

West Virginia Highlands Conservancy
PO. Box 306
Charleston, WV 25321

Non-Profit Org.
U.S. Postage PAID
Permit No. 80004
Elkins, WV



The Highlands Voice

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

Volume 55 No. 8 August, 2022

Should the Mountain Valley Pipeline Get an Extension?

By John McFerrin

The developers of the Mountain Valley Pipeline have asked the Federal Energy Regulatory Commission (FERC) for an extension of its deadline to complete the project. A collection of groups, including the West Virginia Highlands Conservancy, is opposing the extension.

A little background

The Mountain Valley Pipeline is a proposed—and partially built—natural gas pipeline that would run south and west from Wetzel County, West Virginia, before ending in southwest Virginia. Such a pipeline would have to be approved by the Federal Energy Regulatory Commission (FERC). In its review, FERC would consider both the need for such a pipeline and whether or not the environmental impact of the pipeline was acceptable.

In the review, FERC would for the most part evaluate the need for the pipeline itself. While it would make the final decision, for the environmental assessment it would rely upon the expertise of such agencies as the United States Environmental Protection Agency, the United States Fish and Wildlife Service, and the United States Forest Service.

FERC approved the pipeline in 2017. At that time, the approval was valid until 2020; this was consistent with the developers' estimate of the time it would need to finish the project. By 2020 the project was not finished; FERC granted an extension until the fall of 2022. Now the fall of 2022 is upon us; the project is still not finished. The

(More on p. 3)

What's inside:

Thoughts from President Larry	2	Get a history book	8	Board highlights	17
Dolly Sods update	4	Readers' letters	9	Legal win for non-profit	19
Coal company drags feet	5	Officers and directors	10	Get stuff	20
Fun already had	6	Get a hiking guide	11		
Fall Review coming up	7	Sediment in National Forest	12		
Coming attractions	7	Looking for help	15		
How to join	8	Fun yet to be had	16		

Visit us on the web at www.wvhighlands.org Find us on Facebook

Thoughts from our President

By Larry Thomas

July has been a very active month at the Conservancy as you will see in many of the articles in this month's Highlands Voice and the efforts of all involved to get the job done are greatly appreciated.

Old Growth Forests Executive Order

As mentioned last month, the Executive Order signed by the President and aimed at protecting the United States' forests, especially old-growth forests has created a lot of confusion, and everyone has been waiting for information and guidance from the administration. The order directs the United States Department of Agriculture (USDA), United States Forest Service (Forest Service), and the United States Department of the Interior (DOI), Bureau of Land Management (BLM) to inventory the old-growth forests on federal lands over the course of the next year and identify the threats to these trees along with ways to better safeguard them.

On July 14, 2022 the, USDA, Forest Service, DOI and BLM invited public comment to inform the response to Executive Order Strengthening the Nation's Forests, Communities, and Local Economies which requires USDA and DOI to define old-growth and mature forests on Federal lands; complete an inventory and make it publicly available; coordinate conservation and wildfire risk reduction activities; identify threats to mature and old-growth forests; develop policies to address threats; develop Agency-specific reforestation goals by 2030; develop climate-informed reforestation plans; and develop recommendations for community-led local and regional economic development opportunities.

"Old-growth and mature forests are critical to ensuring resilience in our forests in the face of climate change, and they play a key role in storing carbon," said Bureau of Land Management Director Tracy Stone-Manning. "We look forward to hearing from the public on how best to define and inventory them."

Specifically, the Federal Register Notice seeks comments on the following questions:

- What criteria are needed for a universal definition framework that motivates mature and old-growth forest conservation and can be used for planning and adaptive management?
- What are the overarching old-growth and mature forest characteristics that belong in a definition framework?
- How can a definition reflect changes based on disturbance and variation in forest type/composition, climate, site productivity and geographic region?
- How can a definition be durable but also accommodate and reflect changes in climate and forest composition?
- What, if any, forest characteristics should a definition exclude?

Members of the WVHC Public Lands Committee attended a live informational webinar held for interested members of the public on July 21, 2022. The webinar was recorded and the webinar recording is posted at <https://vimeo.com/733417347> and the slides at <https://www>.

fs.usda.gov/sites/default/files/mature-old-growth-forests-20220721-publicinfoession.pdf.

