

West Virginia Highlands Conservancy
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Pipelines and the National Forests: A Conflict of Values

By Lewis Freeman, Executive Director, Allegheny-Blue Ridge Alliance

It has been over four years since the first proposals were set forth to build two natural gas pipelines that begin in the Marcellus shale fields of central West Virginia, both designed principally to provide fuel for public utility electricity generation. The proposed Mountain Valley Pipeline would go south through West Virginia, then cross east into Virginia, traversing the Blue Ridge Parkway and the Appalachian National Trail, including cutting through a portion of the Jefferson National Forest. The project would be 300 miles in length.

The second project, proposed in May 2014, is the Atlantic Coast Pipeline (ACP). A joint venture led by Dominion Energy and Duke Power, the 600-mile project would end in southern North Carolina, with a spur over to the Norfolk, Virginia area. Questions have abounded about both projects over the intervening four years, including: the need for the projects, given unused capacity in existing natural gas pipelines and declining projections for electricity

demand in the markets to be served; the environmental impact of the projects, particularly as they are built through the mountains; and the use of eminent domain to acquire private property from owners who would not benefit from the projects, yet would have their land taken from them against their will.

Among the most prominent questions raised about both projects, particularly the ACP, concern the impact on the National Forests. The ACP would cross approximately 21-miles, combined, of the Monongahela and George Washington National Forests. An earlier proposed route would have doubled the amount of Forest lands traversed.

The Forest Plans of both the Monongahela (MNF) and George Washington (GWNF) contain strict provisions governing whether a project like the ACP could be built. In recognition of that, Forest Service officials began asking the ACP for specific information on how the project could be built through the two Forests without

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Thoughts from our President

By Larry Thomas

Congress fails to reauthorize the Land and Water Conservation Fund

National and State of West Virginia conservation and recreation groups have requested that legislators permanently reauthorize the Land and Water Conservation Fund (LWCF) and not to allow the LWCF to expire on September 30. Unfortunately, that did not happen.

LWCF has supported “wild and wonderful” icons of West Virginia like the Monongahela National Forest, New River Gorge National River, Gauley River National Recreation Area, Canaan Valley National Wildlife Refuge, Harpers Ferry Natural Historical Park, our state park system and was essential in securing additional public access in the Spruce Knob – Seneca Rocks National Recreation Area. Since the inception of the LWCF, \$11.2 billion has been made available to federal public lands, more than \$225 million in West Virginia and over \$4.7 billion has been made available to state and local governments to fund more than 43,000 conservation projects throughout the nation, approximately \$50 million to West Virginia. LWCF helps fund local projects that contribute to our everyday quality of life in our Mountain State.

Those successes have come despite the fact that the LWCF has been raided, nearly every year, since its creation. The original goal of distributing \$900 million to the states for conservation and recreation has been met only twice in the 52-year history of the Fund. Some \$19 billion earmarked for the LWCF, money belonging to the American people, and meant to be used for American communities and public lands, have been diverted to other uses.

This is not a dead issue. A permanently reauthorized LWCF must be established, with no more diversion of desperately-needed public money. Our future, and that of our children, depends upon our action right now. Please continue to contact our legislators requesting that they support permanent reauthorization of LWCF before they adjourn.

It is interesting to note that on page two of “Fighting to Protect the Highlands: The First Forty Years of the West Virginia Highlands Conservancy”, Lou Greathouse of the West Virginia Recreational Society and listed as one of the individuals at the first meeting of the people who would eventually become the West Virginia Highlands Conservancy was developing the first Statewide Comprehensive Outdoor Recreation Plan in West Virginia spurred on by a requirement in the federal Land and Water Conservation Act of 1965. More about that project is included on the following pages. I searched, without success, for the 1965 plan, but a copy of the 2015-2020 Statewide Comprehensive Outdoor Recreation Plan can be found at:

http://www.wvcommerce.org/App_Media/assets/pdf/peopleandplaces/communityresources/2015-2020_WV_SCORP.pdf

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So what's the answer?

The story on the Allegheny Front Migration Observatory in the September issue of *The Highlands Voice* gave an example of a question that a volunteer there would pose to visitors: Which do you think weighs more...a hummingbird or a ping pong ball?

The story did not give the answer.

A ping pong ball weighs 2.7 grams. If you just want to knock one around in your basement, exact weight doesn't matter. If you want to play in the Olympics, it has to weigh 2.7 grams. (You also have to learn to call it "table tennis" but that's another matter.)

Is this more or less than a hummingbird? Like much in life, the answer is ...it depends.

It depends both upon species and time of year. The sumo wrestler of hummingbirds is the Giant Hummingbird (*Patagona gigas*), weighing in at 18-24 grams. It lives in the Andes, from Columbia to Argentina. Although it does migrate, it never makes it out of South America. It is an outlier in the hummingbird family, weighing almost twice as much as the next largest species and ten times more than the smallest.

The smallest hummingbird (and smallest bird) is the Bee Hummingbird (*Mellisuga helenae*) Females weigh 2.6 grams; the slightly smaller males weigh

1.95 grams. They only live in and around Cuba.

The only hummingbird that would likely be seen at the Allegheny Front Migration Observatory is the Ruby Throated Hummingbird (*Archilochus colubris*) Its males average 3.4 grams; the slightly larger female averages 3.8 grams. It spends its winters in Florida, Southern Mexico, and Panama. It breeds throughout the Eastern United States and Southern Canada.

The weights of hummingbirds also change with the season. When they are bulking up in preparation for migration they weigh more than these average weights.

So, what is the answer? Although there are several exceptions, most hummingbirds outweigh a ping pong ball.



Where it Began

Now that the new edition of the Hiking Guide to the Monongahela National Forest has come out, it is interesting to see where it all began. This is from the August, 1971, issue of *The Highlands Voice*:

A HIKING GUIDE TO THE MONONGAHELA NATIONAL FOREST

The U.S. Forest Service's management of the various "values" of the M.N.F. reflects, to a considerable extent, the relative demand for these values. Thus though abandoning trails, failing to clean up after logging operations, etc... may seem like mismanagement to some, it probably merely reflects the demand for lumber values relative to the demand for esthetic values (scenery, etc. .). Obviously then, those of us interested in preserving the scenic and natural values in the forest can promote the cause by increasing the demand for such values.

To this end a hiking guide to the Monongahela National Forest is being planned - to be published and sold by the W.V. H.C. The Job is partly done already: the U.S.F.S. has "trail logs" of many of its trails; we already have guides to Cranberry Backcountry, Otter Creek, and Dolly Sods, and Pittsburgh A.Y.H.'s "Hiking Guide to Western Pa. and Northern W. Va." already has write-ups on several other M.N.F. trails. Much work needs to be done however - much more than could readily be accomplished by a few people. Volunteers are needed to "adopt" various sections of the forest (or just one trail) and to prepare trail write-ups giving such information as:

- (1) Access points
- (2) Location of springs, shelters, points of interest
- (3) Route descriptions
- (4) Evaluation of scenic value, hiking difficulty, trail condition
- (5) Mileage between various access points
- (6) Availability of water
- (7) Possibilities for swimming, cross-country skiing, etc .

