts to write their own. Their environmental impact statement on the Davis Power Project came out in 1974. It recommended against licensure of the project. It was followed by 10 weeks of hearing with FPC's Administrative Law Judge, including a time in Parsons and a tour of the valley. Two years passed before the Judge issued his recommendation. In June 1976 he recommended against licensure. He wrote, "The specific adverse environmental consequences resulting from the construction of the Davis Power Project will not be overcome by the benefits which may be derived from the lake, from the recreational areas and from the wildlife preserve proposed by the Applicants,

with or without any or all of the further suggestions put forward by those essentially favoring the proposed project." The judge recommended a smaller project, the Glade Run Alternative, be licensed instead of the original DPP. The Glade Run Alternative would still have two reservoirs, but the lower reservoir would be much smaller, on Glade Run instead of on the Blackwater River. It had not been proposed by Allegheny Power Systems, and had not been fully studied.

The state of West Virginia had originally sided with its Wildlife Biologists in the WV Division of Natural Resources, who were opposed to the project. But in 1977 they reversed that, favoring the Davis Power Project. They asked that the FPC reopen its hearings. FPC did not re-open the hearings, but in 1977 did issue the license for the Davis Power Project as originally proposed, despite the recommendations of their staff that had written the Environmental Impact Statement, and their Judge that had conducted the hearings.

By August of 1977 the FPC had become the Federal Energy Regulatory Commission (FERC). The WV Highlands Conservancy joined with other environmental groups to sue FERC over the issuance of the license for the Davis Power Project, asking that the license be set aside because of violation of federal and FERC statutes. The first oral arguments were heard in the US Court of Appeals In October of 1978.

Meanwhile, Allegheny Power Systems (APS) filed an application with the US Army, Corps of Engineers (ACE) for a permit under section 404 of the Clean Water Act, for placement of fill in wetlands of the United States, specifically in the Canaan Valley for the Davis Power Project. This was their last obstacle. If they received this permit, the largest wetland complex in West Virginia would be flooded. In July of 1978 the US Army Corps of Engineers held hearings on this application. The Corps of Engineers found these to be unique, the only wetlands of its type and size in the eastern US. The unthinkable happened. They denied the permit.

APS responded by suing the Corps of Engineers, saying they were arbitrary and capricious in their denial of the permit, and that since the project was licensed by

**(More on the next page)**

## History of the Canaan Valley Wildlife Refuge (Continued from p. 6)

FERC, the Corps of Engineers did not have this authority. The US Court of Appeals would review the results of this case, along with the case brought by environmental groups against FERC about issuing the license, and would make one decision.

In February 1979, President Carter ordered a special Department of the Energy (DOE) task force to study the alternatives to the Davis Power Project. They hired a consultant who prepared a report. It was going to find that many viable alternatives to the DPP. There was a nationwide push for energy conservation, and companies were finding less need for more power plants than they had previously anticipated. But the administration had changed. The report was delayed for another review. In March 1981 the Project Director for the DOE report determined that the basis of the report was longer valid and the report would be halted.

Later that spring FERC issued a stay on construction. Two years had passed since licensing, and construction had not been started, since the 404 permit had not been issued. An extension could not be awarded amidst the lawsuits, so a stay on construction was ordered.

The district court ruled in favor of APS in December of 1980. They ruled that since they had a FERC license, they did not need a 404 permit. This decision was appealed by environmental groups two months later.

### Also 1970s – The Proposed Refuge

Notice that some of the dates in this section overlap the dates in the previous section. The proposed Davis Power Project and the proposed Canaan Valley National Wildlife Refuge were two distinct project proposals that overlapped in space and time.

In May of 1975 the National Park Service designated Canaan Valley as a National Natural Landmark. This designation does not come with automatic protection, but does acknowledge the value of the land as it is, a small help to those working for valley preservation.

In 1977 the US Fish and Wildlife Service announced it would consider establishing a Canaan Valley National Wildlife Refuge (CVNWR). It then petitioned to become an intervener on the Davis Power Project.

By March of 1978 the draft Environmental Impact Statement for the Canaan Valley National Wildlife Refuge had been prepared and released for public comment. Many who were opposed to the

Davis Power Project favored the refuge proposal. Linda Cooper Elkinton and her husband Dave worked with WV Highlands Conservancy and many others, including student environmental groups at state universities, to encourage supporters to write letters of support during the official comment period. In May of 1978, USFWS held public hearings on the proposal.

In February of 1979 the Canaan Valley Alliance was formed. This was an alliance of environmental groups, including the West Virginia Highlands Conservancy, that wanted to work together to make the Canaan Valley National Wildlife Refuge a reality. Its first president was Steve Bradley.

In June of 1979 the Final Environmental Impact Statement recommending a Canaan Valley National Wildlife Refuge was released by the US Fish and Wildlife Refuge. USFWS would wait for Carter's task force, then results of lawsuits before making a final decision on this proposal.

### The 1980s – The Waiting Game

Things slowed down as the lawsuits continued. Environmentalist groups, including WV Highlands Conservancy were appealing the District Court ruling that the DPP didn't need a 404 permit from the Army Corps of Engineers because they had a FERC license. Environmentalist groups, including the WV Highlands Conservancy, were also suing FERC for issuing that license. Until 1986 the state of WV was part of the suing constituency. Then Governor Arch Moore pulled the state out of the legal challenge.

Meanwhile members of the Canaan Valley Alliance and Biologists from the USFWS would periodically give presentations urging conservation of Canaan Valley, a National Treasure. The first 3d map of the valley, and slide shows were developed for this work.

On another front, comprehensive land use planning for Canaan Valley was begun by area residents. Today, Canaan Valley is one of very few places in WV with zoning.

In February of 1987 the US Court of Appeals upheld the need for a 404 permit for the Davis Power Project. Allegheny Power Systems appealed this decision. In 1988 the US Supreme Court declined to review the decision of the lower court. The decision would stand. The Davis Power Project could not continue without the US Army Corps of Engineers permit under section 404 of the Clean Water Act. That permit was denied.

Eighteen years after the first application for a license from the Federal Power Commission, the project was dead.

### The Early 90s – Refuge Proposal Revisited

So now we knew what the valley wouldn't be. It wouldn't be a lake and a power plant. But would it be a refuge? Throughout this process it became clear from public involvement that whatever followed would have to provide opportunities for the local people to make a decent living. Would a refuge bring enough tourism?

In 1990 the Environmental Protection Agency was charged with convening a Canaan Valley Task Force comprised of local residents, representatives of several state and federal agencies, local government and environmental groups to consider alternatives for the valley. The task force raised questions and found ways to answer them. Several studies were done, including a study of the economic value of a National Wildlife Refuge in your community. The Canaan Valley National Wildlife Refuge Environmental Impact Study was revised and updated. Some lands in the southern part of the valley were excluded from this new project proposal so that economic development could occur there. Our Senators and Congressman wanted to be supportive, but would only do so if enough public support could be generated. A Station Management Plan was written to let people know how the new refuge would be managed. A Land Protection Plan outlined the priorities that the US Fish and Wildlife Service would use to guide their acquisition of land. Locals were assured that eminent domain would not be used to take their land. While many locals were still opposed, public support for the refuge proposal was growing.

Some who disagreed with the refuge proposal filed a lawsuit seeking to stop the USFWS from acquiring land. On August 4, 1994 that lawsuit was dismissed. The USFWS closed on its first Canaan Valley acquisition on August 11, 1994. This first purchase was an 86-acre tract on Freeland Road, which today is the most visited site on the refuge. West Virginia had its first refuge totally within the state border, and the nation had its 500<sup>th</sup> National Wildlife Refuge.

### Managing the New Refuge

For many years the Station Management Plan and the Land Protection plan were the guiding documents for the

**(More on the next page)**

## Still Battling on Corridor H (Continued from page 3)

of Transportation, the West Virginia Division of Highways, and possibly a few other agencies I have forgotten. Between meetings, flurries of paper flew back and forth. In February, 2000, we signed an agreement committing the defendants to find new alignments on 40% of the project.

The major changes involved the Corricks Ford Battlefield south of Parsons, the Blackwater Canyon early industrial complex, with its beehive coke ovens, and the Moorefield Battlefield. We got twenty years of breathing room for Wardensville, five miles down the mountain from Virginia, to adjust to the new highway; and we kept the road out of Big Run Bog, a Research Natural Area on Backbone Mountain.

