



The Highlands Voice

Since 1967, The Monthly Publication of the West Virginia Highlands Conservancy

Volume 51

No. 7

July, 2018

Blair Mountain Battlefield Back on the National Register

By Cindy Rank

THE GOOD NEWS

The listing of Blair Mountain Battlefield on the National Register of Historic Places has been re-affirmed!

As you may recall from previous issues of the Voice, the Battlefield was nominated in July 2005, officially listed in March 2009, challenged a month later, and delisted at the end of 2009. Now, after years of political and legal wrangling the earlier delisting has been determined to be in error and the Blair Mountain Battlefield returned to its rightful place on the National Register.

The affirming Decision Memorandum was signed by the Keeper of the National Register on June 27, 2018.

A BIT OF BACKGROUND

The Battle of Blair Mountain, probably the largest labor uprising in the U.S. history, took place in southern West Virginia in 1921 when thousands of armed coal miners confronted armed mine company-supported forces trying to block unionization. The

bloody confrontation ended only when federal troops were sent in to quell the uprising.

The struggle to protect the historic site has itself been a long uphill battle [no pun intended - really].

My first introduction to the effort to preserve Blair Mountain was in the late 1980s and early 1990s when the Highlands Conservancy was lobbying along with the UMWA (United Mineworkers of America) for reasonable safety and environmental regulations to control some of the abuses caused by the increased size and mechanization of coal mining that defied existing regulations tailored to less massive mining techniques.

During that time the UMWA fought somewhat unsuccessfully to keep mining away from the area of the historic battle of Blair Mountain. The controversy at that time centered on a specific mountaintop removal coal mine permit that was submitted

(More on p. 5)

What's inside:

| | | | |
|-------------------------------|---|--------------------------|----|
| Thoughts from our president | 2 | Mountain Valley Pipeline | |
| Study stopped for no reason | 5 | hits a snag | 9 |
| Fracking polluting the air? | 6 | Roster of officers | 10 |
| Canaan Valley gets new center | 6 | Poetry | 10 |
| How to join | 7 | Board meeting coming up | 11 |
| Get a history book | 7 | Get stuff | 12 |
| The Joy of Fishing | 8 | | |



Thoughts from our President

By Larry Thomas

Again, June, in addition to providing an abundance of rain, has produced a flurry of information that will be of interest to West Virginia Highlands Conservancy members. Information includes:

Status of the Land and Water Conservation Fund

Since 1964 the Land and Water Conservation Fund (LWCF) has helped to acquire and improve public land across West Virginia. West Virginia has been a benefactor to nearly \$240 million dollars for over 500 recreation, access, and conservation projects in 54 of our 55 counties.

LWCF has supported “wild and wonderful” icons of West Virginia like the Monongahela National Forest, New River Gorge National River, Canaan Valley National Wildlife Refuge, our state park system and has been essential in securing additional public access in the Spruce Knob – Seneca Rocks National Recreation Area. LWCF also helps fund local projects that contribute to our everyday quality of life in the Mountain State.

The future of LWCF funding is critical for future additional projects throughout West Virginia. Current funding is set to expire on September 30. Senators Joe Manchin and Shelley Moore Capito have co-sponsored bills to permanently reauthorize the LWCF. We will need continue to advocate for the funding that supports sound management of our public lands by asking our senators and representatives to please support permanent reauthorization for LWCF and to work towards solutions that ensure full and reliable funding for the program year after year. Contact information for representatives is available at <https://www.govtrack.us/congress/members>.

Groups Request More Time to Comment on NEPA Overhaul

From an article by [Cecelia Smith-Schoenwalder](#), E&E News reporter

More than 350 groups have asked for more time to comment on the Council on Environmental Quality’s proposed rulemaking on the National Environmental Policy Act (NEPA).

When a company wants to build a pipeline, road or other infrastructure, federal agencies are required by the NEPA to review the project’s environmental impact.

Although each federal agency

produces its own NEPA guidelines, changes to CEQ’s guidance would affect policies throughout the entire government.

Environmental groups including Earthjustice have decried the current 30-day public comment period as too brief, and submitted a formal extension request that asks for 90 days.

“The current comment period of 30 days is simply not adequate — especially for the public who rely on NEPA as the only way to weigh in on decisions impacting their communities and who must take time off work and away from their families to read the regulations and respond to this notice,” said a letter from groups.

A CEQ spokesman previously indicated the agency would weigh requests for an extended comment period.

Farm Bill Passes Senate; Conference Talks Next

The Senate passed its version of the 2018 farm bill paving the way for a conference with the House this summer.

Clashes in conference negotiations are likely to be over conservation programs, environmental protections in national forests and low-income nutrition assistance.

Senate Agriculture Chairman Pat Roberts said, “We have to work together and produce a good conference that can pass both houses, and that’s what we’re going to try to do”.

The current farm bill, enacted in 2014, expires at the end of September. If Congress can’t reach an agreement, a one-year extension is possible.

State foresters lauded the inclusion of measures to boost forest management projects that cross ownership boundaries and support for the Community Wood Energy and Regional Conservation Partnership programs. Their organization, the National Association of State Foresters, called for additional provisions in a final version, including language to help state foresters implement state forest management plans.

This promises to be an interesting negotiation.