Those interested in helping in even a small way on this project should contact Bruce Sundquist, 210 College Park Drive, Monroeville, Pa. 15146 who will coordinate the various efforts, prepare the final draft, handle printing, etc.

Many thanks to Larry Thomas, who sifted through the dusty (or the electronic equivalent of dusty) archives to find this.

Pipelines in the National Forests (Continued from p. 1)

causing serious environmental damage. Of paramount concern to the Forest Service was how the ACP could be built over the steep mountain slopes dominating portions of the MNF and GWNF without causing serious, permanent damage. Much of the proposed construction would involve effectively removing the tops of steep mountain ridges in the Forests, thus causing serious threats of permanent, ongoing erosion.

Representative of the Forest Service's concerns was an October 24, 2017, request it made to the Federal Energy Regulatory Commission, the federal agency with overall responsibility for granting approval for the ACP, to require site-specific design of stabilization measures in selected high-hazard portions of the ACP route. The Forest Service letter stated:

The route for the Atlantic Coast Pipeline Project (ACP Project), proposed by Atlantic Coast Pipeline, LLC (ACP) would cross some very challenging terrain in the central Appalachians. Potentially difficult situations include steep slopes, presence of headwater streams, geologic formations with high slippage potential, highly erodible soils, and the presence of high-value natural resources downslope of high hazard areas. These hazards are exacerbated by high annual rates of precipitation and the potential for extreme precipitation events.

Similar hazards on other smaller pipeline projects in the central Appalachians have led to slope failures, erosion and sedimentation incidents, and damage to aquatic resources. Therefore, the Forest Service (FS) is concerned that crossing such challenging terrain with a much larger pipeline could present a high risk of failures that lead to resource damage.

To address these hazards, ACP has proposed implementing "best in class" slope stabilization and erosion/sedimentation control measures. ACP provided general descriptions and conceptual drawings of these methods in its resource reports and other filings. In comments on resource reports and in other formal and informal communication, the FS has asked ACP to provide documentation of the effectiveness of these techniques.

Both the George Washington and Monongahela National Forests contain Forest Plan standards that limit activities in areas that are at high risk for slope and soil instability. To facilitate the acceptance of ACP's Special Use Permit application for further processing, the Forests need to

be able to determine that the project is consistent or can be made consistent with this Forest Plan direction.

To further clarify the likelihood that the ACP can be constructed through the George Washington and Monongahela National Forests without undue risk of resource damage, the Forest Service is requesting that ACP develop site-specific stabilization designs for selected areas of challenging terrain.

Consultations between the Forest Service and Dominion Transmission, Inc., managing partner for the ACP project, regarding the development of acceptable stabilization measures for the project continued over the ensuing months. In July, 2017, however, before the Forest Service's concerns were satisfactorily addressed by Dominion, the agency approved a proposed amendment to the Monongahela and George Washington Forest Plans that in effect

provided an exemption for the ACP from Forest Service standards. In November, a Special Use Permit for the project was granted.

The Special Use Permit for the ACP by the Forest Service was challenged in a law suit filed February 5, 2018 by a coalition of several member organizations of the Allegheny-Blue Ridge Alliance (ABRA). In its press release announcing the legal action, the ABRA stated:

The Forest Service repeatedly requested additional information from developers yet moved ahead and approved this risky project with its questions unanswered. The pipeline is slated to cut through miles of steep, rugged mountainous regions of national forest land in West

Virginia and Virginia. Much of this land provides habitat for rare and endangered species and is land that is regularly used by hikers and campers.

Pipeline developers have yet to receive all the permits needed for this project, including a water certification from Virginia meant to ensure protection of sensitive waterways. The Forest Service should not allow any work to move forward on national forest lands until this project is fully permitted.

On Monday, September 24, the U.S. Court of Appeals for the Fourth Circuit ordered a stay of the Special Use Permit that had been issued by the U.S. Forest Service for the Atlantic Coast Pipeline (ACP).



Trees were felled for the ACP in early 2018 in this section of the National Forest on Allegheny Mountain along the Virginia-West Virginia border. The Forest Service initially raised concerns about the hazards of pipeline construction on the extreme slopes in this area. These concerns were seemingly forgotten by the time the Forest Service granted a Special Use Permit for the project.

(More on the next page)

Pipelines in the National Forests (Continued from p. 4)

The Order was the third time in four months that the Fourth Circuit has vacated or stayed federal authorization for the ACP. The Court had issued on May 15 and reaffirmed on August 6 an order vacating the incidental take statement from the U.S. Fish and Wildlife Service (FWS), pursuant to requirements of the Endangered Species Act. Also, on August 6, the Court vacated the right-of-way permit issued by the U.S. Park Service (NPS) to permit the pipeline to cross the Blue Ridge Parkway and Appalachian Trail.

Four days later, on September 28, the Fourth Circuit heard oral arguments on the challenge to the Forest Service Permit. During the arguments on the case, the presiding judge observed that the Forest Service seemed to have suddenly changed its mind in mid-2017 and proceeded to approve the requested Special Use Permit. He inquired of the Justice Department attorney representing the Forest Service what the circumstances were that caused the agency to change course. The attorney responded evasively, prompting the judge to interrupt him again and ask: "When?" The attorney tried to continue with his non-responsive response, and Judge Gregory again interrupted with: "When?" The judge's "When?" question was asked twice more, but never received a response, prompting the judge to thunder: "Who's running the train station? Is it the private company?"

When the Forest Service issued in November 2017 the Special Use Permit for the ACP to cross the Monongahela National

Forest and the George Washington National Forest, ABRA issued the following statement to the media:

"We firmly disagree with the decision announced today by the U.S. Forest Service to allow construction of the Atlantic Coast Pipeline through publicly owned forest lands – valued by millions of visitors and the source of drinking water for thousands of people. We believe this decision is based on seriously deficient and incorrect information. The action imperils some of the nation's most treasured natural resources and reflects a rush to judgment that is contrary to the standards of deliberation that we have a right to expect from the Forest Service. The decision should be strongly challenged."

The decision has indeed been challenged and ABRA and its members will continue to challenge any decision that adversely affects the integrity and diminishes the value of one of our nation's most treasured assets: its National Forests.