Comments must be received in writing by August 15, 2022.

Dolly Sods Wilderness Stewards Program

WVHC has partnered with the Monongahela National Forest (MNF) to sponsor volunteer activities that will assist MNF in managing and preserving Dolly Sods Wilderness and adjacent areas and the program is running full speed with more volunteers and more projects during 2022. See the monthly update by David Johnston in this issue of the Highlands Voice to see all of the activities the volunteers are accomplishing. A special thanks to the volunteers.

WVHC Outings Program

The outings program got off to a great start with the Candy Darter and Hellbender Snorkeling Outing on July 16, 2022. See the article in this issue of the Highlands Voice.

As was suggested, outings will be planned to connect our members, supporters, volunteers, and the public with our public lands in West Virginia. Outings give participants a sense of participation and buy-in with the management of our public lands. Outings also are a way to provide support to wise management activities, and help managers to better understand, and to initiate projects and programs that better align with WVHC interests. WVHC will plan and conduct three primary types of outings.

a) Meet the Public Lands Manager: These outings would go to a particular area of Federal or State of West Virginia public lands where we would meet the manager responsible for that area from its land managing agency. We would discuss the mandates that agency has regarding the management of that area, learn more about the person charged with implementing that mandate, discuss current issues facing the area management, discuss projects being considered, and finally visit locations within the area for a hike or car tour. These might be scheduled in such a way to coincide with some major project or issues of concern in that management area.

b) Service Projects: These outings would focus on providing volunteer labor to help accomplish a management goal on different public lands in West Virginia. Trail maintenance, invasive species control, forest restoration or other tasks would be addressed.

c) Recreational: These outings might be hikes, caving, boating, skiing, biking, or other fun activities to help people learn different ways to experience and develop a greater appreciation for different areas of public lands in West Virginia.

We look forward to seeing you on a planned outings in the future.

The board of directors and committees of WVHC thank our members and supporters for your continued support. August will again be another busy month at the Conservancy as well as for other environmental organizations that we continue to work with on various issues and projects throughout the Highlands. Please stay safe and enjoy the many activities that the highlands have to offer as the summer season progresses.

More Pipeline Stuff (Continued from p.)

developers have asked for another four years to finish the project.

The groups have opposed the extension.

What the groups say

The groups rely upon information that has arisen since the pipeline was first approved in 2017. FERC has a policy of no do-overs. When the project was approved in 2017, many people opposed it, including some of the same groups that now oppose the extension. FERC has no interest in considering the same information that it considered in 2017. Because of this policy, the groups rely upon new information and changed circumstances.

The first type of new information is environmental. At the time of the approval in 2017, the pipeline existed only on paper. All environmental impacts were projections. Now we have had nearly five years of unpleasant, real world experience with the pipeline.

What the experience has shown is that the adverse environmental impacts are dramatic. The groups point to hundreds of violations of sedimentation laws that have been cited by state regulators. While the original FERC approval assumed that construction would occur with minimal environmental impact, that hasn't happened so far. The groups suggest that FERC require further study of the environmental impact in light of the new information.

The facts have changed so far as greenhouse gas emissions are concerned. When the certificate was first issued in 2017, FERC specifically declined to consider the impact the project would have on greenhouse gas emissions. At the time, it said it did not have the tools to make the evaluation.

Since then, the United States has adopted nationwide emission reduction targets. President Biden has issued an Executive Order calling for a government wide effort to reduce greenhouse gas emissions. It is true, of course, that how and how fast the United States reduces greenhouse emissions is an enormous political question. At the same time, FERC cannot continue to ignore climate change because it thinks it lacks the tools to evaluate it. The groups argue that FERC cannot approve an extension until it fills in the gap in its knowledge brought about by its declining to consider greenhouse gas emissions.

While lacking the drama of debates over global warming, there is another more mundane problem: the integrity of the pipes. The pipes are designed to be installed. If they sit around above ground the pipes and their protective coating deteriorate and can become unsafe. Since the pipeline has not been constructed, the pipes are sitting above ground. The groups suggest that before an extension is approved the safety of the pipes needs to be evaluated.

