



The Highlands Voice

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Stream crossings still stopped

Court of Appeals Denies Stay in Stream Crossings Case

By John McFerrin

The United States Court of Appeals for the Ninth Circuit has refused to stay the effectiveness of the District Court's decision that voided Nationwide Permit 12, the permit that authorized stream and wetland crossings by utilities (including pipelines). This means that the decision voiding Nationwide Permit 12 remains in effect while the Court of Appeals considers the appeal.

As discussed more extensively in the May, 2020, issue of *The Highlands Voice*, a United States District Court for the District of Montana has voided Nationwide Permit 12 previously issued by the United States Army Corps of Engineers. Nationwide Permit 12 provides the authority for many, many crossings of streams and wetlands by utility projects, including pipelines. In West Virginia it is what authorizes the Atlantic Coast Pipeline to cross 739 streams and wetlands. It is what authorizes the Mountain Valley Pipeline

to cross 591 streams and wetlands in West Virginia. Without NWP 12, those pipelines no longer have authority to cross those streams and wetlands.

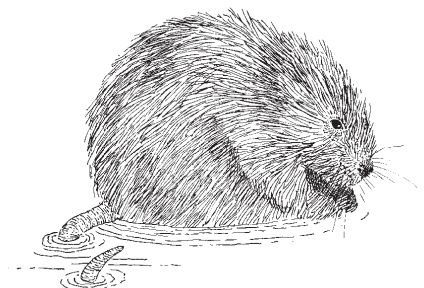
Because Nationwide Permit 12 applied to the entire country, it affects utility projects across the entire country.

The Permit was voided because, when the United States Army Corps of Engineers issued it, it did not comply with the Endangered Species Act. More specifically, the Corps of Engineers has a duty under the Endangered Species Act to ask the United States Fish and Wildlife Service for guidance when its actions "may affect" a listed species or critical habitat. When the Corps reissued Nationwide Permit 12, it went ahead without asking for guidance from the Fish and Wildlife Service. This, the District Court held, made the reissuance of Nationwide Permit 12 a violation of the Endangered Species Act.

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Thoughts from our President

By Larry Thomas

May was yet another month of dealing with the restrictions associated with COVID-19. However, we are seeing states relaxing the restrictions that have kept us homebound for so long. If Memorial Day weekend was any indication, people were really moving around, most likely just wanting to get away from being hunkered down for so long. Social distancing was still in play as people were taking the risks of the Coronavirus seriously.

Monongahela National Forest Reopens Additional Recreation Sites

The Monongahela National Forest has opened additional developed recreation sites. For a full list of open areas and up-to-date information on re-openings, visit the Monongahela National Forest website at <https://www.fs.usda.gov/mnf>.

Most of the Monongahela National Forest is open for public use. Some recreation facilities and campgrounds are closed as they continue to balance their work in ways that allow them to adhere to their core value of safety while also following public health recommendations on social distancing according to Shawn Cochran, Forest Supervisor. They are working on this, and plan to open more recreation sites gradually over the next few weeks as they acquire additional safety equipment and cleaning supplies.

Please remember to avoid congregating at trailheads and/or parking areas and refrain from gathering in groups of more than 10 people. Developed recreation sites that opened May 28:

Bartow Area

- Gaudineer Knob Picnic Area
- Lake Buffalo

Elkins Area

- Stuart Recreation Area group campsite and picnic shelters

Parsons Area

- Horseshoe Recreation Area picnic shelters

Petersburg Area

- Dolly Sods Picnic Area
- Forest Roads 19 and 75 in the Dolly Sods area

Seneca Rocks Area

- Seneca Rocks Picnic Area picnic shelter
- Seneca Shadows Campground group campsites
- Spruce Knob/Huckleberry Trailhead parking lots and Spruce

Knob Observation Tower

- Spruce Knob Lake parking lots

The Monongahela National Forest is taking the risks presented by COVID-19 seriously and will continue to monitor the local situation and Forest operations to meet changing information, safety protocols, and recommendations from Federal, State and local officials. They are committed to providing customer service and advancing recreation opportunities in an adaptable manner while monitoring health data and state orders.

Visitors are also being asked to stay as local as possible when choosing a site to visit and to pack out everything they bring, especially trash. Visitors are also urged to take the precautions recommended by the Centers for Disease Control and Prevention along with local health and safety guidance. For tips from the CDC on preventing illnesses like the coronavirus, go to: <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html>.

Responsible recreation will help expand access to facilities, services and other opportunities. Some services may still be unavailable, so visitors are asked to plan accordingly and to remain flexible.

ABRA is Working on a Construction Hub Program

The West Virginia Highlands Conservancy (WVHC) has provided grants to support the work of the Allegheny-Blue Ridge Alliance (ABRA) and West Virginia Rivers Coalition (WVRC) of which WVHC and WVRC are members, in overseeing construction activity of the Atlantic Coast Pipeline (ACP) to assure compliance with applicable permit and regulatory requirements of the project. This construction oversight activity is the Compliance Surveillance Initiative (CSI), a program created in early 2018 by ABRA. The core of the CSI program is a network of volunteers from communities affected by the ACP in West Virginia and Virginia. The program also involves technical and regulatory monitoring dimensions to help identify and analyze possible construction violations and report them to appropriate regulatory authorities.

During what I'll call a "lull" in the construction of the ACP, the ABRA Board approved the development of a new program to assist member organizations and others in assessing environmental impacts named the Conservation Hub.

The Hub will be focused on reviewing and assessing land management and development proposals (beyond the current pipeline projects that are the principal focus of ABRA's efforts) affecting the central Appalachian Highlands and adjoining areas. The intent of the Hub mapping systems is to overcome systemic limitations that regularly undermine public participation in permit review and thwart implementation of environmental regulations and policy. These limitations include lack of access to critical, but ever-changing project plans and impact analysis, consideration of individual projects or project components in isolation, and the general absence of an orderly and transparent regulatory process. The Hub mapping system, like the mapping system developed for the ABRA CSI program, would make it possible to:

1. Examine construction plans and proposals in appropriate geographic, environmental, and regulatory context,
2. Maintain oversight of construction compliance and performance by overlaying approved plans (erosion and sediment control, slope management, stream crossing, etc.) with georeferenced aerial photography of actual construction, and
3. Track regulatory system effectiveness by mapping noncompliance and agency enforcement actions.

Development work on the Hub effort has begun and potential projects for which the new program might be used are being solicited from ABRA member organizations. The Hub will be developed and managed by ABRA staff and consultants and overseen by an advisory committee that will pass judgment on which projects are worthy of being pursued. It is anticipated that the Hub program will be fully operational later in 2020.

(A little more on the next page)

More About Stream Crossing Permits (Continued from p. 1)

In its Order, the Court gave the Corps of Engineers the option of reconsidering Nationwide Permit 12, this time complying with the Endangered Species Act by asking for guidance from the Fish and Wildlife Service. Instead of doing that, the Corps of Engineers decided to appeal to the United States Court of Appeals for the Ninth Circuit.