The Allegheny-Blue Ridge Alliance, is a coalition of over 50 conservation and environmental organizations in Virginia and West Virginia concerned with protecting the heritage, resources and economy of the Allegheny-Blue Ridge region and leading opposition to the Atlantic Coast Pipeline. The West Virginia Highlands Conservancy is a founding member of ABRA.

Just another twist and turn

Atlantic Coast Pipeline Gets Another Go-Ahead

In September, *The Highlands Voice* reported that construction on the Atlantic Coast Pipeline had been stopped by the Federal Energy Regulatory Commission (FERC) because it did not have proper permits. The permits involved the developers' duties under the Endangered Species Act and in crossing the Appalachian Trail.

Now the developers have received new approvals from the agencies involved. As a result, FERC has issued a new order allowing construction to continue.

There remains in place a restriction on construction by the United States Army Corps of Engineers. The Atlantic Coast Pipeline had attempted to use a permitting shortcut (called Nationwide Permit 12) for which it might not be eligible. This permit is required before the project may cross streams or wetlands. The Corps of Engineers has halted construction in West Virginia until that is straightened out.

Note: The permits mentioned in this little update are the same ones mentioned in the story on pp. 1, 4, and 5. They are in the first full paragraph on p. 5. To recap, as reported in the story above, the APC was in trouble with its approvals under the Endangered Species Act and crossing the Appalachian Trail. That is straightened out. From the Court's comments reported in that story, it appears it is in trouble with its permit to cross the National Forests. Along with its sister/rival/whatever Mountain Valley Pipeline it still has trouble with its approval for stream and wetland crossings. If this all sounds confusing, it is just because it is.



Plan for Logging in Canaan Valley National Wildlife Refuge Draws Fire

By Rick Steelhammer

A plan to commercially log at least 1,600 acres of northern hardwood forest in Canaan Valley National Wildlife Refuge to achieve wildlife and plant habitat improvement goals is drawing fire from conservation groups.

The plan calls for an additional 1,600 acres to be cut, using both in-house and contract commercial timbering, to create early successional forest habitat along the perimeters of northern hardwood forest stands. The logging would be done incrementally, with at least 30 to 40 acres harvested annually. Commercially logged areas would be re-cut in 40-year cycles.

The timbering plans, encompassing 20 percent of the Tucker County refuge's 16,653 acres, were first announced to the public in an Aug. 8 notice in the Parsons Advocate. Public meetings with presentations by the refuge's staff followed on Aug. 11 and Aug 14. A public comment deadline originally scheduled for Aug. 21 was extended to Sept. 11.

"We were shocked that the managers of the Canaan Valley National Wildlife Refuge were planning to bring commercial logging into the valley for a long-term project," said Judy Rodd, director of the Friends of Blackwater. "This seems to go against the recovery goals on which the refuge was founded."

According to a habitat management plan for the refuge completed last year, commercial logging can, "subject to management prescriptions and oversight, treat the acreages desired efficiently and economically, often at no cost to the refuge while creating a small financial gain for the American people." The refuge staff lacks the personnel and equipment needed to cut the acreage prescribed for removal on its own, according to the plan.

Logging planned for the interior portions of the refuge's 6,531 acres of northern hardwood forest is designed to mimic natural disturbances, allowing plants and young trees now living under the forest canopy to mature and multiply, and creating forest edge habitat benefiting birds and wildlife. Much of that logging would involve a series of half-acre cuts to be repeated in 15 to 20 year cycles, according to the habitat management plan.

Cutting to create a perimeter of early successional forest — young trees, shrubs and brush — along the edges of northern hardwood forest stands could involve selective commercial cutting in addition to a series of 5- to 10-acre clear-cuts, according to the plan.

The creation of early succession forest by commercial timbering creates added nesting habitat for birds regarded species of concern at the refuge, including the American woodcock, eastern towhee and brown thrasher. Logging to create early successional forest also makes possible new staging and feeding areas for numerous species of migrating songbirds.

The Friends of Blackwater, the West Virginia chapter of the Sierra Club and Defenders of Wildlife all noted in their comments about the plan that commercial timbering was not addressed as a future use of the refuge when its most recent Comprehensive Conservation Plan for CVNWR was completed in 2011.

Therefore, they argue, the plan to log 10 to 20 percent of the refuge's acreage should first be reviewed under the National Environmental Protection Act, as other plans were reviewed in the

2011 document, and include a new public comment period, before prescribed commercial timbering is allowed to proceed.

The first cut is tentatively scheduled to take place this winter at the base of a northern hardwood stand on Middle Ridge, at the northern end of the refuge off A-Frame Road. Mid-Valley Trail would be used as a temporary haul road, and be closed to public use during the timbering.

In addition to bringing commercial logging to the refuge, the habitat plan calls for gradually increasing the refuge's stand of northern hardwood forest from its current size of 6,531 acres to 7,400 acres by reclaiming and planting trees on old logging roads and purchasing adjacent private forest stands as they become available.

The plan also calls for keeping the northern hardwood forest at least 80 percent canopy-covered, managing a tract of northern hardwood forest to create a stand of trees at least 90 years old, and using tree planting to connect isolated stands of red spruce to larger spruce stands.

It was not stated in the compatibility report or the habitat management plan whether the areas considered for logging have been surveyed for the presence of federally protected Indiana bats or long-eared bats, the Friends of Blackwater and the Sierra Club point out in their comments.

According to the refuge's Power Point presentation on the compatibility determination, once public comments have been made, the refuge staff will respond to all of them. Once the replies to the comments have been completed, "We will begin implementing forest management."

Similar compatibility determination meetings and public comment periods to assess the benefit of commercial logging in national wildlife refuges were held earlier this year by Blackwater National Wildlife Refuge in Maryland and Black Bayou Lake National Wildlife Refuge in Louisiana.

Note: This story originally appeared in *The Charleston Gazette*.

Entrance Fees in State Parks?????

A legislative audit has recommended that the Legislature should consider entrance fees for state parks. The park system estimates that the states needs between \$75 million and \$100 million for capital improvements and maintenance. During the 2018 Legislative session the Legislature approved a \$60 million Lottery bond issue. This will pay for some of the improvements but not all. The audit suggests that one way to make up the difference is to charge entrance fees.

In 2017 the Division of Natural Resources was all set to impose entrance fees at seven parks. Then the Governor came out in opposition. He's the one who sits in the big chair so that was that.

Join Now !!!

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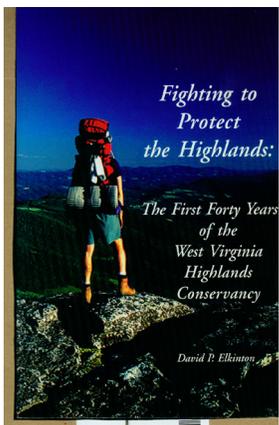
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You may also join on-line at www.wvhighlands.org

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.

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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.