There have been changes on the other side of the need-environmental impact balancing as well. When need for the pipeline was assessed in 2017, FERC relied heavily upon agreements

between the developers and customers who would use the pipeline. While the developers say that those agreements remain in place, it is no longer clear that the agreement reflect actual demand, or actual need for the pipeline. It is known that the agreements have been transferred to other entities. What is not known is whether those other entities are actual users of pipeline capacity or not. They may not be customers but brokers, seeking to sell pipeline capacity. They may also be affiliates of the Mountain Valley Pipeline's developers.

These unknowns make it impossible for FERC to accurately evaluate the need for the pipeline. The groups suggest that FERC closely examine the agreements. Only by doing so can it figure out if the pipeline is really needed.

What the developers say

While the request for the extension uses considerably more words, the developers' argument fits in a single sentence: We're almost finished with the pipeline and it's not our fault we have been tied up in court.

The groups' take on this is different. They acknowledge that legal challenges to the pipeline have resulted in delays. They differ on the source of the source of the challenges. The groups say the source of the challenges are the developers' cutting corners and trying to skirt around the edges of the law. In their view, the challenges only resulted in delays because courts called the developers on their corner cutting, demanding full compliance with the law. Had it not been for the corner cutting, there could have been no successful challenges and no delay.

The groups also have a different take on the "almost finished" part of the argument. The developers have represented that the pipeline is 94% complete. This is only true if one considers having done anything towards completion as being "complete." There are many steps to a completed section of pipeline: cut the trees, dig the ditch, plop in the pipe, cover it up, plant grass, etc. If we count any stretch where the developers have done some of these steps as "complete," the 94% complete figure may be accurate. If we only count as complete the sections where all the steps have been finished, the pipeline is only 55.8% complete.

The 94% figure is also misleading because the parts where everybody agrees the pipeline is not complete are the water crossings. These are the hard parts. No matter what definition of "complete" one uses, it is misleading to call a project almost complete when the uncompleted parts are some of the most difficult.

Now what?

The Federal Energy Regulatory Commission just has to decide. The deadline for public comments on the extension was July 15. Everybody has said whatever they had to say. The original extension expires this fall so FERC will probably decide quickly.

Dolly Sods Wilderness Stewards Update

By Dave Johnston

A lot of things developed during July for the Wilderness Stewards. Here is a recap of our current activities and plans.

Visitation Levels

There is some evidence that the surge in visitation the occurred during the past two years of the pandemic has eased a bit. The Independence Day weekend had noticeably less traffic and there were no parking issues. Other weekends were also quieter than expected, though it is possible that weather was a factor. Now that the blueberries and huckleberries are ripening, things have picked up again, but is still not overwhelming.

However, I'd caution against complacency. There were still about 5000 people who registered at the trailheads during the first 6 months of 2022, and at a 50% rate that means that around 10,000 people may have entered the wilderness, most of them in the past three months.

Even before the pandemic, visitation levels, and the resulting impact on the wilderness, were alarmingly high. If the surge is subsiding, it is probably only returning to the trajectory of an already upward trending curve. There will continue to be a need for both Forest Service professionals and engaged volunteers to intervene to support the wilderness character of Dolly Sods.

Trailhead Stewards

With their ranks swelled by the addition of a new crew of volunteers brought on this spring, the Trailhead Stewards continued and increased their presence at the trailheads during the summer. Sporting their new green vests embroidered with the WVHC/ Wilderness Stewards logo, the Stewards have become a recognized feature of the Dolly Sods trailheads. An increasing number of people say they have some familiarity with the program, and we have had some actually seek out Stewards to ask questions about Dolly Sods!

We can always use more Trailhead Stewards! In anticipation of the usual surge in visitors during the fall color season, I am planning to hold another training during August or early September. If you have been meaning to get involved at the trailheads, now would be a great time! Just go to the WVHC website (wvhighlands.org) and follow the links to the Dolly Sods Wilderness Stewards program.

Solitude Monitoring

Our summer 2022 enhanced solitude monitoring program is underway. Wilderness Stewards are enjoying hikes on three trails (representing Moderate, High, and Very High use levels) while recording the number of groups, people and animals they encounter along the way.

This year we are following an "enhanced" protocol, which will provide more statistically valid data. The dates for the hikes are chosen randomly, and five hikes are done on weekdays and five on

weekend days. With a total of 30 hikes to do, the solitude monitoring teams will be busy! The monitoring period will run through August.

