

West Virginia Highlands Conservancy
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The Highlands Voice

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An update

How Stands the Mountain Valley Pipeline?

By John McFerrin

In planning the Mountain Valley Pipeline and getting the permits needed, its developers face a fundamental challenge: the pipeline, as proposed, must cross 591 streams in West Virginia, not including the ones it must cross in Virginia. Each of these requires approval from a regulatory agency. There have been twists and turns along the way to getting this approval, bringing us to where we are now.

This approval is just what is necessary to make sure the developers have a workable plan and that there is a reasonable assurance that the law will be complied with and water will be protected. What actually happens on the ground is another matter; more on that below.

Background

In seeking approval for the part of the pipeline that crosses waterways, developers have two choices: (1) Get an individual

permit for each crossing; (2) qualify under a general permit (called a Nationwide Permit, or NWP) that applies to all crossings. The general permit route is easier and cheaper; it is the one that the developers of the Mountain Valley Pipeline first chose.

Nationwide Permits are issued for large classes of activities. The United States Army Corps of Engineers issues nationwide permits for categories of activities that are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment. 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.

Many in West Virginia have long thought that the Mountain Valley Pipeline was inappropriate for a general permit. With all the

(More on p. 3)

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Thoughts from our President

By Larry Thomas

Spring officially arrived on March 20 here in the highlands. As winter is fading away one finds evidence of the different stages of the annual transition, certainly an annual time of renewal. Trees at lower elevations are greening, but high on the ridge's trees are still the stately statues of winter waiting for it to get a little warmer. Birds have been migrating and are busy with their annual nesting rituals. Mammals who have been sleeping during the long winter are reappearing, scurrying about filling long empty stomachs. Spring is always a wonderful time of the year.

It is hard to believe that I began a year ago by stating "March, the month that will change our lives forever". What a change that has occurred and continues throughout the world with the Coronavirus pandemic spreading to over 140 countries. We now know that this worldwide event continues, and one thing is for sure, human activities throughout the world, including West Virginia, are in fact significantly changed and we are not sure how long that it will continue.

Daily, I am continuing to get proof as many organizations are requesting support as they work on issues that would affect the highlands and its environment as governmental agencies and industry continue to demonstrate their willingness to try to take advantage of the situation.

Rest assured, your West Virginia Highlands Conservancy board and its committees have been alert and continue to seize opportunities for the protection of West Virginia's highlands.

2021 Legislature

As of Friday, March 26, a total of [21 bills](#) have been signed by the Governor, [64 bills](#) have completed legislation and [148 House bills](#) have passed the full House. Wednesday, the 31st, was "Crossover", the day that bills had to be out of the first chamber excluding supplementary appropriations and the budget. The West Virginia Environmental Council lobby team and other organizations have been busy monitoring legislation as it is introduced, reaching out to legislators, and working with coalition partners. They have identified good, and of course, bad legislation for our fragile environment.

As of March 26, a couple particularly important bills being monitored were:

- **Altering the Above Ground Storage Tank Act** HB 2598: Exempts certain oil and gas storage tanks from the Above ground Storage Tank Act. The oil and gas tank exemptions (AKA Aboveground Storage Tank) bill passed the House and was pending in the Senate Judiciary Committee and was expected to be put on the agenda soon.
- **Water Quality Standards** HB 2382: A rules bundle authorizing the Department of Environmental Protection to promulgate legislative rule relating to requirements governing water quality standards, ambient air quality standards, and other important named standards was completed and passed on to the Governor for signature.

There were many others and you can follow action alerts and legislative updates at <https://wvecouncil.org/>.

WVHC Public Lands Committee

The Public Lands Committee continues to be busy reviewing proposed projects in the Monongahela National Forest and

submitting comments and suggestions as determined necessary. In addition, they are engaged in the initiative to undertake its new program to help guide and engage the public in the management of the popular Dolly Sods Wilderness Area.

Members of the committee have met with representatives of the U. S. Forest Service to discuss the Dolly Sods program which would organize volunteers, lovers, and users of the area and give them an outlet for organizing trail work outings, backpack excursions, campsite rehabilitation, wilderness and *leave no trace* education. An article in the April 2021 issue of Harper's Magazine pointing out the nationwide issues created by the excessive use of our public lands certainly pointed out the necessity for such a program. <https://harpers.org/archive/2021/04/the-business-of-scenery-why-national-parks-need-new-management/?fbclid=IwAR3iGig-3-clvNg6aXeUvhOpVntJ-wnz0LF5cYSK6AXwd0v-olHrozzCvEY>

Allegheny-Blue Ridge Alliance Conservation Hub Program

Previous articles in the *Voice* have described the Conservation Hub (Hub) which is a project that focuses on reviewing and assessing land management and development proposals 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. Those limitations could 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.

Members of the Conservancy Board serve on the Hub Advisory Committee which meets periodically to discuss current projects and recommendations for future projects. There are currently eight active projects, which are listed at <https://hub-dpmc-gis.opendata.arcgis.com/>, and several that have been approved that are being developed. Members of the Board have discussed two projects that are under consideration to be recommended to the Hub Advisory Committee for consideration in the future.

I want to thank all of the members and supporters of WVHC for their continued support and the committees for their hard work and hope that all continue to stay safe during this unusual time. Don't forget to get outside on Earth Day (April 22) to hike, plant trees, pick up trash and find joy in the places you live.

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.

More about the Mountain Valley Pipeline (Continued from p. 1)

different, difficult terrain that it would cross a one size fits all didn't seem to fit the Mountain Valley Pipeline.

Its developers had no such hesitations. They went ahead with its plans to qualify under the general permit that covers pipelines, known as Nationwide Permit 12.

There were snags.

The first big snag was when a court in Montana vacated Nationwide Permit 12. The court ruled that when the Corps of Engineers issued Nationwide Permit 12 it should have asked the Fish and Wildlife Service about the effect NWP 12 would have on endangered species. Since it didn't do that, NWP 12 was void and could not be relied upon as authorization for stream crossings.

The second snag comes from conditions placed upon NWP 12 by the West Virginia Department of Environmental Protection. Even though nationwide permits apply to the whole country, states can add conditions that apply within that state. Before it became clear that the Mountain Valley Pipeline would try to qualify under NWP 12, West Virginia added conditions about how long construction of a stream crossing may take. On the major waterways that it crosses, the Mountain Valley Pipeline's plan does not meet the conditions.