<https://www.eenews.net/eedaily/2018/06/29/stories/1060087349>

Longhead Darter Status Assessment

The U.S Fish and Wildlife Service (Service) is responsible to identify species in need of protection under the Endangered Species Act of 1973, as amended (Act),

The Service was petitioned to list the longhead darter under the Act by the Center for Biological Diversity (CBD) and other groups, including the West Virginia Highlands Conservancy in 2010. In 2011, the Service made a 90-day petition finding for the species indicating that it may be warranted and initiated a status review.

Now in accordance with the Service’s National Listing Work plan and a court approved settlement agreement with CBD the Service must complete a status review and publish a listing determination for the longhead darter in the Federal Register by September 30, 2019. The Service will conduct a Species Status Assessment (SSA) using the best scientific information available to evaluate the species’ needs, as well as its past and current resiliency, redundancy, and representation and future conditions. The SSA will be the biological underpinning of the Service’s forthcoming decision on whether the longhead darter warrants protection under the Act.

The Service has obtained occurrence data through the State Heritage Programs. They are looking for additional information on the species’ distribution or how the distribution might have changed over time. They would like to receive any information throughout the process but prefer by July 20, 2018. If you have information to submit, please contact me at larrythomas@aol.com and I will provide the PDF received providing information on where it can be submitted.

Blair Mountain Battlefield Site to National Register of Historic Places after Years of Legal Action by Coalition

The Interior Department restored protected status to a West Virginia mountain, rejecting objections from coal interests looking to strip mine the site of a 1921 miner uprising — the largest labor battle in American history.

Blair Mountain — where about 10,000 miners clashed with about 3,000 heavily armed coal company police over attempts to unionize — was added to the register in 2009, but Interior struck down the designation after a law firm closely tied to the coal industry objected.

More thoughts from President Larry (Continued from p. 20)

A coalition of local and national environmental groups including the West Virginia Highlands Conservancy challenged the reversal, winning in federal court.

In 2016, Interior dropped its appeal and began reconsidering the listing, starting with resolving disputes over ownership of parcels within the site.

According to the June 27 decision, federal officials “determined that a majority of the private property owners (66.26%) did not object prior to the listing.”

“The Keeper’s decision allows us to seek additional protection from surface mining and gives us hope that very significant artifacts and historic sites may be studied and preserved for future generations,” said Friends of Blair Mountain Vice President Chuck Keeney, whose great-grandfather was a union leader who led the striking miners in 1921.

“In the case of Blair Mountain, mountaintop removal is also a threat to an important landmark of Appalachian culture and American history.”

Note: For more on this, see the story on p. 1

Cancellation of Hunt at Chief Logan State Park - Statement from Friends of Blackwater

“A Win for Science -- Logan County Citizens Defeat Park Deer Hunt Plan

“Friends of Blackwater is so proud of the citizens of Logan County, West Virginia, who united to stop a proposed deer hunt in Chief Logan State Park.

The WV Department of Natural Resources had announced earlier in 2018

that a “pay-to-play” hunt was needed due to overpopulation of deer in the Park, which can lead to illness among the herd and destruction of native species.

But when local resident Susan Perry filed a Freedom of Information request, she learned that there are no studies which show that any ecological damage had occurred at Chief Logan due to overgrazing by the deer herd. In fact, a memo from the head of the Wildlife Resources Section says, “The current deer population on Chief Logan State Park is not having significant negative impact on the park’s habitat or ecosystem function.” The memo concludes with a recommendation that they postpone the proposed hunt for this year, and that studies be conducted to determine if a hunt is appropriate in other years. After this memo was revealed, the DNR Director announced on June 26 that the proposed hunt was cancelled.

Friends of Blackwater is proud to have helped the Logan citizens with their campaign. Thanks to all of our supporters who voiced their opinions and who contribute to help us do this important work.

We were pretty sure that there was no scientific evidence that supported this kind of radical change in park use. The real motive seems to be a desire by a few people to “cash-in” on tame deer and overzealous hunters.

Now we hope the DNR will put up some scientific evidence for its other “hunting in the Parks” plans – or drop them.

That would be stewardship, not profiteering.”

Planning for the 2019 Legislative Session

Members of the WVHC board of directors recently attended a planning meeting of the West Virginia Environmental Council. It was decided that the time to start for the 2019 legislative session is now. After a discussion of the finances the WVEC board voted to hire a part time coordinator starting July 1 and a job description was developed.

Preparations for the 2019 session were discussed along with the requirement to receive member group legislative priorities sooner than later. Based on that discussion, I will be placing WVHC legislative priorities on the WVHC board agenda for July 21 to enable submitting them ASAP.

WVEC fund raising activities for the coming year were also discussed.

For decades, West Virginia Highlands Conservancy has worked with partners and supporters to protect the incredibly important highlands of West Virginia. It is increasingly difficult to keep up as lots of good and potentially concerning information comes out every day.