Solitude monitoring supports one of the key values of wilderness described in the Wilderness Act of 1964: "outstanding opportunities for solitude or a primitive and unconfined type of recreation". Land managers are tasked by the Act with maintaining this element of wilderness character in the wilderness areas they are responsible for. In order to this do they must monitor the status of it on a regular basis. The information can be used both to compare the degree of solitude available with established benchmarks, and to detect trends over time.

The enhanced solitude surveying model that we are using will allow for more precise statistical analysis to be made. Though this was not available from past surveys, establishing a database of enhanced data will allow for better analysis going forward. This will be important for assessing the continuing impacts of changes in visitation levels and of the effectiveness of control measures taken.

Campsite Inventory

How many campsites are in Dolly Sods? 100? 300? 500? More? Where are they, and where are they concentrated into small communities? How much impact are they making – are trees cut down around them, and are they equipped with camp furniture made from relocated rocks, upholstered with stripped moss?

Camping is a part of a wilderness experience, and inevitably campsites created by users will spring up. But wilderness is supposed to have minimal evidence of human presence, and its natural features preserved without human manipulation or destruction. When campsites become too numerous or have too much impact on the environment, wilderness character is degraded.

As with the wilderness value of solitude, the management agency is charged with monitoring the status of recreation sites (including campsites) within the wilderness, and taking appropriate action to keep visitor impact consistent with the goals of wilderness. That means campsites and other areas used by visitors need to be surveyed and assessed on a periodic basis. For even a moderately sized area with high visitation, like Dolly Sods, that can be a daunting task.

This is where volunteer partnerships, such as the Dolly Sods Wilderness Stewards, can be of immense help. Teams of volunteers can divide up the wilderness and thoroughly survey specific areas, looking for campsites associated with system trails and following social trails to more out-of-the-way spots. The Stewards have taken

(More on the next page)

More about the Wilderness Stewards (Continued from previous page)

on a project to cover all of Dolly Sods this summer and do a complete inventory of the number, location and condition of campsites.

Using a phone app and survey developed in conjunction with the Southern Appalachian Wilderness Stewards (SAWS), Stewards will be able to quickly record the location of each site, measure and rate the impacted area, identify the number of severely damaged trees, report fire rings and camp furniture, and provide photos. The data will be compiled into a database (which WVHC will also have access to). The Forest Service can use the data to identify problem areas for immediate action, such as large concentrations of sites, improperly located sites, those with heavy environmental impact, and inappropriate enhancements such as camp furniture and other structures. The methodical approach will also allow detection of trends and comparison of conditions with future surveys.

The survey period is likely to begin in early August and extend through September. A team has been assembled and a training held. The final touches on the survey procedure and app are being hammered out, and inspection zones within Dolly Sods are being identified and mapped out. In next month's Voice I will provide more information on the details and how the surveys are going.

Join us!

Would you like to be part of the exiting activities we are doing and planning for the Dolly Sods Wilderness Stewards? Visit the WVHC website (wvhighland.org) and follow the links to the Dolly Sods Wilderness Stewards. You can find a sign-up form on the site, and can indicate the programs(s) you are interested in. Once you sign up we will be contacting you once these programs are ready to be implemented.

Judge Holds Mining Company in Contempt, Imposes Fine

By Mike Tony

A federal judge has ordered a prominent coal company to pay \$1,000 a day for a 51-day period after finding that the company has been unwilling to comply with court mandates to show how it will address pollution at two Mingo County mine sites.

In a ruling in the U.S. District for the Southern District of West Virginia Monday Judge Robert Chambers ordered Lexington Coal Co. to pay the court for its failure to comply. The order is the latest conclusion that Lexington has been environmentally irresponsible and legally unresponsive in the case brought by environmental groups against the company in 2019.

The court has found the Kentucky-based company liable for violating the conditions of its permit limiting discharges of selenium, a pollutant with toxic effects for West Virginia's aquatic life.

Chambers criticized what he wrote was a "bare-bones plan" from Lexington to address selenium and ionic pollution at the Low Gap Surface Mine No. 2 and No. 10 Mine in the ruling. Both sites are in the Tug Fork River watershed.

In May, Chambers granted a request from the West Virginia Highlands

Conservancy, Appalachian Voices and the Sierra Club to hold Lexington in contempt of court for not submitting court-ordered cleanup plans for the sites.