Litigation over the pipeline's stream crossings added a small wrinkle when the United States Court of Appeals for the Fourth Circuit ruled that it did not have jurisdiction to do what the court in Montana had done. This meant that the Mountain Valley Pipeline had made at least some progress in overcoming the first snag. The second snag remains, however. The pipeline still may not rely upon NWP 12 for its stream crossings.

Now what's happening

With these difficulties standing in its way, the Mountain Valley Pipeline has now applied for individual permits for its water crossings. The applications include different methods for crossing water bodies, including plans to bore under four of the water bodies.

The Army Corps of Engineers is currently reviewing the applications. As part of the review it will publish the applications and accept comments from the public.

The review may or may not include the active participation by the United States Environmental Protection Agency. Review of a permit application under the relevant section of the Clean Water Act is the responsibility of

the Corps of Engineers. The Environmental Protection Agency will be informed of the applications and may choose to become actively involved. It even has the authority to veto the decision of the Corps of Engineers if it believes that granting the permit will cause violations of the Clean Water Act. The EPA has not yet said whether it intends to take an active role in the review.

Meanwhile, out there on the ground

The Mountain Valley Pipeline may not have its permits to cross waterways but there are a lot of stretches where it the pipeline does not cross waterways. Construction has begun on those and it has been a mess.

In response to the lax construction practices and the resulting damage to state waters, the West Virginia Department of Environmental Protection has taken several enforcement actions, including issuing multiple notices of violation. The Department then resolves the notices of violation with a consent order. In the consent order, the company promises to pay a fine and try to do better in the future (the jargon is make a "corrective plan").

Consent orders are made available for public comment before they become final. They are published as drafts, the public has a chance to comment, and then they are final. The draft consent order for the Mountain Valley Pipeline proposed a fine of \$303,000 and a promise to do better in the future. When offered the chance to comment, the West Virginia Highlands Conservancy and the West Virginia Rivers Coalition, joining together, had a lot to say.

If this were a dialogue between the groups and the Department of Environmental Protection, it would go like this:

Groups: What you are doing is not working.

DEP: We're doing things the way we have always done them.

Groups: If what you have always done is not working, it is time to do something different.

As an indication of the present system not working, the comments point to the way water quality violations in pipeline construction keep happening. In the past six years, there have been nine consent orders issued for repeated violations by pipeline construction companies, including a previous consent order for the Mountain Valley Pipeline. Each consent order represents numerous violations, a fine, and a corrective

plan. The most recent one issued to the Mountain Valley Pipeline covers twenty nine violations; it comes on the heels of an earlier consent order covering a similar number of violations. In spite of this, the violations keep happening. From this, the groups conclude that the penalties are not sufficient to deter future violations. They are also a lot less than the \$2.15 million that the Virginia Department of Environmental Quality fined the Mountain Valley Pipeline for similar erosion control deficiencies.

In considering the appropriateness of the fine, the size of the project is relevant. A fine of \$303,000 is substantial but this is a six billion dollar project. The fine is five one thousandths of one per cent of the cost of the project.

Fines on projects such as this one are based on a formula. It begins with a base amount which is then enhanced according to the extent of the violator's negligence, violator's performance history, harm to the public, harm to the environment, economic benefit to the violator, etc. The groups' comments detail how each of these factors would justify increasing the fine levied.

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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.

WV Senate Passes DEP-backed Bill Weakening Some Water Quality Standards

By Mike Tony

The West Virginia Senate has passed legislative rules on environmental protection that include a weakening of water quality standards for certain carcinogens, sending the rules bundle to Gov. Jim Justice for his signature.

The rules package also strengthens some water quality standards and has been defended by the state environmental regulators who proposed them.

The measure has sailed through the Republican-controlled Legislature, with overwhelming majority support despite drawing the ire of conservationists and concerned citizens who don't want to see any of the standards be made less stringent.

The Senate passed the rules bundle 22-11 Friday, after the Senate Judiciary Committee's chairman and vice chairman spoke in support of it, citing the state Department of Environmental Protection's support of the scientific methodology behind the water quality standard updates.

"We follow the science wherever it leads," said Sen. Charles Trump, R-Morgan,

"I like to follow the science, but I'm also a fan of following the science of cleaner water and reducing that acceptable risk as much as possible," Sen. Richard Lindsay, D-Kanawha, said in opposition. "Why in the world would we weaken these water quality standards?"

Department of Environmental Protection Deputy Secretary Scott Mandirola told the committee prior to its vote to advance the legislation Monday that he supports the water quality standard updates, saying they would leave the cancer risk managed by the existing standards at 1 in 1 million.

The DEP's proposed update of standards on pollutants into rivers and streams would adopt 24 of 94 updates proposed by the U.S. Environmental Protection Agency. Thirteen of those updates would weaken at least one category of existing standards, 11 of which, Mandirola said, would result in weakened standards for permits.

The plan to update the water quality standards back to 2018. The standards are up for DEP Clean Water Act.

The DEP had proposed updating standards been updated since the 1980s, based on But the committee removed those standard

West Virginia Manufacturers Association, which has argued that the DEP should use different human health criteria.

"The problem with this bill is it doesn't follow all the science," Sen. Mike Romano, D-Harrison, said. "Here we are, leaving 32 [updates] on the table. The explanation that we were provided did not hold a lot of water, in my book."

Department members and industrial and environmental representatives are working on updates to the remaining 32 pollutants they have not come to a consensus on, according to Mandirola.

Human health ambient water quality criteria represent specific levels of chemicals or conditions in a body of water that are not expected to cause adverse effects to human health, per the EPA's definition.

In 2019, the Legislature adopted a bill requiring the DEP to delay presenting new standards until the 2021 legislative session, after proposing updates by April 2020, releasing the proposal to adopt 24 of the EPA's proposed updates.

The Legislative Rule-Making Review Committee advanced the rule modification in December. The House of Delegates passed the rules bundle on March 12.

Conservationist groups, such as the West Virginia Environmental Council, oppose the weakening of any water quality standards.

Opponents said at a public hearing on the proposal earlier this month that the standards shouldn't be weakened, since manufacturers already are following them, and that West Virginia's third-highest cancer death rate in the nation (per the federal Centers for Disease Control and Prevention) makes the state especially vulnerable to any weakening of those standards.

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Note: This article previously appeared in *The Charleston Gazette-Mail*.

Another Earth Day

by Marion Harless

Wisconsin's Senator Gaylord Nelson thought it would be wonderful to have a student led teach-in on the environment at the nation's colleges and universities. He put together a packet of environmental information and organizational aspects, made it available to interested schools and named Dennis Hayes as his lead student. Dennis is still working at it.