Forest Service Thinking about Drilling in National Forests

By John McFerrin

The United States Forest Service is considering revising its rules that govern drilling for oil and gas in the National Forests.

Background

The United States Forest Service (a part of the United States Department of Agriculture) manages and protects 154 national forests, 20 grasslands and 1 prairie in 43 states and Puerto Rico. Locally these include the Monongahela National Forest, the George Washington National Forest, the Jefferson National Forest. The agency's mission is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

Although there has not been much oil and gas extraction in the local national forests in recent years, mineral extraction is a recognized use within the National Forest system. Approximately 44 national forests or grasslands have ongoing federal oil and gas interest or operations.

Another agency has a role as well. The Bureau of Land Management (a part of the United States Department of the Interior) is in charge of leasing minerals for development and issues the drilling permit. It also regulates all downhole operations.

The Forest Service has veto power over the issuance of the drilling permit; no permit may be issued over its objections. It also must approve the issuance of a lease and the activities that disturb the surface.

There are currently regulations which describe in more detail the duties and obligations of the agencies involved and what each has to do.

What the Forest Service Wants to Do

There are no draft regulations that are currently proposed and made available to the public for comment. Instead, the Forest Service has announced that it intends to do new regulations. It hopes to address these topics:

- Streamlining and reforming the process used by the USDA Forest Service to identify National Forest System lands that the Bureau of Land Management may offer for oil and gas leasing;
- Updating regulatory provisions concerning lease stipulation waivers, exceptions and modifications;
- Clarifying procedures for review and approval of surface use plans of operations;

- Updating the language addressing the operator's responsibility to protect natural resources and the environment;
- Clarifying language regarding inspections and compliance; and
- Addressing geophysical/seismic operations associated with minerals related matters in a manner that mirrors the Bureau of Land Management (BLM) regulations.

Now it is asking the public for its suggestions on how the regulations should change to address these topics. Depending upon the suggestions it gets and its own ideas, the Forest Service will then propose new regulations. These regulations will then be put out for public comment, possibly modified, and then made into final rules.

Changing the rules on how drilling in National Forests will, of course, have an environmental effect. Because of this, the Department of Agriculture (including the National Forest Service) has duties under the National Environmental Policy Act (NEPA) to determine the effect of this action on the environment. The Forest Service has announced that it intends to prepare either an environmental assessment or an environmental impact statement. It has asked for comments on the environmental effects of the rule change. (Jargon translation: An "environmental assessment" involves taking a look at the environmental effects, deciding they are no big deal, and that is the end of it. An environmental impact statement is a more detailed study).

Why Is the Forest Service Doing This

Short answer: we had an election.

Longer answer: On March 28, 2017, President Trump signed Executive Order 13783. After some platitudes on the importance of laws being followed, the environment being protected, etc. it articulated this policy:

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary

to protect the public interest or otherwise comply with the law.

The Executive Order goes on to lay out a long list of environmental policies, previous initiatives that should now be scrapped, etc. It is an interesting guide to what the Trump administration sees as its goal for environmental issues. Pertinent to the Forest Service is proposing here is this section:

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources. (a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

In announcing its intention to change the rules on drilling in National Forests, the Forest Service relied upon this Executive Order. It goes on to say, "Several areas of the current regulations were identified where potential revisions may expedite energy-related projects by streamlining internal processes related to environmental review and permitting. Potential revisions may simplify the decision making process for oil and gas leasing, which would lead to quicker leasing decisions."

Where we are in the process

With the possible exception of White House firings, nothing happens quickly in government. This is the beginning of the process to change the rules for drilling in National Forests. The Forest Service will receive comments on this proposal; it will write draft regulations. These draft regulations will be made available for public comment. The Forest Service will issue final regulations. It all takes time.

The process has, however, started. It will grind along until we eventually have regulations which will make it easier to get approval to drill in the National Forests.

VOTE!

“I am the Lorax, I speak for the trees.” So says a line of a beloved children’s book.

At this time of year, we urge you VOTE for the trees...and the mountains...and the streams...and more. Through actions of the current federal and state administrations, we have seen repeated attacks upon our natural treasures. Please do all you can to be a registered and informed conservation voter. October 16 is the voter registration deadline in West Virginia.

Here is registration help, including checking to make sure you were not “purged” from voter rolls:

<https://services.sos.wv.gov/Elections/Voter/AmIRegisteredToVote>

<http://action.everylibrary.org/voterregistration>

This link provides information on environmental records of current legislators:

<https://www.sierraclub.org/west-virginia/political>

And this link will help you find your district and the names of those current legislators:

<http://wvlegislature.gov/>

Don’t think we have enough mountain-saving candidates running? Resolve now to do all you can to change that in the future.

But now, this year, VOTE!



Maybe a New Acquisition for the Monongahela National Forest?

The United States Forest Service has an opportunity to acquire a 367 acre tract known as the Hooke Property.

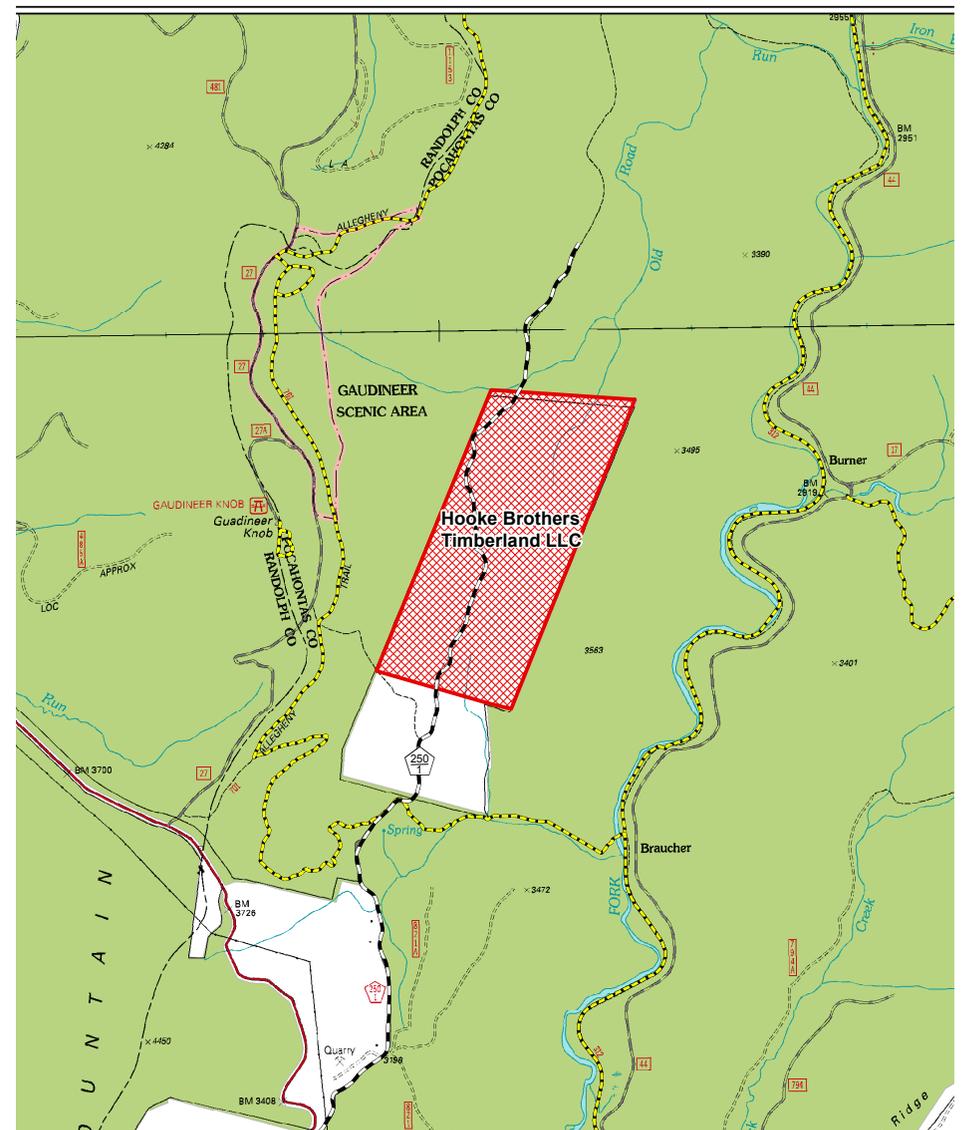
The property has high recreational value because it lies directly in the viewshed of the popular overlook on Gaudineer Knob. This parcel is surrounded by National Forest land, so it presents an opportunity to ensure that potential future land uses are compatible with the scenic view and other management goals of the National Forest.

