



The Highlands Voice

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Governor Justice Has Plan for State Parks: *Timberrrrrr!*

By John McFerrin

A bill to allow commercial logging in West Virginia's State Parks has been introduced in the West Virginia Legislature. The bill, Senate Bill 270 (SB270) and House Bill 4182 (HB4182), was introduced at the request of Governor Justice. This bill would end an 80-year ban on logging in West Virginia's State Parks.

If the bill becomes law, West Virginia plans to borrow fifty million dollars to use on park maintenance. It will then cut enough timber each year to make the payments on the loan.

The Governor and supporters of the bill contend two things. First, they contend that we need the money for maintenance of the Parks. They contend that we have not consistently kept up with maintenance in the past so that now the Parks are deteriorating and need a substantial sum of money to repair.

Supporters also contend that some logging is necessary to maintain the health of the forests in State Parks.

Supporters contend that the logging will be limited and unobtrusive. The bill allows logging as part of "a sound silvicultural management plan." It also restricts the logging by saying, "Any prescriptions written relating to timber harvesting shall not exceed

the average of four trees per acre per tract nor more than one half of the merchantable timber volume of the acre. Only trees with a circumference of at least sixteen inches based on the diameter at breast height, may be harvested."

The bill leaves many questions unanswered. Its restriction of four trees per acre is an average for the entire tract being considered for timbering. With a large tract, many more trees could be cut on individual acres and still meet the bill's average of four trees per acre. Neither does it address the problems that come with logging, particularly the roads that would have to be built to reach the trees to be cut. The bill also leaves out any definition of "sound" management. It is left for the Director of the Department of Natural Resources and the Director of Forestry to decide. Forest health, wildlife, clean water, and recreation are not mentioned in the bill as requirements of the management plan.

The bill also does not specify which Parks would lose their timber. In interviews, public officials have identified the larger Parks such as Watoga, Cacapon, Lost River, Holly River, Twin Falls, and Cedar Creek. These Parks are big enough that, according to

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Thoughts from our president

Another Year, Another Full Plate

By Larry Thomas

January started the new year with a lot of activity. I believe you could say it came in like a lion. From the proposed pipelines, proposed logging in our state parks and the quarterly board meeting it has been very busy as well as disturbing.

First was a tour of the proposed ACP pipeline route through south eastern Highland County, Virginia. What an eye opener. Rick Webb, WVHC board member and Program Coordinator of the Dominion Pipeline Monitoring Coalition led the tour to three problematic areas within the route.

First, we traveled to a steep (almost perpendicular) ridge that will be crossed. I do not see how they will not cause significant environmental damage crossing that ridge and there is no way I would want to be operating the equipment going up or coming down that ridge. A water monitoring device has been placed in the stream below the crossing to monitor stream quality

Second, we traveled to a farm laden with karst features. Walking the survey line, we saw many violations of the protocol, to include the route going through the middle of a sinkhole.

Last, we hiked up a ridge to get a view across the valley of a ridge where they will remove fifty feet of the ridge to get to a level to accommodate the right of way needed. Dominion has stated they will restore the original contour of the mountain when finished. I drove home shaking my head.

WVHC is a part of the Dominion Pipeline Monitoring Coalition (DPMC), which is now a part of the Allegheny-Blue Ridge Alliance (ABRA). DPMC is an organization of citizen volunteers, conservation groups, and environmental scientists convened in response to Dominion's proposed Atlantic Coast Pipeline across the George Washington and Monongahela National Forests and the adjacent mountains and valleys. ABRA is a coalition of over 50 organizations in Virginia and West Virginia.

On January 22, ABRA and DPMC launched a citizen initiative to monitor construction activities of the Atlantic Coast Pipeline (ACP). The objective of the Pipeline Compliance Surveillance Initiative (Pipeline CSI) is to ensure strict application of environmental laws and regulations for the ACP.

"We strongly believe that the ACP is unneeded and cannot be built safely without causing permanent damage to the environment, particularly critical water resources," stated Rick Webb of the DPMC, who is chairing the development of the new ABRA program. "We will continue to challenge the government decisions involving the project. But, with certain pre-construction activities already underway, citizen oversight is essential given the limited resources of government agencies that are responsible for regulating pipeline construction."

Continuing, Webb said "the need for citizen oversight of pipeline construction has been made clear by observations of recent pipeline projects and ineffective government agency response to repeated violations and water resource harm. We have no reason to expect more from the agencies during construction of the ACP, if finally approved, given their failure to require submission of complete environmental plans prior to project approval. This deferral of critical review and analysis sets the stage for significant and long-term degradation of high-quality streams and groundwater supplies."

The Pipeline CSI is gathering in-depth data and assessing the landscape the ACP is proposed to cross to fill in information gaps in official records. The effort will involve hundreds of volunteer observers in Virginia and West Virginia. The program will include extensive water quality monitoring and aerial reconnaissance. Initial phases of the Pipeline CSI will focus on mountainous areas of the pipeline route, where ACP construction threatens water quality in the headwaters of some of the major watershed systems in the eastern United States. Results from the information gathered will be shared with regulatory agencies and the media.

The next big issue to confront was the announcement on December 17 by West Virginia Commerce Secretary Woody Thrasher stating "Timbering activities will be increased on state park lands, with the goal of clearing old forest while producing revenue that can be pumped back into park improvements. Our state parks are exquisite but boy do they need some TLC,"

He estimated \$40 million to \$50 million could be raised through increased timbering in the forests surrounding state parks.

"If we're really going to ramp up tourism, which is really a goal of this governor, we want to have a nice product when people come to visit. So, we need to fix up our state parks,"

"What's the best way to do it? We've got tens of thousands of acres of forests on state parks that are some of the finest timber anywhere. On a very, very, very limited basis, we want to harvest some of those trees. It's great for wildlife, it will improve the parks, and the beautiful thing about it is, all that money goes right back into the parks to fix up these lodges and cabins. I think it is a no-brainer. I think it makes great sense."

That prompted twelve environmental groups to request a meeting with Secretary Thrasher to express our concerns with logging in the state parks and to suggest alternative sources of revenue to fund what we agreed are needed improvements to our state parks.

Several days later Senate Bill 270 to allow logging in West Virginia's State Parks was introduced in the 2018 Legislative Session at the request of Governor Justice indicating our State Parks face a \$50 million maintenance backlog. The Governor suggests that logging revenue would be used to secure a 20-year bond to pay for it. Next House Bill 4183 was also introduced in the House.

The conservation groups across the state--now known as Save Our State Parks, or SOS Parks-- quickly united to oppose SB 270, HB 4183 and any commercial logging in West Virginia State Parks.

That action prompted Secretary Thrasher to request a second meeting. SOS Parks groups presented eight of their funding ideas to encourage Secretary Thrasher to withdraw the Governor's logging bill, which has been met with stinging public criticism, including from within the Governor's own party. Agriculture Commissioner Kent Leonhardt became the most prominent Republican to speak out against the bill.

(A little more on the next page)

Corridor H: Must a Bad Project Be Badly Done?

By Hugh Rogers

One day last September, I drove over to the Cherry Fork end of South Haddix Trail in northern Randolph County. Our friend Barbara Weaner, who lives at the other end of the trail, had told me that Corridor H construction had begun near Monongahela National Forest land. South Haddix is the closest trail to my home. For a couple of years, there had been a sign at the trailhead, informing hikers of its imminent closure; and long before that, maps had shown how the highway would carve up the trail. Still, I wasn't prepared for the mess.

Neither was the Forest Service. In October, on a field visit to see how the Department of Highways Erosion and Sediment (E&S) Control Manual was being implemented on private land, their soil scientist found mud everywhere; bare soil eroding into streams; useless silt fences blocking culverts and run-over filter socks lying in ditches; lack of water bars, seeding or mulching on skid trails and haul roads; sediment basins too small to contain the sediment load; logging continuing on saturated soils; two-foot-deep ruts . . . the list went on and on.

Forest Service staff, I was told, were concerned. Meetings were arranged with the highway department, which was equally disappointed. There would be no further clearing and construction until the controls were in place, they said. Regular field reviews were scheduled with the government agencies, Michael Baker Engineering (the "third party" environmental monitor), and Kokosing, the general contractor.

The contractor's Erosion and Sediment Control supervisor seemed to misunderstand basic water quality

protection under the Clean Water Act. He had assumed that only "sensitive" streams required more than a bare minimum. He admitted that this was his first Erosion and Sediment project.

Subsequent visits have found haphazard compliance. Water bars have been spread too far apart, or badly sloped, or run over with heavy equipment; mulch has been sparsely applied; silt fences buried under soil; sediment basins failed; soil pushed down slopes into tributaries. The concept of controlling water as far upslope as possible, to reduce erosion and keep sediment from leaving the watershed, hasn't gotten through. Already, the Forest Service has spent far more time on this Special Use Permit than they had anticipated, and it's clear that close monitoring, teaching, and cajoling must continue.

How did this happen?