At the time I was teaching at a small Texas state university and promptly wrote off to Washington for a packet which arrived in short order. After reading the materials, I asked Tom whose last name was maybe Chamberlain to head up the project. He approached the university president who approved what he also thought was a good idea. He appointed Art Byer, biology professor, as a sort of honorary faculty sponsor, but students did all the organizing.

When the beautiful April day arrived our 8, 9, and 10 o'clock classes met as usual. Then at 11 o'clock the entire campus community and many local residents met on the grassy quadrangle to hear the inspiring main speakers — none of whom I can recall.

At one o'clock faculty panels and discussions were held, in classrooms across the campus. I do remember that Richard Williams (mathematics), Jesse Rogers (chemistry), and I (psychology) held forth for an hour and a half. In conclusion I informed the group of the number of acres of tropical rainforest destroyed while our roomful of people had been talking.

The following day most classes had students who continued with questions and comments. In one of my classes I remember Brenda Hardy asking, "Miss Harless, how long do we humans have to change our behavior?" (We were very formal in those days!) Long pause. I answered, "Ten years. Fifteen, at the most." I have never seen a reason to change that gloomy estimate.

Today it would be more than a full-time job just to keep up with the daily revelations of worldwide ecological destruction.

We know, for example, the following:

- Except for those swimming right around Antarctica, all the fish on the planet contain micro plastics.
- Treadwear dust settles from the bottom of the deepest oceans all the way to the peaks of the highest mountains.
- Glitter, whether plastic and/or metal is also everywhere. Whatever goes on the ground eventually ends up in the water. Glitter sticks to everything but not for very long. Glitter is not removed at wastewater treatment plants and is deposited in the world's waters.
- Chemicals from laundered so-called "fleece" made from plastic bottles also flow along with water. Accumulated in patches on the oceans' surfaces, the chemicals give off the same odor as that which comes from plankton that skimming sea birds feed upon, to the birds' detriment. And no nourishment.
- Today petrochemical plastics, pesticides, herbicides, fertilizers are part of most living organisms inhabiting this fragile planet.
- Endocrine disruptors from fracked gas wells, compressor stations, soft plastics of every ilk, and discarded and excreted medications interfere with the psychology of virtually all animals. Reduced sperm counts are among the reproductive errors and failures.

- Emanations way smaller than micro plastics or even nano plastics pass through glass, the blood-brain barrier and the placental barrier.

Another memorable moment from what came to be called "the First Earth Day" is how pleased I felt as I looked around the mass gathering. When I looked just beyond the periphery I shivered in disbelief. There they were. Dark suits and fedoras. Why in the world would they be watching people gathered to hear about the environment?

When those super-incongruously dressed figures appeared atop Elizabeth Moore Hall and other vantage points onlooking earlier peace demonstrations at WVU, those of us who noticed the men wondered why the watchers were at their stations. We half-jokingly speculated. Were they CIA? FBI?



Things get a little bit better for birds

By John McFerrin

For a migratory bird, life is no picnic. Many of them travel thousands of miles. Even if they can escape natural predators and overcome exhaustion, they still have to avoid power lines, wind turbines, oil and gas ponds, etc. along the way.

Occasionally, however, there are bits of good news:

Painting wind turbine blades

According to a study published in the journal *Ecology and Evolution*, bird mortality from collisions with wind turbines was reduced by about 70% by painting one of the three turbine blades black. The explanation for this result is found in an optics phenomenon called “motion smear.” This is a technical term in optics, having to do with how a bird, human, whatever perceives the world. In the context of this study, it means, more or less, that birds can more easily detect spinning wind turbine blades and recognize them as an obstacle to be avoided if one of the blades is black.

The possibility that painting blades could affect bird-blade

mortality was suggested at least as early as 2002 when some laboratory researchers tested blades of different colors against different backgrounds. The more recent study tested this idea in the field with intriguing results.

The study is limited by its small size.

Data was collected on six wind turbines in Norway, one with a painted blade and five without the painted blade. The result was that the painted turbine had 71% fewer bird deaths. The facility had been keeping records of bird deaths for about ten years so it had a good idea of how many bird deaths it was experiencing.

The species most prevalent in the study are not common in North America if they exist at all. Researchers suggest more study to determine if these observations are generally applicable or are somehow limited to Norwegian birds at one site.

Incidentally, this is the kind of relatively inexpensive measure that the Migratory Bird Treaty Act (as it existed before the Trump administration roiled things, see stories in the April, 2020, and February, 2021, issues of *The Highlands Voice*) could promote. The Fish and Wildlife Service, which administers the Act, only rarely prosecutes. Instead, it nudges and suggests, working with companies to avoid bird deaths.

If the idea of painting one turbine black does prove effective in other studies, it is the kind of thing that Fish and Wildlife Service would start suggesting that companies implement.

Turning down the lights in Philadelphia

When birds migrate, many species use the stars to navigate. On cloudy nights, they can get confused by city lights. They end up slamming into buildings with disastrous results.

Now Philadelphia is doing something about this. At the urging of several groups, it has begun a voluntary program to dim or turn

out many internal and external lights during times of heavy migration.

The program runs from April 1 through May 31 and from August 15 to November 15.

Property managers and tenants are asked to voluntarily switch off lights between midnight and 6 a.m., especially in a building’s upper levels, lobbies and atriums.

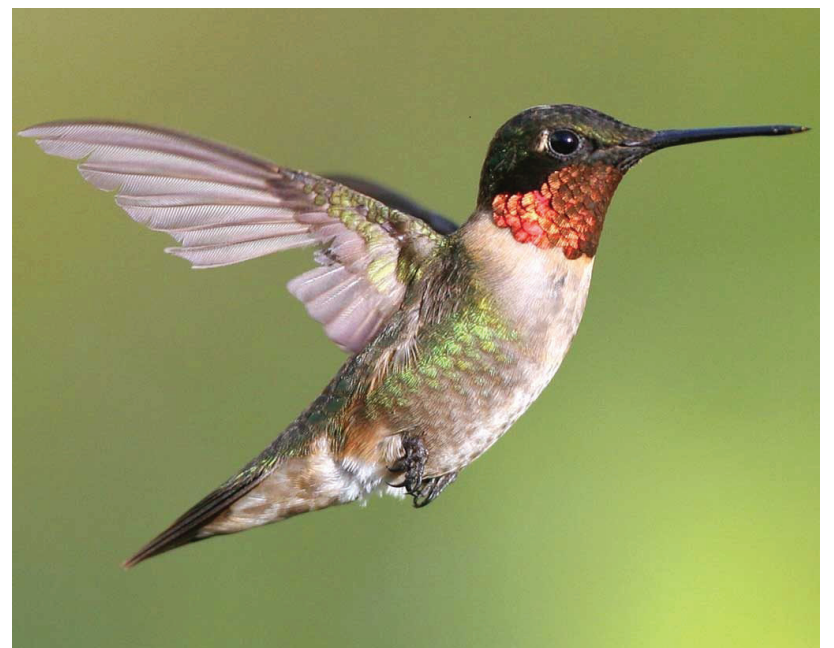
The program is voluntary. Even so, the Building Owners and Managers Association of Philadelphia, which represents over 475 members who own or manage commercial properties or provide services to buildings, said the response has been “extremely robust.”