Chambers ordered Lexington to submit a plan to comply with the federal Clean Water Act and Surface Mining Control and Reclamation Act within 30 days. Chambers reiterated mandates he included in two previous orders for the company to comply with selenium limits within a year of submitting the plan and state ionic pollution standards as soon as possible, with enforceable interim milestones no longer than one year apart.

In a subsequent court ruling, company vice president of engineering Kermit Fincham pledged that the company would comply with selenium limits within a year through the installation of biochemical reactor systems. Fincham promised that Lexington Coal would comply with state ionic pollution standards as soon as possible through his professional judgment and using unnamed third-party environmental consultants.

Fincham indicated that seven outlets were in compliance with modified state permit limits and that the company would use a biochemical reactor system to address

two other outlets not in compliance.

But Chambers noted in his Monday ruling that the company failed to include the court ordered interim milestones. Chambers observed that Fincham hadn't outlined "actionable steps" on how Lexington would address ionic pollution or explained how it would comply with selenium pollution limits within a year.

Since Chambers had mandated in a May 18 order that Lexington pay a \$1,000 daily fine if it didn't comply with the court's previous orders within 10 days, Chambers imposed a \$1,000-per-day fine starting May 29 through July 18 in his latest ruling. The company must pay the fine by July 25 and keep paying the accrued fine every two weeks until it submits a "full and complete plan."

The daily fine will rise to \$1,500 if Lexington fails to submit such a plan by Aug. 1, Chambers decreed.

Note: This is a follow up of a story that appeared in the June, 2022, issue of *The Highlands Voice*. It is a shorter version of a story that first appeared in *The Charleston Gazette*.

Candy Darter/Hellbender Snorkeling Outing Success

By Cory Chase

After a couple years of hibernation, the Conservancy's outings program has been emerging back into the hills and hollers of the Highlands. Our outings program had an exciting re-launch this year with a Candy Darter/Hellbender Snorkeling Outing on the Greenbrier River. ([See our recap video on Facebook](#)) Upcoming outings—including our **annual Fall Review**—are listed in other parts of the Voice (with signup links for our online readers).

On July 16, about 20 people met at the US Forest Service's Greenbrier Ranger District Office in Bartow, WV. Honestly, even just driving down to Bartow was a real treat. Wildflowers, greenery, the beautiful interplay of sunshine, mountains, and clouds...snorkeling in clean water and learning about aquatic habitat was the cherry on top. WV is a summer delight.

Our outing leader was Chad Landress, US Forest Service Forest Fisheries Biologist. Chad secured a grant back in 2017 to purchase snorkeling equipment and wetsuits for outings like this one. He gave us an intro to the equipment and how to fit yourself for a wetsuit.

While this summer has been hot, we were all grateful for the wetsuits...although putting on and taking off a wetsuit is a small feat and quite the workout in and of itself. It was worth the struggle; the Greenbrier River was still plenty cold! Chad led us to a spot a few miles from the Ranger Station. About 100 feet from the parking area was a small stone beach that set the scene for our underwater exploration. Easy-peasy! The group managed to avoid any stormy weather and everyone got to see some of the aquatic species in a short section of the Greenbrier River near Island Campground.

Chad mentioned that farmers upstream had a conservation mindset and have been protecting the waterways coming from their farm by keeping livestock away from small streams and the Greenbrier River. Every river should be so lucky.

When we arrived, the group noticed that someone had built up a small rock dam of sorts where we were planning to snorkel. Naturally, there was a large black snake basking on the warm rocks. Unfortunately for that snake, we had to give them the boot (or the water shoe, in this case....but really, it left before anyone had to make contact with it so no snakes were harmed in the enjoyment of this outing).

Folks from the group made short work of disassembling the unnatural rock wall. But before anyone stepped into the water, Chad pointed out a colorful (and less muddy) pebble pile near the rock wall. It was a bigmouth chub mound. Bigmouth chub (*Nocomis biguttatus*) build these mounds with small rocks, moving them one by one to make a round mound about two feet in diameter where

they lay their eggs. We saw many of these mounds in the short 100 feet or so of river that we snorkeled in. And the chubs that lived there didn't seem too bothered by us much at all. They seemed as curious about us as we were about them.