For two years, we reported on how J.F. Allen Company silted up Beaver Creek (see "Corridor H: Pollution as Usual," *Highlands Voice* September 2015). The Department of Environmental Protection (DEP) cited monthly violations, compiled them into consent orders, levied small fines, and let the process continue. And that stretch of the Corridor, from Davis to Mt. Storm, was the easy part. We dreaded what J.F. Allen might do on the complex terrain between Kerens and Parsons.

Fortunately, we thought, the contract for the current section was awarded to Kokosing, an Ohio company with a good reputation. Kyle Weaner, Barbara's son, observed that the subcontractor who carried out core drilling for the final design had done everything necessary to protect streams and slopes. So it has been shocking to see

the damage, in the first months and miles of a multi-year, seven-mile contract.

According to Troy Waskey, District Ranger for Cheat-Potomac, the Forest Service and the DEP are working closely together to "raise awareness" and enforce Erosion and Sediment standards. They welcome citizen participation. Photographs of areas of concern should include time, date, and GPS coordinates.

The situation does make us wonder. We have said from the beginning that this was the wrong project in the wrong place, and we worried as it entered particularly sensitive territory. Until now, we hadn't imagined it carried a curse.

**A happy Groundhog Day
to you and yours from the
West Virginia Highlands
Conservancy!**



Another Year, Another Full Plate (Continued from previous page)

The funding ideas include increasing the state park's share of purchase card rebates and apportioning some state lottery proceeds to park capital projects. Another proposal is a modest surcharge on accommodations in the parks. The parks host 700,000 overnight guests each year. With the proposed bond focused on improving facilities, a small capital improvements surcharge could be added to fees or reservations at state park lodges, cabins, and campgrounds. After a strong admonishment for our actions, we were disappointed when Secretary Thrasher stated that he is standing by the bill to allow commercial logging operations in the parks and that he would review our suggestions after the legislative session. Therefore, our strong opposition continues.

The Board met on January 21, discussing a full agenda of topics which John has discussed in this issue. We want to thank everyone for your continued support.

West Virginia Environmental Council in Midst of Legislative Mayhem

By Frank Young

Legislative Session Preparations:

The West Virginia Environmental Council (WVEC, aka "E-Council") is, as its name suggests, a council or coalition of several environmental organizations whose general purposes include conservation of the natural resources of West Virginia and the region, and dedication to the improvement and preservation of the environment through education, grassroots organizing and coalition building, leadership development, and media outreach.

WVEC then, is primarily the lobbying arm of West Virginia's organized environmental community. WVEC lobbying activities include lobbying the state legislature as well as monitoring and advising, and hopefully educating, various agencies of government on appropriate administrative rules and procedures relating to the environment, and the carrying out of governmental duties to protect the environment from unhealthy and unwise exploitations.

WVEC annually develops what it loosely calls its "legislative priorities" for the following year's regular 60 day session of the state legislature. Development of those priorities begins with polling of WVEC member organizations about their preferred items requiring legislative action.

But as the membership of the state legislature has become increasingly conservative or reactionary with the elections of 2014 and 2016, every WVEC member group cautions that playing defense against pending but unknown "bad bills" that are introduced is becoming the most important and time consuming task of WVEC lobbyists. These "bad" bills are usually promoted by well funded industry groups and their lobbyists.

For 2018 the couple dozen or so initially suggested lobbying priorities has been distilled and combined into the broad categories of (1) Water Defense, (2) Energy Efficiency and Renewable Energy, (3) requiring affirmative determination of the health impacts of Department of Environmental Protection (DEP) rules, and (4) Property Rights Issues. Refining further, WVEC's top three priorities for 2018 are: (1) to defend air and water, (2) to rein in fossil fuels, and (3) promote renewable energy and energy efficiency.

To actually walk the halls of the state capital building to lobby and inform legislators, WVEC has hired experienced progressive lobbyists Karan Ireland and Crystal Good. Both Karan and Crystal were initiated into volunteer lobbying in response to the Kanawha Valley water contamination crisis in January, 2014.

WV E-Council's 2018 lobby team will also include WVEC board members and other unpaid citizen lobbyists, as well as, for certain issues, lobbyists for other allied organizations.

The Current Session:

As this report is being written, the state legislature is in its 4th week of the 2018 session. To date 1,331 bills have been introduced. By the time you read this many of those bills will have already been deemed "dead"- at least for the 2018 session. Many others will be "stuck in committees" and so will never make it to the Senate or House floor for a vote. So far only one bill has actually been passed by both houses of the legislature- a relatively minor bill relating to eliminating certain film production tax credits. So early in the session things move pretty slowly overall.

The following brief discussion of some environmental related bills that have been introduced in either the Senate or the House is mostly an exercise in "flash in time" reporting. That's because from this point on a bill's status can change quickly. Some bills will be rejected by their assigned committees. Other bills will be approved as introduced, or modified (amended) by the committee(s) before being either rejected or approved and sent on the Senate and or House floor. The legislative committee system can be arbitrary and disappointing- depending on the whims of committee Chairs and House and Senate leaders who more or less direct committee Chairs based on their own preferred bill outcomes.

The two bills that have generated the most environmental concern to date are Senate Bill 270 and House Bill 4182. These bills would allow commercial timbering/ logging in West Virginia State Parks. The stated purpose of these bills would be to sell State Park timber for monies that would be used to perform a backlog of State Park maintenance. Introduced by request of the governor during the first week of the session, these two bills have generated hordes of citizen protest opposition in the form of thousands of phone calls and letters to legislators and to the governor, newspaper editorials, and letters to the editors of newspapers statewide. WVEC's current tally of public comment on logging in State Parks is that opponents of State Park logging outnumber supporters by about ten to one. These bills are currently in Natural Resource and Finance committees.

House Bill 4268 is the "forced pooling" bill. Named the *Cotenancy Modernization and Majority Protection Act*, this bill provides that use and development of oil and gas mineral property that has been consented to by three fourths of the oil and gas owners is permissible, is not waste, and is not a trespass. In other words, the bill would force an owner of oil and gas minerals beneath the surface of a property to allow development (extraction) of those minerals without the consent of the owner(s).

Senate Bill 410 would direct the appointment of an "industry advocate" within the Department of Environmental Protection (DEP). The bill establishes powers and duties of the industry advocate, and provides for salary and staff for the "industry advocate".

Ironically, House Bill 2909 would abolish the office of Environmental Advocate at Department of Environmental Protection. Yes, you read correctly. SB 410 would appoint an "industry advocate" while HB 2909 would abolish the DEP's only official Environmental Advocate. Some of us suggest that the entire DEP ought to be the Environmental Advocate. But others, including current DEP Director Austin Caperton, insist that the DEP should be an agency that holds out a big, green "Go" sign to applicants for industrial pollution permits.

Am I putting words into the Director's mouth? NO! At a recent environmental conference this writer heard with my own ears Director Caperton brag that he had turned the DEP agency's "culture" from one of holding up a STOP sign to industry to a culture of green lighting any reasonable project. And guess who decides what is reasonable? Yes, industry's hand-picked (via our coal operator Governor, Jim Justice) DEP Director decides what is "reasonable".

Plan to Timber State Parks (Continued from p. 1)

officials, the logging could be far enough away from the parts that are most heavily used to be less obtrusive.

A proposal so radical as to reverse eighty plus years of law and policy is not without its critics.

Critics say that it has long been the policy that Parks were to be preserved for recreation and wildlife habitat. In the past, critics of proposals to log in State Forests were told that State Forests (where limited logging is allowed) were for multiple uses, including logging. If those who opposed logging in State Forests wanted to avoid logging, they were advised to go to State Parks.

This bill changes all that. If this bill passes, there will be no place on state owned land where someone could go and avoid logging. The bill changes the purpose of Parks from “preserving” to “maintaining” the Parks’ scenic, aesthetic, scientific, cultural, archaeological or historical values or natural wonders, or providing public recreation.

Critics also contend that protestations about enhancing forest health are a smokescreen; this is all about the money. To some extent this has to be true. If payments on the loan are due every year, the Department of Natural Resources will have to log every year no matter what any considerations of forest health might require.

Opponents also say that arguments about “forest health” are really judgements about what kind of forest West Virginia wants. The overwhelming majority of the forest land in West Virginia is in private hands. It is managed for timber on a long rotation basis. The land is timbered and then sits there until it has some value again. Then some combination of the market and landowner interest results in it being timbered. To many people, this produces what they consider a healthy forest. It is also a forest that favors certain species of wildlife. It is a forest that produces more lumber but never results in a mature forest.

If we allow State Parks to grow into mature forests, we will have a healthy forest that favors different species of wildlife. If we want to ever have anything other than the kind of forest managed to produce timber, we need to keep timbering out of State Parks.

A coalition of groups has formed to oppose this bill. Its members include the West Virginia Highlands Conservancy, Christians for the Mountains, Eight Rivers Council, Friends of Blackwater, Friends of the Cheat, Kanawha Forest Coalition, Mountain Lakes Preservation Alliance, WV Chapter of the Sierra Club, WV Environmental Council, WV Rivers Coalition, WV Wilderness Coalition, WV Scenic Trails Association, and West Virginians for Public Lands.

What You Can Do to Help

Even if it is a cliché it is still true: the Legislature is supposed to reflect the will of the people. If you have an opinion on logging in State Parks, it needs to know.