Common yellowthroats, white-throated sparrows, gray catbirds and ovenbirds are the most common victims in Philadelphia.



Get Ready; Here They Come!

The Hummingbirds are on their way. As of press time, Ruby Throated Hummingbirds had been sighted in at least Texas, Mississippi, and Alabama. They should arrive in West Virginia in mid-April. To track their progress, go to <https://journeynorth.org/hummingbirds>.



Join Now !!!

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

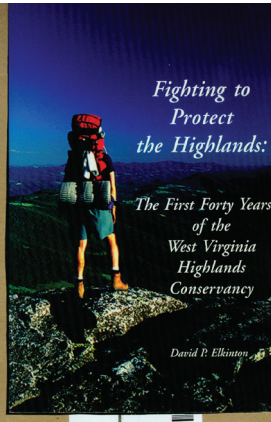
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West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful

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

GET A GREAT HISTORY BOOK

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



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

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

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

SUCH A DEAL!
Book Premium With Membership

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

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

Tell a Friend!

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

Person you wish to refer: _____

Address: _____

Email _____

Your name: _____

Filling out the form, etc. is, of course, the old school way of doing things. If you prefer, just email the information to Dave Saville at WVHC50@gmail.com.

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

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

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

Low Cost Environmental Summer Camp Invites New Campers, Counselors in June 2021

Camp Waldo is an environmentally focused, nonprofit summer camp in southern West Virginia. It invites campers and counselors to apply to join us at for a three-week overnight camp from July 10-31. It welcomes any children, boys and girls, who are currently 3rd-7th graders. Camp is **\$200 for the entire three-week session, less than 10% of the actual cost of the camp.** More info and applications at www.campwaldo.org.

What

Camp Waldo is an environmentally focused, nonprofit summer camp in southern West Virginia. Its goal is to connect kids from the region with the environment through outdoor learning and exploration. Campers engage in our ecology and environment program daily, learning to understand our ecosystem and to become wise stewards of our natural resources.

This summer, it will host a three-week overnight camp from July 10-31 with around 112 campers, 30 counselors, and several administrative staff. Campers will spend each morning in an ecology program, designed to connect the campers and staff with nature and thoughtful environmental stewardship. Campers will also enjoy activities like creative writing, music, visual art, theater, basketball, soccer, archery, chess, yoga, gardening, and beekeeping. Campers will explore the outdoors through activities like camping, backpacking, and paddle trips.

Camp will look a little different this year, with several measures in place to make camp as safe as possible and to limit the spread of covid-19. Details on these policies on the website.

Who

Camp Waldo is currently seeking campers and counselors to join Camp Waldo this summer.

- **Campers:** Camp Waldo welcomes camper applications from current 3rd-6th graders, both boys and girls. It hopes to continue expanding the camp in the future, adding more capacity, increasing our age range, and adding a second session. It charges families significantly less than the real cost of camp. **We also reduce or even entirely waive the fee for any family that cannot afford it.**
- **Counselors:** Camp Waldo welcome applications from college students or rising college students. Each Camp Waldo counselor is expected to be present from July 10-31. All counselors are paid \$1,500 and provided with housing, three hot meals a day, and at least a week of staff training. We also have opportunities for paid internships after camp concentrating on environmental education, pollinator science, organic farming, native plant horticulture and beekeeping.

Where

Camp Waldo takes place at a recently renovated historic camp in the big bend of the Greenbrier River, approximately 15 minutes from Hinton, West Virginia. It has a large dining hall, stages, sports fields, a basketball court, archery range, a garden, a greenhouse, and honey bee yards. Its recently renovated cabins accommodate two counselors and eight campers. Each cabin has two private bathrooms with private showers.

How

More information, photos, and camp applications are available at www.campwaldo.org.



A Connection

The West Virginia Highlands Conservancy has a connection to Camp Waldo. To read about that, go the February, 2020, issue of *The Highlands Voice*, <https://wvhighlands.org/2021/01/04/2020/>.

West Virginia Deciding How to Measure Clean Water

By John McFerrin

West Virginia is considering how it will determine whether the water in streams and rivers is clean. The West Virginia Highlands Conservancy and the West Virginia Rivers Coalition are trying to make sure it uses the most accurate measure possible.

Background

Everybody wants clean water. As a matter of law, esthetics, public health, or everything else we want our water to be clean. One of the earliest of the big environmental statutes was the Clean Water Act.

As with everything else, the devil is in the details. The most pristine stream and sewage sludge both contain water. The question is where on the very broad, pristine to sewage sludge, spectrum water must fall to be considered clean enough.

One common measure of how clean water must be involves measuring what impurities are in it. To do this, we test water for various substances. For example, regulations establish limits for a long list of potential contaminants. If water contains less than 0.5 mg/l (milligrams per liter) of aluminum, 1.5 mg/l of iron, etc. then it is considered clean for purposes of the Clean Water Act. If it contains more than listed limits, we are supposed to take steps to clean it up.

Another measure—the one involved here—involves determining whether water is clean enough by monitoring what can live in it. This is called a biological assessment. If water kills everything it touches, that obviously would not meet any definition of clean water. Since almost no water kills literally everything it touches, the trick is to determine what must be able to live in water for it to be considered clean enough to meet legal requirements.

This is important because of the implications of having a stream listed as “impaired” (another way of saying “too dirty”). If a stream is listed as “impaired” the West Virginia Department of Environmental Protection has a duty to take steps to correct the impairment. This might include changing permitting requirements or taking enforcement action against whoever is causing the impairment. As long as a stream is not listed as “impaired” there is no obligation to do anything.