We also saw a Hellbender (*Cryptobranchus alleganiensis*)! Chad seems to know some of the Hellbenders by name because it was not long after getting into the water that he found one and people milled through to see a Hellbender up close...in its natural habitat, to

boot. I must say, it was hard to see it at first. If you didn't have an underwater flashlight, you'd be hard pressed to see it at all. They blend in very well with the rocks and this one was fairly covered in the same brown muck that covers the rocks. But a few movements of the head and especially its little white fingertips set it apart from the rock it so closely resembled. All around this Hellbender den we saw many of the crayfish and fish that make up the backbone of the Hellbender diet.

Chad explained a theory of his that they live under rocks and have a sort of den that they can retreat back into in case some predator like an otter or racoon attacks it. But they tend to wait at their front door in case a different predator shows up: snakes. Chad's theory is that they do not want to be caught in their cozy den with a snake who can easily get in. So, the theory goes that Hellbenders will leave their den to face off with snakes since they presumably have a better chance of fighting or fleeing if they are not battling in their small den.

Some attendees saw an endangered candy darter (*Etheostoma osburni*) but not everyone was so fortunate. The candy darter is a flamboyantly colored fish that is native to the Gauley, Greenbrier and New River watersheds, mostly in WV with some in VA, and nowhere else. Candy darter is typically an indicator species for cold, clean



Still on the Trail of the Elusive Candy Darter (Continued from previous page)

water. They are extremely sensitive to sedimentation, which affects their ability to lay their eggs and find shelter from bigger fish that would like to eat them. They are also becoming more threatened from being hybridized by other darter species like the variegated darter. Other more common species that were spotted include crayfish (not sure which species), rosieside dace (*Clinostomus funduloides*), and other darter species.

WVHC would like to thank everyone who made the trip. We would also like to thank Chad Landress and the Monongahela National Forest for collaborating with us to do this outing. We hope to repeat this outing next year and continue to do them into the future.

Energy and the Fall Review

Each year the Fall Review allows us time to look at one topic in a little more depth, and to hear speakers we don't otherwise get to hear from. This year's Fall Review is October 14th – 16th at North Bend State Park. We hope that many of you will join us.

So, why talk about energy at the Fall Review? Well, we carry it with us: It powers our phones, homes, cars, etc. And, on a worldwide basis, people are changing how we capture energy and make it useable by our devices. Whether we like it or not, worldwide people want more sustainable forms of energy. But what is truly sustainable, and how can WV Highlands be involved?

Many new ways of capturing and using energy are being developed, and most of us know very little about them. Join us at the Fall Review as we take a look at some of these new energy developments.

We have speakers talking about green and blue hydrogen projects, transforming coal fields to solar fields, harvesting rare earth elements from acid mine drainage, and small scale, modular reactor nuclear power.

One of our speakers, Sean O'Leary wrote an article about hydrogen power in last month's Voice. Did you read it? Come to the Fall Review with your questions and concerns. Learn about recent energy developments and join the discussion about our future direction on this important topic.

Information, how to make a reservation, etc. look right over there



UPCOMING OUTINGS

([Details on our Events Page](#)):

- [Watoga Old-Growth Forest Exploration](#) August 7, 1-4PM at Watoga State Park: Explore a stand of old-growth forest with ecologist/naturalist Doug Wood. Meet at Ann Bailey Overlook Trailhead.
- Mushroom Meander (**[Already Full...Sorry!](#)**) August 28, 10AM-12PM at Canaan Valley Resort: mushroom hike with Kristen Wickert, professional entomologist, botanist and plant pathologist who also has extensive knowledge about fungi, as well.
- [Bird Walk on Farm View Trail](#) September 4, 11AM-1PM at Canaan Valley National Wildlife Refuge: Take a Labor Day bird walk with WV bird expert LeJay Graffious.
- [WVHC Annual Fall Review](#) (Energy theme) October 14-16 at North Bend State Park: Join us for a weekend of an in depth look at ENERGY in WV, as well as some fun outings. Speakers on hydrogen, solar, nuclear, FERC. Mention that you are coming to our Fall Review for a [bulk room rate](#). Hope to see you there! Email director@WVHighlands.org if you have questions.

Join Now !!!