We can't ignore that moving the highway meant moving the damage. Steering it farther away from the Fernow Experimental Forest and Otter Creek Wilderness pushed it into a pretty piece of the National Forest, where Panther Run, a native trout stream, flows below the South Haddix Trail, one of my favorites. Its short- and long-term impacts will be felt by nearby friends and neighbors including Barbara Weaner, a former Highlands Conservancy board member. We are encouraged by the Forest Service's efforts to protect the streams.

In his interview for the *Construction* article, WVDOT's Murphy mentioned "continual re-evaluations every three years if construction doesn't begin on a section." Re-evaluations may turn up new things; more often, they find things missed in previous surveys. Things such as the small whorled pogonia, an endangered species of orchid, or colonies of protected bats. We're in the sixth three-year period since the agreement was signed, and there will be more.

In 2017, Corridor H is practically completed from the east as far as Davis. We have not seen any persuasive evidence that has, or will, bring benefits that outweigh its damage. It does shave time off a trip to Washington, if you're someone who drives to Washington. It has been good for the second-home market. Politics as usual rewards those who are already better off.

The magazine writer's last question had to do with our involvement in the project's final stage. The Highlands Conservancy will continue monitoring compliance with the settlement agreement. Along with our allies we intend to protect the Blackwater Canyon—the section that was left unsettled. Remembering Senator Byrd's budget techniques, we have earmarked funding for that.

## History of the Canaan Valley Wildlife Refuge (Continued from p. 7)

new refuge. Still there were many in the community who objected to management strategies. Without knowing what lands would be acquired first, the Station Management Plan hadn't been very specific. So how people anticipated management, and how actual management happened were not alike. And while the Land Protection Plan prioritized acquiring the power company land, that was not available to the USFWS early on, so other lands in the southern end of the valley were acquired first.

Public opinion of the new refuge was still quite contentious. But refuge friends were growing too. The Friends of the 500<sup>th</sup> was founded. Volunteer programs were begun.

In February of 2002, with the help of Senator Byrd and Congressman Mollohan, a deal was struck for the refuge to acquire most of the Canaan Valley lands held by the Allegheny Power System. Overnight the refuge quintupled in size, from a little more than 3000 acres to 15,245 acres, and the argument that the refuge was not living up to the priorities in the Land Protection Plan dissolved. In a nod to those who wanted more development in the valley, the Allegheny Power System retained some land, which was later sold to the highest bidder, a bridge builder from Charleston. He

may build a home there, and build and sell a few more, but currently is working with the Nature Conservancy on land management there. The power company still retains a small parcel by the deteriorated bridge on the Old Timberline Road. Eminent domain has never been used to acquire land for the Canaan Valley National Wildlife Refuge.

The WV Highlands Conservancy began working with the refuge and other partners on spruce restoration in the early 2000s. Cones were harvested and sent to tree nursery for propagation. Seedlings were and are brought back to the valley for planting by volunteers. To date, hundreds of volunteers have planted thousands of trees on the refuge and on the Monongahela National Forest. A collaborative, the Central Appalachian Spruce Restoration Initiative was formed to coordinate these efforts. The refuge and WV Highlands Conservancy are to this day active partners in this collaborative.

The 1997 Refuge Improvement Act calls for each refuge to develop a Comprehensive Conservation Plan, then update and revise it every 15 years. The plan for Canaan was begun about 2007. Public meetings and a public comment period started the process. The WV Highlands Conservancy participated fully. Meetings with subject matter experts were

also held. A regional visitor services review team evaluated the current programs and made recommendations for the future. A draft plan was developed and released for public comment. Again public meetings were held, and again WV Highlands Conservancy fully participated. The plan was finalized in February of 2011 and has guided management since that time.

### Sources:

Elkinton, D.P. 2007. "Chapter 5: Saving the Promised Land," Fighting to Protect the Highlands: The First Forty Years of the West Virginia Highlands Conservancy. pp 153-204.

Conversation with Jim Rawson, WVDNR Biologist, retired.

Hollis, R. 2017. "Happy 23<sup>rd</sup> Birthday Canaan Valley National Wildlife Refuge." Timberdoodle. August – September. pp 2-3.

Cooper, L. 2002. "Canaan Valley – A History of Activism," Highland Voice. October. pp 12-14.

Personal experience.

# Celebrating 50 Years!

## Event Program



Canaan Valley

State Park

September 15-17, 2017

**Planting the Seeds & Helping Them Grow**

**50 Years of Tending the Environment in West Virginia**

Honoring the Partnerships that formed the Highlands Conservancy in the first place and the ever expanding network of new citizen and environmental partners we've worked with through the past 5 decades.

# Program

## Friday, September 15, 2017

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**Noon** – Registration, set-up begins

**1:00pm** – Afternoon Outings TBD

**4:30pm** – Reception - **Conservation Leaders, Yesterday, Today & Tomorrow.** The past meets the future as conservation leaders from all generations gather to reflect on our work, and our love and appreciation for this special place. In lieu of a sit-down dinner, we'll have a reception with plenty of fare.

**5:30pm** – **Welcome, from Diane Hinkle,** Tucker County Commissioner and Development Director of the Tucker Community Foundation.

**5:45pm** - Panel Discussions

### **Canaan Valley –Promised Land**

Winning the nearly 40 year battle against the Davis Power Project allowed for the creation of Canaan Valley, our 500th National Wildlife Refuge. Former Highlands Conservancy President and Historian, **Dave Elkinton**, Wildlife Biologist **Ed Michael**, Local Business Owner **Chip Chase** and Current Wildlife Refuge Supervisor **Ron Hollis**, will recount the history of Highlands Conservancy activism in Canaan Valley. The Davis Power Project, National Natural Landmark, The establishment of the National Wildlife Refuge and of course, what does the future hold? Moderated by Highlands Conservancy Board Member, **Jackie Burns**.

### **Monongahela National Forest, Wild & Wonderful!**

Strong Forest Management Plans and Wilderness protection help to keep the "Mon," Wild and Wonderful. Moderated by **Mary Wimmer**, retired Bio Chemistry professor at WVU, who will recall citizen involvement with Forest Planning and Wilderness designation. Mary was one of the founders of the West Virginia Chapter of the Sierra Club and started the Mon Trails Project to repair trail damage after the 1985 floods. She led the citizen involvement during the 1985 Mon Forest Planning process and was a

leader of the Coalition that advanced the Wild Monongahela Act. We'll look back at the Eastern Wilderness Areas Act with **Rupert Cutler**, Former Assistant Secretary of Agriculture, who helped with the Roadless Area Review and Evaluation (RARE2) process that evaluated our roadless areas. And, we'll review our work on the more recent, and successful, Wild Monongahela Act with Coalition Leader, and long-time Highlands Conservancy activist, **Dave Saville**. We'll explore current issues and what the future holds with Mon National Forest Supervisor, **Clyde Thompson**.

**9:00pm**

**Music by The 3Cs - Chris Quattro, Cory Chase and Corey Bonasso.** Vintage psychedelic surf rock with hints of island reggae.

**Stars & Salamanders with Frank Slider -** Join Master Naturalist, Frank Slider, for a night time hike on Cabin Mountain to observe the autumn constellations from a dark sky site with little ambient light. While up in this high elevation habitat, we will discuss the threatened Cheat Mountain Salamander and how fragmentation of the red spruce forests has exacerbated their decline.

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### **8:30pm** - Keynote Speaker - **Alan B. Mollohan, Former Congressman**

Congressman Alan B. Mollohan, here pictured with the late Senator Robert C. Byrd, represented West Virginia's First Congressional District from 1983 -2011. He was instrumental in the establishment of the Canaan Valley National Wildlife Refuge and he was a sponsor of the Wild Monongahela Act which designated nearly 40,000 acres of Wilderness on the Monongahela National Forest.



# Saturday, September 16, 2017

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**7:00am** - Bird walk with Cindy Ellis

**7-8:30am** - continental Breakfast

**8:00am** – Fieldtrips/outings

- **Paddle the Blackwater River.** Join Morgantown Area Paddlers leader, **Mary Wimmer**, and White Grass' **Chip Chase** for a canoe, or kayak on the Blackwater River in Canaan Valley. This section of still water will go upstream along the Blackwater River beginning at Camp 70.