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

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

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

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:

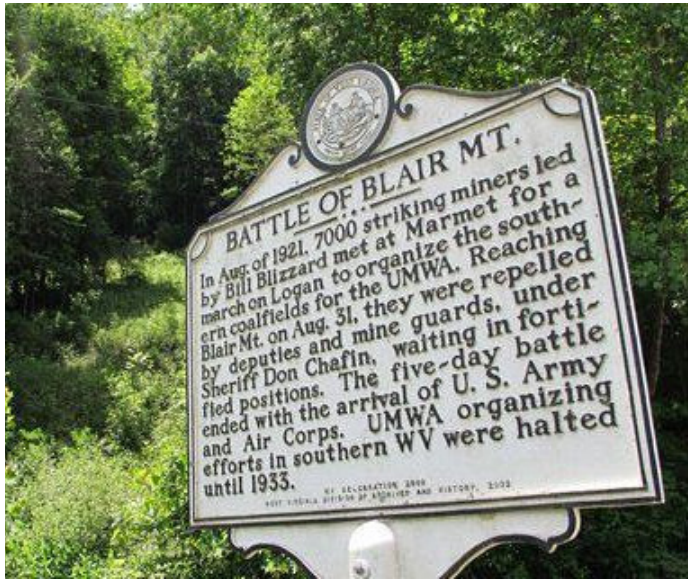
The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational,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

Battling Over Blair Mountain (Continued from p. 1)

surreptitiously and would literally destroy the mountain. The effort to limit the extent of mining went as far as the West Virginia Supreme Court where the justices questioned why the area wasn't already on the National Register of Historic Places and protected from mining.

Paul Nyden wrote in the Charleston Gazette on May 8, 1991 that "much of the 45-minute debate focused on why Blair Mountain - the site of the largest armed confrontation in U.S. labor history - is not on the National Register of Historic Places."

He noted Justice Margaret Workman as asking: «Are you saying Blair Mountain is not eligible because it has not been nominated? ... My house is on the National Register. I would think that Blair Mountain could be. Did the bureaucracy run amok here? Why hasn't this been nominated?"



I vaguely recall the Union may have managed to preserve one small peak of Blair Mountain, but mining in and around Blair has been substantial and encroached on much of the area of the original battle.

Though I don't remember

details of what transpired around the question of the National Register during the succeeding decade or so, what I do know is that local residents – Kenny King primary among them – kept pushing for official recognition of Blair Mountain as an important part of West Virginia history and culture and deserved to be protected from mining and other human inflicted devastation.

THE LISTING

It is because of people like Kenny King, Jimmy Weekly, Chuck Keeney and later Friends of Blair Mountain, researcher Harvard Ayers and his students that the artifacts and locations of the pivotal moments of the battle had been amassed, documented and mapped sufficiently for the West Virginia State Historical Protection Officer (WV SHPO) to define an acceptable boundary of the area of significance [not the entire battlefield I might note] and nominate the area for listing on the National Register of Historic Places.

That was in 2005. It took another 5 years to clarify and fine-tune the record and overcome the first industry challenge before the Keeper officially placed the Blair Mountain Battlefield on the National Register in March 2009.

THE DELISTING

What ensued was a rather complicated back-and-forth about property ownership and the numbers of owners who objected to the listing of Blair Mountain. [i.e. Under the National Historic

Preservation Act and National Park Service regulations if a majority of property owners object to a listing, the property cannot be listed.]

Challenges were mounted by industry not willing to give up even the slightest strip of coal that might someday be mined. Legal representatives for Natural Resource Partners, Arch Coal, and Massey Energy produced names of people who they contended were property owners and who objected to the listing but hadn't been counted in the original process.

West Virginia State Historical Protection Officer (WV SHPO) also questioned the number of property owners and the number of objections the office had identified when it verified the nomination in January 2009 and ultimately determined it had neglected to count and submit all valid objections.

Responding to those challenges, the Keeper decided that Blair Mountain was erroneously listed on the National Register in March 2009 and removed it from the Register on December 30, 2009.

COURT CHALLENGE

Public outcry was heard far and wide and attention to the issue was highlighted by actions such as the two marches of hundreds of citizens who walked the same route taken by the union miners in 1921 – i.e. from Marmet along the Kanawha River in Kanawha County over the steep mountains through Boone County and on to Blair Mountain in Logan County.

By September 2010 West Virginia Highlands Conservancy joined a coalition of environmental and historic preservation groups including Friends of Blair Mountain, Sierra Club, the Ohio Valley Environmental Coalition, the West Virginia Labor History Association and the National Trust for Historic Preservation in filing



a complaint in the US District Court for the District of Columbia against the Keeper, the Secretary of the U.S. Department of the Interior, and the National Park Service challenging the December 2009 removal of Blair Mountain from the National Register. The UMWA participated in the litigations as amicus curiae.

THE AFFIRMATION

On April 11, 2016, after the inevitable years of legal filings, the D.C. court vacated the December 2009 "delisting" as arbitrary

(A little more on the next page)

No Reason to Cancel Study on Mining and Public Health

By Kate Mishkin

There's no apparent reason why a study on the health effects of mountaintop removal was halted last year, according to the Department of the Interior's deputy inspector general.

The study, "Potential Human Health Effects of Surface Coal Mining Operations in Central Appalachia," would have looked at the health effects on residents who live near mountaintop removal coal-mining sites. The Department of the Interior's Office of Surface Mining had committed \$1 million to the study but put it on hold after the office said it was reviewing grants and agreements that cost more than \$100,000.

Without orders from the OSM, the National Academies of Sciences, Engineering and Medicine, which was in charge of the study, released its 11-member committee earlier this year.