The West Virginia Legislature can be a fast paced and confusing place. Bills get referred to different committees in both the House and the Senate. They are put on the agenda for votes. They may go to another committee for votes. It can all move very quickly, particularly as the session moves forward.

The Highlands Voice only comes out monthly. Because of this, it cannot hope to have the latest information.

But all is not lost. There are still ways to find out what is going on and whom you should contact.

One option is to could consult the Legislature’s website, wvlegislature.gov. There is a place to click for BILL STATUS. You can type in the bill number 270 or 4182. (These are actually HB 4182 and SB 270; Senate Bills can have one, two or three digits. House Bills have four. By the number of digits the computer knows if you want a house bill or a Senate Bill so you don’t have to type in HB or SB). The computer will tell you what committee the bill has been assigned to, whether the committee has voted or not, whether the bill has been sent to the House or Senate floor, etc. It is always helpful to contact members of different committees who are considering the bill or, if the Committee has already voted, your own Delegate or Senator.

A second option is to contact the Environmental Council at wvecouncil.org or one of the lobbyists, Karan Ireland or Crystal Good. They can tell you the status of the bills and suggest Senators or Delegates it would be useful to contact. If you want to go to Charleston to talk to Senators or Delegates they would be glad to help you. The Environmental Council also publishes a weekly on-line legislative update.

Finally, you could go to West Virginia Rivers. It has a special section of its website devoted just to this legislation, <http://wvrivers.org/2018/01/sosparks/> with lots of information.

Could Logging in Parks Help Wildlife?

By Doug Wood

When the Division of Forestry tries to justify logging in state parks, it sometimes says that it wants to help wildlife. While it does not fully articulate it this way, what it is saying is that it wants to help wildlife that need what is called early successional habitat. By cutting the trees, they leave grassland, shrub land, and young forestland. Since some birds and animals need that type of habitat, the Division contends that it is benefitting those species by creating this type of habitat.

The difficulty with this argument is that West Virginia is already thick with early successional habitat. We don't need to create more by cutting mature forest habitat in state parks. What we need is more mature forest habitat such as that found in state parks.

It is true that some bird and animal species need early-successional habitat (grassland, shrub land, and young forestland). Some eastern birds that are rapidly declining do require early-successional habitat. In fact, most of the declining mature-forest birds also require some early-successional habitat, particularly as feeding habitat for their fledglings. So how do we decide if forests within our state park should be managed primarily for early-successional habitat or late-successional habitat?

First, we should consider the current landscape conditions prevailing in our state. West Virginia is one of the most forested states, by percentage of land cover, east of the Mississippi River. This is a result of decades of rural population losses following two World Wars, resulting in forest regrowth on abandoned farmland, and regrowth of forests that had been cut by industrial logging in the decades around the turn to the 20th century. But more recent changes in land cover are chilling reminders of the industrial logging days.

The National Land Use Database maps generated for the second WV Breeding Bird Atlas project show disturbing changes in the state's forested land cover between 1992 and 2011. The southwestern and central counties experienced major decreases (more than 20% decrease) in forests replaced by early-successional vegetation. Of course, much of this was due to surface mining, especially huge mountaintop removal, and timber harvesting. Some was due to other mineral extraction. Residential, business, and industrial lands expansion occurred in the far eastern panhandle, along the northern I-79 corridor, and near population centers in the Ohio and Kanawha River valleys. In large expanses of forestland, increased fragmentation by energy production and delivery (coal, oil, and shale gas) has decreased the habitat quality for mature-forest species that now have declining nesting and fledging success due to increasing cowbird parasitization and predator success.

Only 4% of forestland in WV is protected from logging in places like federal wilderness areas, federal roadless areas,

national wildlife refuges, National Park Service lands, state parks, and some private nature preserves. But some of this percentage, especially on national wildlife refuges, national parks, and federal roadless areas could be logged or fired by the agencies to enhance early-successional species. Only 0.6% of forested land is in WV state parks. The percentage of forested land available under current policy that can be managed for early-successional species is around 96% and the bulk of this is in private ownership.

Some people will no doubt decide not to log their properties nor to manage them for early-successional species, but that number will probably be very low. This low ratio of forestland protected from logging to forestland open to logging, combined with the recent decline in forest cover in the southwestern and central counties as well as the fragmentation due to increased shale-gas development, does not bode well for the rapidly-declining mature-forest animal and bird species.

Let's look at Watoga State Park, a prime example of mature forest growing into old-growth habitat. As the trees age, some forest giants die and fall or are blown down in storms. The demise of a few forest giants here and there creates small canopy gaps, which encourages denser shrub layers, creating perfect spots for the fledglings of interior-forest species to find caterpillars and hide from predators. Small canopy gaps in extensive forests are not as conducive to nest-parasitizing cowbirds as are larger gaps, such as those created by commercial logging operations.

Bordering Watoga to the south is Calvin Price State Forest, with many hundreds of acres of early- to mid-successional habitat resulting from timber harvests conducted on a regular basis. Immediately to the north and east of Watoga are mixtures of private and US Forest Service lands, both of which have varying amounts of early- to mid-successional habitats due to occasional logging activities. To the west of Watoga is the Little Levels extensive farmland. Does Forestry Director Barry Cook's desire to log Watoga and create early-successional habitat make sense for that park, a 10,000+ acre landscape, currently acting as and growing into a primo refugium for mature-forest bird species?

All of our other, larger parks are in similar circumstances. They are acting as refugia for interior-forest-nesting birds, while surrounded by large land areas of mid- to early-succession habitat, residential/commercial developments, mine reclamation grasslands, and some mature forests. From a strategic conservation perspective, it seems premature to decide to create early-successional habitat in these refugia without first assessing thoroughly the land uses nearby and the bird populations within the refugia and without.



Cerulean Warbler, a bird of the mature forests, hoping that there will still be late successional habitat when he returns from his winter quarters in South America.

Join Now !!!

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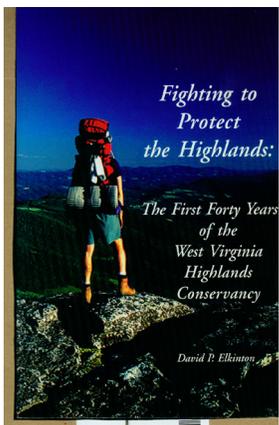
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From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development,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

518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$15.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

Tell a Friend!

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

Person you wish to refer: _____

Address: _____

Email _____

Your name: _____

Filling out the form, etc. is, of course, the old school way of doing things. If you prefer, just email the information to Beth Little at blittle@citynet.net.

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

SUCH A DEAL!

Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$15.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership.

Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

Governor's Plan to Log State Parks Is a Bad Idea

By Robert Beanblossom

I retired after 42 years with the W.Va. Division of Natural Resources and worked both for our state park system and the Division of Forestry. I am an active member of the Society of American Foresters (chairman in West Virginia in 2008 and 2009) and am now volunteering with the U.S. Forest Service in North Carolina. With a strong background in professional forestry, I have no problem with timber harvesting performed under the guidance of scientific forest management. It is essential that we do an even better job of managing our forests. I am very proud of the profession of forestry. Foresters have made many significant accomplishments that have promoted a sound forest conservation policy throughout the United States. Thanks to professional foresters, for example, we have never had a shortage of wood, which is essential to our daily lives. Our forests are the best managed in the world.

However, I also strongly believe that some forest lands should be set aside undisturbed for the enjoyment by man and to preserve their old growth ecological characteristics. This is precisely the goal embodied in the mission statement for our state park system and one that has served West Virginia well for over 80 years now.

First a short history lesson. With the advent of the Industrial Revolution, America's forests became seriously depleted. Between 1850 and 1920, for example, 13.5 square miles of forest land were being consumed each day and an additional 50 million acres were lost annually due to uncontrolled wildfires. Around the turn of the 20th century two schools of thought emerged to address this serious issue. One was the concept of conservation; that is, the wise use of our resources. The other was preservation – the setting aside and preserving of unique natural areas. At first glance these ideas may seem diametrically opposed; but in fact, the opposite is true. They complement each other. That is why in addition to having state and national forests to demonstrate the concept of multiple use sustained yield forestry, we also have a system of national and state parks and wilderness areas. This is as it should be for both serve the needs of society very well.

Forests even if they are never harvested provide a wide variety of valuable goods and services to man. Samuel Trask Dana, long time dean of the School of Forestry at Michigan perhaps summed it up best when he said, "The intangible values of the forest should not be overlooked. They reduce erosion, improve the soil, temper the local climate and use large quantities of carbon dioxide in the process of photosynthesis.... The importance of non-timber values is dramatized in the provocative assertion that modern civilization could get along without wood, but not without forests."

Therefore, I believe the move by the Justice administration to log our state parks is a bad idea; and the bill they have introduced is an especially flawed one for several reasons. First, and most seriously, it actually deviates from the principles of sound silvicultural management even though the bill states that it will follow them. The bill limits cutting to no more than an average of four trees per acre that are 16" or greater in size. That is NOT good forestry. Professional foresters have a term for this practice. It is called "high grading." Over time all of the valuable trees are taken and the land is left with a ragged stand of culls, small stems and unmarketable species. It is

an unethical practice and in actuality, would be a crass exploitation of a valuable resource.