Meandering through wetlands, hardwood forests, red spruce and balsam fir stands. We'll paddle to the Little Blackwater River and perhaps even upstream from there. See Canaan Valley like you never have before. Bring your own boat, or canoes or kayaks will be available to rent from Blackwater Outdoor Adventures. Please RSVP if you would like to rent a boat.

- **Allegheny Front Migratory Observatory at Dolly Sods.** Join **LeJay Graffious** as we experience the moods and habitats of a 4000 foot sandstone uplift, view vistas of the Ridge and Valley, and experience flora and fauna similar to Canada's upland bogs and spruce forests. We will take short hikes to get a sampling of this unique environment.

The highlight will be a visit to the Allegheny Front Migration Observatory (AFMO). Established in 1958 this is the longest continually operating bird banding station in the United States. The station is staffed completely by volunteers and comes to life every fall during peak bird migration to warmer southern climates. The Allegheny Front in West Virginia is part of a major migration route. The location is perfect to use mist nets to harmlessly capture birds to attach USGS bands, and return them to their travels. The data are used by various wildlife agencies to track species and numbers of songbirds and raptors from Canada to South America. Trip leader, LeJay Graffious, has been involved with the station since 1981. He will demonstrate and explain the banding process. To date the AFMO has banded over 266,000 birds. Departing Canaan at 8:00am and return in time for lunch. Parking will be limited so carpooling is encouraged.

**11:00am** – Poets in the Land, Poets on the Land.

WV Poet Laureate **Marc Harshman** and Fiddler-Poet **Doug Van Gundy** have performed together around the state and over the sea, in the British Isles. Marc can be heard every month on WV Public Radio's *The Poetry Break*. He is also an award-winning children's book author. Doug teaches in the writing program at WV Wesleyan and performs in the duo *Born Old*. His poems, essays, and reviews have been widely published. Both Marc's and Doug's poems have appeared in anthologies and their own collections. They see this place acutely and tell about it marvelously, and sometimes hilariously.

**1:00pm** - Afternoon Outings TBD

**1:30pm** – Workshop - What about those PIPELINES?

The Highlands Conservancy has partnered with and is represented by the Dominion Pipeline Monitoring Coalition, the Allegheny Blue Ridge Alliance, Appalachian Mountain Advocates and other groups in commenting on and challenging the inadequacies of the large gas pipeline proposals planned to cut through the Monongahela, Jefferson, and George Washington National Forests. View maps and join **Rick Webb** (Dominion Pipeline Coalition) and others in discussion about these and other gas developments in the region.

**3:00pm** –Workshop - Positive Outcomes of Mining Litigation

West Virginia Land Trust presentation with **Brent Bailey**, and WVU Law School Land Use and Sustainable Development Clinic with **Nathan Fetty**. Settlement Agreements from several of our legal actions have not only forced cleanup of polluting discharges at offending mine sites, but in some cases have also led to substantial funding being directed to land and water conservation efforts. Representatives from the West Virginia Land Trust and the West Virginia Law School Land Use and Sustainability Clinic will be on hand to describe how some of these funds are being used.

**4:30pm** - Reception, - A Celebration of the Highlands Conservancy



The Brooks Bird Club, Inc. thanks The West Virginia Highlands Conservancy for 50 years of conservation action.

One of the Highlands Conservancy's founding Organizational Members, holding a seat on our Board of Directors for 50 years.





Can you imagine  
West Virginia  
without the  
*Highlands*  
*Conservancy?*

*Neither can I.*

Places like **Dolly Sods**  
and **Otter Creek** are now  
part of our DNA  
as **West Virginians**,  
defining who we are  
and what we will pass on  
to our kids.

*You deserve a monument for  
50 years of heartfelt, science-  
based advocacy for public  
lands, mining controls, and  
forest restoration...and your  
monument will not be cast in  
bronze, but rather in the quiet  
of a starlit night above the  
spruce forest and in the brook  
trout tugging on the line."*

**Than Hitt**  
**Shepherdstown, WV**

# Saturday, September 16, 2017 (continued)

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## **5:45pm, Dinner**

**6:45pm – A Photographic Celebration of Our Protected West Virginia Highlands - Kent Mason** - Kent is a landscape and nature photographer and conservationist who is currently creating a photographic environmental study of extraordinary wild places in the highlands of West Virginia. This is a collaborative effort with The Nature Conservancy which will result in a book titled the WV Alleghenies Mountains: A Photographic Journey. Kent has been involved in photography for over 30 years. He has had images published in books, calendars, Wonderful WV and Nature's Best magazines, and often has images displayed on The Nature Conservancy and WV Land Trust websites and in their literature. Our membership will recognize his photographs from the Highlands Conservancy website. Kent says, "For me, exploring and photographing our natural world is an inspirational journey of renewal where I create compelling images from the heart that can connect with the emotions of others and hopefully engage them in the preservation/conservation movement."

## **7:00pm**

### **Where Science, Litigation, Activism, and Public Interest Intersect**

The West Virginia Highlands Conservancy has engaged in many precedent setting litigation efforts over the years. Most notable this last decade and a half are the legal challenges to policies and permits that have allowed long-term degradation of streams in southern West Virginia. Weaving together law, science, environmental concerns, human needs, and education, Saturday night's panel will:

Explore some fundamentals involved in understanding, evaluating, and pursuing violations of federal and state law governing mining and water quality in order to formulate reasoned, reasonable and effective litigation;

Debunk the myth that such endeavors might be "frivolous" in nature by looking at the challenges involved with developing factual legal detail, scientific support and testimony, engaging individuals to attest to their interests as plaintiffs, educating the courts, the general public and policy makers about the importance of headwater streams and the complex technical and legal issues involved in protecting them.

Discuss the limitations of even the most successful court cases.

### **Dr. Margaret Palmer moderator/keynote**

Dr. Palmer is a distinguished University Professor at the University of Maryland, College Park, and director of the National Socio-Environmental Synthesis Center. Her research has focused on coastal and freshwater ecosystems with an emphasis on restoration of rivers, streams, and wetlands. An international leader in restoration ecology, she has authored more than 150 publications. Dr. Palmer serves on numerous scientific advisory boards, and for over a decade has served as expert witness in Clean Water Act litigation in West Virginia. Her awards are many and far-reaching. She has addressed numerous and diverse regional and international forums, science-diplomacy venues (e.g., North Korea), and popular outlets like the Steven Colbert show.

## **Mike Becher/attorney w/Appalmad**

Mike Becher joined Appalachian Mountain Advocates in August, 2010 as an Equal Justice Works Fellow. Prior to law school, Mike worked for the West Virginia Department of Environmental Protection as the Stream Partners Program Coordinator, serving as both a community organizer and grant administrator. He then attended law school at the University of Cincinnati where he was an editor for both the U.C. Law Review and the Human Rights Quarterly. Mike spent three years as law clerk to the Southern District of West Virginia in Huntington before joining Appalmad.

## **Angie Rosser/WV Rivers Coalition**

Angie Rosser, Executive Director of WVRC since 2012, brings a background of working in West Virginia on social justice issues in the non-profit sector. Her motivation is both personal and political. Angie serves as Co-Chair of the National Wildlife Federation's Water Caucus, is currently the WV Headwaters Waterkeeper, a program licensed through the international Waterkeeper Alliance. Angie holds a BA in Anthropology from the University of North Carolina at Chapel Hill and an MA in Organizational Communication from WVU, and earlier this year was recognized by River Network with their "River Hero" award.

## **Margaret Janes/retired**

Margaret Janes was a Senior Policy Analyst on coal mining issues at Appalmad starting in 2002. Her primary role was case development related to dredge and fill permits and water pollution permits and citizen standing. She claims to have a national record for the number of Freedom of Information Act requests submitted to state and federal agencies at 400 per year for ten years. Started her environmental work in the early 90s fighting poultry Concentrated Animal Feeding Operations in the Potomac Highlands, she also advocated for strong water quality standards and regulatory policies.