As part of its appeal, the Corps of Engineers asked the Court of Appeals to stay the effectiveness of its order while the appeal was pending. Had the Court granted the request, then NWP 12 would have remained in effect while the appeal was pending. The Corps could have continued using it to authorize stream crossings.

The Court of Appeals denied the request for a stay. As a result, the District Court's Order remains in effect and the Corps of Engineers may not authorize any stream crossings on the basis of NWP 12. This is significant in West Virginia because both the Atlantic Coast Pipeline and the Mountain Valley Pipeline rely upon NWP 12 for all of their multiple stream crossings. With NWP 12 ruled invalid, neither of these two pipelines have any authority for stream or wetland crossings.

At Disneyland, one can tell which are the really good rides by looking at which lines are the longest. In law, one can tell which are the really important cases by looking at how many lawyers are lined up. Here the American Fuel & Petrochemical Manufacturers; Energy Infrastructure Council; the Chamber of Commerce of the United States; the States of West Virginia, Texas, Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, and Utah; Defenders of Wildlife, Virginia Wilderness Committee, West Virginia Highlands Conservancy, and West Virginia Rivers Coalition; and the Rosebud Sioux Tribe and Fort Belknap Indian Community applied for and were granted status as *amici curiae*. An *amicus curiae* is someone who is not a party to a case who assists a court by offering information, expertise, or insight that has a bearing on the issues in the case. Literally it is the Latin term for friend of the court.

Defenders of Wildlife, Virginia Wilderness Committee, West Virginia Highlands Conservancy, and the West Virginia Rivers Coalition were recognized as *amicus curiae* in large part because of

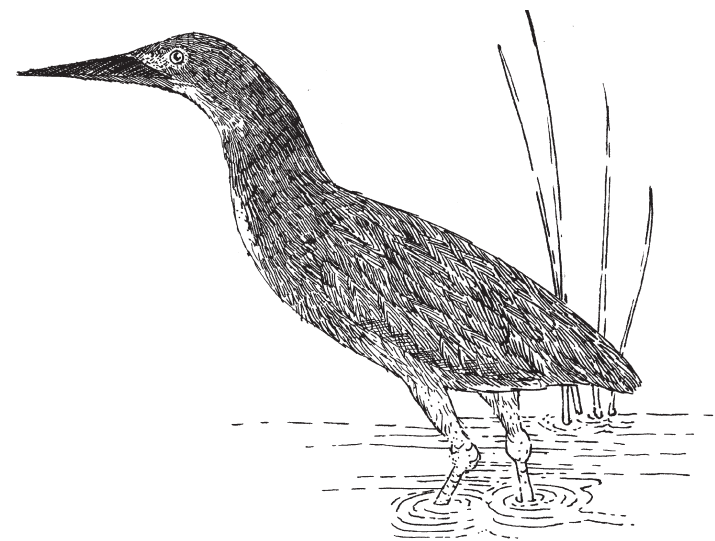
the insights into how the decision would affect endangered species. The organizations have been involved in disputes over the Atlantic Coast Pipeline and the Mountain Valley Pipeline, including disputes over how those pipelines would affect endangered species. They could offer the Court the insights into the application of the Endangered Species Act to stream crossings that could potentially be authorized by NWP 12.

By far the greatest impact of the denial of the request for a stay is that the Court's Order remains in effect. Had the request been granted, NWP 12 would remain in effect and the Corps of Engineers could go ahead and authorizing stream crossings on its authority.

The denial of the stay also has some predictive value. One of the factors the Court of Appeals considers in deciding on a request for a stay is "probability of success on the merits." The Court would be reluctant to stay temporarily an Order which it would later uphold. It would be more likely to stay an Order that it would probably ultimately overturn.

The Court decided at this stage that the Corps of Engineers had not shown a probability of success on the merit. This means that after the Court of Appeals' first look at the case it believed that the lower Court was correct.

Denial of the stay is not a strong predictor. Once the Court of Appeals hears more from the parties and finds out what all those *amici* have to say, it could well see the case differently. Right now, however, the denial of the stay says that the Court of Appeals is leaning, at least slightly, in the direction of affirming the lower Court.



Larry Finishes Up (Continued from previous page)

Trail to Connect Thomas and Davis

On May 28, Gov. Jim Justice and the West Virginia Department of Environmental Protection (WVDEP) Sec. Austin Caperton held a virtual ceremony to announce the recommendation of 12 projects that will use \$27,196,483 in federal grant funding for economic development of abandoned mine land sites across the state.

Friends of Blackwater (FOB) was selected by the Office of Surface Mining to create a Blackwater Loop hiking and biking trail that will safely and scenically connect the Towns of Thomas and Davis in Tucker County. The eight-mile trail will feature a bridge over the North Fork of the Blackwater as well as trailhead kiosks in each town, updated maps, historic signage, food and drink on either end, and a new and improved trail for bikers and pedestrians of all ages.

Please, everyone, stay safe during this coronavirus situation. These times are certainly unprecedented, and we need to follow the precautions recommended by the Centers for Disease Control and Prevention along with local health and safety guidance. Hope to see you on the mountains.

A New Crawdad

By Cindy Ellis

Crawdads. In recent years, these critters have been featured in quite a few stories and references in *The Highlands Voice*. So, here is one more.

This spring, veteran member and Department of Environmental Protection retiree Doug Wood shared the news that he had found a blue “mudbug” on his own property in Putnam County. What made the discovery special was that this was *Cambarus loughmani*, only recognized as a species in January 2019. Moreover, this 3-inch beauty is named for a professor at West Liberty University in Ohio County, WV. Some of Dr. Zachary Loughman’s former students completed the detailed work necessary to establish a new find and they named it after him.

This year, in January, our own group was concentrating on two other crayfish species, endangered by mining. We joined with those commenting through the Center for Biological Diversity on the Big Sandy and the Guyandotte River crayfish. The comment letter noted the general value of these stream creatures: “Crayfishes, or crawdads, are a keystone animal because the holes they dig create habitat used by other species. Crayfish keep streams cleaner by eating decaying plants and animals, and they are eaten, in turn, by fish, birds, reptiles, amphibians, and mammals, making them an important link in the food web. Their burrowing activity helps maintain healthy soil by transferring nutrients between soil layers.” It was also noted that crayfish can be an indicator species for water quality.

The one that Doug found is an upland burrowing species, difficult to find, and so far, they have only been found in Cabell, Kanawha, Lincoln, Mason and Putnam counties. However, some were found in Logan County and the theory is that they occur there

due to transportation by fill dirt.

The abstract of the initial publication document gets technical with its description:

The new species described herein can be distinguished from all other members of *Cambarus* Erichson, 1846 by a double row of cristiform tubercles on the palm, an open areola with two rows of punctations, and a consistent blue colouration.