The Hooke property also lies within the historic range of the red spruce ecosystem that crowns the highest elevations of the Allegheny Mountains. The property presents opportunities to restore red spruce habitat as part of the Forest Service’s landscape-scale spruce ecosystem restoration efforts, in which the West Virginia Highlands Conservancy and many other organizations are partners. This property has the potential to form a connection between red spruce restoration sites in the upper Greenbrier River watershed and existing mature spruce forests on top of Shaver’s Mountain.

Forest Service management of the Hooke property would have the potential to enhance habitat for the West Virginia northern flying squirrel, a Regional Forester’s Sensitive Species, and possibly other rare species.

Whether or not the Forest Service acquires the property is largely a matter of money. The supply is not unlimited and there are always multiple interests competing for it.

The West Virginia Highlands Conservancy has written a letter supporting the acquisition.

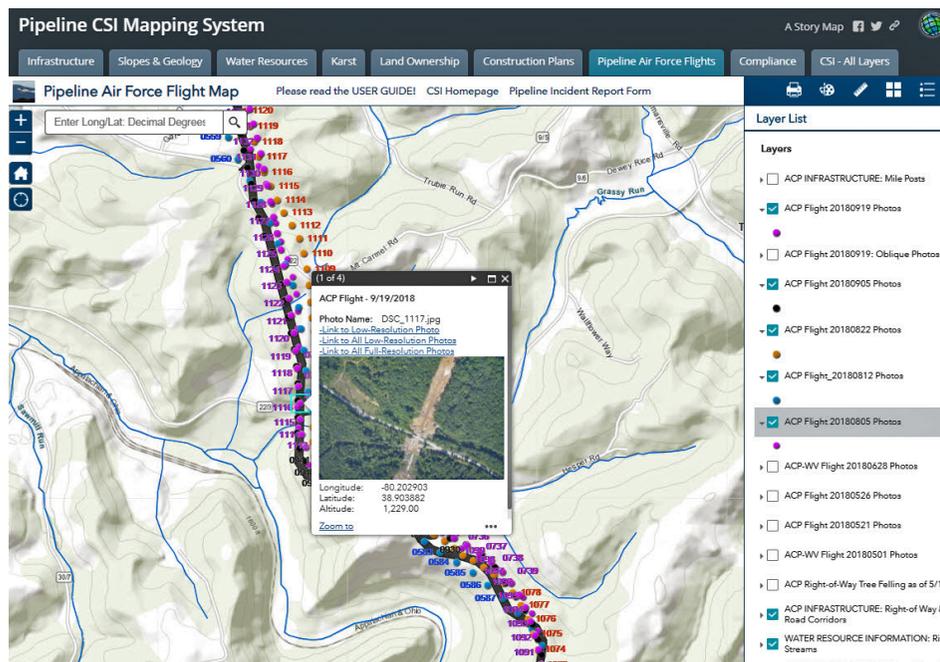


CROWDSOURCING OVERSIGHT OF PIPELINE CONSTRUCTION

By Rick Webb, Highlands Conservancy Board Member and Chair of the Allegheny-Blue Ridge Alliance CSI Program

The Pipeline Compliance Surveillance Initiative (CSI), a program of the Allegheny-Blue Ridge Alliance (ABRA), is working to crowdsource oversight of Atlantic Coast Pipeline construction.

In support of this effort, ABRA has published the [CSI Mapping System 4.0](#), a unique online geographic information system that includes user-selectable environmental layers and provides access to construction plans and aerial photography of construction in progress. Citizens, technical and legal experts, and even regulatory agency personnel, can access the CSI Mapping System to check actual construction for compliance with agency-approved construction plans.



Screenshot of the CSI Mapping system, showing the Pipeline Air Force map page and aerial photo points for five flights along the ACP construction corridor in August and September. Access to both low and high-resolution photos is provided by clicking on the photo points. The selected photo point is the Grassy Run/Railroad Grade Road crossing in Upshur County.

The CSI Mapping System is a cutting-edge tool for public involvement in the regulation of pipeline construction, especially with respect to use of aerial surveillance. The CSI's Pipeline Air Force, which now deploys on a weekly basis, has obtained thousands of photos documenting ACP activity in the mountains of Virginia and West Virginia. The CSI Mapping System provides access to these photos.

Locations for surveillance photos can be displayed in relation to the pipeline construction corridor, access roads, and other information. When a photo point is selected, a popup window displays a thumbnail of the photo and provides access to both low and full-resolution versions of the photo. In addition, the CSI Mapping System provides access to georeferenced photo mosaics for a subset of surveillance flights. A swipe tool allows direct comparison of construction activity on different days, as well as comparison of construction photos with construction plans.

The CSI Mapping system also provides a platform for documenting noncompliance with regulatory requirements and legal restrictions. Information concerning site-specific, as well as systemic, noncompliance can be accessed by clicking on points or construction corridor segments.