## **Ken Ward/Charleston Gazette-Mail.**

Ken Ward Jr., reporter for the Charleston Gazette-Mail, has been covering West Virginia environmental issues there for more than 26 years, and hosts 2 blogs: Coal Tattoo and Sustained Outrage. A native of Piedmont in Mineral County, Ward is a graduate of Potomac State College and West Virginia University, where he was editor for The Daily Athenaeum student newspaper, which gave him his start covering the state's environment. Ward has received numerous national reporting awards including in 2006, for his reporting on the mine disasters at Sago and Aracoma.

## **9:00pm - Square Dance Featuring Born Old**

Born Old is Paul Gartner and Doug Van Gundy. Making music together for over 19 years, they perform regularly throughout West Virginia and surrounding states, and are regularly featured at the Appalachian String Band Festival (Clifftop) and Vandalia Gatherings.

# Sunday, September 17, 2017

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**7:00am**, Bird walk with LeJay Graffious

**7-8:30am**, Continental Breakfast

**8:00am**, Red Spruce workshop and Tree Planting

We'll join Central Appalachian Spruce Restoration Initiative (CASRI) members to plant red spruce saplings, and tour a Red Spruce forest on the Canaan Valley National Wildlife Refuge. We'll discuss its importance and our efforts to restore it.

**9:00am**, Membership Meeting

A brief meeting where the membership will elect new Board of Directors Members.

9:30am Panel Discussion

**Maintaining Sanity in an Uncertain Future**

Burning fossil fuels has led to climate change. Many of us would like to move to more sustainably produced power, such as solar and wind. But without better batteries, these 'on supply' power sources will not meet our 'on demand' power needs. Also, even these power sources have pros and cons. What will it take to get to a more sustainable lifestyle? How will climate change and alternate energy strategies impact our public lands? What new storage solutions may make wind and solar a more 'on demand' power source? What are the pros and cons of using tax credits to control carbon use? What does the future hold? How do you think the WV Highlands Conservancy should be involved? Listen to our panelists talk about their experience, and then join the conversation. Panelists: **Alan Tweedle**, Composite Transport Technologies Inc.; **John Christensen**, Citizen Climate Action; **Tom Rodd**, Friends of Blackwater; **Evan Hansen**, Downstream Strategies.

**11:30am** Box lunches, afternoon outings

**South Prong Trail/Roaring Plains hike with Perry Bryant.** - The South Prong Trail is a beautiful "single track" trail through "blueberry patches, small bogs, hardwoods, spruce, mountain laurel, and good views" according to the Highlands Conservancy's hiking guide. It's about a two hour hike out to a spectacular overlook looking down on Seneca Rocks with Germany Valley behind Seneca Rocks, then North Fork Mountain followed by ridges in the George Washington National Forest in Virginia (picture attached). While the hike is one of the best in Dolly Sods Wilderness (personal opinion), it is rocky and frequently wet. Good hiking boots are strongly recommended. The complete hike will take 4 ½ hours. In case of rain or heavy fog, we will hike the Middle Ridge Trail in Canaan Valley as an alternative. There's no reason to hike to an overlook only to see rain and fog.

**Sinks of Gandy** – This easy cave follows Gandy Creek for about 1.5 miles under Yokum Knob. Hard hat and 3 sources of light required.

## Celebrating 50 Years T-Shirts!



**Heavy weight Black t-shirts with color "Celebrating 50 Years" logo**  
S, M, L, XL & XXL. Special event prices \$18 each.

**Also Available,**  
**21" square black bandana with color "Celebrating 50 Years" logo.**  
\$5.00 postage included.

## Program Highlights

**Silent Auction** –please bring an item to share!

**Displays/Posters** - Share what you're working on!

## Lodging

Canaan Valley State Park 800-622-4121

- Rooms at the Lodge - WVHC 50<sup>th</sup> special rate of \$119/night.
- Cabin Rentals available to sleep 4-12.
- Campground, with complete hookups.

For a complete listing of accommodations **Tucker County Convention/Visitors Bureau** [canaanvalley.org](http://canaanvalley.org)

Contact us for scholarship, volunteer, and low-cost lodging opportunities. [wvhc50@gmail.com](mailto:wvhc50@gmail.com)

Visit our website for complete details or to register online.  
[www.wvhighlands.org](http://www.wvhighlands.org)

The West Virginia Highlands Conservancy was officially founded in 1967 but the people and groups that came together to form the organization actually began to meet in 1965 while the first issue of The Highlands Voice appeared in 1969. For many years the Highlands Conservancy was THE environmental organization in the state and tackled issues as diverse in topics as in geography. Protecting rivers, Canaan Valley, Otter Creek, Dolly Sods, the Monongahela National Forest, wilderness and other public lands, and opposing illegal coal mining, unwise highway development, and misguided laws and regulations all have deep roots that permeate our history.

# The Highlands Conservancy's Contributions to Wilderness

By George E. Beetham Jr

Before the coming of European explorers and settlers, all of the land in what is now West Virginia was wilderness. Much of the land defied travel. Mountain slopes, laurel thickets (called laurel hells by later settlers), bogs, and forests of red spruce growing so thick a person could scarcely squeeze through all tested the mettle and determination of the hardest explorer.

One such explorer was Thomas Lewis who, along with Peter Jefferson (father of Thomas), set out to establish the Fairfax Line in 1746. Lewis noted in his journal:

*"The laurel, ivy and spruce pines so extremely thick in the swamp through which the river runs that one cannot have the least prospect except he look upwards. The water of the river of a dark brownish color, and its motion so slow that it can hardly be said to move."*

That reality notwithstanding, settlers came and farmed the land, slowly eating away at the wilderness. In the late 19th Century timber and coal companies came. The virgin forest was cut from the mountains. They left behind virtually total destruction. Forest fires finished off the work. One small parcel was left untouched through a surveyor's error: now the Gaudineer Scenic Area near 250.

The environment havoc complete, the federal government acquired much of the land and established the Monongahela National Forest. Under its protection the land recovered. By the mid-20th Century a lot of the forest had returned to wilderness conditions. About the same time recreational use of the forest began to increase. A movement to protect newly established wilderness resulted in the Wilderness Act of 1965.

The fact that much of the Monongahela National Forest is designated as federal wilderness is due in large part to the Highlands Conservancy's leadership and partnerships with other environmental groups, businesses, faith organizations and others. Many of our members also participated in one way or another in the recent efforts for more wilderness in West Virginia – efforts that paid off with the enactment of the Wild Monongahela Act passed in 2009 and signed into law by President Barak Obama.

Until passage of that act, West Virginia's wilderness areas came in two distinct efforts. Dolly Sods (embracing the Red Creek area on the south of Dolly Sods) and Otter Creek were designated in 1975 as part of the Eastern Wilderness Areas Act. Laurel Fork North and South, and Cranberry were designated in a

separate piece of legislation in 1983.

Conservancy members were active in documenting the areas proposed for wilderness, lobbying, and working toward wilderness.

After a 26-year drought in new Wilderness designations, the Wild Monongahela Act expanded three existing Wilderness Areas; Dolly Sods, Cranberry and Otter Creek and it also created three new Areas; Roaring Plains West, Big Draft, and Spice Run, totaling nearly 40,000 acres. Highlands Conservancy members participated in field surveys and inventories to gather information to form a citizen's Wilderness proposal called A Vision for a Wild Mon. It was a success-full result of a strategic campaign coordinated by the Wilderness Coalition. This was a loosely knit coalition made up of the Highlands Conservancy, West Virginia Chapter of the Sierra Club and the Wilderness Society. Supporters lobbied lawmakers, responded to challenges in the press and in governmental proceedings and participated in public information meetings. The Highlands Conservancy's Fall Reviews often served as Campaign promotional events at such legendary locations as the Elk River Inn at Slaty Fork, or at the historic Cheat Mountain Club.

The newly designated Areas provided by the Wild Mon Act were sorely needed, both to preserve ecologically unique areas, and also to provide more wilderness recreational opportunities. The fact was, parts of the existing wilderness areas were being loved to death by hikers and backpackers. The new Wilderness Areas cover a wealth of ecosystems from the broad plains of Dolly Sods and Roaring Plains to the biologically unique areas of Spice Run and Big Draft. Much of the new wilderness will get visited infrequently. Other areas will quickly draw recreational use.