So, I might be looking for one, as well or poorly as I understand mudbug anatomy, but Doug reminded me that presently none have been found in “my” part of Putnam County...only the portion south of the Kanawha River. That area is the floodplain of the ancient Teays River, some say.

I appreciate that Doug Wood alerted us to his find and that we have so many members who are keen observers and willing learners and teachers. They encourage us to keep on looking down...and up...and all around, and sharing what we’ve found.

Here’s links to more information:

<https://wvhighlands.org/highlands-voice-mag/>

https://www.wvgazette.com/news/west-liberty-university-prof-gets-blue-crayfish-species-named-for-him/article_2dbd6793-91a6-58a7-9cdb-5a70ae16d1cd.html

https://www.wvgazette.com/news/west-liberty-university-prof-gets-blue-crayfish-species-named-for-him/article_2dbd6793-91a6-58a7-9cdb-5a70ae16d1cd.html

<https://www.wvpublic.org/post/new-crayfish-species-named-after-wva-biology-professor#stream/0https://www.tandfonline.com/doi/abs/10.1080/00222933.2018.1557271>

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.

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.

Pointing out what they overlooked, sticking up for what they missed

Nudging the Greenbrier Southeast Project in the Right Direction

By Kent Karriker

The Conservancy recently filed a comment letter on the Forest Service's draft Environmental Assessment (EA) for the proposed Greenbrier Southeast project. The project would pursue several management objectives, including timber harvest, spruce ecosystem restoration, wildlife and aquatic habitat enhancement, and recreation site enhancement.

The project area, located about two miles east of Bartow in Pocahontas County, covers 16,888 acres in the watershed of the East Fork of the Greenbrier River. As currently proposed, the Greenbrier Southeast project would include over 2,000 acres of commercial timber harvest, over 1,600 acres of non-commercial tree cutting and vegetation management, over 2,600 acres of prescribed fire, almost eight miles of road construction and reconstruction, almost 19 miles of soil restoration on old road beds, up to 40 miles of stream and riparian habitat enhancement, and various improvements to the historic Max Rothkugel plantation, the range allotment and historic site at Camp Allegheny, and the vista on Smoke Camp Knob. More information on the project is available on the Monongahela National Forest's web site: <https://www.fs.usda.gov/project/?project=55797>. Click the "analysis" tab to find the draft Environmental Assessment.

The Forest Service engaged the Conservancy and other interested parties throughout the scoping process. Overall, we have actively supported aspects of the project that address priorities that are important to us, like spruce restoration, watershed restoration, and recreational enhancements. Likewise, we have not expressed opposition to the more consumptive components of the project (i.e., commercial timber harvest) because these activities are proposed for portions of the landscape that are designated for timber management by the Forest Plan. As we stated in our comment letter, we generally support projects that have the potential to contribute to the local economy, enhance wildlife habitat, and enhance the visitor experience, provided they are conducted in a manner that protects sensitive environmental resources.

That last little dependent clause is always the rub. The bulk of our comment letter focused on making sure that the Environmental Assessment adequately discloses the environmental impacts of the project, and that the project provides clear, enforceable protections for sensitive resources. We found that resource protections were vague and inadequate in some cases, and that the analysis of impacts in the draft EA was largely lacking factual and logical support.

The Forest Service is engaging in a nation-wide push to "streamline" its National Environmental Policy Act (NEPA) analyses, and this push has been causing National Forests to cut corners in their NEPA documents.

The draft Environmental Assessment mostly presented a string of conclusions, and then referenced other unpublished documents for support. Such incorporation by reference would be perfectly acceptable if the documents were readily available to the public, but the supporting analysis has not been completed yet, which makes one wonder about the basis for the conclusions in the draft EA. Because this lack of information severely hampered our ability to conduct a meaningful review of the project, we have requested that the Forest Service provide the supporting information and then run another 30-day comment period on the draft EA.

Another major issue that we raised revolves around soil and water quality. Although the project contains some very good proposed soil and watershed restoration activities, it also would conduct timber harvest on steep slopes and would construct 49 miles of tractor roads for skidding logs. These tractor roads would be treated after harvest to mitigate impacts to watershed hydrology, but only tractor roads on the steeper slopes would be fully decommissioned. Elsewhere, tractor roads would be treated with standard Best Management Practices, which the Forest Service has previously said are not fully effective at healing watershed hydrology.

It is critical that the Forest Service gets the watershed treatments right, because the watershed of the East Fork is a regional stronghold for native brook trout, and it contains the most significant areas of proposed critical habitat for the endangered candy darter. In our letter we asked the Forest Service to either decommission all tractor roads fully, or provide information that demonstrates the effectiveness of their proposed approach.

The next step in the process normally would be issuance of a final Environmental Assessment and a draft Decision Notice, which would kick off the period for filing formal objections. However, we hope that the Forest Service chooses to grant our request for a new comment period on the draft EA. We will keep you updated.

Note: If you want to see our entire comment letter to the Forest Service, it is on the West Virginia Highlands Conservancy website at: <https://wvhighlands.org/wp-content/uploads/2020/05/WVHC-Comments-on-the-draft-Environmental-Assessment-for-the-proposed-Greenbrier-Southeast-project-1.pdf>

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.

Persistent water problems and those bothersome chickens

Tygart River Woes

By Cindy Rank

How well I recall quietly celebrating with a heart full of joy my 30th birthday on the side porch of the cabin we were building on our newly acquired little piece of almost heaven in southern Upshur County.

But, oh how my head hurts and my heart breaks after some 47 years to see coming true the various dire predictions from those earlier days, predictions about increasingly devastating impacts to water quality from mining in northern West Virginia.

The Tygart Valley River is once again in the spotlight.

A Bit of Background

Beginning in the southern-most tip of Randolph County the Tygart flows north and west picking up the Middle Fork and Buckhannon Rivers in Upshur County, then flows north through Barbour and Taylor Counties before meeting the West Fork near Fairmont to form the Monongahela which then continues north picking up the Cheat just over the state line where it all flows on to Pittsburgh Pa to join the Allegheny and form the Ohio which then flows south along the western border of West Virginia.

Mining in this northern part of the state has been notorious for the orange-red acid, iron, aluminum and manganese laden streams from coal mining old and new, surface and deep. Discharges from some of these mines in the Tygart River watershed are a constant threat to the health of the river, and have been a concern to West Virginia Highlands Conservancy for many years.

On a broader policy level, WVHC has participated in a decades long struggle to achieve strong federal and state policies to prevent Acid Mine Drainage (AMD), and to ensure full implementation and faithful enforcement. We've led and supported legal actions to prevent ineffective permitting and lax enforcement by state and federal regulatory agencies (e.g. the Friends of the Little Kanawha lawsuit that led to a federal Environmental Impact Study on the Little Kanawha River, the Mountain Stream Monitors led Lands Unsuitable for Mining petition attempt to protect the Buckhannon and Middle Fork Rivers, with Trout Unlimited and National Wildlife Federation filing appeals with the state and 10 day notices with the federal Office of Surface Mining re: Kittle and Whitman Flats above Cassidy Fork on the Middle Fork, Tenmile on the Buckhannon, litigation about bonding to cover water quality --- The list is long and winding as readers of *The Highlands Voice* can attest.