The low-resolution version of the photo point for the Grassy Run/Railroad Grade Road crossing. During routine surveillance flights, aerial photos are obtained at about 3000 feet above ground level at 3 second intervals.

Training in use of the CSI Mapping System can be arranged on request.

Additional CSI support for crowdsourcing of ACP construction oversight has been developed through a collaborative undertaking involving local group coordination, on the ground surveillance, water data collection, and legal and technical support.

For more information, see [Crowdsourcing on pipelineupdate.org](#).



A section of the high-resolution version of the photo point for the Grassy Run/Railroad Grade Road crossing. This area has had compliance problems resulting in citizen complaints and enforcement action by West Virginia Department of Environmental Protection. Problems in this area have included improper installation and maintenance of control structures, resulting in excessive erosion and off-site sediment deposits in surface waters.

Mon National Forest Hiking Guide

Celebrating the 50th anniversary of the West Virginia Highlands Conservancy, the new edition of the treasured guide to every trail in the Monongahela National Forest features brand-new topographic maps and Kent Mason's gorgeous photos, all in color.

The Guide has been updated with the cooperation of National Forest District Rangers and Recreation Specialists to reflect changes in the past ten years:

- * newly designated wilderness areas
- * new trails near campgrounds and sites of special significance
- * a new complex of interconnected trails on Cheat Mountain
- * rerouted and discontinued trails
- * ratings for difficulty, scenery, access to water, and much else

The definitive guide to the Mon adds a wealth of information about history, wildlife, and botany; safety, preparation, and weather; horseback and mountain bike riding and cross-country skiing; as well as sources of further information on the Forest and its environs.

The Monongahela National Forest has long been known as a 'Special Place'. The hiking, backpacking, and cross-country skiing opportunities it provides are among the best in the eastern U.S. New wilderness and backcountry trails have been added to the outstanding areas we have appreciated for decades – Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Wilderness -- and there are lesser-known gems to be found in between.

Profits from the sale of these guides support a wide variety of worthy environmental projects for the West Virginia Highlands Conservancy.

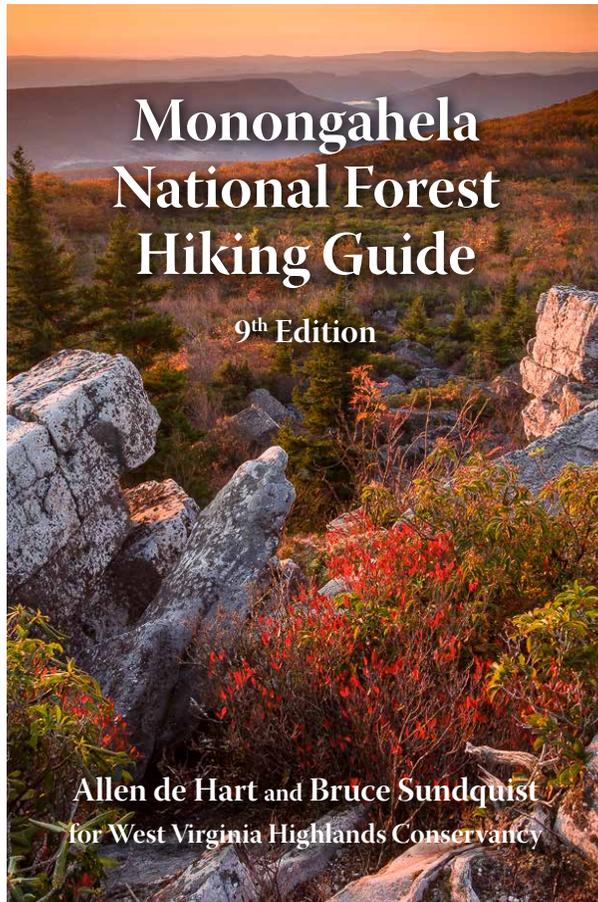
**Send \$18.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy**

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.

Pipelines crossing the streams near you

By Cindy Rank

ADMISSION:

Having participated in, closely studied, and been fairly conversant with legal issues and challenges involving water law and problems caused by the coal industry – mainly centered on acid mine drainage from 1979 to 1998, then valley fills and mountaintop removal from 1998 through 2018 – I find myself flummoxed by the myriad of those same issues as they have rained down upon us with the onslaught of unconventional shale gas drilling and assembling the infrastructure of associated facilities and pipelines needed to support what I perceive is a misdirected reliance on yet another fossil fuel to carry us into the future.

CLARIFICATION:

WVHC efforts have for the most part focused on legal/permitting & enforcement issues, the courts, and in the instance of pipelines, the two major transmission pipelines that cross through the national forests have been our main focus.

That's not to say the MANY other transmission, gathering, and smaller pipelines that are snaking around and crisscrossing the entire state aren't important or aren't negatively impacting people, property and resources.

In fact, it seems the only part of the state that is not being inundated with the massive sprawl of gas pipelines is that particular part of West Virginia where mountaintop removal and other large-scale coal mining continues to plague communities and the environment.

CASE AT HAND:

Nationwide or Individual – which Clean Water Act permits applies? And why?

The question is all too familiar and equally frustrating for anyone who has paid any attention to Voice articles over the past 20 years. Simply stated, if you want to muck around in streams you must first have permission to do the mucking and the U.S. Army Corps of Engineers is the agency with the authority under the Clean Water Act to give you that permission and set limits to your activity and protect the waters you're mucking.

This applies to the pipelines tearing through West Virginia, including the 300 mile-long Mountain Valley Pipeline (MVP) which is to transport gas from Wetzel County into Pittsylvania County, Virginia,

and the over 600 mile-long Atlantic Coast Pipeline (ACP) (and Supply Header feeder line) from Wetzel County into North Carolina. Both continue to face multiple legal challenges.

In Richmond VA last Friday, September 28, 2018, a three-judge panel of the U.S. Court of Appeals for the 4th Circuit heard oral arguments in four cases related to the ACP and MVP. For about four hours, Chief Judge Roger L. Gregory and Judges James A. Wynn, Jr. and Stephanie D. Thacker heard oral arguments in a nearly packed courtroom.

One case returned to the issue of the adequacy of the Forest Service Special Use Permit and the abrupt reversal of the Service's original reservations [See Lew Freeman's article, p. 1]. Another case addressed concerns about the certification issued by Virginia Water Control Board under Section 401 of the Clean Water Act. And a third dealt with mineral property owner rights in separate eminent domain case.

My focus here is on the fourth case, a legal challenge to the Army Corps of Engineers' determination that discharge of dredged and fill material related to construction of the Mountain Valley Pipeline meets criteria for authorization under the Clean Water Act Nationwide Permit 12 (NWP12). [18-1173]

Citizen groups including WV Highlands Conservancy have argued that NWP12 should never have been issued for either the Mountain Valley or Atlantic Coast pipelines and have challenged both.