Dolly Sods North, for example, was drawing visitors long before it was acquired by the National Forest Service. Roaring Plains was another popular hiking destination all the way out to Mount Porte Crayon, a trailless peak named after David Hunter Strother's nom de plume for articles and artwork published in 19th Century periodicals (Porte crayon is French for pencil case).

The Wilderness Areas of the Monongahela National Forest offer hiking, hunting, fishing, berry picking, and more. People can stay multiple nights or take day hikes. There are peaks, forest cover, open plains, unique bogs, and more. Photographers

find open vistas and the opportunity to capture both plant and animal life up close. Besides trails, hikers can strike out cross-country if they are experienced in land navigation and map reading.

There are historically rich logging areas where geared steam locomotives once pulled long trains down to lumber mills. Dolly Sods North was used for mortar practice during World War II and old mortar shells are still sometimes found there (anyone discovering such a shell should leave it there without touching it, leave a flag nearby, and report the location to the district ranger in Petersburg). In some places homesteads and other ruins can be found, evidence that our eastern wilderness has been recycled.

Highlands Conservancy members can feel proud that they provided much of the leadership, perseverance, and hard work necessary to bring this wilderness into being. It was in many ways a model of collaboration with other organizations, the Monongahela National Forest staff and the Mountain State's representatives in Congress. The act is a tangible accomplishment that will last long into the future, protecting watersheds, forests, and habitats for wildlife and plants. It embraces unique geological features and climate zones. At times the Monongahela makes its own weather as fronts move from northwest to southeast and wind currents are compressed as they pass up the western slopes of mountains. The Monongahela is classified as a temperate rain forest because of this.

Thanks to the protection afforded by the Wilderness Act and the hard work of the West Virginia Highlands Conservancy it is possible to find places where the conditions described by Thomas Lewis have returned.

Conservancy members can explore and find the conditions by visiting the Wilderness Areas of the Mon. Your best source of information is the Monongahela National Forest Hiking Guide, published by the Highlands Conservancy, now in its 8th edition (the 9th edition will be published soon). You can obtain maps and other information at district ranger centers, visitor centers at Seneca Rocks and near the Cranberry Glades, or from the forest headquarters in Elkins. Rangers will be happy to answer questions and help make your trip a success.

*Dave Saville, who was among leaders in bringing the Wild Monongahela Act of 2009, contributed to this article.*

# Working on Gas Almost Since the Beginning

By Cindy Rank

West Virginia Highlands Conservancy has worked on gas drilling issues since the 1980s. We participated with allies in Legislative hearings and negotiations aimed toward enacting the Surface Owners Rights Bill; served on Committees such as the former WV DNR Water Quality Advisory Committee in formulating ways to deal with pit waste generated by conventional gas drilling.

The Highlands Conservancy partners with local, state and regional groups to actively work to oppose and/or to rein in the harmful practices associated with the more recent unconventional shale gas drilling that utilizes horizontal or directional drilling complete with high volume hydraulic fracturing. Known these days as “fracking” this method of drilling has taken West Virginia and neighboring states by storm both economically and environmentally. Some communities have benefited at least in the short term from the influx of money; others have been devastated by the huge impact to land and water resources required for the new drilling techniques.

And it’s not just the drilling itself that causes harm. From the excessive and dangerous traffic on rural roads, to the imposition of huge well pads for multiple bore holes, to leaks of poison waste water, to air pollution, and disruptive and debilitating noise, neighbors and surface owners have suffered unwanted intrusion on their property and into their lives. Those who have benefited financially have a different perspective and have been able to adapt, but for many – and for the environment as a whole--recent shale gas drilling and its associated facilities have brought more problems than solutions.

The industry is voracious when it comes to water. Many millions of gallons are needed for each well, underground injection of the waste water is literally earth shattering, and above ground treatment of the heavily salt laden waste water laced with naturally occurring radioactive material (NORM) is experimental at best.

Pipelines are monumental, compressor stations belch out bad air, processing plants, cracker plants, and pipelines all bring their own series of problems.

Along with other local and regional groups Highlands Conservancy comments on permits, testifies at public hearings, monitors streams as part of the WV Rivers Coalition and Trout Unlimited program, and participates in administrative and legal appeals with partner groups – the most recent being an appeal of an enormous salt waste landfill that is part of the Antero Clearwater waste water treatment facility in Doddridge County west of Clarksburg.

## Pipelines

Whether threatened by highways, timbering, overdevelopment, or extraction of minerals, protecting the National Forests of West Virginia was an underlying concern of the founders of the West Virginia Highlands Conservancy.

With the boom of shale drilling throughout West Virginia, the proliferation of gas wells has been overwhelming, especially in the northwest counties. As many predicted the bubble has burst and the market for gas has plummeted. But the push is on to move the gas to the east coast and overseas markets to once again stimulate more drilling.

A multitude of questions have arisen about the careless construction of the many in-state gathering pipelines and about the actual need for all the major transmission pipelines being proposed to cut through vulnerable portions of the state, especially National Forest Lands, trout streams, and areas super vulnerable to sediment and spills from pipeline construction where the earth is underlain with caves and karst geology.

The Atlantic Coast Pipeline (Dominion), Mountain Valley Pipeline (EQT), and WB Xpress and Mountaineer Xpress pipelines (Columbia Gas) are among those of particular concern. Where are the markets for the gas? Who benefits from the pipelines? Which of the lines deliver gas to local communities in West Virginia and Virginia? Do we need ALL of these pipelines?

West Virginia Highlands Conservancy has joined local and regional partners in opposing construction of pipelines that will carve up public lands and damage mountain streams and important geological features of the region. We are participating in Federal review of the major transmission lines and meeting with state agencies responsible for overseeing state permitting.

## A First for *the Highlands Voice*

In addition to whatever else the West Virginia Highlands Conservancy has done concerning gas drilling, *The Highlands Voice* can claim a first: it was the first West Virginia publication to predict the coming drilling in the Marcellus Shale.

The April, 2008, issue of *The Highlands Voice* contained this headline

“WEST VIRGINIA: THE NEW TEXAS?” with the sub-headline “Marcellus Shale Natural Gas Drilling Coming to a Town Near You!” The story came from a reader in Texas who had studied the shale gas drilling in the Barnett Shale in Texas. She offered her insights into the effect that the drilling had on communities and economies, including the observation that West Virginia should manage the development so that the economic benefit is widespread. She also advised landowner preparation and self-education in advance of negotiating a lease.

So far as I have been able to determine, this was the first story about Marcellus drilling in a West Virginia publication. The *Charleston Gazette* had a story at about the same time. Because it is a daily publication, its story may have hit the streets before ours did. *The Highlands Voice* was the first publication to have a story laid out and to the printer.

# Water Over the Dams These Last 50 Years

By Cindy Rank

Just as bumper stickers claiming 'Water is Life' can be seen everywhere, one might say water has pretty much been the lifeblood of the West Virginia Highlands Conservancy because just about everything the organization has done these past 50 years is somehow and in some way connected to water.

Love and respect for the clean streams of wild, wonderful West Virginia have inspired many fun times and launched many difficult struggles to protect those waters over the decades. General enjoyment, fun times and fighting the good fight for West Virginia's water seems to have been ingrained in the very foundation of the organization.

The Rodman family and others would come Friday night of weekend board meetings prepared with photos and stories of their latest adventures. Vehicles would arrive at those meetings with beat up and much-loved kayaks and canoes and battered oars tied to the rooftops. Saturday outings on nearby streams would yield even more humorous stories to share before getting down to the more serious business meetings the following morning.

The Conservancy's history is replete with stories about protecting Shavers Fork from mining, vociferously supporting Wild and Scenic Rivers Bill in the 1960's, caring for the unique and native brook trout streams in the Mon Forest, the long campaigns to save the Blackwater from the timber barons and acid mine drainage, and to preserve the unique wetlands of Canaan Valley from being flooded as part of Mon Power's planned pump storage plant and thus paved the way through often heated discussion for the Canaan Valley to become the nation's 500<sup>th</sup> National Wildlife Refuge.