Much of the attention has been focused on strip mines in the northern part of the state, but deep mines are equally threatening though perhaps less visible - as Richard DiPretoro so aptly described in the October 1996 issue of the Highlands Voice.

In that article Richard/Chico points to acid laden mine pools that threatened the Mon River then - and still do today.

As the coal industry in northern West Virginia winds down, a massive and insidious problem literally wells up beneath the land. While any abandoned underground mine in Appalachia will eventually discharge, three areas connected to northern West Virginia merit extra attention.

He went on to name individual mines across the northern portion of the state that are of particular concern, including, Bailey, Enlow Fork, Federal #2, Loveridge, Robinson Run, Kingwood, Osage, Mepco. – All names that should send a chill down the spine of anyone familiar with the history of those mines and the current state of treatment or control.

In the Potomac he mentions Mettiki, and includes this description that could apply to any of the other mines mentioned:

While some strides have been made in managing the Nation's River such that fish have returned in places, acid drainage from large areas of underground mining hangs, almost literally, like the Sword of Damocles over the river's future.

All through the long history of legal and regulatory challenges the most positive results represented, at best, short term solutions that serve as place holders for what is inevitable. In other words, merely kicking the can down the road.

Well, several of those roads are coming to a dead end and the cans are piling up.

Notable in the Tygart Valley River watershed are the three highlighted in an article from the Save the Tygart folks elsewhere in this issue of *the Highlands Voice*.

Save the Tygart

Save the Tygart Watershed Association (STTWA) is a local watchdog group that has monitored for decades tributaries to the Tygart. The report elsewhere in this issue focuses on three of the more recent examples of those long feared and anticipated results just simmering along until they become uncontrollable.

STTWA's years of meticulous monitoring along Three Forks Creek and other tribs to the Tygart provided historic water quality data that expanded and dove-tailed with our efforts the past few years with TEAM and Downstream Strategies as the Arch Coal LEER longwall mine geared up and began mining.

The Save the Tygart article highlights three specific deep mine operations.

The **Lexington Coal Whitetail Mine** is in Preston County at Newberg in the Raccoon Creek watershed of Three Forks near the Sandy Creek area and not far from the notorious F & M forfeiture site that now costing the state's Special Reclamation fund about a million dollars per year in treatment. Wells of several local residents have

(More on the next page)

Trouble on the Tygart (Continued from previous page)

been polluted as the water from the mine infiltrates groundwater underlying their homes.

The **Martinka** mine further downstream in Marion County is filling to the brim and threatens to be the next to release its toxic water into the environment. This possibility was included in WVDEP's plea to the Circuit Court of Kanawha County as an example that the situation with the ERP bonding was an emergency that required immediate action by the court. [see bonding articles in May 2020 Voice].

And, last but not least, the ever-expanding **LEER longwall mine** along the east side of Tygart Lake State Park is proving true predictions of damage to surface and groundwater resources that WVHC and TEAM efforts cautioned about. As conductivity levels rise in the stream below the refuse impoundment and wells and streams throughout the overlying communities are impacted by subsidence, the overall cost benefit ratio of that mine in human terms is [to me] below the acceptable level even as profits rise for Arch Coal from the sale of the metallurgical coal produced.

More Chickens

Bottom line, as I wrote in the May issue of the Voice, the chickens are coming home to roost ... and bringing with them the long-term high cost of inadequate permitting and lax enforcement of state and federal mining and water law.

Whether it be the cost of land reclamation at giant mountaintop removal mines or water treatment costs due to toxic discharges of selenium, total dissolved solids, or the basic acid mine drainage mix of iron/aluminum/manganese, or the deep mine pools quietly filling with toxic water before oozing out into people's yards, stream beds and groundwater wells, someone has to pay the price.

The cost to companies and the regulatory agencies may be great, but the cost to human and natural resources is immeasurable - or *priceless* as the commercials used to say.

[NOTE: There is an excellent 4-part series (and an editorial to boot!) in the Dominion Post on May 11, 12, 13 and 14th about the problems at Racoon Creek and the Lexington Mine.]

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.

Environmental Council Seeks Outreach Coordinator and Lobbyist

The West Virginia Environmental Council (WVEC) seeks a part-time outreach coordinator and interim lobbyist.

Qualified applicants would have familiarity with West Virginia's legislative process and would represent the WVEC at all interim sessions of the state legislature including committee meetings and floor sessions. Strong communication skills are needed as the position requires direct interaction with legislators, including legislative committee chairs and others legislative leaders, especially on issues of importance to WVEC and its member organizations.

Preference is given to candidates who are available to be a part of, or lead, the WVEC's 2021 lobby team.

Additional requirements of the position include:

- Facilitate the annual legislative priorities selection process with the WVEC board of directors and its officers.
- Work with the WVEC board and its officers to develop the annual fall meeting including logistics, program, and promoting attendance.
- Maintain WVEC's social media presence on Twitter and Facebook.
- Coordinate volunteers.
- Perform a primary role in assembling the 2021 WVEC lobby team in close cooperation with the WVEC board and its officers.
- Coordinate the WVEC's annual E-Day during the 2021 Legislative Session.
- Build working relationships with allied groups
- Search out opportunities to broaden and elevate the role of WVEC in community partnerships- especially when it means increased voter and citizen lobbyist engagement.
- Assist with fundraising for WVEC including grant writing, fundraising letters and follow up with donors.
- Send out monthly GREEN newsletters.

Please submit your resume to info@wvecouncil.org. The position is expected to start June 15, 2020 depending on concerns surrounding the COVID-19 pandemic. While it is not required that the person reside in Charleston, they need to be able to travel there regularly for meetings.

This is a contract position and will be paid hourly, with compensation based on experience.

For over 30 years, the mission of the West Virginia Environmental Council has been to facilitate communication and cooperation among citizens in promoting environmental protection in West Virginia, to assist in organizing grass roots groups, to facilitate interaction among established environmental organizations, and to correspond with all appropriate local, state, and federal agencies involved in the management of West Virginia's environment. Please learn more at www.wvecouncil.org.



Triple Threat to the Tygart

By Stanley Jennings, President STTWA

Save the Tygart Watershed Association (STTWA) is dedicated to improving and maintaining water quality in the Tygart River and its tributaries. Over the past several years, major improvements to water quality have occurred, particularly in the treatment of Acid Mine Drainage (AMD). Acid Mine Drainage treatment facilities installed by the West Virginia Department of Environmental Protection (WVDEP) on Three Fork Creek have resulted in aquatic life returning to the stream, and AMD treatment has just started on Little Sandy Creek. Save the Tygart is applying limestone sand in Beaver Creek (Barbour County). A project to treat AMD on Roaring Creek in Randolph County is currently being developed. Unfortunately, all of this good work is now jeopardized by three pollution threats to the watershed.