The bill as written also implies that there are large tracts of land on state parks that are unutilized by the public and fails to take into consideration that there are well over 1,000 miles of hiking trails already in existence on these areas. Hiking is one of the main reasons visitors cite for coming to our state parks; and it is very unlikely that logging could be conducted without adversely effecting this major use of our state park lands.

The total acreage of the state park system is roughly 80,000 acres. There are 12 million acres of forest land in West Virginia so that means these public lands comprise about one-half of 1 percent of the total forest land in West Virginia. It is not too much to ask, in my opinion, that this small acreage be left untouched by logging especially when one considers the economic impact from our parks. Based upon the DNR FY2017 Annual Report, the total economic impact of the system ANNUALLY ranges between \$160.5 million and \$189.5 million. Economic impact is a measure of fresh money infused into the state's economy that likely would have not be generated in the absence of the park system. Let's face it – the vast majority of humans prefer to recreate in undisturbed forested areas so let's not risk comprising this valuable economic asset.

In addition, another concern I have is the construction of permanent roads. Skid roads and landings could be "put to bed" and be mulched and reseeded. Many permanent roads, however, would need to be constructed and that's presents a different issue. Long term maintenance is required for these roads, and there is no provision of where the funding will come from to perform it. This is a criticism that I have long held with regard to state forest timber sales as well as with many DNR lands.

State parks do suffer from a backlog of deferred maintenance needs and a solution is desperately needed. There have been several alternatives put forward to address the issue. One that I think has a lot of merit is to increase the percentage of funding the system receives from the State of West Virginia's use of its purchasing cards. Like you or I the state gets a rebate. Currently, parks receive 10 percent of this fund which translates into about \$600,000 annually. Increasing this percentage by another 10 percent or so would generate enough funds for a hefty bond sale which could put our parks in first class condition. Another environmental friendly proposal would be to place a small tax on plastic bags. I'm sure there are many others.

West Virginia should have as a goal to strive to be at the top of every good list and at the bottom of every bad one. Unfortunately, we are at the top of too many bad lists.

Our state park system, however, is at the top of the good list. Let's work to keep it that way!!

Robert Beanblossom retired after a 42-year career with the West Virginia Division of Natural Resources. A member of the Society of American Foresters he is the volunteer caretaker at the Cradle of Forestry in western North Carolina. Email: r.beanblossom1862@outlook.com. This article previously appeared in the Buckhannon Record Delta.

Groups Appeal FERC Approval of Atlantic Coast Pipeline

The Southern Environmental Law Center and Appalachian Mountain Advocates filed a challenge in federal court on behalf of 11 conservation groups challenging the Federal Energy Regulatory Commission's decision to permit the Atlantic Coast Pipeline. "FERC demonstrated in its split decision to approve the pipeline that there is lingering doubt about the need for this destructive project in our region," said Southern Environmental Law Center Senior Attorney Greg Buppert. "This agency must change its ineffective review process and protect citizens from expensive and risky pipelines we don't need."

FERC's decision to give the pipeline the go ahead was accompanied by a strong dissent from commissioner Cheryl LaFleur who critiqued her own agency for failing to look behind agreements put forth by utilities meant to skew demand needs and justify unneeded projects.

The \$5.5 billion Atlantic Coast Pipeline owned by Dominion Energy and Duke Energy, would cross 600 miles from West Virginia through Virginia and North Carolina and cut through mountain ridge tops, down steep unstable mountainsides, and through sensitive rivers and streams. Testimony before the Virginia State Corporation Commission revealed that about \$2 billion in costs associated with the pipeline would be passed on to Dominion utility customers.

The Southern Environmental Law Center and Appalachian Mountain Advocates filed the lawsuit in the 4th Circuit Court on behalf of Appalachian Voices, Chesapeake Climate Action Network, Cowpasture River Preservation Association, Friends of Buckingham, Highlanders for Responsible Development, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, the Sierra Club, Virginia Wilderness Committee, Wild Virginia, and Winyah Rivers Foundation.

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

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

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



WVHC member Alex Cole collects stream survey data at Trace Creek. The water here may be impacted by the Mountaineer XPress Pipeline.

West Virginia Land Trust Protects View from Bickle Knob

The West Virginia Land Trust has acquired a 123 acre parcel of land on Bickle Knob. It had to borrow the money for the acquisition; now it has undertaken a fundraising campaign to repay the loan.

The parcel is just below the Bickle Knob observation tower. Although it is surrounded by National Forest land, it was not part of the National Forest. Much of the appeal of the Bickle Knob observation tower is the view. Since the parcel is part of the view it is important that it be protected as well. Because of this, the Land Trust was interested in buying it when it was offered for sale.

“When Coastal Lumber announced that this tract would be sold at auction, we became concerned,” said Ashton Berdine, Lands Program Manager of the Land Trust. Worried that a ‘donut hole’ of private land, surrounded by National Forest just below the Bickle Knob observation tower, might be developed and alter the view and the use of property along Stuart Memorial Drive, the organization responded quickly to submit a closed bid. “Knowing how important this property is to the community, we borrowed money to purchase it, and our bid was the winning one,” continued Berdine, an Elkins resident.

“Bickle Knob tract is such a well-known piece of our local landscape,” said Jim VanGundy, a local volunteer who is helping organize the campaign to raise \$100,000 to pay off the loan. “We’re really fortunate that the Land Trust was willing to take on this project. I hope the Randolph County community will rally to support this cause to ensure that it will be conserved permanently.”

On a 10-mile jaunt along Stuart Memorial Drive, visitors can enjoy spectacular views, see unique limestone geology, access trailheads into Otter Creek Wilderness Area, visit iconic red spruce forests, appreciate luxurious rhododendron blooms, clamber on Bear Heaven rock house and boulders, and be reminded of the rich history of the Civilian Conservation Corps with a monument dedicated to Franklin Delano Roosevelt.

“Many people who live in Randolph County, as well as visitors, have a strong personal connection to Bickle Knob,” said Dave Clark, a Board member of the Land Trust and a resident of Beverly. “Weddings, memorial services, star gazing, hunting,

and family reunions in the area have touched the lives of thousands of people. Paying off the loan to make sure that the property is conserved permanently is a priority for the Land Trust.”

The West Virginia Land Trust will host an open house for the community at the Randolph County Arts Center on March 23 from 5:00-8:00 PM. “We’re inviting people to come and tell their Bickle Knob stories on video, to preserve our shared history and learn more about the project,” said Scottie Wiest of Elkins, who is supporting the initiative. “When you mention Bickle Knob in this town, the stories start to flow!”

The West Virginia Land Trust is a statewide nonprofit organization that protects land for the benefit of West Virginia residents. Public preserves near Charleston, Morgantown, Moorefield, West Union, and Bartow offer recreational and educational opportunities for the public. Projects to protect drinking water sources upstream of public water systems are underway in the eastern panhandle and Greenbrier Valley. Conservation easements to protect agricultural and forest resources on private land exist in 10 counties. More information is available at www.wvlandtrust.org.

The Land Trust also has a web address for those who want to help. To donate to the effort, go to buybickle.org.



FERC Nixes Plan to Subsidize Coal, Nuclear

The Federal Energy Regulatory Commission has rejected a proposal by the United States Department of Energy to provide subsidies to coal and nuclear power plants.

The proposal came out of a concern that the electrical grid had become unreliable, leaving the country vulnerable to possible shortages of electricity. The Department of Energy believed (1) that power plants with large amounts of fuel on-site are necessary to grid reliability; and (2) that those plants are unfairly being driven out of business by subsidies to renewable energy.

To address this difficulty, the Department of Energy commissioned a study of grid reliability. The study found that (1) the loss of coal and nuclear plants has not diminished reliability, and (2) it is cheap natural gas, not renewable energy subsidies, that has driven coal and nuclear out of business.

In spite of what its study said, the Department of Energy proposed that the government subsidize utilities which stored a ninety day supply of fuel on site. In practice, this meant coal and nuclear power. Wind and solar energy do not store fuel. Natural gas is delivered as needed instead of being stored on site. The only power kind of power plants that store fuel on site are coal and nuclear.

Now the Federal Energy Regulatory Commission has rejected this proposal. It determined that there was no evidence that retiring coal and nuclear plants threatened the reliability of the electricity grid.

Coal plant has to face market forces

Transfer of Pleasants Power Station Denied

The Federal Energy Regulatory Commission (FERC) has denied a request by First Energy to sell its Pleasants Power Station to Mon Power and Potomac Edison.

First Energy said that it needed more capacity for its West Virginia subsidiaries. To meet this need, it solicited proposals. The only proposal that it received was one that involved one First Energy selling the Pleasants Power Station to another First Energy subsidiary.

Opponents argued that this was a ruse. The Pleasants Power Station had been selling its power in Ohio. In Ohio, utilities are unregulated so they are not guaranteed a profit. In West Virginia, utilities are regulated by the Public Service Commission. The Public Service Commission must approve the utility's rates; in doing so, it allows rates that are high enough to guarantee a profit for the utility. Opponents of the sale argued that the Pleasants Power Station was older and less efficient and could no longer compete in an unregulated market. They said that this transfer was a ruse to move an old power plant from an unregulated market where it could not compete to a regulated market where it would be guaranteed a profit.