What's going on

There is no question that the West Virginia Department of Environmental Protection has to do a biological assessment of some sort. It has now proposed regulations that set out how it will go about doing the assessments. The West Virginia Highlands Conservancy and the West Virginia Rivers Coalition (and the United States Environmental Protection Agency, for that matter) think that there are other methods that are more accurate.

The West Virginia Department of Environmental Protection uses a method that assigns streams a score from 1 to 100, based upon how well the stream supports aquatic life. To do this, the Department samples the aquatic life in waterways. The species found are reflected in the score a waterway gets. If it scores below a certain score then it is considered “impaired” and DEP has to do something to correct the problem.

One difficulty with the proposed rule is that it includes a gray zone, where streams are neither impaired nor unimpaired. The result of this is that streams in this gray zone will not receive the



Cindy Ellis stalks the wild benthic macroinvertebrates at an outing in April, 2019, sponsored by the West Virginia Department of Environmental Protection and the West Virginia Rivers Coalition.

attention they need and will probably slip farther toward impairment. There is no statistical or scientific justification for having this gray zone.

The method proposed does not protect sensitive species. Some species can live in relatively dirty water. Many even thrive, benefitting from the fact that the more sensitive species are killed off. The difficulty with the proposed rule is that the score on the 1-100 that determines whether a stream is impaired or unimpaired streams is too low. The result is that, even if a stream has a score that identifies it as unimpaired, sensitive species still could not live there. If DEP keeps this scoring system, the score that is needed to be classified as unimpaired needs to be higher.

Even if these problems did not exist, the method DEP uses is not up to date. The United States Environmental Protection Agency has been suggesting to DEP since 2010 that it adopt a more accurate method, the same method which is used in Kentucky, Maryland, Ohio, and Pennsylvania.

A draft rule describing how West Virginia will conduct these biological assessments has been published for public comments. The West Virginia Highlands Conservancy and the West Virginia Rivers Coalition have joined in comments, asking that the more rigorous and scientifically defensible methods of doing biological assessments be adopted.

West Virginia Highlands Conservancy Seeks Program Director

WVHC, now in its 54th year, currently serves approximately 1,500 members and supporters with a strong history of promoting, encouraging, and working for the conservation and an appreciation of the natural resources of West Virginia focusing primarily on the Highlands Region. Protecting clean air, clean water, forests, streams, mountains, and the health and welfare of the people that live here and those who visit is what the Conservancy is all about.

The responsibilities of the Program Director would be Organizational Development, Committee Coordination, and working with the Public Lands Committee to establish an advocacy program for the Dolly Sods Wilderness in the Monongahela National Forest. Responsibilities:

- 1.) Organizational development 50% - Develop and implement strategies to effectively increase WVHC membership and revenues. Establish a "Brand" for the organization and work to standardize this brand across all organization communications, publications, website, and social media, etc. Activities would include developing relationships with, and communications with the press, communicating directly with our members and the public by writing articles for the Highlands Voice (presently our most important developmental tool), develop fund appeals, and institute membership development and maintenance activities. Assist with the quarterly Board of Director meeting planning and preparation, including agendas, financials, packets, mailings emails etc. and attendance of the meetings providing reports on recent efforts and relevant developments.
- 2.) Committee support - Facilitate Committee Activities by helping to coordinate inter-committee communications, meetings, fund raising, membership engagement, press communications, volunteer coordination, and public outreach activities. Engage elected officials to advocate our position on Legislative matters.
- 3.) Establishing a Dolly Sods Advocacy Program - Work with the Public Lands Committee, to develop a program to help guide and engage the public in the management of the Dolly Sods Wilderness. This program would include service and educational outings, help to coordinate volunteer activities with the Forest Service, and advocate for strong protection of the Resources of this popular Wilderness Area.

The Program Director is a full-time position. Compensation would be commensurate with experience, with negotiable benefits. The Director would also have an operational budget which would cover travel, office, and operational expenses.

Qualities we are seeking for a successful candidate would include:

- strong communications and writing skills
- previous Organizational Development experience
- familiarity with the social and political landscape of West Virginia
- familiarity with the places where we work, and the issues we are engaged in
- experience working with the press
- experience working with Federal and State Land Managing and Regulatory Agencies
- A firm understanding of Wilderness
- experience organizing volunteers

Please send resume to larryvthomas@aol.com. Deadline is April 15, 2021.

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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.

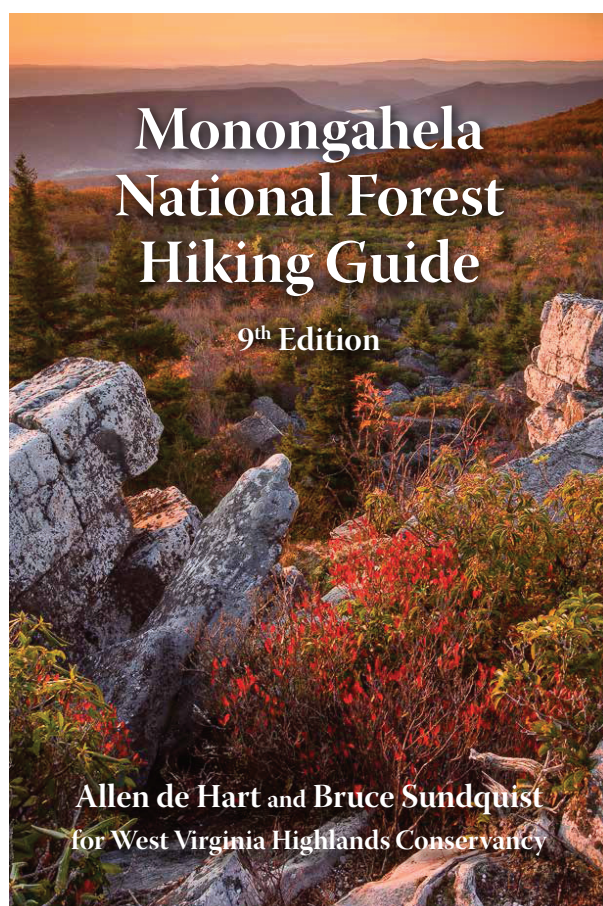
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The Highlands Voice: It's Not Just for Reading Any More

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.

No matter how you receive it, please pass it along. If electronically, share the link. If paper, hand it off to a friend, leave it around the house, leave it around the workplace. It's not just for reading. It's for reading and passing along.

BUMPER STICKERS

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.)