Name_____

Address_____

City _____State _____ Zip _____

Phone _____Email _____

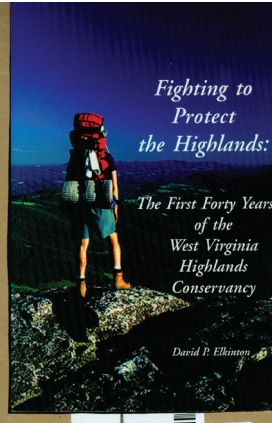
Membership categories (circle one)			
	Individual	Family	Org.
Senior	\$15		
Student	\$15		
Introductory	\$15		
Other	\$15		
Regular	\$25	\$35	\$50
Associate	\$50	\$75	\$100
Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

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

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

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

GET A GREAT HISTORY BOOK



For the first time, a comprehensive history of West Virginia’s most influential activist environmental organization. Author Dave Elkinton, the Conservancy’s third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy’s energy, but profiles more than twenty of its volunteer leaders. From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia’s mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

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

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

SUCH A DEAL!

Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$15.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership. Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

Our Readers Write

Blue Hydrogen: Yuck!

Dear Editor,

I wish to commend you on the excellent piece by Sean O'Leary on blue hydrogen and the effort to have us all subsidize the building of a hydrogen hub in the Ohio River Valley. I'd like to add a couple of points, mostly from a Zoom I watched yesterday through the VOICES coalition, a presentation by Tom Solomon who heads 350.org in New Mexico.

He said that two recent peer-reviewed studies found that blue hydrogen is 20% worse than just burning natural gas for electricity, in terms of carbon footprint.

I should clarify, as O'Leary's piece did not, that blue hydrogen is hydrogen generated from fossil fuels (usually methane) but with the CO₂ (supposedly) captured and sequestered. Grey hydrogen is derived from fossil fuels without carbon capture, and is 98% of the market today. Then there is green hydrogen, derived from renewable energy—this is less than one percent of hydrogen today, no doubt because it's much more expensive than grey hydrogen.

For transportation, from extraction to the wheels, renewable energy powering an electric car is 77% efficient. Renewable energy to a fuel cell-powered car is 33%, even without carbon capture. Furthermore, there are currently 55,000 charging stations for electric cars all over the US, and only 55 for fuel cell cars, all of them in California.

It simply makes no sense to use a less efficient, more expensive means to generate fuel or power, and then attempt to capture the carbon at extra cost in money and energy. So why would we do this? Why would we pay much more, either in taxes or power bills, to subsidize a less efficient way to accomplish things? Given that solar and wind are now the cheapest energy sources as well as the least polluting, why aren't we putting subsidies there instead?

O'Leary's piece summed it up nicely. This scheme is not an attempt to create energy while avoiding greenhouse gas emissions. It's an attempt to prolong the gas industry in the face of increasing pressure to finally do something about climate change, and in the face of increasing competition from renewable energy. O'Leary points to "campaign donations" (a euphemism for bribes) to politicians from industry.

It's my opinion that the reason we keep seeing such a train of false solutions to climate change is that decision-makers and researchers have been given a two-part mandate: find a way to reduce emissions, and don't change anything about power or economic relations. The first is preferable but fakery is acceptable if necessary, as the second is iron-clad; "nothing will fundamentally change" is a mandate. I believe the two are mutually incompatible, and thus we see a string of glittery high-tech magic wands that appear with fanfare, are hyped and given public funds, and then quietly disappear. This is at least the second time hydrogen has appeared in this magic show.

Realistically, if there is to be a solution to climate change and biodiversity loss, it must come from us. Primarily we have the power to stop contributing to all this by withdrawing from the consumption rat race, powering our homes renewably, reducing our traveling and generally stop supporting the large corporations that are running the show and blocking change.

Mary Wildfire

Herbicides OK in a few places

Dear Editor,

The request to ban the use of agriculture pesticides on all National Wildlife Refuges is good. However very limited very carefully used pesticides are needed to save the

native ecosystems from non-native invasive species. The National Wildlife Federation advocates for this. For example cut stumping Japanese Barberry and Oriental bitter-sweet when the plants are too hard to mechanically remove and thus greatly reduce the risk of Lyme disease from deer ticks. Cut stumping the non-native vines that strangle the trees and cause them to fall down such as Oriental bittersweet is also critical. We use a very small amount of 15% glyphosate at the little cup that forms where the plant is cut at ground level.