In denying the request, FERC said that First Energy had so narrowly tailored its solicitation proposals to increase capacity that only the sale of the Pleasants Power Station could meet the specifications. If First Energy wished to increase its capacity, it would have to do it by opening up the solicitation of proposals for more capacity to all power sources.

Meanwhile, Over in North Carolina

When last the *Voice* reported on North Carolina's review of the Atlantic Coast Pipeline (December, 2017) North Carolina was still asking for more information from the developers. North Carolina's decision on whether or not to approve the pipeline would depend upon the information it received.

The question is whether or not North Carolina would certify that the pipeline construction would not cause a violation of North Carolina's water quality standards. This is the same question that West Virginia had the opportunity to consider. West Virginia declined the opportunity to review the permit and possibly impose conditions upon it to protect West Virginia's waters. See the story in the January, 2018, issue of *The Highlands Voice*.

North Carolina must have gotten the information it thought it needed. In late January, 2018, it issued the 401 Certification. In doing so, it said,

DEQ left no stone unturned in our exhaustive eight month review of every aspect of the 401 application," said DEQ Secretary Michael Regan, in a press release on Friday. "Our job doesn't end with the granting of the permit but continues as we hold the company accountable to live up to its commitments."

While the Department of Environmental Quality may have been confident in its decision, others were not so sure. An attorney for the Southern Environmental Law Center expressed skepticism both about the completeness of the data that the DEQ relied upon and the ability of the DEQ to follow up and hold the company accountable.

The approval was accompanied by an announcement that two of the developers of the pipeline, Dominion Energy and Duke Energy, had agreed to put \$57.8 million into a state fund to help offset the pipeline's environmental costs. North Carolina Governor Roy Cooper's office has announced the state would use the money to mitigate damages to natural resources, invest in renewable energy and promote economic development in the eight affected counties.

This agreement has left North Carolinians scratching their heads, calling foul, or both. The money would not be subject to the usual legislative appropriation process, something some object to. The Governor does not want to call it a penalty; North Carolina law places restrictions upon how a penalty would be spent. Or is it a bribe, a word that has passed the lips of some North Carolinians? Although the payment is not linked to the approval, the developers did get a needed approval at the same time that they agreed to pay the money.

In any event, North Carolina has now followed in West Virginia's footsteps and approved the Atlantic Coast Pipeline. How it went about it has given them a lot to sort out.

Fola's Foliess - again

By Cindy Rank

Out with the old, in with the new. At least that's the traditional expression about the advent of each new year.

Then again some of the old just never seems to go away. Such is the case with pollution from mountaintop removal and valley fill mining operations in central and southern West Virginia.

The many mining operations that sprawl over the ridges between Clay and Nicholas Counties in Central West Virginia have not only consumed homes and small rural communities but are also destroying stream life, degrading irreplaceable headwater streams, and endangering the biologically diverse and rich ecosystems of the Elk and Gauley Rivers.

Our most recent litigation targets two more mines in this area that are contaminating streams in these two watersheds.

On January 24, 2018 West Virginia Highlands Conservancy joined the Sierra Club, West Virginia Rivers Coalition, and the Ohio Valley Environmental Coalition in a lawsuit against Southeastern Land, LLC, and Fola Coal Company, LLC. for polluting streams from two of their surface coal mines in Clay and Nicholas Counties, the Peachorchard and Ike Fork mines.

The lawsuit, filed in federal court in Huntington, alleges that runoff from the mines has contaminated two waterways with sulfate and other dissolved solids that are harmful to aquatic life: Peachorchard Branch, a tributary of Twentymile Creek that flows into the Gauley River, and Sycamore Branch, a tributary of Lily Creek that flows into the Elk River.

The legal strategy used in this lawsuit has successfully obtained five previous court orders which have required mining companies to clean up contaminated mine runoff that has biologically impaired eight other West Virginia streams. In all of these cases, mining companies have violated West Virginia's "narrative" water quality standards, which set general criteria to protect water quality from physical, chemical, biological and hydrological impairment.

The U.S. Court of Appeals for the Fourth Circuit affirmed the federal enforceability of those standards in a January 2017 decision.

The ionic pollutants at issue at the Ike Fork and Peachorchard Surface Mines – measured through the electrical conductivity of water samples – are discharged by virtually every mine in Appalachia that uses fills. These pollutants, identified through electrical conductivity measurements, are extremely harmful to aquatic life in streams, and also serve as an indicator of other possible pollution problems.

Both mines at issue in this current litigation were previously owned by Consol Energy Inc. (Fola's parent company) which paid Southeastern Land LLC \$44 million in 2016 to take the mines off their hands and assume liability for issues including that of stream contamination. These contaminants are just one more reason on an already too-long list for why these mines endanger the land, water, and people in communities across West Virginia, Kentucky, and portions of Virginia and Tennessee.

Representing plaintiffs in this action are attorneys with Appalachian Mountain Advocates and Public Justice.

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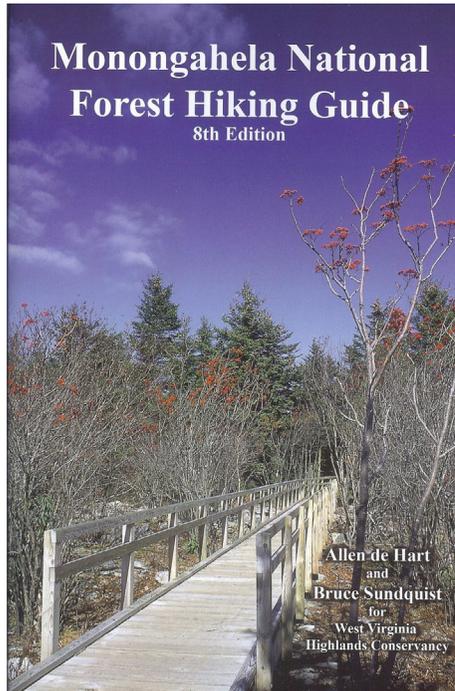
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To get free *I ♥ Mountains* bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton Road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)

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Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

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

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

What Kind of a “Healthy” Forest Do We Want?

By John McFerrin

In all the discussion of whether we should timber in West Virginia’s state parks, there are a couple of terms that people use, saying them as if we all know what they mean. Then confusion comes because the words mean different things to different people. How the words are used reveals attitudes about forests and what our goals should be.

The first of these is “healthy,” along with the assertion that in order to have a “healthy” forest we have to actively “manage” it. In the context of the discussion of timbering in state parks, this means that we have to cut down trees to maintain a “healthy” forest.

The idea that humans have to cut down trees, or do anything, to keep a forest healthy is preposterous. Before there were chainsaws, cross cut saws, or even stone axes, there were forests. The trees lived and died; their remains were homes and food for generations of beasts, bugs, and plants. Their nutrients were food for the next generation of trees. They had birds and wind to scatter their seeds. Some species relied upon forgetful squirrels to plant their seeds. They had bacteria and a host of other tiny forest creatures to make their leaves into dirt, the foundation of the next generation. The trees supported a huge variety of birds and other animals.

The system rolled on for thousands of years without any assistance of any kind from any human. They were healthy.

When someone says that we need to cut trees to make the forest “healthy” they are using the term differently. They don’t mean robust, being able to sustain itself permanently. Instead, they mean that the forest is in a condition that will produce the maximum number of board feet of lumber.

Trees have a life cycle. They are born, produce seeds, grow old and die. Many species begin to hollow themselves out from the inside long before they

die. The trick in lumber production is to understand this cycle and manage the forest accordingly.

Trees hollowing themselves out may be good for raccoons but it’s not good for lumber production. Trees that reach the end of their lifespans, die, and fall over may be good for birds, animals, and bugs. Plants will start sprouting on the log. Woodpeckers will come and work the stump for the grubs



they find there. Sooner or later the tree will become dirt to nourish the next generation.

To those foresters who define “healthy” as producing the most board feet, such a result is a disaster. Trees are not supposed to grow old and die. In a “healthy” forest, they are supposed to be cut when they would yield the most lumber.

People who believe that a forest must be “managed” to be “healthy” have a word for a forest or a tree which has ceased adding to its value as a timber tree: overmature. When a tree is close to or past the age when it would produce the most timber if cut, it is “overmature.” To those foresters with this understanding of what makes a “healthy” forest, it should be cut now, before it starts hollowing itself out or, heaven forbid, dying followed by falling over and rotting.

In Morgantown we have what I think of as a healthy forest, healthy in the sense of being vigorous and self-sustaining: the

Core Arboretum. The forest that is now the Core Arboretum has been there, with trees living and dying, birds, animals, flowers, bugs, fungi, since forever. There are similar forests in most of our state parks. They may not have been largely undisturbed forever as the Arboretum has but they are old, mature forests that are vigorous and self-sustaining.

One of the trees in the Arboretum is (or was) what many said (there is some dispute about this) was the largest Chinquapin Oak in the world. Had Christopher Columbus blundered into West Virginia instead of the Bahamas, he could have seen that very tree.