Support for free-flowing rivers came naturally for the founders of the Conservancy and it comes as no surprise to note the Conservancy's long history of fighting dams – on the West Fork, the Gauley, the Cheat, the South Branch of the Potomac, and more. Not all were successful. After decades of struggles, Stonewall Jackson is now home to a manicured golf course, fancy lodge and conference center. However, others like Rowlesburg and those near Marlinton continue to be discussed now and then, not being built but never far from someone's mind.

Prompted by lawsuits by the Highlands Conservancy and others federal

studies prior to the construction of Corridor H focused on many factors including river crossings and stream protection. Still today debates about the last remaining section to be approved involve a major effort to avoid Blackwater Canyon.

Highlands Conservancy's mining litigation often focused/focuses on protecting and cleanup of streams and rivers all across the state – from acid mine drainage in the Cheat, at Cassidy of the Middle Fork, Tenmile of the Buckhannon, and the headwaters of the Little Kanawha; to conductivity and selenium in the Elk, the Gauley, Pigeonroost of the Little Coal, Connelly Branch of the Mud. Regulatory changes and attempts to avoid the law are red meat for the coal industry and the Conservancy has been there fighting the bad and supporting the good. The list is endless....

In the 1980s the Highlands Conservancy participated in the early days of the then WV Department of Natural Resources' Water Quality Advisory Committee as citizen representative and alternate for Citizen Action Group – dealing with issues as diverse as pit waste disposal from conventional gas drilling operations, to salt storage piles at Department of Highway garages, and basic water quality questions.

Those days also found Highlands Conservancy members involved in citizen stream monitoring with Mountain Stream Monitors (MSM), a project initiated to help fill the gap in WVDNR's Water Monitoring data especially for small out of the way headwater streams. Citizen training and official certification by DNR was extended to groups who inevitably began documenting acid pollution in many of the streams they tested. Once MSM began using the data they collected to support legal action against coal mine operators and the state regulatory agency that version of the state certification program came to a halt. MSM training and monitoring continued and expanded to include monitoring sedimentation pollution from timbering and gas well access roads, and documented some of those late night during heavy rains "accidental" breeches of waste water pits at drilling sites.

A Lands Unsuitable for Mining Petition in the acid prone Buckhannon and Middle Fork Rivers met with the rather lukewarm response from WVDNR: "Well, yes, we know there are big acid problems there and we're working with industry to find solutions, but

most of the area is already controlled by mining companies and valid permits.... and besides you all didn't define the area well enough, nor did you substantiate your claims." .... Truth be told, the petition included reams of agency files and company monitoring reports to substantiate those claims. And naively perhaps writers of the petition went out of their way to allow the agency, that admittedly knew the extensiveness of the problem, was better suited to define the specific area where further mining would be off limits.

WV Highlands Conservancy was, however, the motivating force behind the state of West Virginia taking over ownership and the accompanying responsibility for water treatment at the 700+ acre acid oozing DLM mine site on the Buckhannon River. Despite the state's vow to never repeat that move, later lawsuits have held the state responsible for increasing bond amounts and indeed being responsible for forfeited mine sites much like DLM.

In the 1990s WV Highlands Conservancy joined with other state groups concerned about water quality and policy in a coalition called West Virginians 4 Water. WV4H2O worked with the WV Department of Environmental Protection's Environmental Advocate to arrange trips to Philadelphia/EPA offices and to host regular meetings in Morgantown and Charleston with representative from Region III EPA, and later state agencies as well, to discuss the myriad of water issues.

WV Highlands Conservancy was a major plaintiff in a landmark legal suit claiming the state of West Virginia had failed in its mandatory duty to draw up plans for cleaning up impaired waters in the state, plans formally known as TMDLs or Total Maximum Daily Loads, used to set limits on pollutants allowed to be discharged into various state waters that were already impaired by some kind of pollution. The litigation charged the Environmental Protection Agency to assume that duty if West Virginia continued to stonewall. After much negotiating, the state began the long and drawn out process of doing TMDLs that continues today.

In the '90s the Highlands Conservancy also participated in several years of committee meetings, discussions, lobbying efforts,

## Water Just Keeps Rolling On (Continued from previous page)

and finally passage of the West Virginia Groundwater Protection Act. An instigator of that effort was the WV Groundwater Coalition started with funding from Citizen Action Group and leading to the formation of the West Virginia Environmental Coalition of which WV Highlands Conservancy was a founding member.

Similar to the earlier WV4H2O, some of the same organizations, including the Conservancy, are partnered in a Water Policy Workgroup facilitated by WV Rivers to oversee, follow, birddog water quality regulations proposed by the WV DEP for consideration by the legislature. The workgroup meets regularly by conference call, submits comments on pending rules and policy issues. Representatives of the group often make oral comments at public

hearing and follow the proposed Water Quality regulations and through in Legislative process.

Despite a decline in the use of coal in this country, coal mining continues and so does litigation by the Conservancy and others to rein in the abuses of that mining especially as it impacts streams and water resources.

Unconventional Shale Gas drilling has brought unconventional pressure on water resources. The need for huge amounts in drilling and fracking, the problems with disposal of that water once it comes back out of the ground supersaturated with salt and other nasties from the depths are major concerns. The Highlands Conservancy attends hearings and submits comments on some of those developments. With the

Allegheny Blue Ridge Alliance, Dominion Pipeline Monitoring Coalition, the WV Rivers Coalition, and Appalachian Mountain Advocates the Conservancy continues to object to federal and state permitting of the giant gas pipelines that threaten to contaminate native brook trout and other pristine streams in the National Forests and karst area groundwater resources with sediment and spills of drilling mud and other contaminants.

On a lighter note the Highlands Conservancy continues to support and promote the proposed Birthplace of Rivers National Monument designation for the headwaters of six famed rivers in the southern part of the Mon Forest, and continues to be active with Wilderness and Public Lands preservation efforts.

## West Virginia Highlands Conservancy Officers and Directors



**Cynthia D. Ellis** [Cindy] is a retired teacher, environmental volunteer, and enthusiastic birder. She's a veteran contributor to state and federal bird population studies and enjoyed terms as president of Brooks Bird Club and of its Charleston ["Handlan"] Chapter. She administers pages on social media for WVHC and for birders in the Mountain State. Her supportive family includes husband David and big gray cat Ruby, and home is a ridge in Putnam County.

In 2002, Mary Moore Rieffenberger invited Cindy to succeed her as representative from Brooks Bird Club to the Highlands Conservancy. Ellis has served as WVHC president since 2011.



**Larry Thomas'** professional career started in 1962 where he worked his way up from a staff accountant to partner, responsible for a client base of seven banks, over one hundred not-for-profit organizations, many of which were national in scope, over one hundred for-profit organizations including printing, construction and construction related, medical and various other industries and during his career participated in or led at least 12 mergers or acquisitions for various of those clients.

He retired from his career in public accounting in the Washington, D. C. metropolitan area and because of his love for the mountains now lives high on North Mountain in Pendleton County, West Virginia. His interest in working with the West Virginia Highlands Conservancy is to advance public knowledge and understanding of the: cultural, biological, environmental diversity, uniqueness, and sensitivity of our major ridgelines and to advocate governmental policies for the conservation and wise management of energy and natural resources of the Allegheny

Highlands, for present and future generations of West Virginians and Americans.



**Frank Young** was born and lived nearly three decades of his life near Charleston WV, in an area that had several small strip mining and bench mining (aka "punch mining") coal operations. His farm family directly experienced the ravages of nearby virtually unregulated small but destructive mining for coal.

Frank spent his early working life in retail and wholesale food sales, and later was owner of automotive sales and service businesses at Ripley in Jackson County WV, where he has resided since 1974. In 1989, through his close friend the late Carroll Jett, Frank became associated with WV Highlands Conservancy. By about 1992 he had joined the board of directors of WVHC, and was its president from 1998 to 2004.

Today Frank is retired from gainful employment, but keeps himself busy as a WVHC board member, as an officer of WV Environmental Council and of the WV Wilderness Coalition. His varied forays into West Virginia politics include candidacy for public office, Treasurer and later Chairman of the WV Mountain Party, and various volunteer committee roles with the Green Party of the United States. His wife, Becky, while not an "activist", often travels to environmental meetings with Frank and always tolerates his near obsession with environmental, economic and overall social justice endeavors.