"Other than a general document entitled 'Secretary of the Interior's Priorities,' departmental officials were unable to provide specific criteria used for their determination whether to allow or cease certain grants and cooperative agreements," Mary Kendall, the deputy inspector general, wrote to Rep. Raúl Grijalva, D-Ariz., the ranking Democrat on the House Natural Resources Committee, in a letter June 7.

Grijalva asked Kendall's office to review the decision to halt the study in January. In his letter, he asked about the mountaintop removal study, and one on the offshore oil and gas inspection program, both of which were being funded by the Department of the Interior and conducted by the National Academies and abruptly ended.

He referenced two letters to Secretary of the Interior Ryan Zinke, on Aug. 25 and Oct. 17, asking for more information about both studies and said he hadn't received a response.

"The suspicion on my part was that it was an inconvenient truth that was going to happen here, that there was an effect," Grijalva said by phone Wednesday.

A spokeswoman for the Department of the Interior did not respond to requests for more information Wednesday.

In her response to Grijalva, Kendall said her office had reviewed both studies.

"Department officials decided to halt the study because they did not believe it would produce any new information and felt costs would exceed the benefits," Kendall wrote.

Officials made that decision after nearly half of the \$1 million budget was already spent, she said. But the \$455,110 already spent on the study was "wasted because no final product was produced," she said. The Inspector General's Office is separately conducting an audit of that \$455,110. The remaining \$548,000 will be returned to the U.S. Treasury in 2021, she wrote.

The OSM initially committed \$1 million to the study in August 2016 after citizen groups and state officials put pressure on the federal government to fund research.

The committee was asked to "identify gaps in the research and consider options for additional examination to address concerns about potential health risks," the OSM said in a news release on Aug. 3, 2016.

The study would have lasted two years and examined a series of published papers on how residents living near mountaintop removal coal-mining sites had a higher risk of cancer, premature death and other illnesses.

In Grijalva's Oct. 17 letter to Zinke, he asked for more information about the \$400,000 that was spent on the study.

"It increasingly appears as if [the] DOI ended the study because of fears that it would conclusively show that mountaintop removal coal mining is a serious threat to the health of people living in Appalachia," he wrote.

The decision to halt the study, he said, was politically motivated. Grijalva said he visited some Appalachian regions affected by mountaintop removal and saw how important it was to not just focus on the impact to the environment, but on public health, too.

"And that was the study, and to cut it short and not want empirical, fact-based science to talk about the consequences of mountaintop removal is wrong," he said. "It's wrong in so many ways."

Notes: This article originally appeared in *The Charleston Gazette*. *The Highlands Voice* has addressed the issue of the effects of mountaintop removal mining on public health many times, most recently in the April, 2018, issue. For some history of the discontinued study, see that issue.

More Battling over Blair (Continued from previous page)

and capricious and sent the delisting decision back to the Keeper of the National Register to reconsider its action.

What followed was months and months of tedious deed research, review of property records, and comparison with WV state tax records (a challenge no matter the county in West Virginia) to determine the ownership of parcels within the Battlefield Boundary. The effort also included further research into the actual number of property owners who had opposed the listing.

At long last, on June 27, 2018 the Keeper signed the Decision Memorandum affirming the Battle of Blair Mountain's listing on the National Register of Historic Places.

Perhaps someday it will be easier to urge West Virginia to recognize the inherent value of all its citizens and its mountain culture rather than sacrificing more and more of our heritage to the fast buck and the almighty dollar.

For now, suffice it to say that many dreams and plans and challenges remain before this designation is fully recognized as the honorable testimony to West Virginia's proud but difficult history it is meant to be.

Note: Thanks to Ken Ward of the Charleston Gazette you can read the Keeper's actual decision in the cloud at:
<https://www.documentcloud.org/documents/4567879-Blair-MountainFinal-Decision-Memo-signed027.html>

How Do Tiny Air Particles from Fracking Affect Public Health?

Building and operating a hydraulic fracturing well site can emit airborne particles in multiple ways. But scientists still don't fully understand how these particles impact human health.

Travis Knuckles, assistant professor in the West Virginia University School of Public Health, has received \$450,000 from the National Institutes of Health to investigate these questions.

Hydraulic fracturing is a process in which oil and gas are extracted from rock by injecting mixtures of water, sand and chemicals underground. Over three years, Knuckles will explore how particulate matter in the air from fracking sites can make it harder for the body to control how much blood enters the capillaries, the narrowest blood vessels, and turn oxygen into ATP, a chemical that is a primary energy source for cells.

The particulate matter at the center of Knuckles' study is especially fine. Each particle has a diameter of less than 2.5 micrometers. That's smaller than a particle of talcum powder—even smaller than a red blood cell. Particles that small have been shown to cause cardiovascular disease, worsen its symptoms and make it more deadly.

"We have a pretty good idea of what particulate matter does in general," said Knuckles, who is part of WVU's Department of Occupational and Environmental Health Sciences and the WVU Health Sciences Center Toxicology Working Group. "The issue is that we have not looked at particulate matter from these gas wells as a toxicant unto itself. How is that emission different from a typical emission near a roadway? Is it more toxic than ambient particles in a broad sense?"