In 2001 it finally fell. In its lifetime it gave food and shelter to countless birds, food and shelter to countless animals, a home to a bazillion bugs, and a drive through for the woodpeckers who came to feed on the bugs. I have been there recently; all I can say is that it left one heck of a stump.

During its entire lifetime, it did not produce enough lumber to make so much as a bread board.

To those who define a “healthy” forest as one that produces lots of boards, this was a tragedy. There sat a tree, “overmature” for over four hundred years, shading out trees that could have produced boards.

In the Pacific Northwest I have seen tree farms. As one goes down the road there are signs by each big, hundreds of acres plot: Planted in 1957, Planted in 1968, Planted in 1974. Timber company foresters will wait until they become mature (but not overmature) and gave the signal that it is time to “harvest.”

When that time comes, that plot is cut and we wait for the next one to be ready. In one worldview, that is the healthiest of forests. It produces boards.

That is the model that most of West Virginia uses. While we don’t do it with

(More on the next page)

Logging in State Parks: Just What Are Other States Doing?

By Doug Wood

Many of our state parks and one state natural area have trails that pass through magnificent mature forests that attract hikers. An economic study and a market research study conducted by WV Parks found that hiking is the number one gateway activity introducing visitors to WV's state park system (www.wonderfulwv.com/SiteCollectionDocuments/Archive/Sep2016.pdf).

Do you think state park guests will flock to our parks in expectation of hiking through forests marred by timbering? This fact alone should be enough to make us all realize how important it is to continue to uphold the public's trust in our state agencies to "preserve and protect" our state park forests. Yet, Division of Forestry Director Barry Cook is misinforming the public and the legislature through television and radio interviews and meetings with legislators that excluded state park administrators by stating "A good friend of mine is an Ohio State forester. They allow logging in all their state parks. Hocking State Park [he meant Hocking Hills State Park] is their jewel. They started harvesting timber on that park in 2006 and their overnight occupancy went up almost ten-fold." [Jan. 24 interview <https://twitter.com/WVMetroNews/status/956186871410827264>]

I and others contacted the Hocking Hills State Park officer in charge and found that there was no logging allowed on the Park and that there had been no logging there in the past, since it had been designated a Park. We met with Director Cook on the morning of Jan. 25. When he mentioned the logging at Hocking

Hills State Park again, we told him that the park officer denied it. Director Cook exclaimed that he had a letter to prove it, but he didn't show it to us, nor has he provided it to us yet. We asked if maybe he misunderstood his friend and that his friend was really talking about logging in Hocking Hills State Forest surrounding the park. He adamantly stated that both the forest and the park were logged. We shared the park officer's name and phone number with Director Cook and suggested he call.

We followed up with a call up the chain in the Ohio State Park administration and found that there is no commercial logging going on now in the state park system. That night, Dir. Cook was interviewed again and he repeated his earlier claim: [Jan. 25 interview <http://wvpublic.org/post/debates-continue-over-controversial-logging-bill>] "I have a good friend who is a state forester in the state of Ohio. Ohio practices forestry on their state forests as we do in WV, but they also practice forestry on their state parks."

Dir, Cook is on shaky ground with this claim. We encourage your readers to listen to the interviews, then contact Hocking Hills State Park (740-385-6842), tell the office staff that you heard logging was taking place in that park and all other Ohio state parks, and make it clear to them that your source was WVDOF Director Barry Cook. Just what our tourism industry needs right now: negative interstate press from lies spread by the state agent who wants to degrade our visitors' state Park experiences by building logging roads, running chainsaws, and cutting magnificent forest giants.

Healthy Forests (Continued from previous page)

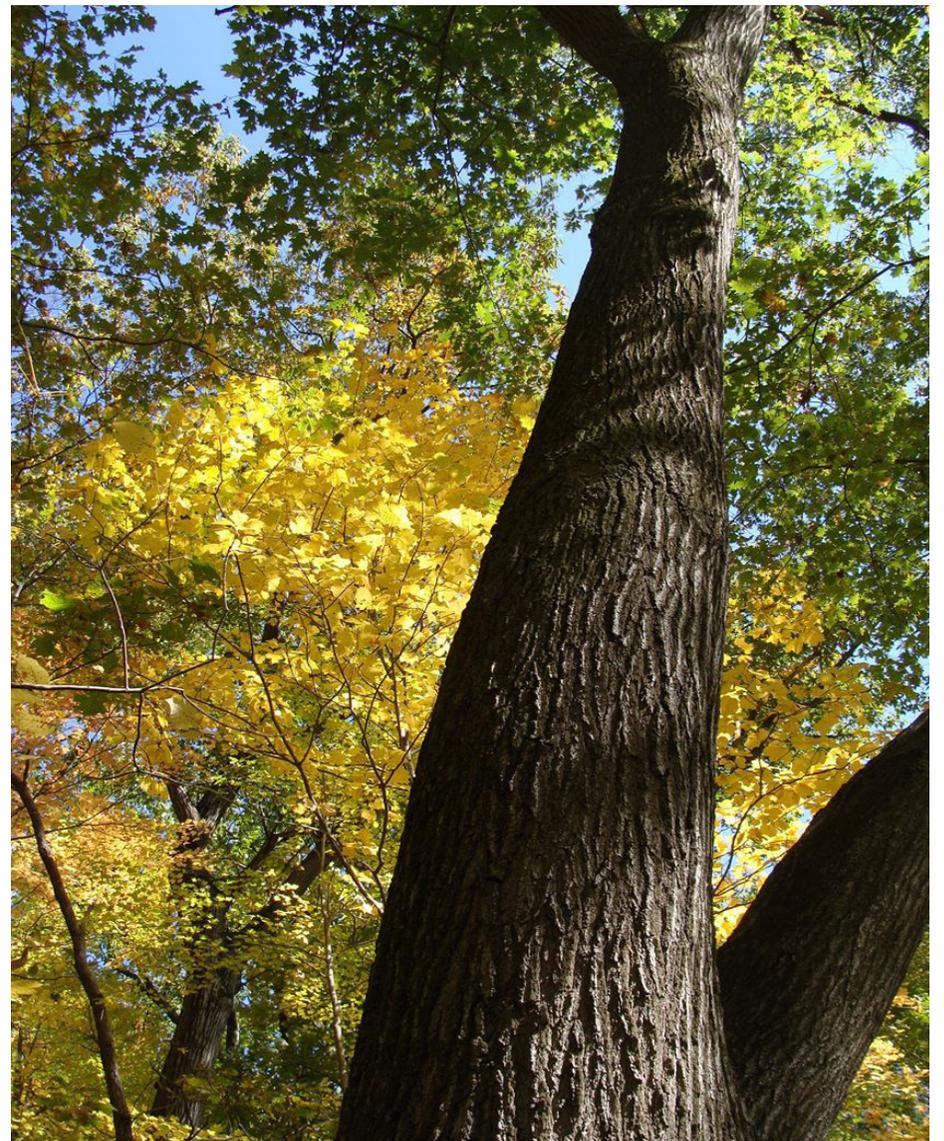
nearly the rigid precision of northwest timber companies, most of our timberland is left alone while it gains value. Then the trees are cut down and the land is left alone until there are valuable trees again.

Because West Virginia does not have the rigid precision of tree farming, our forests produce more than just boards. While the trees are reaching marketable size, these forests provide habitat for animals who thrive in grasslands, shrub, and young forests. If all we want to have is what are called early succession forests then we can continue what we already do in the overwhelming majority of state forests. We will have timberland that produces lumber and incidentally benefits some species.

The dispute over timbering in the State Parks is about a lot of things. Is this just a cynical money grab by timber companies? Is this the best way to increase tourism, or are we just eating our seed corn?

The biggest question, however, is what kind of forests do we want in our State Parks? Do we want forests where the trees are no more than a long rotation crop, cut every eighty years instead of every year as corn is? If that is what we want in West Virginia, we have plenty of it on private land. If we think we don't have enough on private land, we could do as the Governor suggests and turn our Parks into tree farms.

Or are we willing to set aside a tiny fraction of our woodland, the fraction that is in State Parks, and leave it alone? Leave it alone to continue to grow into the kind of rare and special place that inspires awe, the kind of forest that invites comparison to a cathedral?



THE IMPORTANCE OF WEST VIRGINIA'S STATE PARKS

By Doug Wood

Senate Bill 270 and House Bill 4182, introduced by Governor Justice at the urging of Commerce Secretary Woody Thrasher, Division of Forestry Director Barry Cook, and Dept. of Natural Resources Director Stephen McDaniel will allow logging in our state parks. This will cause damage to numerous bird, plant, and amphibian species, our growing tourism industry, and our state's image on the national scene.

The WV state parks system began in the 1920s, largely due to public outcry after the state suffered an unregulated timbering nightmare in the decades around the turn into the 20th century. The park system's mission statement, embodied in state law, has been the guiding principal for operating the West Virginia State Park system since its inception. To "promote conservation by preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural, archaeological, or historical significance and to provide outdoor recreational opportunities for the citizens of this state and its visitors."