(More on the next three pages)



**Beth Little** never felt at home until she moved to West Virginia. In the meantime she was happiest on camping trips in the Appalachian Mountains. Now she is happily at

home. Some study found that people feel safest on a high place surrounded by open ground, as in a savanna. Beth must not be normal. She feels safest in the woods with big trees around her.



**B u f f Rodman** grew up in Pennsylvania, but spent most weekends in West Virginia. My parents, Sayre and Jean Rodman, were members of the Pittsburgh

Climbers organization, and that group was very involved in the formation of the West Virginia Highlands Conservancy. Both of my parents served on the board before me. The mountains, rivers, caves, and backroads of West Virginia, especially in the northern Mon Forest, seem as familiar to me as my own backyard. There's no doubt that all that time spent in some of the wildest parts of West Virginia helped to spark my interest in geology, the environment, and natural science in general. I enjoyed my time working first as a geologist, then as an environmental science teacher. And I still treasure every moment I get to spend in the mountains of West Virginia.

I got to see the Conservancy in action as I watched my parents, along with many others, work to gain protected status for places like Otter Creek, Dolly Sods, and the Cranberry Backcountry. Of course, to me as a kid, these were just great places to hike, camp, poke around in the creek, and get head to toe muddy and soaked. I took them for granted and never questioned that they would always be there. It wasn't until I had seen more of the world that I realized how unique and valuable all of these places are, and how much they need to be preserved for anyone and everyone.



**William P.(Bill) McNeel** has deep roots in the mountains of West Virginia with his father's family living in what is now Pocahontas County since before the Revolutionary War and his mother's family

since the early 1800s. He was born in Charleston in 1939 and grew up there, but came to Pocahontas County after college graduation to teach high school. After several years of teaching (including two in Australia), he began working for The Pocahontas Times, which was purchased by his mother's family in 1892. He was editor for 25 years before retiring in 2008; He has a BS degree from Marietta College and a MS degree from the University of Oregon.

His love of and concern for the protection of our mountains can be traced back to the many visits made to his parents' home county of Pocahontas while growing up. Also the influence of his grandfather, Calvin W. Price - an early conservationist and for whom a state forest is named - must also have played a major role. He considers the WVHC to be one of the most important protectors of our state's environment since its 1967 formation. I am proud to have been a member almost since the creation of the organization and am honored to have served on the group's Board for many of the past fifty years.



**J o h n M c F e r r i n** has been a member of WVHC since 1982 shortly after he moved to West Virginia from Eastern Kentucky. He was a lawyer for his working career. He

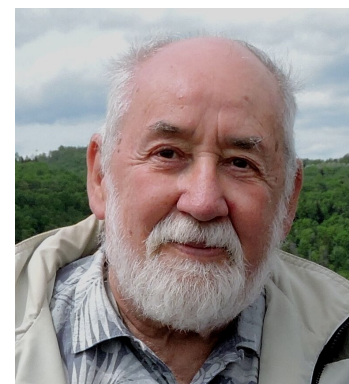
served as President from 1994 through 1998. Since 2002 he has been the Editor of *The Highlands Voice*. He lives in Morgantown.



**Adam Casseday** is a native of Randolph County and a graduate of Elkins High School. His pursuits in higher education led him to a degree in Exercise Physiology in 2001

from West Virginia University. He then continued his education at Pennsylvania College of Optometry where he received his Doctor of Optometry in 2005. He has served the citizens of southern Randolph County and surrounding communities for over 11-years through his employment at Valley Health Care, Inc. – where he is the head of Optometry and Medical Director.

Dr. Casseday resides in Elkins with his wife and two sons. His interests outside of work include trail running, trail maintenance and improvement, and advocating health and wellness through outdoor adventures. He also enjoys race directing and is the co-director for the Highlands Sky 40-Mile Trail Run and the WV Trilogy. In 2011, Adam completed a supported thru-running of the entire Appalachian Trail; 2,181 miles from Georgia to Maine. Dr. Casseday is also the Vice President of the WV Mountain Trail Runners, a member of the WV Highlands Conservancy Board of Directors, and is a member of Tygart Valley Lions Club.



**Jim Van Gundy** (Dr. James J. Van Gundy) is a retired professor of Biology and Environmental Science who spent the bulk of his professional career at Davis &

Elkins College. He has also been involved with the West Virginia Master Naturalist Program since its inception as an instructor and also as author of several sections of the program's Student Training Manual. Originally from western Pennsylvania, Jim has lived in West Virginia since 1975.



My name is **George Hack** and I have been a WVHC Board Member since 2016 and a WHVC Member since 2010. I am a full-time State of Maryland resident who is fortunate enough to have a vacation home in lovely Harman, WV since 2010 where I am also President of the High Mountain Owners Association and also involved in Trout Unlimited's Stream Monitoring Program. I became involved with WVHC when we were researching the purchase of our vacation home and the topic of Corridor H came up and when I researched the internet for information about Corridor H that is when I found the WVHC which provided us information that was very helpful in making the decision. I became a WVHC member after that and when I saw in 2016 that WVHC was looking for a new Board Member I made contact with Cindy Ellis and the rest is history. Being a Board Member of WVHC has given me the opportunity to give back and help protect an area that has become very special to my family and I in the 20+ years we have been vacationing here and where we now own a home. The WVHC is a great group of people and I look forward to being part of the WVHC for many years to come.



**H u g h Rogers** came on the board in 1994 and has been chair of the Highways Committee since then. He served as president from 2004 to 2011. He is currently editing a new edition of the Highlands Conservancy's

Monongahela National Forest Hiking Guide. Hugh has practiced law in North Carolina and West Virginia, and he has taught legal subjects in Korea, as a Peace Corps Volunteer, and at Davis and Elkins College, as an adjunct professor. Hugh and Ruth have lived in Randolph County for forty years. They help run Saranam Retreat Center in Montrose, which they established in 2006.



**L e J a y Graffious** had a thirty-six year career as a teacher (12 yr) and principal (24 yr) in Preston and Monongalia Counties, WV. He has had a lifelong interest in the natural world. His special interest in

bird watching has led him to many unique locations and introduced him to many like-minded friends. He has completed his Master Naturalist certification. After a thirty-three year friendship with authors, George Bird and Kay Evans, he is currently a director and administrator of the Old Hemlock Foundation managing their physical and intellectual property to promote and preserve their legacy. He explores his interest in bird watching through bird banding, doing population monitoring and educating people through programs, classes and guided walks.



**George E. Beetham Jr.** has been a board member since around 2001. He is a former journalist, working as a reporter in Waynesboro, Va., and a weekly newspaper editor in Philadelphia, Pa.

He has written extensively about environmental issues, including wilderness issues and a weekly earth science column. He was an active backpacker until his knees went bad. He is a self taught baby geologist.

He values the wilderness, both designated and not designated, of West Virginia. It is this value that West Virginia needs to embrace. Eco-tourism will help the economy of the Mountain State.

**Randy Kesling** has a biology degree from West Virginia University and worked most recently for the Department of Energy in Morgantown. He retired eight years ago. He is active in the Mountaineer Chapter of Trout Unlimited. He lives in Bridgeport.



**Dr. Wayne Spiggle**, a retired physician, has two driving passions. He is fighting for a "Medicare for All" program in the US and believes this is necessary if the American people

are to experience the health care they have a right to expect. And his dander gets up when big business imposes their costs on the people and the environment. Issues that have his attention include strip and long wall mining, fracking, pipelines, long haul garbage and inappropriate siting of wind turbines.

A grassroots member of the Conservancy since its early days, he grew up in Davis, WV and attended Berea College, a school oriented to teaching young people about their Appalachian heritage in the hope they will return to their native region and become activists for social justice.

While Cindy Rank and friends were leading the charge in WV, Wayne organized the strip mine battle in Maryland. Maryland continues to prohibit strip mining in state owned land and on slopes exceeding twenty degrees.

He promoted the Canaan Valley National Wildlife Refuge much to the chagrin of his family and friends at home. He supports the efforts of Save the Blackwater to establish a national park in the highlands.

**Peter and Marilyn Shoenfeld** have been involved in the West Virginia Highlands Conservancy for over 30 years. Peter was on the Board from 1988 until 2016 when he became an Emeritus Board member. He designed and managed the first web page for the Conservancy and later became involved in the wind energy issue. He was active in the Mon 2000 hiking campaign as well as many other WVHC initiatives. Peter is motivated by his love of West Virginia and particularly the Highlands.