Plenty of Problems for Proposed Experimental Mine

By Jeanne Bell

The final Environmental Impact Statement is scheduled for release mid-summer 2021 for the National Institute for Occupational Safety and Health (a part of the Center for Disease Control) project to replace the abandoned Lake Lynn Experimental Mine with a new underground facility to be built in Mace WV on a 461-acre property located on the border of Randolph and Pocahontas County. The experimental mine is designed to be built in limestone but to replicate tunnels and galleries in a working coal mine.

The property is located at the source of the headwaters of both the Tygart Valley River and the Elk River. The site is adjacent to Snowshoe Mountain Resort and the Monongahela National Forest. The geology is Karst, and the adjacent community of primary and second homes relies on groundwater wells and springs. No public water is available for these homes.

The Tygart Valley River and the Elk River are both trout reproductive waters in this region. The Tygart Valley River forms on the adjacent property upstream from the proposed site, sinks underground and rises again, then flows across the property the CDC proposes to develop. Native brook trout reproduce in these waters.

Tributaries in the Headwaters of the Elk rise and sink and are well known for subterranean flow through a series of caves and underground streams that join the Elk River, which itself sinks and flows underground along Dry Branch Road, until it rises again at Elk Springs. The Elk is known for trout waters and is a popular fishing destination.

In 1976 the Northern Pocahontas County West Virginia Speleological Survey Bulletin published results for a dye trace test conducted in this part of the Elk River Watershed. The dye was introduced at a point called Beale's Insurgence only 1.65 miles from the proposed underground facility. The dye traveled South to the Big Springs fork of the Elk in Slatyfork in Pocahontas County, and Northwest approximately 10 miles to the reemergence of the Elk River at Elk Springs, in Randolph County. Dye was also introduced in Simmons Mingo Cave where the Dry Fork and Douglas Fork of the Elk River join Simmons Mingo stream and flow underground to My Cave and join the Elk River where it sinks as a waterfall in the Black Hole. Simmons Mingo cave is in the Tygart Valley River Watershed. The dye trace study confirmed an underground connection of the Elk and Tygart watersheds. This is the only known subterranean connection of two major river watersheds in West Virginia.

The proposed project would tunnel 500 feet down through the Greenbrier limestone formation and would install a 164000 GSF (Gross Square foot) subterranean facility under the border between Randolph and Pocahontas County. Although the entire facility would be within the Tygart Valley River Watershed, it would only be about 1300 feet from the Elk River Watershed Boundary near the entrance to Dry Branch road in Mace. As demonstrated by the Simmons Mingo connection, watersheds are surface demarcations, and do not necessarily correspond with the underground flow of water in Karst.

The facility poses multiple risks for groundwater contamination.

Underground fire control is a major area of research in the experimental mine. The project includes an above ground fire suppression experimental facility, located on Karst. Fire foam and other fire-retardant chemical research would not be limited to the above ground facility. Fire foam was tested underground as part of the research conducted at Lake Lynn. Fire foam is well documented

to contaminate water in localities surrounding fire fighting training and testing facilities, as it did in Martinsburg WV, where the city water supply was contaminated with PFA's. PFA's are known as a "forever chemical". They do not degrade in the environment, nor do they break down in the body.

Potential groundwater contaminants include nitrates from blasting and all the chemicals associated with diesel and oil, products of combustion of coal dust, PFA's and other chemicals from fire foam, and any unknown chemicals used in the underground experiments.

The facility would be dewatered by continuous pumping during construction and during operation. Water entering the facility would be pumped to the surface where it would pass through an oil/water separator, enter a series of two or three lined settling ponds, where it would be "cleaned" of contaminants, and discharged to the surface. The discharged water would flow through the Karst into the groundwater.

Continuous pumping of groundwater risks altering the groundwater flow, potentially dewatering wells and springs, and risks change in water quality due to recharge source change.

Construction will disrupt commuting and tourism travel for four years.

State Route 219 travels N/S through Randolph and Pocahontas Counties and is a major route taken by guests travelling to Snowshoe and Pocahontas County from points North and East, including DC and Northern VA. This traffic will increase when Corridor H is finished.

The entrance to the facility would be located on Route 219, on the north side of Valley Mountain in Randolph County, where the road winds its way up and down the mountain at a 7% grade. Construction is estimated to take four years, and this section of road would be occluded by heavy truck traffic, especially at the beginning of the job. The Draft Environmental Impact Statement states that 116 truckloads of excavated material would leave the site **each day** for 4 months. This equates to 232 trucks entering and leaving the site daily. For the remaining 3.75 years of construction, an estimated 16 trucks per day (32 trips) would haul excavated limestone to a local quarry. These statistics account for excavation debris removal, and do not include heavy equipment deliveries or materials deliveries. No estimate was provided for these additional trucks entering and leaving the site.

Lake Lynn, the site of the former Experimental Mine located in Pennsylvania just across the West Virginia border, was built in an abandoned limestone mine, surrounded by unoccupied land owned by a timber company, with only one house nearby, more than a half mile away.

The proposed site is within the source of the headwaters of two rivers, adjacent to a community dependent on groundwater in Karst, adjacent to an internationally recognized four season resort, with entry located on a steep section of busy mountain road.

A group of community residents organized with Eight Rivers Council, Snowshoe Mountain Resort and their parent company Alterra, and the Pocahontas County Commission have all contacted elected representatives including our Senators, our Governor, and

(More on the next page)

More about NIOSH Facility (Continued from previous page)

our House Delegates to express objection to this proposed project and seeking to move the proposed location for this Experimental Mine. While all acknowledge the importance of Mine Safety research, this location is a poor fit for an experimental mine. A more remote location in an area already impacted by mining must exist somewhere in West Virginia.

Senator Manchin indicated in a meeting with Snowshoe that he wants the facility located in West Virginia and he needs to hear from more residents regarding the current proposed site.

Resources

To learn more about the Elk Headwaters Watershed, search Elk Headwaters Comprehensive Watershed Protection Plan published 2011, on the WV DEP website.

To learn about fire foam and other experiments conducted at the former Lake Lynn facility, visit <https://www.cdc.gov/niosh/mining/UserFiles/works/pdfs/rmfst.pdf>,

To read the DEIS published in the Federal Register go to: Docket No. CDC-2018-0057 Draft Environmental Impact Statement Centers for Disease Control and Prevention in cooperation with U.S. General Services Administration Acquisition of Site for Development of an Underground Safety Research Program Facility for National Institute for Occupational Safety & Health in Mace, West Virginia

Jeanne Bell has lived at the headwaters of the Elk and Tygart Valley Rivers since 1987. She and her husband, George, are business owners at Snowshoe. George was President of the Elk Headwaters Watershed Association, which produced the Comprehensive Watershed Protection Plan. Their daughter, Ellie, is a board member of the West Virginia Highlands Conservancy.