He and his research team will compare how airborne-particulate samples collected from the Marcellus Shale Energy and Environment Laboratory near Morgantown and from downtown Morgantown influence microvascular tissue.

Using pre-clinical models, they will examine whether the very fine particles that fracking releases are more toxic than the particles

normally found in urban air. They will also study how the fracking-related particles' toxicity decreases as the wind blows them away from the well site.

The team will pay special attention to whether the microvascular system can constrict or dilate properly when it's exposed to very fine fracking-related particles. Knuckles predicts the particles will weaken dilation, cause inappropriately strong constrictions or both.

"The other thing that could be happening is that whatever exposure is taking place creates a condition where the mitochondria of the heart have decreased functionality. They're just not as good at converting oxygen into ATP," he said.

"This grant has offered us a great opportunity to look at the intersection of particle-exposure cardiac contractile function and bioenergetics," said John Hollander, a member of the research team and exercise physiology professor in the WVU School of Medicine.

Hollander's lab will focus on the molecular-level changes that fracking-related emissions trigger, whereas the WVU lab led by Timothy Nurkiewicz, another team member, will concern itself with vascular-level toxicology.

"This is a diverse team-science approach," said Nurkiewicz, an associate chair of research and professor of physiology, pharmacology and neuroscience in the WVU School of Medicine. "Dr. Knuckles is taking a very important environmental challenge and using resources across the Health Sciences Center to assess what the health risks may be."

The data that the project generates could be fodder for a larger epidemiological study in the future—which, in turn, could guide legislation that deals with where and how fracking occurs.

"What is the effect on physiology, and is that fact correlated pretty well in human data that come from these areas?" Knuckles asked. "I think we need science to inform policy in this case."

New Visitor Center for Canaan Valley National Wildlife Refuge

The United States Department of the Interior has announced \$7 million in construction funding for a new Administrative/Visitor Center for Canaan Valley National Wildlife Refuge. The current facility was a former restaurant built in 1975, later turned into offices, and is no longer adequate to meet the needs of either visitors or employees. The building has significantly deteriorated over the years with foundational damage, inadequate wiring, plumbing, and energy inefficient and outdated heating and cooling systems.

The funding will support design, site development and construction of the new, multi-purpose building and associated utility, transportation and visitor services infrastructure. In addition, the funding will also support parking lot improvements, educational kiosks and signs.

According to Refuge Manager Ron Hollis, the new building will "provide state-of-the-art interactive and educational experience for visitors, a safe and efficient work space for Service employees, community meeting space, and a bookstore for the Friends group. The building will house refuge employees as well as staff from the West Virginia Ecological Field Office, both administered by the U.S. Fish and Wildlife Service."

Canaan Valley National Wildlife Refuge attracts more than 53,000 visitors to West Virginia's Tucker County annually. It offers hunting and fishing as well as a broad range of recreation, such as 31 miles of hiking trails, naturalist-guided bird walks and environmental education for people from preschoolers to those in college.

Join Now !!!

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

| | | | | |
|---|--|------------|--------|--------|
| Membership categories (circle one) | | Individual | Family | Org. |
| Senior | | \$15 | | |
| Student | | \$15 | | |
| Introductory | | \$15 | | |
| Other | | \$15 | | |
| Regular | | \$25 | \$35 | \$50 |
| Associate | | \$50 | \$75 | \$100 |
| Sustaining | | \$100 | \$150 | \$200 |
| Patron | | \$250 | \$500 | \$500 |
| Mountaineer | | \$500 | \$750 | \$1000 |

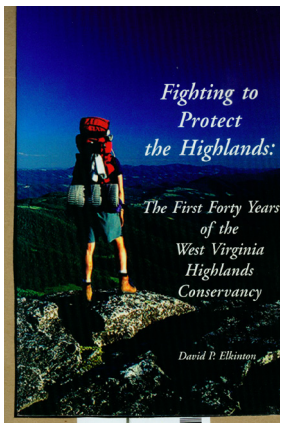
Mail to West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321

West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful

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

GET A GREAT HISTORY BOOK

For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.



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

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

To order your copy for \$15.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, 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.

SUCH A DEAL!
Book Premium With Membership

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

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

Tell a Friend!

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

Person you wish to refer: _____

Address: _____

Email _____

Your name: _____

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

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

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.

Fishing Joy

By Cindy Ellis

We know about the joys of mountain streams. We know icy, rushing waters and rocky waterfalls and verdant banks with spruce or hemlock. In our recent history, Don Gasper and Don Garvin were two of our volunteers and board members who especially savored and shared with us the fun of fishing in such streams and worked to protect them.

But the Mountain State's streams are among the issues for the West Virginia Highlands Conservancy that demand our



Beau Whittington

attention beyond the boundaries of the highest elevations. Some of us are helping with stream surveys in a variety of locations. WVHC funds have supported survey efforts led by the West Virginia Rivers Coalition and Trout Unlimited.

Eighteenmile Creek, in Putnam County, is the stream I study as part of this program. It has been an especially pleasant duty to visit the creek in each month of the year. I vaguely knew some folks fished here and I wondered aloud to my survey buddy, Alex Cole, about anglers in this and all the meandering, quietly gurgling, leafy-edged waterways down here in the foothills.