The hearing in Richmond Friday addressed the Mountain Valley Pipeline challenge. [See the ENDNOTE to this article for a bit more regarding ACP.]

The WV Department of Environmental Protection (WVDEP) originally issued an individual 401 certification of the Corps fill permit for Mountain Valley. The permit was challenged by environmental and citizen groups which prompted the WVDEP to waive its individual state certification in November 2017, thus opening the door for the Corps to authorize the activity under the more lax general permitting process known as Nationwide Permits (#12 for "Utility Line Activities" includes gas pipeline activity).

The appeals court denied a previous motion to stay the NWP12 authorization, then later granted a motion for preliminary

relief based on information that construction would take weeks rather than within the 72-hour limit as required by the WV Special Conditions for Nationwide Permit #12 that was approved in early 2017 as part of the five-year renewal process for Nationwide Permits issued by the Corps of Engineers.

During Friday's court hearing lawyers for the Corps argued that as currently approved the proposed method for crossing streams is adequate and even more restrictive than NW12.

Appearing on behalf of plaintiff groups, Appalachian Mountain Advocates lawyer Derek Teaney argued that any process requiring more than 72 hours disqualifies it for approval under NWP12 and that furthermore, no matter the method employed, leaving streams exposed for more than 72 hours could still cause environmental harm. Nationwide permits should be scrapped and individual 404 fill permits pursued, thus allowing for more analysis, greater scrutiny and public input.

Referring to efforts underway by WVDEP to change state requirements for NWP12, the judges repeatedly asked why the Army Corps would allow WVDEP to do a rewrite out of the normal course of Corps 5-year review process. [See John McFerrin's article right over there  about WVDEP's attempts to reverse their own previously imposed state specific special conditions approved in early 2017.]

ENDNOTE:

Although oral arguments on Friday pertained to the NWP12 for the Mountain Valley Pipeline (MVP), the issue applies to the Atlantic Coast Pipeline (ACP) as well.

In the case of ACP, in its order dated August 23, 2018 the court denied our petition for a stay citing its finding that documents submitted by ACP are unclear about whether or not the company can meet the requirements of NWP12. ACP has advanced the theory that it can.

The Huntington District Corps has voluntarily suspended its NWP12 authorization for ACP. And ACP has committed to the court that it will "provide written notice to Petitioners prior to resuming any work authorized under NWP 12 so that Petitioners may review the Corps' decision and pursue further relief from the Corps or this Court."

As always, stay tuned.

West Virginia Department of Environmental Protection Wants to Make Pipeline Permitting Easier

By John McFerrin

The West Virginia Department of Environmental Protection (DEP) is trying to change the conditions that are placed on permits for stream and wetland crossings for natural gas pipelines. The West Virginia Highlands Conservancy has joined with Sierra Club, West Virginia Rivers Coalition, Indian Creek Watershed Association, Appalachian Voices, Chesapeake Climate Action Network, and Appalachian Mountain Advocates to object to this.

Background

Under the federal and state Clean Water Acts, anybody who wants to cross a stream or a wetland must have a permit. It has a choice of either getting an individual permit for each crossing or proceed under what is called a General Permit, often referred to as a Nationwide Permit.

Nationwide Permits are issued for large classes of activities. They are appropriate for projects with minimal individual and cumulative environmental impacts. It is a one size fits all approach for lots of nearly identical activities that have small impacts. Individual permits are site specific; developers would submit an individual plan for each crossing and regulators would look at each one individually.

There is a Nationwide Permit, known as NWP 12, that covers utilities. Anywhere in the country that someone wants to do “[a]ctivities required for the construction, maintenance, repair, and removal of utility lines” can apply to do it under NWP 12. “Utility lines” is defined in such a way that it includes natural gas pipelines.

If the project meets the requirements of the Nationwide Permit (minimal individual

and cumulative environmental impacts) then the pipeline builder, etc. does not have to get approval for individual crossings. NWP 12 covers the whole project.

These Nationwide Permits are issued, or renewed, every five years. When they are, states can, and often do, attach conditions to these permits.

What’s going on

In 2017, when NWP 12 (the one that covers pipelines) was renewed, West Virginia imposed some conditions. NWP 12 covers the whole country. The conditions that West Virginia and other states imposed are supposed to take into account local conditions.

Now West Virginia has decided that it does not like those conditions. It wants to change them. The groups are opposing the changes.

Why this is a big deal

Both the Mountain Valley Pipeline and the Atlantic Coast Pipeline want to be able to cross streams and wetlands under NWP 12. It is easier to get approval for the whole pipeline (or at least the part in West Virginia; parts in Virginia and North Carolina would have to be approved separately) than have to make plans for each crossing and get them approved individually.

One barrier to either pipeline being able to use NWP 12 is the conditions that West Virginia put on it when that Nationwide Permit was renewed in 2017. One of the conditions was that any construction on any crossing had to be completed within 72 hours. Both the ACP and the MVP plan to cross some substantial rivers. The construction they would like to use would

take more than 72 hours; this means they cannot qualify to proceed under NWP 12. Now that the conditions which West Virginia put on use of NWP in West Virginia are proving troublesome, West Virginia Department of Environmental Protection is trying to change them.

What the groups say

First, the groups argue that the Department of Environmental Protection (DEP) does not have the authority to make the changes. It is a basic principle of law that agencies (such as the DEP) can only do what they are authorized by statute to do. The statute which the DEP operates under allows it to issue permits and place conditions upon them. It does not have the authority to make changes.

Even if state law allowed DEP to make changes, the federal Clean Water Act prohibits such changes.

Even if DEP had the authority to make the changes, the groups oppose them because they would be a bad idea or, more specifically, illegally cause a violation of water quality standards.

To install the pipelines, MVP and ACP want to dry up (or “dewater” as they say) the rivers for weeks at a time. While the rivers are dry, they can dig a trench and lay the pipe across the dry riverbed.

Water quality standards are designed to maintain uses of the streams, including benthic communities. Allowing pipeline construction to dewater parts of a river for weeks at a time would not do that. The groups contend that changing the conditions on NWP 12 to do that would make it less protective of water quality.

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.

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.

The rule that finally died

Department of the Interior Kills Rule to Prevent Methane Waste on Public Lands

By John McFerrin

The United States Department of the Interior has eliminated a rule that would reduce the leaking of methane from wells on public land. The rule being eliminated would have both reduced emissions and increased revenue from gas produced on public lands.

The rule had survived Congressional and Legislative efforts to kill it. At least in this round, it was not so lucky.

The problem

The main manager of land that the federal government owns is the Bureau of Land Management, a part of the Department of Interior. Altogether it manages 245 million acres of land and 700 million acres of subsurface estate.