While all of these values are important, I want to concentrate on what would be lost to science were logging allowed in state parks.

Our state parks do indeed have exceptional scientific significance, providing unique outdoor platforms for an impressive array of research subjects. The West Virginia Department of Environmental Protection, the West Virginia Division of Natural Resources, the United States Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the United States Forest Service, many environmental consulting firms, numerous colleges, and universities regularly conduct research in the late-successional (mature and old-growth) forests of our state parks. Such research is important to informing balanced regulation and hence, good governance. Research projects that I was involved in during my 33-year employment with the WVDNR and WVDEP included:

- reference stream studies for establishing water quality benchmark comparison tools,

- long-term monitoring to determine the effects of climate change and landscape changes over time,
- developing stream restoration methods and technologies,
- creating best environmental management practices for a variety of industries,
- testing fishery improvement techniques, and
- performing comparative time-of-travel studies to determine the relative assimilation of contaminants in streams over time and distance in different watersheds with varying landscape features.

All of these research efforts required



mature forested watersheds serving as benchmarks for comparison, and all use such forests in WV state parks.

Other studies that I am aware of and that our state park mature forests have been crucial to include:

- deer browse impact studies to help improve deer population control via hunting regulations,
- development of protection and enhancement plans for threatened and endangered species impacted by a variety of regulated industries,
- development of guidelines for habitat improvement practices for a variety of

bird, reptile, amphibian, and mammal species,

- comparative vegetation studies, biomass studies, nutrient-cycling studies, soil-development studies, chemical breakdown studies, etc. for training high school and college students in empirical scientific research techniques,
- development of economic cost/benefit calculation tools for evaluating ecological services provided by a wide variety of landscapes, and
- plant and animal population, biomass, and behavior research.

There are two main reasons that many researchers select state parks for study: (1)

they often have ecosystem benchmark or reference conditions for comparison with more disturbed areas and (2) they are protected by statute in perpetuity from many human disturbances. For instance, reference conditions for streams often include relatively low Total Dissolved Solids (TDS are made up mostly of metal salts from mineral dissolution processes), high oxygen concentration, only rare extreme temperature swings (daily and seasonal), plenty of niche space for benthic macroinvertebrates and vertebrates (salamanders in very small streams and

fish in larger streams), great diversity in water velocity and depth, high biological diversity, large quantities of large woody debris (LWD), coarse particulate matter (CPOM-roots, sticks, leaves), plenty of fine particulate matter (FPOM-breakdown of CPOM, including aquatic organism doo-doo), and extensive forest canopy, all of which are characteristic of forested streams in several of our state parks. If we want to learn what effect human activity, whether it be mining, development, or anything else, we have to have some place to see what things are like

(Continued on the next page)

The Importance of State Parks (Continued from previous page)

in undisturbed areas. These are in state parks.

Another reason for doing research in state parks is that they are found in 10 of the 12 Level IV ecoregions (L4E) of the state, providing a broad array of biological community types and climatic conditions (Woods et al. 1999). The salamander aggregations are different between the northern panhandle's Tomlinson Run State Park (Pittsburgh Low Plateau L4E), the southern coal field's Twin Falls (Dissected Appalachian Plateau L4E), the highland's Blackwater Falls (Forested Hills and Mountain L4E), and the eastern panhandle's Cacapon (Northern Sandstone Ridges L4E). Bird aggregations, dominant trees, and soils are different between those parks as well. And each of those parks' have benchmark conditions against which the conditions of other places within the same ecoregions can be contrasted. Benchmark places allow us to understand the degree of damage done to other places by human disturbances.

As a good example of how state park forests contribute to research needs, consider the following. The WV Dept. of Environmental Protection (WVDEP) monitors the condition of stream health statewide. To do this, the agency must keep track of stream sites that have reference conditions, that is, the best of the best. These reference sites are located in mature-forested watersheds with few human disturbances. Twelve of the WVDEP's reference sites are located on nine state parks and four of those sites are long-term monitoring sites, which makes their protection even more necessary to our understanding of water quality changes over time throughout the Mountain State and the Appalachian Mountains region.

Director McDaniel of the WV Dept. of Natural Resources (WVDNR) has revealed at least six of the state parks he intends to have logged: Watoga, Cacapon, Lost River, Holly River, Twin Falls, and Cedar Creek. All but Lost River host at least one of the WVDEP's reference sites and represent benchmark conditions in five Level IV ecoregions (Woods et al. 1999). Logging within these reference-site watersheds may degrade the sites from their extremely important benchmark status, and compromise the long-term water quality studies of that agency.

Other agencies, like the WV Dept. of Highways, the US EPA, and the US Army Corps of Engineers, use the data from these

reference sites and others that they monitor on state parks to help steer their environmental programs. Many environmental consultants who provide services to engineering, manufacturing, mineral extraction, and other firms depend upon the data from these reference sites and other reference sites that they have established on the parks (often times unbeknownst to park superintendents). Universities and colleges, both in-state and out-of-state, also depend upon reference sites, streams and watersheds in WV state parks for their research. Consequently, state park reference sites located in mature-forested watersheds support many jobs across a wide spectrum of position types, from college-intern field-grunts to high-level state, federal, and private-sector program administrators. It is precisely the statutory-established, long-term protected condition of the forests on these state park streams that assures the researchers that the reference conditions will remain relatively stable and free of short-term changes.

The WVDNR is responsible for monitoring bat populations statewide in cooperative partnership with one of its funding sources, the U.S. Fish and Wildlife Service. They perform a few types of long-term assessment techniques, including mobile acoustic surveys using bat sonar detectors. Some state parks serve as parts of survey routes. Detections of threatened or endangered species require consultation with the U.S. Fish and Wildlife Service regarding appropriate habitat management to prevent accidental or deliberate killing of the endangered and threatened species. The statutory-protected mature forests within the state parks are perfect for establishing long-term, benchmark sonar survey sites. Bat researchers recommend not disturbing older, more mature forest stands, which produce more large (thus longer-standing) roosting snags and loose-bark living trees than do early-successional forests. Many bats concentrate their feeding activities in small canopy gaps in such mature forests and along stream corridors overtopped by large canopy trees (Taylor 2006:5-7).

The mature forests in our WV state parks serve as excellent benchmark herpetological sites, especially for terrestrial and aquatic salamanders. The collections of Marshall University, Ohio State University, Carnegie Museum of Natural History and many other research institutions have benefitted from regulated (and unregulated in the past) scientific collection and study of amphibians and reptiles on our state parks.

Many of the parks' forest soils have been protected for eight or nine decades from the compaction, drying, and eroding damages caused by logging equipment, and detrimental to our state's diverse array of salamander species. Federally-designated wilderness areas in the national forests of

our eastern mountain counties, also provide long-term protection of forest soils, but there are no such wilderness areas in our western counties, so our state parks serve a similar ecological role



Northern Spring Salamander

in the Allegheny Plateau and Cumberland Mountains Level III Ecoregions. In these ecoregions, mature forests rich in salamander diversity are found scattered north and south between Hancock County and Mercer County, providing a broad latitudinal distribution of well-protected herpetological study sites, unlike any other publicly-managed system. Logging these gems will likely reduce salamander populations by physical and chemical damage to terrestrial and aquatic habitats, and by microhabitat fragmentation.

When the most recent WV Breeding Bird Atlas field work was conducted during 2011-2015, research blocks of land were added to the priority list of blocks to ensure that nearly entire state park boundaries were inventoried during the breeding seasons of most bird species. The results of that research found that most state parks harbor several species of forest-interior-nesting birds that prefer mature forest habitats and

(A little more on the next page)

Pipeline Compliance Surveillance Initiative Launched

A citizen initiative to monitor construction activities of the Atlantic Coast Pipeline (ACP) is being launched by the Allegheny-Blue Ridge Alliance (ABRA), a coalition of over 50 organizations in Virginia and West Virginia. The objective of the Pipeline Compliance Surveillance Initiative (Pipeline CSI) is to ensure strict application of environmental laws and regulations for the ACP.

“We strongly believe that the ACP is unneeded and cannot be built safely without causing permanent damage to the environment, particularly critical water resources,” stated Rick Webb of the Dominion Pipeline Monitoring Coalition, who is chairing the development of the new ABRA program. “We will continue to challenge the government decisions involving the project. But, with certain pre-construction activities already underway, citizen oversight is essential given the limited resources of government agencies

that are responsible for regulating pipeline construction.”

Continuing, Webb said “the need for citizen oversight of pipeline construction has been made clear by observations of recent pipeline projects and ineffective government agency response to repeated violations and water resource harm. We have no reason to expect more from the agencies during construction of the ACP, given their failure to require submission of complete environmental plans prior to project approval. This deferral of critical review and analysis sets the stage for significant and long-term degradation of high-quality streams and groundwater supplies.”

The Pipeline CSI is gathering in-depth data and assessing the landscape the ACP is proposed to cross to fill in information gaps in official records. The effort will involve hundreds of volunteer observers in Virginia and West Virginia and

collaboration with multiple environmental organizations. The program will include extensive water quality monitoring and aerial reconnaissance. Initial phases of the Pipeline CSI will focus on mountainous areas of the pipeline route, where ACP construction threatens water quality in the headwaters of some of the major watershed systems in the eastern United States. Results from the information gathered will be shared with regulatory agencies and the media.