Luckily Alex knew of Beau Whittington, a friend who is an avid warm water fisherman. Beau was kind enough to field my questions in online interview. First, I asked about "where" and "when." Some answers were: "I am mainly a small river and stream fisherman with small watercrafts such as kayaks or canoes. I fish in Mud River, Coal River, and Eighteenmile Creek to name a few.

A good fishing spot needs to have a variety of things. Shallow feeding areas with access to deep water. The area needs a lot of fallen trees or stumps for good ambush spots. There also needs to be an assortment of food for predator fish such as minnows, suckers, small mammals and birds. Early spring and late fall will always be the best times to catch fish, In the spring fish move up shallow to look for places to nest and to put on weight to prepare themselves for the strenuous spawn.

Late fall is also a very good time to catch fish because they are feeding heavily to fatten up for the winter. Early morning and late evening are great times to catch fish. Also fishing during moon major and minor periods can be very productive. Weather is definitely a factor. When the weather gets hot fish will often move out deep to stay cool or get under logs and brush to stay in the shade. However, when the weather is overcast or raining the fish will come out of hiding and cruise the banks in search of wood being washed in from the rain."

Then I posed questions about gear, fish species, and stream access. "Equipment: It is important to have the right equipment for the right species being targeted. You want a lighter rod and line for smaller species, and heavier rod and line for larger species. Bank fishing is always an option, but some sort of watercraft will give you the best opportunity to fish places not accessible by bank fishing. A proper net and release tools are the most important things to have. A good set of needle-nose pliers is a must, along with a pair of side-cutters for cutting hooks that are too deep to pull out. A rubber coated net is also recommended so that the soft coating won't be abrasive to the delicate slime coat on the fish.

Fish species: The cool things about fishing small WV streams is you never know what you might catch. The most popular fish



Eighteenmile Creek

are Largemouth bass, Smallmouth bass, Walleye, Musky, Flathead catfish, Channel catfish, Blue catfish, and bluegill. Public access is something that is severely lacking in our state. Most lakes have adequate ramps to access but a lot of public rivers and streams have little to no access points. I believe this is why the kayak fishing scene has taken off dramatically in the past 5 years. People can now get to places they couldn't get to before."

Finally, Beau answered questions about negative impacts to streams, licenses, and number of those actively participating... "Littering is the number one negative impact on our streams. Fishing

(More on the next page)

Stream crossings temporarily suspended

Mountain Valley Pipeline Hits Another Snag

By John McFerrin

The United States Court of Appeals for the Fourth Circuit has temporarily suspended all stream and wetland crossings in West Virginia by the proposed Mountain Valley Pipeline. The suspension will last at least until further court proceedings scheduled for September.

Background

To go from its beginning in Wetzel County, West Virginia, to its end in Virginia, the Mountain Valley Pipeline must cross 591 streams or wetlands, ranging from substantial rivers to minor streams. Before it may undertake these crossings, the federal Clean Water Act requires that it have permits for the crossings. These permits are issued by the United States Army Corps of Engineers.

One approach to the necessity of permitting is to apply for a permit for each crossing. This would require that each crossing be evaluated and approved individually. This would mean that, for each crossing, a permit would be issued that has conditions specific to that crossing and requirements that would protect the waters at that crossing.

The alternative approach would be to operate under what is called a Nationwide Permit or a General Permit. The Corps of Engineers has the authority to issue permits for wide categories of activities that have minimal impact. The idea is that, for some types of activity, if you've seen one you've seen them all. There is no need for individual permits for small impacts that are all the same. A general permit is adequate when the alternative would be multiple, identical permits for small, identical impacts.

The Corps of Engineers has issued a General Permit, known as Nationwide

Permit 12 (NWP 12) for pipelines. It sets out conditions and standards that all pipelines seeking to operate under it must meet. Because it is a General Permit, the result is that the conditions and standards are the same for every crossing. One of these conditions is that the crossing must be constructed within no more than 72 hours.

The Mountain Valley Pipeline anticipated operating under Nationwide Permit 12. It had been approved by the Corps of Engineers to do so.

What happened

The developers' plans to operate under Nationwide Permit 12 soon began to unravel. Several citizen and environmental groups (represented by the attorneys at Appalachian Mountain Advocates) challenged the decision by the Corps of Engineers to allow construction pursuant to Nationwide Permit 12 in the United States Court of Appeals for the Fourth Circuit.

The groups argued, in general, that NWP 12 was inappropriate for such a large number of crossings over such difficult terrain. The one size fits all approach that NWP implies might work where land is flat and soils are uniform. It would not work in West Virginia where the land is steep and varied.

The groups also focused on four river crossings in West Virginia (Elk, Gauley, Greenbrier and Meadow Rivers). There is a specific condition in NWP 12 that says that it can only be used when the construction will be completed within 72 hours. Crossing these rivers would require that the river be diverted while a trench was dug and the pipeline laid. It would take four to six weeks.

In addition to action in the Court of Appeals, the groups, through their lawyers, wrote the Corps of Engineers asking it to suspend the MVP's reliance upon NWP 12 and prohibit construction. As reported in the June issue of *The Highlands Voice*, the Corps responded by saying, more or less, "oops" and suspended construction on the four river crossings that are obviously not allowed under NWP 12.

Now the Court of Appeals has gone farther. It has suspended construction on all 591 stream crossings in West Virginia. The suspension is not permanent. It only lasts until September when further court proceedings could result in making the suspension permanent.