An incomplete and out of date guide to the West Virginia Legislature

What's Up with the Legislature?

By John McFerrin

As this issue of *The Highlands Voice* goes to print the West Virginia Legislature is entering its last, frenetic days. Pending bills compete for attention, a spot on the agenda, the support of the big dogs, etc. while everybody watches the clock in hopes of some bill passing or failing to pass before the time runs out. Things change by the hour, giving no monthly publication a chance of providing current information. With that understanding, here is some of what is going on at the West Virginia Legislature:

Water Quality Standards

The weakening of water quality standards has already passed. There is a whole story about it on page 4 of this issue.

Angie Rosser of the West Virginia Rivers Coalition had this take on it:

Speaking at a Senate Judiciary Committee hearing, Angie Rosser, WV Rivers Coalition Executive Director, stressed that the state is already meeting the water quality standards for the toxins that would see their pollution limits weakened if the rule was adopted. She explained that it is a matter of good policy to prioritize the health and safety of West Virginians to reject any changes to water quality standards that exposes us to more toxins.

Tank regulations

The bill to exempt the oil and gas waste storage tanks located closest to public drinking water intakes from the Aboveground Storage Tank Act has passed the House and is pending in the Senate. Approximately 1,016 oil and gas waste tanks across 27 counties would become unregulated.

Power Purchase Agreements

This bill would allow companies to install solar power on homes, schools, factories, etc. and sell the power to the homeowner, etc. without having to be regulated as a public utility under the direction of the Public Service Commission. There was a big story about it in the February issue of *The Highlands Voice*. <https://wvhighlands.org/highlands-voice-mag/>.

This idea has moved from being totally ignored last year to being taken seriously and passing in the House. Although the original idea has had some restrictions and modifications placed upon it, it has a chance of making it to the finish line.

Off Road Vehicles

2021 saw a raft of bills aimed at promoting all-terrain vehicles (ATVs) and similar vehicles. They include from one supporting allowing ATVs in West Virginia's state parks, one providing for an ATV trail running parallel to the Appalachian Trail, and one supporting ATV access on federal land in West Virginia.

It is quite possible that none of these will become law, at least not right away. Federal lands in West Virginia are managed by the National Park Service and the National Forest Service, not the West Virginia Legislature. Because of some intense advocacy by, among others, West Virginia Highlands Conservancy members, the proposal for ATVs in State Parks has been diverted from a bill to a study resolution. The Legislature will study the matter over the summer and possibly come back with a bill next year. A study resolution is generally a sign that an idea has some support but not enough to become law.

All we can say for sure is that ATVs, including ATVs on public land, now occupy a prominent place in the Legislative mind. It is something to pay attention to in the future. For a discussion of why ATVs on public lands would be a bad idea, see Beth Little's article in the December, 2019, issue of *The Highlands Voice*. <https://wvhighlands.org/2020/01/02/2019/>.

Mining Matters

By Cindy Rank

As portions of the world – including the U.S. – begin to seriously look beyond coal, regions once dominated by coal and coal mining are now facing clean-up of the inevitable detritus left behind by this once imposing presence.

And yet, even the remnants and hangers-on scream for attention. The West Virginia Highlands Conservancy (WVHC) continues to join others in challenging where possible, commenting when called for, and reporting developments and new problems, here in the pages of *The Highlands Voice*.

What follows is a snapshot of some mining issues we're watching as Spring comes to West Virginia.

Legal actions of note this month that involve WVHC:

- Lexington Coal - This is an action against Lexington Coal Company for violations of selenium limits in its Clean Water Act (CWA) NPDES permits and conditions of Surface Mine Act (SMCRA) and the company's CWA 401 certification for ionic pollution at two mines in Mingo County (July 2020 Voice). By order on March 22, 2021 the Court held that the company is liable for selenium and ionic pollution violations and that WV Department of Environmental Protection (WVDEP) administrative actions against the company did not preclude our own citizen action. Having affirmed liability it is now up to the Court to determine what must be done to ensure compliance and also to calculate penalties.
- The Bluestone Coal settlement (December 2020 Voice) was officially approved by the Court February 17, 2021. The settlement requires Bluestone to fix its selenium problem, draw up a compliance plan, and enact that plan within 12 months when permit limits for selenium are to be achieved. Also, as part of this settlement agreement \$270,000 will be paid to WV Land Trust for an environmental mitigation project in the Tug Fork River intended to protect and preserve ecologically sensitive wetlands and floodplains along the Tug. Legal challenge of JMAC Leasing's selenium pollution violations from its 970 acre Briar Mountain mine in Kanawha County (February 2021 Voice) continues to wind its way through court procedures.

- In mid-2020, WVHC joined in sending a Notice of Intent to Sue (NOI) to WVDEP when it failed to notify the federal office of surface mining (OSMRE) there may necessitate a program amendment due to the significant blow to the WV mine bonding program caused by ERP Mining Company default of its permit and reclamation obligations at over 100 mine sites with no sources of cash or other assets available for reclamation and water treatment. WVDEP sent a letter to Office of Surface Mining (OSMRE) and OSMRE responded, but failed to make the requisite determination of whether a state program amendment is required. Instead, simply indicated its intent to work cooperatively with WVDEP and make such determination in the future. There has been no further action so on March 12, 2021, in hopes of moving the process along and prompting both agencies to address the faltering bond program in West Virginia, we plaintiffs sent a Notice of Intent to sue to the Office of Surface Mining for failing to make the required determination.
- Elsewhere in this issue of the Voice is an article about WVDEP regulation changes that lessen protection of streams by altering the biological assessment methodology (how and what bugs to count) in evaluating the overall biological health and ecosystem of the stream. That information is used to guide the agency when determining appropriate discharge limitations in new permits.

Clean-Up of orphaned mine sites:

Lengthy articles in untold issues of the *Voice* over the past 50+ years have bemoaned the inadequacies of WV's permitting, reclamation, enforcement, and – after all is said and done – the mine clean-up program(s) that have failed to live up to the promise of even the best federal and state laws.