The first threat is a borehole drilled into the Whitetail Mine on Raccoon Creek near Newburg in Preston County.

Alpha Resources owned the mine when it closed in 2009 and began filling with water. When Alpha Resources went bankrupt in 2015, the company later dumped many non-producing mines with reclamation liabilities, including Whitetail, to Lexington Coal.

Lexington started work on a Post Underground Mining Assessment (PUMA) in 2017, but never completed it. Meanwhile, the mine continued to fill with water, and in the spring of 2019 water started spurting from wells in Fellowsville, Acid Mine Drainage seeps appeared on York Run, and seeps also appeared on Little Raccoon Creek. The rising water contaminated the water supplies of four local residents near Newburg. The West Virginia Department of Environmental Protection took action only after several citizens complained. The solution was to allow Lexington to drill a borehole to lower the water level in the mine because WVDEP was concerned that blowout potential existed, and, in their own words, "Any blowout would carry a large risk of loss of life and property damage".

A year later, Lexington has not provided the residents a permanent water supply replacement, which is a violation of the law and regulations.

The borehole was drilled in October 2019. Lexington Coal did not have either a surface mining permit or a NPDES permit for this operation at that time. While they have now applied for permits, they are still not issued as we write this story. The Post Underground Mining Assessment was officially withdrawn in December 2019.

It's just a lucky accident that the pH and metals in the discharge so far are fairly good, but we do have concerns about total dissolved solids (TDS), sulfates, and conductivity levels. Save the Tygart has grave concern about the safety of the public downstream, the citizens whose water has been destroyed, and the impacts of the discharge on both Raccoon and Three Fork Creeks.

The second threat is a proposed underground mining revision at the Leer Mine, owned by Arch Coal, near Grafton.

As part of the extension, Arch is proposing to drain the mine by drilling two boreholes (sound familiar?) which will result in a predicted artesian discharge of 3,465 gallons per minute into Three Fork Creek. According to the revision, water chemistry in the existing Leer mine pool is as follows: pH 7.19, Fe 8.44 mg/l, TDS 2156 mg/l, sulfates 902 mg/l, and specific conductance of 3120 umhos/cm.

The company proposes to build two large ponds to treat the discharge from the mine pool. The company also theorizes that

treatment will be required for 38 years before the iron concentration will be reduced to 1.5 mg/l. We are very concerned about this very long term treatment proposal, plus the TDS, sulfates, and conductivity levels of the discharge.

Originally the permit called for "first mining" only under Little Sandy Creek and some of its tributaries, but the latest revision completely removes these protections. We requested an informal conference and over 40 people attended, but we think it's likely that the revision will be approved.

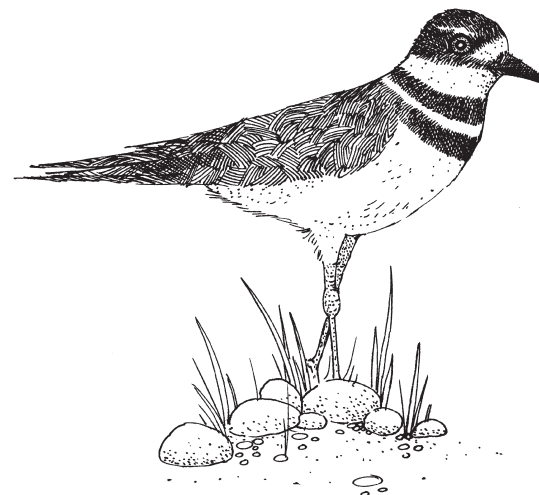
The third threat is further downstream at the Martinka Mine, currently owned by ERP Environmental Fund.

In last month's Highlands Voice, Peter Morgan aptly described the bonding woes of ERP and WVDEP requesting that the company be placed in receivership. The mine has been closed for over 20 years. It was started in the mid-1970s by American Electric Power, later transferred to Eastern Associated Coal, and ultimately wound up with ERP. As the closed mine began to fill up, discharges began adversely impacting local streams, including Guyses Run and Grassy Run, as early as 1997.

The underground mine pool must be pumped to prevent artesian discharges. Treatment of both the pumped mine pool water and runoff from the refuse disposal sites is required. All of these processes are conducted at substantial annual costs, and with ERP in receivership, we are very concerned about the financial viability of the situation.

These three situations all circle back to issues about the adequacy of bonding raised in last month's article in the Highlands Voice.

1) Lexington Coal proposes no water bond for their unregulated discharge. The land bond for the borehole will be miniscule. 2) Arch Coal is proposing a surety bond of 7.4 million dollars and an escrow account of 2.2 million dollars for their discharge that is estimated to require treatment for 38 years. But given that Arch Coal was bankrupt a few years ago, will this be enough if and when another bankruptcy occurs? 3) The ERP situation is dire. Certainly there is inadequate bonding for Martinka and the future is unclear. What is abundantly clear is that continued perpetual treatment is necessary to prevent catastrophic pollution in the Tygart. While water quality in the Tygart Watershed has improved significantly in the past few years, the Watershed now faces an uncertain future.



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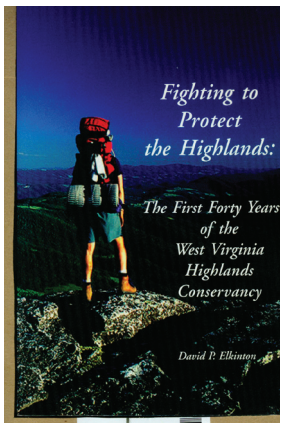
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NORTH SODS

By Jack Slocumb

In her recent book, *Wanderlust: A History of Walking*, Rebecca Solnit asserts that “-- -walking focuses not on the boundary lines of ownership that break the land into pieces but on the paths that function as a kind of circulatory system connecting the whole organism. Walking is, in this way, the antithesis of owning. It postulates a mobile, empty-handed, shareable experience of the land....”

It’s a take on the encounter of the world experienced in the life of the foot traveler that, for me, hauntingly describes what it is like to hike around the innards of the rolling, sparsely forested, plateau of the region north of the Dolly Sods Wilderness: you are so aware of pure *walking*, of really moving over ground, of the blessed absence of borders and restrictions.

This spread out imagery has, of course, become a signature terrain of the West Virginia Potomac Highlands and, in fact, is what most people associate with the Dolly Sods – and not the forest covered Red Creek canyon to the south which now comprises the major portion of the officially designated Dolly Sods Wilderness.