The groups maintain that NWP 12 may not be used for part of a project. They rely upon federal regulations which say that. It is clear to everyone that the four river crossings could not be constructed using NWP 12. If NWP 12 cannot be used for those crossings, then it is inappropriate to use it for the project as a whole. As the lawyers put it in their arguments to the Court, "When it comes to NWP 12, one bad apple spoils the bunch," simultaneously making their point and demonstrating that lawyers are not the dull and humorless bunch they are stereotyped to be.

The Court's order only applies to portions of the MVP within West Virginia. The lawyers have written the Corps of Engineers office that is in charge in Virginia and asked that it take the same action and suspend construction on the part of the line that is in Virginia.

More Joy (Continued from previous page)

line is among the most dangerous things to leave lying around. I have personally cut fishing line off multiple birds that became entangled in it. I always say if you bring it with you, take it with you.

Every year that I go out fishing I see more and more people doing it. A lot of young teens are even starting to fish in high school fishing tournaments. It's amazing to see how far this sport has come and volunteers/organizations that have helped it along the way. I think the streams are healthier and cleaner with each and every year. To fish in WV all you need is a standard fishing license available in most Walmarts or gas stations. An extra stamp for trout fishing is needed however.

Fishing is an amazing and rewarding sport. No matter how big a fish you may catch you will always try to catch one bigger. It's a never-ending cycle fisherman see to call "The Chase". It's a great sport to get the younger kids into to teach them about nature and get them outdoors. It is also important to practice good catch and release and to follow the regulations to keep WV streams healthy for the future generation."

Joyful! Well said! Whether any of us are participating in "The Chase" or simply enjoying tranquil moments by our favorite flowing water, we can be grateful for those such as my new friend Beau, who share the joy, and for all who do stream surveys, or actively work in any way to allow the pleasures connected with our West Virginia streams to continue.

Through Our Native State

By Lenore Coberly

We drive down the Little Kanawha late in life,
enfolded by green hills in spring leaf, at speed
limits forty on curves, a constant in these parts.

At Dolly Sods we climb to see calypso orchids in
deepest red and boulders piled across the top, the
heart of the world's oldest mountains laid bare by
fires that burned the cedar mulch of centuries. Firs,
one-sided from wind, and berries grow in crevices
among old rocks at 3,500 feet. Mr. Dahle from Germany
cut the trees and grazed sheep here, found a place
that was home, never dreaming land could burn.

Uncle Bob, ninety-four now, understands the strange
volatility of mountains. He drills for gas, remembers
feuds and deaths and going for a job in fifty-cent
overalls when the railroad came up the Guyan to get coal
that burned hotter than peat. The foreman asked what
he could do and he said nothing so they made him a
tie-tapper on a twelve mile section of track for \$2.10
a day while the men were fighting in Germany. "Not
one of them from Harts Creek got killed," he says, "they
were used to 0000000 gun fire—whatever happened to that
Kaiser?"

The cousins and their children's children gather to laugh
and talk about how easy it is to make mistakes in this
life and how important it is to forgive and be forgiven.

When the burning sun sets
there is light
beyond the next mountain.

Leave a Legacy of Hope for the Future

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

Roster of Officers, Board Members and Committee Chairs, and Board of Directors

PRESIDENT: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602,
larrythomas@aol.com
VICE PRESIDENT FOR FEDERAL AFFAIRS: Marilyn Shoenfeld, 167 Balsam Way,
Davis, WV 26260, (304) 866-3484, marilyn.shoenfeld@gmail.com
VICE PRESIDENT FOR STATE AFFAIRS: Frank Young, 33 Carnian Ford Road, Ripley,
WV 25271, (304)372-3945, fyoung@mountain.net
SECRETARY: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304) 291-
8305, johnmcferrin@aol.com
TREASURER: Bob Marshall, 2108 Emma Road, Kenna, WV 25248, (304)545-6817,
woodhavenwva@aim.com
PAST PRESIDENT: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168,
(304) 586-4135, cdellis@wildblue.net

DIRECTORS-AT-LARGE (Terms expire October 2018)
George E. Beetham Jr., 2819 Mt. Carmel Avenue, Glenside, PA 19038, (267) 252-3748,
geobeet@hotmail.com
Jackie Burns jackie.burns@frontier.com. 304 866 4093
Bill McNeel, 1234 Jericho Road, Marlinton, WV 24954, (304) 799-4369, wpmcneel@
gmail.com
Randy Kesling, 116 Farm Meadow Drive, Bridgeport, WV 26330; (304) 622-5982;
rkesling@MA.RR.com

DIRECTORS-AT-LARGE (Terms expire October 2019)
Adam Casseday, 212 Davis and Elkins St, Elkins, WV 26241, 304-636-4944, dr_
casseday@yahoo.com
George Hack; 510 HANNA RD; Bel Air, MD 21014; 443 742-0463 george.hack@db.com
LeJay Graffious, P.O. Box 69, Bruceton Mills, WV 26525, lejay@oldhemlock.org
Rick Webb, 481 Ravens Run Road, Monterey, VA 24465, (540) 468-2881, rwebb@
virginia.edu
Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, hugh.rogers@gmail.com