Marilyn has been on the Board since the mid-90's and shares Peter's love of West Virginia and the Highlands. They moved to Canaan Valley in 2004 and have been living happily there since. Marilyn has been involved in Public Lands and many other issues with the WVHC.



**Cindy Rank** grew up in Pittsburgh PA, attended college in Wheeling, WV and graduate school in Milwaukee, WI before returning to

Pittsburgh to marry Paul and teach and work in campus ministry at Duquesne University. In 1971 a chance visit to West Virginia led to the purchase of a bit of hillside property in southern Upshur County and building a cabin which grew like Topsy into becoming their home for the last 45 years. She helped establish, then worked as finance officer at a primary health care center in Rock Cave.

In 1977 together with a couple dozen neighbors she helped organize Friends of the Little Kanawha to protect their communities and streams from strip mining and acid mine drainage. When the group appealed to the West Virginia Highlands Conservancy for assistance she agreed to sign on as an active member of the Conservancy. She has been a member since 1979, served as President from 1988-1994 and continues to serve on the Board as Chair of the Mining & Extractive Industries Committee.



**Dan Radmacher** is a freelance writer, editor and web designer. He is the founding writer and editor of WritingLeft,

which helps progressive advocacy groups with communications. He was editorial page editor of The Roanoke Times for five years and editorial page editor of The Charleston Gazette for 10 years. He has worked at newspapers in Virginia, Florida, West Virginia, Illinois and Missouri. His writing and advocacy work have long focused on the environment, especially the environmental impacts of coal mining.



**Jackie Burns** has a bachelor's degree in Wildlife Biology from West Virginia University. She worked for thirty years for the US Fish and Wildlife Service. For most of that time she

worked in visitor services, teaching people about nature. Though retired, she still enjoys sharing nature with others. Each year she helps with Master Naturalist programs, WV Wildflower Pilgrimage, Canaan Valley Birding Festival and bird banding on Dolly Sods with the Allegheny Front Migration Observatory. She also enjoys various crafts and teaching yoga. She joined the board of the WV Highlands Conservancy in 2012.



**Randall Rumer** lives and farms in Greenbrier County, WV having raised fresh herbs, sheep and cattle since 1984. He has explored, mapped and studied caves and karst landscapes in North America for over 40 years. He is currently working with USDA and partner organizations involved in natural

stream restoration projects, protecting riparian areas and enhancing native fisheries and wildlife habitat. He has been involved with the National Ski Patrol and the ski industry in WV for 20 years. He never misses a chance to take a good long walk through any of the many wilderness and backcountry areas of the eastern National Forests.



**Rick Webb** has been a member of the Highlands Conservancy since the 1970s when he worked in opposition to the coal industry's environmental abuses. He has degrees from

Davis and Elkins College and the University of Virginia. He is now retired after thirty years at the University of Virginia, where he was a Senior Scientist in the Department of Environmental Sciences and where he conducted research on the biogeochemistry and ecosystem integrity of forested mountain watersheds in the central Appalachian region. During his career he managed regional stream research and monitoring programs, he participated in a number of regional assessments concerning the impacts of acid precipitation, he contributed to the development of conservation agency protocols for stream and watershed monitoring, and he served as an expert witness in multiple U.S. Department of Justice cases concerning the effects of power-plant emissions on mountain streams. He currently works as Program Coordinator for the Dominion Pipeline Monitoring Coalition. He and his wife, Susan, live in the mountains of Highland County in Virginia.



**Bob Marshall** has served as treasurer for WVHC for the past 20 years. He is a practicing veterinarian living in Kenna WV with his wife Beth 3 dogs, 2 cats, 8 horses ,and 12 chickens

on a 127 acre farm. His primary interests are public lands conservation, renewable energy, and extractive industries issues.

## Other Reasons to Celebrate

The West Virginia Highlands Conservancy is not the only one with a reason to celebrate. Here are some of the others:

### Brooks Bird Club Celebrates Its 85<sup>th</sup>

West Virginia Highlands Conservancy friend and institutional Board member The Brooks Bird Club is celebrating its 85<sup>th</sup> Anniversary. Congratulations!

The Brooks Bird Club, Inc. is an independent, educational, non-profit organization which promotes the study and enjoyment of birds and other elements of the natural world. Its purpose is to inform members and the public of environmental issues, to encourage intelligent use of our natural resources and preservation of our natural heritage. The club undertakes studies which have scientific value, including population and breeding bird surveys. The symbol of the club is the American Redstart, a wood warbler with black and orange plumage.

The club was founded in 1932 by John W. Handlan and a group of enthusiastic young people. Mr. Handlan led the group on weekly bird walks in Oglebay Park, Wheeling, West Virginia with A. B. Brooks, a well known West Virginia naturalist. A. B. had a great influence on the club's knowledge and philosophy, thus the club's name.



**Sutton's Warbler**

### Larry Thomas Turns 75

The family of long time officer and board member Larry Thomas wishes to send greetings and best wishes on his 75th birthday to a super dad and grandfather. They honored Larry with a donation to the West Virginia Highlands Conservancy and shared this photo with us.



***Happy 75th Birthday Pappy!***

### A Celebratory Hike

To celebrate the 50th anniversary of the West Virginia Highlands Conservancy and the 75th anniversary of the Kanawha Trail Club we're having a joint celebratory hike! It will be on September 30, starting at 9:00 a.m. in Kanawha State Forest. We will meet at Dunlop Hollow parking area, shuttle to Trace Fork trailhead, and Hike 7 miles back to Dunlop Hollow on the Mary Ingles Trail. The Mary Ingles Trail was developed by the Mary Ingles Trail Blazers in honor of a frontier heroine.

Learn about the history of the two anniversary organizations, Kanawha State Forest, and Mary Ingles, and learn about some of the rare bird and wildlife species that call the Forest home. Our plan includes refreshments [sandwiches, chips, drinks] at the end of the hike.

Rumor has it that if the weather cooperates, we may have some living-history interpretation along the way.

Please RSVP by leaving a message with Cindy Ellis, so we can know how many vehicles for shuttle transportation 304 586-4135, [cdellis@wildblue.net](mailto:cdellis@wildblue.net)

## Save the Greenbrier River Save Monroe County and Peters Mountain Celebration

Summers County 4 H Camp

Oct 7th 12 noon till 5pm

Buffet Lunch . Pipeline Workshop . Music

50 /50 raffle

Donation Suggested

Sponsored by Sweet Springs Park Foundation

West Virginia Highlands Conservancy

WV & VA Chapters of the Sierra Club

POWHR( Protect Our Water, Heritage, Rights)

West Virginia Citizen Action Group

Greenbrier River Watershed Association

Save Monroe Indian Creek Watershed Preserve Monroe



Help Raise funds to fight the Pipelines

<http://www.campsummerswv.com/visitor-info/directions>

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# The Highlands Voice

Volume 50      No. 9      September, 2017

### What’s Going On?

As you might have already noticed, this is no ordinary *Highlands Voice*. It looks different because this issue (especially the middle eight pages) doubles as the program for our Celebration of our Fiftieth Anniversary on September 15 through 17. The stories are all about history of some of the things we have done over the years. There is next to no news.

The regular *Highlands Voice* will return next month with its usual blend of news about what we are up to, fun, a little poetry, etc. Enjoy this trip down memory lane as we celebrate the past and look to the future. *The Highlands Voice* will resume reporting on that future next month.



April Begins in Dolly Sods Photo © Jonathan Jessup

### What’s inside

Thoughts from President Cynthia	2	Gas	17
History of highways	3	A First	17
Mining	4	Water	18
Canaan Valley Wildlife Refuge	6	Officers and Board members	19
Celebration program	7	Other celebrations	23
Celebration schedule	10-11		
Beauty	12-13		
Celebration schedule	14-15		
Wilderness	16		

### The Rest of the Story

No look at our history would be complete without acknowledging and thanking our chronicler, David Elkinton, and his book *Fighting to Protect the Highlands, The First Forty Years of the West Virginia Highlands Conservancy*. Thank you.