There’s not much in the way of this sort of territory in the Mid-Atlantic. But it’s an experience you yen for once in a while. Not that the end upon end miles of trails that lace through the sheltering woodedness of the Monongahela and other national forests and parks in the Appalachians aren’t sufficient unto themselves – because they are – it’s just that a sense of expansiveness is a good thing to have to provide aesthetic balance. For sure, the woods is mysterious, spirits lurking off the trail, voices, eyes in the shadows just beyond cast of firelight. But such blatant openness as you have in Dolly Sods North, which is what I’ve taken to calling it now for lack of a better name, has its own kind of inscrutability. It’s just different,

Here, I think, it’s the trance of perspective, of the wide angle lens: the mirage-like little hardwood ridges and knolls in the distance which seem to lose themselves in one another, the long empty soggy flats full of sphagnum and cranberries edged by carpets of blueberry and huckleberry bushes, and random groves of trembling aspen saplings and mountain ash. It’s the grassy hillsides, the punctuation of red spruce and conglomerate boulders all over which give the countryside a rugged subarctic heroism, the always beating sun, and the unremitting northwesterly wind scouring and desiccating the country and misshaping everything in its path. The borealness of it, the very strange expectation of spotting a caribou herd in a valley or appearing suddenly over the crest of a hill, and the winter tinged silence, despite the wind, hanging over the whole land.

For winter is never far away here. Its pall, its harshness, is everywhere.

Fully exposed to the raging of the seasons and hovering at about 4000 ft. just on the other side of the ragged edge of the Allegheny Front, from the air, this area has the appearance of being the mashed down southern end of a long ridge which begins near Cumberland, Maryland. It is a raw land, with a labored existence – which, I think, is another key to understanding why we are so transported by it: the purified, clean beauty of survival, of burnishment.

People can very easily slip into ceremonies here. Some good friends of mine, Hugh and Ruth Rogers, and some of their kin are folks were apparently beckoned recently by the great ritual

possibilities suggested in this windy and bright plain. Ruth told me that one of their sons was married at Bear Rocks on the edge of the Allegheny Front escarpment. It was right there within sight of the signature Dolly Sods flag trees – red spruce with limbs bent round to the east by the implacable winds as if the branches might be pointing to all the valleys and mountains in the sweep of view from these ledges, as though they could be a kind of a visual metaphor for what will make up the life of a marriage. A kind of geographic foresight of the up and down psychological and spiritual journey that a couple will travel in one another’s close company. And, well, if nothing else, just a damn good spot to get hitched, where heaven and earth so seamlessly merge their energies. I wasn’t there, mind you, but this is what popped into my head when I heard about it.

I have brought my leather Taos drum up here, too. I burn a little Sage or Sweetgrass and beat out a heartbeat rhythm someplace where the sound comes back to me, as though the rocks were chanting an antiphon, and then patiently practice calling on the powers of animals, of the winged and the four legged, and of the four directions. It’s a nice thing to do. There is some very big medicine to be had in these parts.

The thrall of this wonderful wilding landscape is, of course, a paradox. Because much of the present scenery here owes to the almost complete decimation, through timber harvesting in the early 1900’s, of what was reportedly a thick red spruce forest which once grew in this environment and towered over an extensive open wattle of boreal bogs and beaver meadows. The harvesting era was then followed by unchecked fires that raged for years, charring even the topsoil. The extent of the spruce forest of that time is not known, although there is ample evidence left behind that harvesting was fairly widespread and took place here in a zealous and greedy way. The fires following the loss of the forests are remembered well by old timers in the area.

And so what we see in many parts of Dolly Sods North, then, for all intents and purposes, could be a primary succession, comprised of an interesting assemblage of cold climate adapted plants making their way up from almost bare rock. And the presence of this kind of vegetation that replaced the spruce stands might then contribute significantly to the Canadian Shield Zone tundra like feel you get when you first look agape out over this countryside.

But what I will never see in my lifetime, however, is the return (whatever its extent) of the thick red spruce forest drape – as I have mentioned, the apparent climax community of this diverse glacial era relic. Children and even great grandchildren will not see it. Maybe in ten generations somebody will. Maybe it will take longer. Nobody knows,

But Dolly Sods North is one geography for which, strangely, I bear no malice for its history of human impact – an attitude which from an outspoken purist when it comes to the out of doors, I have found a little puzzling. But now, I believe that I know the reason I am not concerned so much with that legacy.

The notion I have is that the carnage left behind by the timber barons returned this land to an even more primal, demiurgic condition that could quite possibly antedate by millennia the red spruce forest found by the generation preceding farmer Dahle (from

whom the name Dolly Sods is apparently derived). I have it in my imagination sometimes that if I had been here gallivanting around during the early part of the last ice age, maybe I might have been witness to a panorama very similar to what we scan today – only maybe with woolly mammoths, hulking short faced bears, lumbering sloths, or slinking sabre toothed cats to distract my attention from the view. And also, perhaps, (who knows?) some wandering bands of people heaving spears tipped with Clovis points.

It is this overwhelming sense of throwback in time that rivets me to this territory, and I momentarily forgive the transgressions of the cross-cut saw, the steam skidder, and the Shay engine. For an even passing awareness of the epic span of climatological history (combined, of course, with a little poetic license) seems to allow a person to psychologically maneuver around seeing the results of ecological disaster and, instead, to become immersed in an unfolding everywhere of a savagely miscreant and, at the same time, inexplicably delicate, beauty.

What many people may not be aware of, though, is that this grand 6169 acre public commons did not actually become a part of the federal inventory until 1993. For many years it was owned by the CSX Corporation and technically off limits to roam around in except by permit. I remember those days when I hiked with the Sierra Club and the irritation of having to write each time for permission. Of course, people used it anyway. There were no armed guards around that I know of checking permits and no barriers except intermittent *no trespassing* signs - and hunter's bullets and bears had a field day with these.

No doubt, at some point, CSX began to view the parcel as a burden and not so much as a potential financial asset (for what reason other than this does a corporation have to own land?) and finally considered seriously the Nature Conservancy's entreaties to purchase the whole tract. This sale seemed to spur on the National Forest Service, whose management pendulum was by then beginning to swing more in the direction of public recreation, to acquire the acreage from the Nature Conservancy in two purchases.

One of the reasons I am writing about this is that I've been spending more and more time exploring around Dolly Sods North lately, and my fondness for writing, for whatever its worth may be, has always been for to extend somehow through words the hours I have of such Otherness. There have been a couple of long day hikes, an environmental education program one Saturday (part of the Conservancy's public outreach), and three backpacking trips. Good enough grist for the literary mill.

The last overnigher was in late September in the company of my friend, Ed Gates, a Wildlife and Habitat Biologist with the University of Maryland's Appalachian Laboratory.

After shambling in along the eroded Bear Rocks trail, we turned onto an old jeep road which heads toward the confluence of the right fork of Red Creek and Dobbin Creek. Not too far along this trace we managed to settle ourselves into one of the few premier campsites that exist in Dolly Sods North – snugly hidden from view in a little spinney of red spruce trees next to Red Creek.