Much of this land has natural gas under it. In 2015 production from 96,000 onshore gas wells accounted for 11 per cent of the nation's natural gas supply. The production value of this oil and gas exceeded \$20.9 billion and generated over \$2.3 billion in royalties, which were shared with tribes, Indian allottee owners, and States.

One of the problems with this program is that we are wasting a lot of the gas. Some of it is flared (burned on site), vented (released to the atmosphere) or leaked. Gas that is leaked, flared, or burned is not sold, depriving the United States of royalties. At the time the regulation was first proposed, the United States Department of the Interior estimated that leaks cost the United States \$330 million in lost royalties each year.

Royalty loss is not the only problem. The wasted gas harms local communities and surrounding areas through visual and noise impacts from flaring, and contributes to regional and global air pollution problems of smog, particulate matter, and toxics (such as benzene, a carcinogen). Vented or leaked gas contributes to climate change, because the primary constituent of natural gas is methane, an especially powerful greenhouse gas with climate impacts roughly 25 times those of carbon dioxide (CO₂), if measured over a 100-year period, or 86 times those of CO₂, if measured over a 20-year period. Thus, measures to conserve gas and avoid waste

may significantly benefit local communities, public health, and the environment.

The solution

To fix these problems, the Bureau of Land Management proposed a rule that would require gas companies to stop or reduce the flaring, venting, and leaking at gas wells and compressor stations on public lands. After the public comment, etc. that is part of all rulemaking, the rule became final on January 17, 2017.

This was not entirely the Bureau of Land Management's idea. The Office of the Inspector General of the Department of the Interior (OIG) and the Government Accountability Office (GAO) had both reviewed the leasing program and had raised concerns about waste of gas from Federal and Indian production.

Correcting the problem could be done at a relatively small net cost. The additional equipment and operational changes required to comply would have a cost. At the same time, the gas that had been wasted could be sold. According to Bureau of Land Management estimates, the value of the additional gas captured and sold would not entirely offset the additional cost of compliance. It estimates that gas company profits would decrease by an average of fifteen hundredths of one per cent as a result of the rule.

Problem solved. Less wasted gas, fewer methane emissions, United States gets royalties on gas that otherwise would have just floated away on the winds.

Unfixing the problem—first try

On January 31 a resolution was introduced by Rep. Tom Cole (R-OK) voiding the rule. On February 2 it passed the House, with Congressmen Mooney, Jenkins, and McKinley all voting for it. An identical resolution was introduced in the Senate by Sen. Barrasso, (R-WY) with Sen. Capito (R-WV) as a cosponsor.

In the Senate, however, it was a different story. With Senator Manchin and three Republicans voting against, the resolution did not pass. The original regulation went into effect as planned.

Unfixing the problem—second try

In June, 2017, the Department of Interior announced that it was going to

rescind the rule indefinitely. In doing so, it relied upon a provision of the federal Administrative Procedure Act which allows agencies to rescind rules which have not yet taken effect.

Litigation followed. In October, 2017, a United States District Court ruled that the Department of Interior could not rescind the methane rule. Because the rule had gone into effect in January the Department could not rescind it.

Unfixing the problem—third try

For those who opposed the rule, the third time was the charm. The Department of the Interior has finalized plans to roll back the rule. In announcing the roll back, the Department spokesman said the rule being eliminated would “unnecessarily encumber energy production, constraining growth and preventing job creation,”.

Meanwhile, over at the Environmental Protection Agency...

The rule discussed in the adjoining story only applies to gas on public lands. The Bureau of Land Management (a part of the Department of the Interior) is involved because it manages land the United States owns. The announcement from the Department of the Interior discussed in the adjoining story comes a week after the Environmental Protection Agency (EPA) moved to roll back a separate methane regulation that sought to limit release of the gas from drilling nationwide on all lands, both public and private.

Mountain Valley Pipeline Halted (for now) in Summers County

The Circuit Court of Summers County (Robert Irons, J) has granted a temporary stay of construction of the Mountain Valley Pipeline where it is proposed to cross the Greenbrier River in Summers County. The stay request was sought by Greenbrier River Watershed Association, Indian Creek Watershed Association, Ashby Berkley, and Ty and Susan Bouldin.

The plaintiffs claim that the crossing would be in violation of West Virginia's Natural Streams Preservation Act. The Natural Streams Preservation Act allows the Legislature to designate certain "protected streams" which "shall be administered for the use and enjoyment of the citizens of West Virginia in such manner as will leave them unimpaired for future use and enjoyment as free-flowing streams, and so as to provide for the protection and the preservation of these streams in their natural character." One of the streams designated by the Legislature is the Greenbrier River.

Under the Act, no one can modify any part of a protected stream unless permitted by the West Virginia Department of Environmental Protection (DEP). In this case the Department did permit the modification of the stream. The groups and citizens appealed this decision to the Environmental Quality Board which upheld the DEP. The groups and citizens then appealed to the Circuit Court of Summers County.

Success in the appeal would be worthless if, however, the stream had already been damaged while the appeal was being heard. To prevent this, the groups and citizens asked for a temporary stay of construction while the appeal was being heard. They argued that they would be denied due process if the construction were allowed to go forward while the Court considered their appeal.

The motion for stay was also filed regarding tree felling on the private property belonging to Ashby Berkley, at which MVP is

slated to cross the Greenbrier River in Summers County and a variance request was filed with FERC for an additional workspace on an adjacent property.

The Circuit Court agreed with the groups and citizens. It ordered that there be no construction of the Mountain Valley Pipeline while the appeal was pending.

Attorneys for the Mountain Valley Pipeline argued that it faced a deadline for construction. According to the attorneys, if it didn't get started by October 15 the water would likely be too high to construct the kind of crossing it had planned. If it could not start by October 15, it expected to not be able to start the crossing before July, 2019.

The judge didn't buy it. He referred to his experience with litigation over the tree sitters and claims that they would cause delays, the delays would cause the pipeline to miss deadlines, etc. "It was represented that there was a hard deadline," Irons said. "Well, that deadline got extended for a couple months. It seems to me that these deadlines aren't really set in stone on this particular project."

Irons granted the stay in the case and scheduled the next hearing for 10 a.m. Oct. 23 at the Summers County Courthouse.

In reaction to the decision, Leslee McCarty, Founding Member of the Greenbrier River Watershed Association Board said, "Most of the time, we all feel like David going up against Goliath, but Tuesday our slingshot worked, at least for a little while. October 23 will be another test. We believe that the interest shown by the people attending the hearing helped. After the hearing, a DEP employee said to me, 'You had a friendly judge.' I said, 'No, we had a fair judge!'"



Some of the people who think having the Mountain Valley Pipeline cross the Greenbrier River is a bad idea.

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