ORGANIZATIONAL DIRECTORS

WEST VIRGINIA CAVE CONSERVANCY: Randy Rumer; 295 Caraway Lane
Renick, WV 24966; (304) 497-2657; rrumer@frontiernet.net
PITTSBURGH CLIMBERS: Buff Rodman, 32 Crystal Drive, Oakmont, PA 15139, (412)
828-8983, buffrodman@hotmail.com
BROOKS BIRD CLUB: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168,
(304) 586-4135, cdellis@wildblue.net
MOUNTAINEER CHAPTER TROUT UNLIMITED: Randy Kesling, 116 Farm Meadow
Drive, Bridgeport, WV 26330; (304) 622-5982; rkesling@MA.RR.com
WEST VIRGINIA RIVERS COALITION: Taylor Sharp
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, 4401 Eden Road, Rock Cave , WV
26234, (304) 924-5802, clrank2@gmail.com
TEAM (Taylor Environmental Advocacy Membership): Beth Baldwin, 222 Westwood Ave
Bridgeport , WV 26330; elbrn6e21@msn.com
ALLEGHENY HIGHLANDS ALLIANCE: Dr. Wayne C. Spiggle, 3987 Knobley Road,
Keyser, WV 26762, 304-726-4868, wspiggle@mac.com
SHAVERS FORK COALITION: Jim Van Gundy, 210 Buffalo Street, Elkins, WV 26241,
(304) 636-4736, jjvg01@gmail.com

COMMITTEE CHAIRS

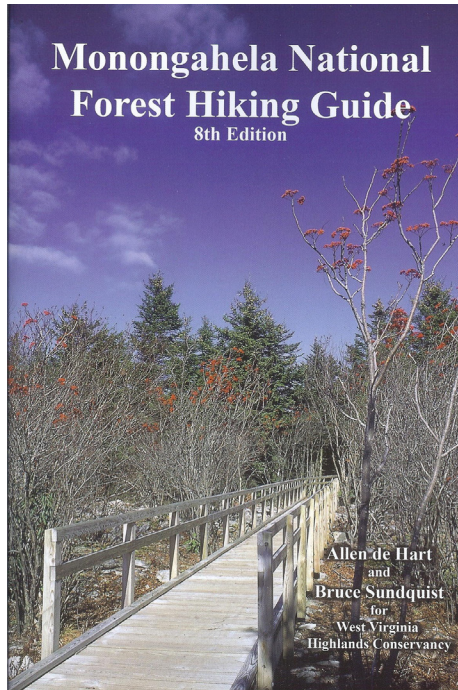
EXTRACTIVE INDUSTRIES COMMITTEE: Cindy Rank, 4401 Eden Road, Rock Cave,
WV 26234, (304) 924-5802, clrank2@gmail.com
PUBLIC LANDS MANAGEMENT COMMITTEE: Marilyn Shoenfeld, 167 Balsam Way,
Davis, WV 26260, (304) 866-3484, marilyn.shoenfeld@gmail.com
RENEWABLE ENERGY COMMITTEE: Peter Shoenfeld, 167 Balsam Way, Davis WV
26260, (304)866-3484, pshoenfeld@gmail.com
LEGISLATIVE COMMITTEE: Frank Young, 33 Carnian Ford Road, Ripley, WV 25271,
(304) 372-3945, fyoung@mountain.net
ENDOWMENT FUND COMMITTEE: Larry Thomas, P.O. Box 194, Circleville, WV
26804, (304) 567-2602, larrythomas@aol.com
RIVERS COMMITTEE: Vacant
HIGHWAYS COMMITTEE: Hugh Rogers, 531 Moon Run Road, Kerens, WV 26276,
(304) 636-2662, hugh.rogers@gmail.com

MISCELLANEOUS OFFICES

WEB PAGE – DIGITAL PUBLISHING: Dan Radmacher, (540) 798-6683, dan.
radmacher@writingleft.com

ADMINISTRATIVE OFFICES

MEMBERSHIP SECRETARY: Beth Little, 214 Black Gum Lane, Hillsboro, WV 24946,
(304) 653-4277, blittle@citynet.net
HIGHLANDS VOICE EDITOR: John McFerrin, 202 Van Tassel Court, Morgantown, WV
26508, (304) 291-8305, johnmcferrin@aol.com



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

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

Send \$12.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy

P.O. Box 306

Charleston, WV 25321

OR

Order from our website at
www.wvhighlands.org

VOICE AVAILABLE ELECTRONICALLY

The Highlands Voice is now available for electronic delivery. You may, of course, continue to receive the paper copy. Unless you request otherwise, you will continue to receive it in paper form. If, however, you would prefer to receive it electronically instead of the paper copy please contact Beth Little at blittle@citynet.net. With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived. The electronic Voice is in color rather than in black and white as the paper version is.

BUMPER STICKERS

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

Also available are the new green-on-white oval *Friends of the Mountains* stickers. Let Julian know which (or both) you want.



Editor's cat's favorite bird (watching only)

Board Meeting Coming Up

The summer board meeting of the West Virginia Highlands Conservancy will held on Saturday, July 21 at a location near Elkins. While only Board members are allowed to vote and make motions, all members are allowed to participate in discussions.

If you want to come, contact President Larry Thomas at larryvthomas@aol.com for directions,

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

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