Although Ed pitched his tent in the shelter of the trees, I set up just outside, facing the creek as it comes sliding quietly around a bend - and the stark shrubby emptiness that I wanted to expand into. Most times I sleep without a tent, but dew settles heavily in the Dolly Sods, and I needed something over top of me.

Not far away, across the wide expanse, were hardwoods with leaves turned into muffled hues – dusky maroons and oranges - as though the autumnal cycling this year was to be more subtle and unobtrusive with summer drying up noiselessly, without fanfare. It would probably be the first thing I caught sight of in the morning to ease me into wakefulness. I liked that idea.

After establishing ourselves as the occupants of this site, we spent the balance of the day walking. We walked and walked and walked. Because that's what you do here. We headed south along the muddy old jeep trail, around an abandoned beaver dam, across Dobbin Creek, and then up a slope. We occasionally saw other hikers and people on horse droppings. They were mostly far away from us. It seems that there is a lot of horseshit and hoof prints in Dolly Sods North these days, but it's better than off road vehicles. It's strange, too, that the presence of other people in this highland environment, whether on foot or on horseback, as big as it is, still makes one feel a bit crowded.

Our trip continued on in the waning afternoon sun and vagrant breezes up to the top of the little knoll above the Dobbin Creek crossing where we could look back and take in the whole thing, the whole wild, wild range. It's something you have to sit down for. It's the view of an infinity, of an unrestrained spirit, of hope, forever beyond the ken of whatever words you try to pluck from language to describe it -what you come here for.

We went on as far as the Blackbird Knob Trail. We rested in the middle of the well worn track for a while and scarfed down a few trail bars so we would have a little extra energy to get us back. Ed ruminated about maybe funding a study in this location – something along the lines of spatial distribution of avian species in a disturbed Appalachian highland boreal environment - the ultimate in mixing business with pleasure, I thought.

We built a monstrous campfire that night, laying on great logs, and leaving me with some ecological guilt for turning so much biomass into carbon dioxide when I know that probably every bit of it is needed to replenish the soil. But I think we were just trying to keep winter at bay for a few more hours. We wound up talking as usual about what the hell has gone wrong with the world and the only fix seems to be returning here to remind us that there *is* a different life to be had.

It was moonless when I turned in. The Milky Way, at its brightest this time of year, seemed to be the Red Creek's luminous counterpart in the sky. And there were Cassiopeia, the Big Dipper, and the Great Triangle, too. Perfect. I left the front flap open so I could settle in with the cosmos and the little surgings of the creek.

When I waked, a thin lace of ice had crystallized on the tent fly, and the air hung in a heavy autumn silence everywhere. Still in my bag, I took a look far outside and saw ground mist lifting off - just barely revealing the line of pastel hardwoods in the distance. It seemed then that I was beholding the life of the wild at a very special time in its history.

In the fresh dewy moment of its beginnings. Amen.

Climate Change

Normally, I repose
in a quiet little valley
with a serpentine lane
along its sleepy stream.

Last night rain went monsoon,
sluiced down surrounding hills,
swamped the roadway.
The creek filled, overflowed,
roared its way to morning.
Deceptively peaceful,
dawn brought brightness,
world washed clarity.

In Robin-egg blue sky
winds gathered strength,
swept murderously in,
set unleafed trees
to the frenzied dance
of the drugged or deranged,
picked up the cadence
of night's roiling creek.

The shriek of water and air
howled a devilish duet
with this haunted refrain:
"See what you've done to us."

Bonnie Thurston



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

ADMINISTRATIVE OFFICES
MEMBERSHIP SECRETARY: Dave Saville; PO Box 569, Morgantown, WV 26507; WVHC50@gmail.com; 304-692-8118

HIGHLANDS VOICE EDITOR: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304) 291-8305, johnmcferrin@aol.com

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:

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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.

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

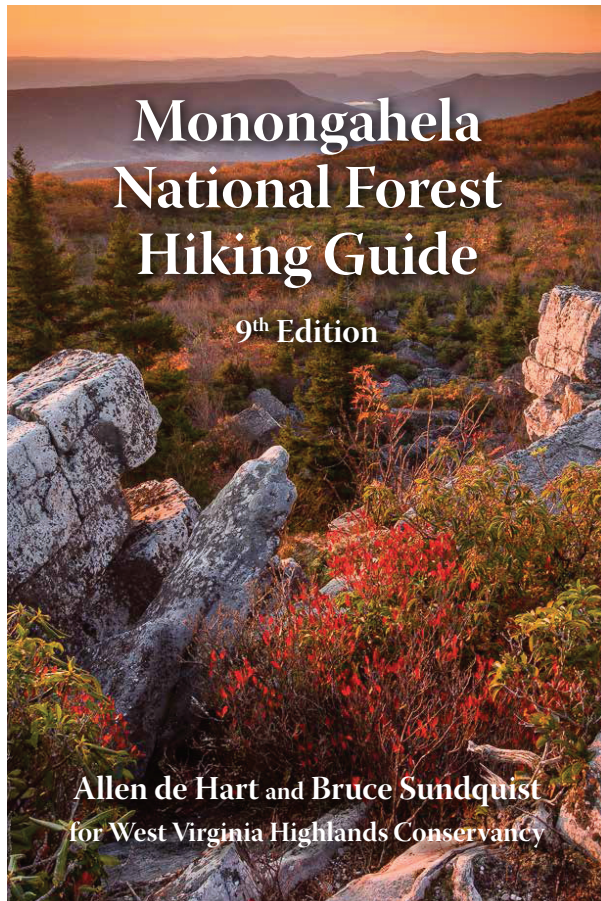
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The Highlands Voice is the main way that the West Virginia Highlands Conservancy communicates with its members. But we would like to communicate with more than our members. We have a valuable perspective and information; we would like to communicate with everybody. We still offer electronic delivery. If you would prefer to receive it electronically instead of the paper copy please contact Dave Saville at WVHC50@gmail.com. With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived.

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To get free *I ♥ Mountains* bumper sticker(s), send a SASE to P. O. Box 306, Charleston, WV 25321. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)



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Agencies Agree to Review Coal-mining Threats to Endangered Species Nationwide

In response to a lawsuit from the Center for Biological Diversity, the West Virginia Highlands Conservancy, the Sierra Club, and the Ohio Valley Environmental Coalition, the Office of Surface Mining Reclamation and Enforcement has agreed to consult with the U.S. Fish and Wildlife Service by October 16 to review the impacts of coal mining across the country on endangered species and ensure their survival is not being jeopardized. **Background**

Congress enacted the Endangered Species Act in 1973 to provide for the conservation of endangered and threatened fish, wildlife, plants and their natural habitats. Under the Act, agencies are required to insure that any action “is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined ... to be critical.”

The “actions” which the agencies have to make sure do not harm threatened or endangered species include permitting of, in this case, coal mines. When the agencies make decisions on, in this case, coal mining permits, it must meet its obligations under the Endangered Species Act.