The ACP received a permit for construction from the Federal Energy Regulatory Commission (FERC) on October 13, subject to the project receiving other state and federal agency approvals. On January 19, FERC approved limited tree felling for the ACP.

The Importance of State Parks (Continued from previous page)

that are rapidly declining range wide and statewide as such late-successional habitats are being converted to early-successional vegetation or becoming fragmented by human disturbances such as mountain-top mining, gas-shale fracturing, and residential area expansion. E-bird is an internet-driven citizen-science effort that is widely acclaimed. Almost all of WV’s state parks are listed as birding hot spots on the webpage: <http://ebird.org/ebird/hotspots> . Use the following webpage to see how often mature-forest-breeding bird species are observed at the state parks, which highlights the importance of our parks to these birds and to the economic phenomenon known as *eco-tourism*: <http://ebird.org/ebird/map/> .

Rare plants and rare plant communities have been inventoried on state parks in past decades, some of which are still occasionally monitored. In fact, the high conservation value and protected nature of these parks has supported just about every type of biological inventory (those previously mentioned plus snails, lichens, insects, etc.), with the notable exception of timber inventory. There was never any reason for a timber inventory of such high-conservation-value lands. The state recognized that forests containing species-rich declining habitat types—mature forests with dominant canopy trees approaching or surpassing 100 years of age—were too valuable to ever cut. SB-270 and HB-4182 will alter the 80+ year, let-it-grow-naturally, hands-off management of our state’s forest gems.

The ornithological collaborative Appalachian Mountains Joint Venture (AMJV) listed 25 land bird species as *high* or *highest* priority for immediate conservation attention because of declining populations (http://amjv.org/documents/Priority_Landbird_Species.pdf). Of those 25, nine belong to the forest-interior-nesting guild, also known as the mature-forest-habitat guild, and eight of those nine regularly breed in West Virginia. One that breeds occasionally in very small numbers in the highest mountain region of the state is the Northern Goshawk It requires mature coniferous or mixed

coniferous-deciduous forests. Of the eight regular breeders in WV, six are considered *Species in Greatest Conservation Need* (SGCN) by the WV Dept. of Natural Resources (WVDNR), one of the agencies proposing to cut logs from the mature forests in our state parks. Of the birds surveyed, seven of those found in mature forests in West Virginia (Cerulean Warbler, Kentucky Warbler, Wood Thrush, Worm Eating Warbler, Acadian Flycatcher, Scarlet Tanager, and Black and White Warbler) were in decline, some precipitously. For several species, West Virginia’s mature forests were home to the highest concentrations of that species in its range. Should our parks be opened to logging resulting from the loosely-worded bills now making their way through the WV legislature, these species will be further imperiled.

Director McDaniel of the WV Dept. of Natural Resources (WVDNR) has revealed at least six of the state parks he intends to have logged: Watoga, Cacapon, Lost River, Holly River, Twin Falls, and Cedar Creek. All six parks hosted at least five of the seven rapidly-declining species of forest-interior-nesters listed.

All of these declines were largely due to forest fragmentation and conversions of acreage in old-growth and mature forests to early-successional habitats at surface mines and commercially-logged areas, residential areas, and industrial/business expansion in WV. These facts call for stricter protections on this species’ preferred habitat of mature forests, not for relaxing the protections these birds already have in WV’s state parks.

Note: This story is part of a longer version. The longer version has more detail about some of the studies referred to as well as references to studies the author relied upon. To see the full story, go to wvhighlands.org.

Board Highlights

By John McFerrin

The January meeting was a time of transitions, and more transitions to come. This was the first Board meeting presided over by new President Larry Thomas. It was a peaceful transition with very little (actually none) pomp or circumstance. We're not a very pompous bunch.

With Larry's ascent to the throne, Cindy Ellis immediately flew over to her new perch as Immediate Past President, unceremoniously booting Hugh Rogers from that position. In order to diminish the sting of this bloodless coup (and in recognition of his value as a Board member), President Thomas appointed Hugh to fill the unexpired term of a Board member who had resigned.

We also recognized and welcomed Taylor Sharp as the new representative of The Rivers Coalition.

The upcoming transition was the departure of Beth Little from her position as Administrative Assistant. She is involved in a lot of things right now and is stretched. She has been wanting to leave for a while. We kept hoping this idea would go away but it hasn't so we will have to do

something. We formed a search committee to find a replacement for her (were that even possible!). Hugh Rogers and Buff Rodman will serve on that committee.

We also discussed some things we needed to do or might do in the future. We are currently without a Senior Vice President so we need to find one. Since we assembled all the Board biographies for the Anniversary program we might consider putting them on the website. We have changed the name of the Wind Committee to the Renewable Energy Committee so we have to change that in the Voice.

We also had some discussion about commercial logging in West Virginia's state parks. There is a bill currently pending in the West Virginia Legislature which would allow logging, something which is currently prohibited. We have joined a coalition to oppose this proposal. Larry also reported that he will soon be meeting with the West Virginia Division of Forestry to discuss its proposal to timber in the West Virginia state parks.

There are some complications with the website, particularly with the store and with PayPal. The website committee (Cindy Rank, Jim VanGundy, Frank Young, Beth Little, Cindy Ellis, Jackie Burns, Dan Radmacher, and Larry Thomas) will spring back into action to address these.

We also discussed future meetings and activities. We have reserved the Elk River Touring Center for April 20-22. The meeting will include a facilitated discussion on the future of the organization.

A committee of Jackie Burns, Cindy Rank, and Marilyn Shoenfeld will look into having a review along with our fall meeting. A review would include outings, evening discussion/panel, etc.

Hugh Rogers reported on the new edition of the Hiking Guide. He noted that his aspiration to have it out by the end of 2017 had

proven overly optimistic. There are still technical difficulties with the maps. They are actively working on it and will publish as soon as possible.

Beth Little reported on membership. Membership is holding steady or even rising a bit. She also reported on the Fund Appeal that went out in the fall of 2017. There was an increase from last year in the funds raised.

Because our treasurer was absent, we didn't have a treasurer's report to review. We had the same difficulty with a budget for 2018. We had all received a draft budget but we weren't sure that the

figures were complete so we didn't want to act on it, thought the Board had approved the Lobbying funds for WV Environmental Council.

Frank reported on matters legislative. The West Virginia Environmental Council had asked for suggestions of legislative priorities to pursue. After considering suggestions, it had adopted as priorities four areas:

- Defend clean air and water
- Work for a responsible and adequately controlled fossil fuel industry
- Promote renewable sources of energy and energy efficiency

- Oppose bills detrimental to our long term goals

The Environmental Council has hired Karan Ireland and Chrystal Good as lobbyists. It does not have as much money as in the past since the Ohio Valley Environmental Coalition has dropped out, choosing to use its limited lobbying resources in another way.

We noted that we gave \$100 to Citizens for Clean Elections, a subgroup of WV Citizens Action Group, to boost their efforts to secure a matching grant. Citizens for Clean Elections is working hard to promote disclosure of sources of candidate funds.

In matters of extractive industries, Cindy Rank noted that we (more specifically Jim VanGundy) had commented on the proposal by the J. F. Allen Company for a Major Modification of its NPDES permit for its Pond Lick Quarry outside Elkins. The modification, if granted, would likely result in more aluminum being discharged into Shavers Fork. There was a story on this in the January issue of *The Highlands Voice*.

Cindy also reported that there is a pending bill in the West Virginia Legislature to redefine the relationship between the Surface Mining Act and the Clean Water Act. It has always been our position that they are integrated statutes that must be complied with together. The bill seeks to change that relationship primarily via changes in bond release requirements, etc.

Cindy Ellis reported that the Appalachian Gas Working Group is still active. They are still doing water monitoring, establishing a baseline in the event that the pipelines are constructed.

On matters of renewable energy, Larry Thomas announced that there won't be an effort to persuade the Legislature to require improvements in the rules for siting industrial wind farms. Instead, we will approach the Public Service Commission, asking that it improve the regulations.



HIGHLANDS CONSERVANCY BOUTIQUE



- ▶ The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is "I ♥ Mountains Save One for Me!" Onesie [18 mo.]---\$25, Infant tee [18 mo.]---\$20, Toddler tee, 2T,3T,4T, 5/6---\$20
- ▶ Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XL [Shirts run large for stated size.] \$ 25.00, 2XL \$26.50

To order by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Online Store, PO Box 306, Charleston, WV 25321-0306

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

T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$18 by mail; **long sleeve** is \$22. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Online Store, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps for sale as well as I ♥ Mountains caps.

The WVHC cap is beige with green woven into the twill and the pre-curved visor is light green. The front of the cap has West Virginia Highlands Conservancy logo and the words West Virginia Highlands Conservancy on the front and I (heart) Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I ♥ Mountains The colors are stone, black and red.. The front of the cap has ♥ MOUNTAINS. The heart is red. The red and black hats are soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. The stone has a stiff front crown with a velcro strap on the back. All hats have West Virginia Highlands Conservancy printed on the back. Cost is \$20 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306