"Forfeited" sites

With the passage of the Surface Mine Control and Reclamation Act (SMCRA) in 1977, the presumption was that all coal mining after that date would be done in compliance with permit requirements and performance standards set forth in the new law and regulations designed to implement that law. Included was a requirement that

a company would guarantee money would be available for the state to complete the required reclamation if and when that company went bankrupt, or just disappeared.

Before receiving federal approval to regulate coal mining in West Virginia, the state had to assure OSMRE that WV had in place a program that guaranteed sufficient bonding for every permit, which it did.

These past 4 decades have been a struggle to uphold that commitment.

The recent March 4th failure at the T&T Acid Mine Drainage (AMD) Treatment Facility is the most recent and perhaps most glaring example of the incredible fragility of even the best, most expensive efforts to contain the AMD beast in northern WV.

After mine blowouts in 1994 and 1995 at the forfeited T&T deep mine in Preston County there followed years of haggling over who and how to contain and control the pollution in and around Muddy Creek and the Cheat River downstream of Albright and Kingwood, WV.

WVHC was party to a 2007 lawsuit that held WVDEP's feet to the fire by requiring the agency to issue itself permits for maintaining water treatment at a number of forfeited mine sites all over the state – including the notorious T&T site.

WVHC brought another citizen suit in 2016 to force WVDEP to actually comply with its permit limits at the T&T site. The end result was the construction of an \$8.5 million treatment facility near the mouth of Muddy Creek. By 2018 the treatment facility had become a source of some stability, benefitting local residents as well as white water rafters and other water lovers who frequent the area.

Friends of the Cheat, a watershed group with unbelievable dedication and talent, who have put years and years of work into caring for that area of the Cheat River, saw the water quality improve and life in the stream return. According to reports and for the first time in decades, essential microorganisms in the water had begun to regenerate, and last year, 10 species of fish were found in the stream.

Then BOOM, heavy rains pummeled the area in March 2021 and a surge of acid laden water from the deep mine apparently

(More on the next page)

More about Coal (Continued from previous page)

ruptured some of the ‘plumbing’ that transports the toxic water from the mine to the treatment facility, allowing hundreds of gallons of untreated water to bypass the system and flow instead into Muddy Creek and on into the Cheat dropping pH levels and staining the river bed once more.

Repairs were made within days, but the damage was done.

Whether AMD mainly in northern WV or selenium and ionic pollution mainly in southern WV, water pollution has proven to be an albatross around the neck of the WVDEP mine regulatory agency.

As part of that program bonding provisions, including the bond pool, are woefully inadequate. Additionally, private bonding companies are finding themselves unable to cover reclamation costs as their client companies go belly-up.

[Perhaps needless to say, proper permitting – or denial – in the first place would negate the need for any of the hand wringing about bonding.]

The inadequacies of bonding are not only problematic here in WV. Coal producing regions all across the country are coming to terms with current mining operations that are just hanging on by a thread with less than needed financial backup. The sad state of affairs is being watched and challenged by citizen watchdog groups across the country.

“Abandoned” sites

If we think our ability to fix and repair these forfeitures is hogtied by lack of funding (and political will), one need only look at the funding program established to deal with mines that were abandoned and left un-reclaimed before the 1977 Surface Mine Act was passed to understand the enormity of the devastating legacy of coal.

As WVHC President, I appeared before Congress on at least two occasions, as did my predecessor John Purbaugh, and many others like us - to call for the renewal/extension of the Abandoned Mine Land (AML) tax on companies currently mining coal, money that is put into a fund used to reclaim mines abandoned before the 1977 law went into effect.

(The original assumption was that the AML program would fix all the old “abandoned” mines in 15 years, and any mining done after the 1977 ACT would be done in compliance with the new law, would be done in a responsible manner, and would be bonded sufficiently to pick up the pieces should any company need to default on its permit.)

Now in 2021, State, regional and national coal watchdog groups are once again pleading with Congress to extend that AML program for a third time as tens of hundreds of those oldest pre-SMCRA mine sites are still need reclamation to control and contain water problems at un-, or poorly, reclaimed mine sites that left only unproductive land and polluted streams after the coal wealth boarded ‘Mr. Peabody’s coal train’ for points unknown.

Mountaintop Removal?

And lest I leave anyone thinking today’s challenges involve only cleaning up previous messes, make no mistake, other monsters like Mountain Top Removal (MTR) are alive and well and currently being permitted in the hills of southern WV (and throughout Appalachia).

Though perhaps not technically “Mountaintop Removal” as defined by law (i.e., mining that removes the uppermost coal seam(s) across the entire ridgetop from side to side), operations

using other methods of mining not technically defined as MTR are nonetheless still removing mountains

Take for example the Republic Energy (formerly Alpha Metallurgical, formerly Contura Energy, formerly Alpha Natural Resources, formerly Massey) Turkeyfoot mine planned for Clear Fork in Raleigh County, WV

The Turkeyfoot permit encompasses 1,085+ acres of Coal River Mountain and includes a combination of multiple mining methods: ‘highwall mining’, ‘area mining’, ‘contour mining’, ‘auger mining’, and ‘steep slope mining’. Put ‘em all together and the end result is more mountains torn apart, more headwater streams obliterated, and daily blasting of rock spreading blankets of poisonous dust onto communities below.

It may not fit the technical definition of MTR, but the effect is quite the same.

Bottom line: folks in southern WV and members of organizations like Coal River Mountain Watch are still fighting for their lives and communities as WVDEP continues to permit mammoth surface mines, whatever they’re called.

On the national front some members of Congress acknowledge that MTR is not a relic off the past, but rather continues to pose an ongoing threat to the health and wellbeing of people living near these huge mines. On March 19, 2021 Kentucky Congressman John Yarmuth reintroduced H.R. 2073, the Appalachian Community Health Emergency (ACHE) Act, legislation to halt all new or expanded mountaintop removal coal mining permits until federal officials can examine the practice’s health effects on surrounding communities. <https://yarmuth.house.gov/press/yarmuth-again-moves-halt-mountaintop-removal-mining-permits-until-health-effects-studied>

Granted there’s a new administration in Washington and new people are administering the various programs that affect us all, but will this leopard ever change its spots?

Sigh.

Editorial Faux Pas

Last month we had a review of Lenore McComas Coberly’s new book, *From the West Virginia Hills*. Unfortunately, the address to order the book was wrong. The correct address is:

Lenore McComas Coberly
4114 N. Sunset Ct.
Madison, WI 53705

I am sorry for the mistake.

If more convenient, you may order directly from the printer:

Inkwell Printers
202 E. Chapel St.
Dodgeville, WI 53533

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 M-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