The law assumes that most agencies, including the Office of Surface Mining, don’t know enough about protecting endangered species to do it adequately. When there are endangered or threatened species

which could be affected by its decisions, it is required to ask the Fish and Wildlife Service what to do. The jargon for this is that it must do a “consultation” which will lead to the Fish and Wildlife Service issuing a “Biological Opinion.”

What happened here

In 1995, the Office of Surface Mining initiated a formal “consultation” with the Fish and Wildlife Service about the impact of surface mining on endangered species. The result was that, in 1996, the Fish and Wildlife Service issued a Biological Opinion, setting out what the Office of Surface Mining should do to protect endangered species which might be threatened by mining.

In the Biological Opinion the Fish and Wildlife Service responded to the question of what the Office of Surface Mining should do to protect endangered species with a document that could be summarized as “not much.” It said that the Office of Surface Mining just had to make sure that its permitting required that companies follow the Surface Mining Coal and Reclamation Act requirements and that would be sufficient to protect endangered species.

As time passed, it became clear that the 1996 Biological Opinion was not enough. The Fish and Wildlife Service, the Plaintiffs, and everybody else now agrees that it is inadequate. Numerous scientific studies have linked coal mining to declines in birds, fish, salamanders, crayfish, insects and freshwater mussels.

In 2017, the Office of Surface Mining asked the Fish and Wildlife Service for another opinion. It sought to find out what it should be doing to protect endangered species.

Then everything stopped. Permitting of mining operations went on, of course, but the Fish and Wildlife Service did not do another Biological Opinion. Instead, the Office of Surface Mining and the West Virginia Department of Environmental Protection continued to rely upon and follow the 1996 Biological Opinion, the one everybody agrees is inadequate to protect endangered species.

Now that will have to change. As a result of the litigation, the Office of Surface Mining will have to seek guidance (formally referred to as a “consultation”) from the Fish and Wildlife Service and use the results of that consultation to guide it in its supervision of mining throughout the country.



Essay Winner Announced

Eight Rivers Council, an organization that focuses on improving the land, water and air of Pocahontas County, West Virginia through community action and education, offered an award of \$1000 for the best essay entitled “How I might contribute to saving the planet starting in Pocahontas County.” The award was available to Pocahontas County residents of high school age, and there were 28 entries. Many of the essays concerned trash – plastic, recycling, the landfill, etc. We could be an example to the world if Pocahontas County residents would follow suggestions from our young people. Other topics were cowpots (planting containers made from dried manure), road salt, outdoor wood furnaces, renewable energy, logging, the destructive impacts of cars and roads, and various impacts to water quality from litter to pipelines. The winner is Jennalee Meck, a junior at Pocahontas County High School, whose essay is entitled “The Way to Waste Reduction through Minimalistic Mentalities and Recycling.”

Our original plan was to present the award at an Earth Day event, April 22, at the Hillsboro Library. Needless to say, that has been cancelled, but Jennalee will be getting a check.



Now a treasure, Monongahela Forest was a wasteland when created 100 years ago

By Rick Steelhammer

Stretching across 921,000 acres in 10 West Virginia counties, the Monongahela National Forest encompasses the state's highest peaks, cleanest streams, largest expanses of forest and most remote tracts of wilderness.

Now the second-largest national forest in the Eastern United States, the Mon draws visitors from across the region to hike and bike its trails, fish and paddle its waters, climb its cliffs and bask in its natural beauty.

But the rugged mountain terrain that would become the Monongahela National Forest was a patchwork of barren, eroded, logged-over land when President Woodrow Wilson signed the documents creating it 100 years ago last week.

During the 40 years preceding Wilson putting ink to paper on April 28, 1920, logging activity was at its peak in West Virginia, producing an estimated 30 billion board feet of lumber, according to the West Virginia Encyclopedia. In the process, the state's 16 million acres of virgin forest was depleted to less than 500 acres.

Slash — the tree tops and limbs removed from felled timber — was left on the ground, and during periods of dry weather fueled massive fires that sometimes burned to the mineral level of the underlying soil. During periods of rain, steep slopes devoid of vegetation posed no check to erosion and stream flooding.

In fact, it was a then-record flood that swept through Pittsburgh in 1907 that set in motion a plan to buy land in the Monongahela River's headwaters area, which in turn led to the creation of the new national forest.

The mid-March flood sent huge volumes of muddy water bearing large blocks of ice into downtown Pittsburgh, killing 12 people, idling an estimated 300,000 steelworkers and leaving the city without telegraph, telephone and electrical service.

"There is probably not a man, woman or child in Pittsburgh who did not feel the effect of the flood, directly or indirectly," according to a March 15, 1907, Pittsburgh Press article.

The cause of the flood was traced directly to the denuded slopes surrounding Monongahela River tributary streams, including the Cheat River. In 1907, West Virginia's state geologist, I.C. White, and members of the Pittsburgh Chamber of Commerce were among those appearing at congressional hearings to speak in support of an act that would provide funding to buy and reforest logged-over, privately owned headwaters tracts.

With money from the Weeks Act, named in honor of its sponsor, Rep. John Weeks, R-Mass., the first parcel of land to become a part of the Monongahela National Forest was bought in 1915 — the 7,200-acre Arnold Tract near Parsons in Tucker County. In the five years that followed, assorted parcels totaling another 46,900 acres were added, giving West Virginia's first national forest a total of 54,000 acres at the time of its creation.

The Mon had only one ranger district, the Cheat, when it opened, and a headquarters in the Tucker County community of Gladwin.

The worst economic times of the past century, the Great Depression of the 1930s, proved to be the period of greatest growth for the Monongahela. Additional money for infrastructure projects were made available as part of President Franklin D. Roosevelt's

New Deal program. A number of Civilian Conservation Corps camps were established in the forest, where CCC crews built roads, trails, bridges, fire towers, ranger stations, campgrounds and picnic areas.

Additional money was also available to add new parcels of land to the forest. By 1942, the Mon had grown to include more than 800,000 acres.

In 1942 and 1943, more than 100,000 U.S. Army soldiers learned to scale cliffs, load and guide pack mules over difficult terrain, fire mortars and send messages with pigeons in the Seneca Rocks, Dolly Sods and Gladwin areas.

The first National Recreation Area was carved out of a 100,000-acre section of the forest in 1965 to create the Spruce Knob-Seneca Rocks National Recreation Area. During the following 10 years, visitor centers were built at Seneca Rocks and Cranberry Mountain.

The 1907 Weeks Act, created in response to concerns over flooding on land now managed by the Mon, is a legacy that has served the forest well beyond its creation date. Funding to acquire 98 percent of the 921,000 acres that now make up the Monongahela National Forest came about through provisions of the Act.

More information, exhibits, photos and stories about the Monongahela National Forest's 100-year anniversary can be found on its website at fs.usda.gov/mnf.

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



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 I ♥ 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