Marc Imlay PhD

Board member of Mid-Atlantic Invasive Plant Council

Note: This letter is in response to the article *Sticking Up for Wildlife* that appeared in the July issue.

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

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

The 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 Cristyn Bauer 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.)



Roster of Officers, Board Members and Committee Chairs

PRESIDENT: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602,
SENIOR VICE PRESIDENT: Marilyn Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484
VICE PRESIDENT FOR STATE AFFAIRS: Vacant
SECRETARY: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304) 291-8305,
TREASURER: Bob Marshall, 2108 Emma Road, Kenna, WV 25248, (304) 545-6817,
PAST PRESIDENT: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168, (304) 586-4135,

DIRECTORS-AT-LARGE (Terms expire October 2022)

Jackie Burns 304 866 4093
Randy Kesling, 116 Farm Meadow Drive, Bridgeport, WV 26330; (304) 622-5982;
Kent Karriker, 344 Harpertown Road, Elkins, WV 26241 (304) 636-8651,
Patrica Gundrum, Charleston, WV
Luanne McGovern, 858 Alta Road, Charleston WV 25314, (973) 873-3369

DIRECTORS-AT-LARGE (Terms expire October 2023)

George Hack; 510 HANNA RD; Bel Air, MD 21014; 443 742-0463
Rick Webb, 481 Ravens Run Road, Monterey, VA 24465, (540) 468-2881,
Hugh Rogers, 531 Moon Run, Kerens, WV 26276, (304) 636-2662,
Susan Rogers Rosenblum, 135 Fern Lane, Davis, WV 26260, (412) 759-9234
Campbell Moore 1716 Cortland Road; Dacis, WV (443) 975-8351

DIRECTOR EMERITUS: George E. Beetham Jr., 2819 Mt. Carmel Avenue, Glenside, PA 19038, (267) 252-3748

ORGANIZATIONAL DIRECTORS

WEST VIRGINIA CAVE CONSERVANCY: Randy Rumer; 295 Caraway Lane Renick, WV 24966; (304) 497-2657;
PITTSBURGH CLIMBERS: Buff Rodman, 32 Crystal Drive, Oakmont, PA 15139, (412) 828-8983,
BROOKS BIRD CLUB: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168, (304) 586-4135,
WEST VIRGINIA RIVERS COALITION Dave Ruediger
MOUNTAINEER CHAPTER TROUT UNLIMITED Randy Kesling, 116 Farm Meadow Drive, Bridgeport, WV 26330; (304) 622-5982;
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304) 924-5802,
ALLEGHENY HIGHLANDS ALLIANCE: Vacant
SHAVERS FORK COALITION: Jeff Witten, President, 578 Falkner Rd, Elkins, 26241, (304) 362-5330,

COMMITTEE CHAIRS

EXTRACTIVE INDUSTRIES COMMITTEE: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304) 924-5802
PUBLIC LANDS MANAGEMENT COMMITTEE: Kent Karriker, 344 Harpertown Road, Elkins, WV 26241 (304) 636-8651,
RENEWABLE ENERGY COMMITTEE: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602,
LEGISLATIVE COMMITTEE: Luanne McGovern, 858 Alta Road, Charleston WV 25314, (973) 873-3369
ENDOWMENT FUND COMMITTEE: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602,
RIVERS COMMITTEE: Susan Rogers Rosenblum, 135 Fern Lane, Davis, WV 26260, (412) 759-9234
HIGHWAYS COMMITTEE: Hugh Rogers, 531 Moon Run Road, Kerens, WV 26276, (304) 636-2662,
CLIMATE CHANGE COMMITTEE: Perry Bryant; 1544 Lee Street, East, Charleston, WV 25311, 304-344-1673,

MISCELLANEOUS OFFICES

WEB PAGE – DIGITAL PUBLISHING: Dan Radmacher, (540) 798-6683,

ADMINISTRATIVE OFFICES

MEMBERSHIP SECRETARY: Cristyn (Crys) Bauer. 2151 Herring Road Kingwood WV 26537 (304) 997-2160, wvhc50@gmail.com
PROGRAM DIRECTOR: Cory Chase, 1602 Appalachian Highway, Dryfork WV 26263, (304) 599-4906
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:

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

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

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

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

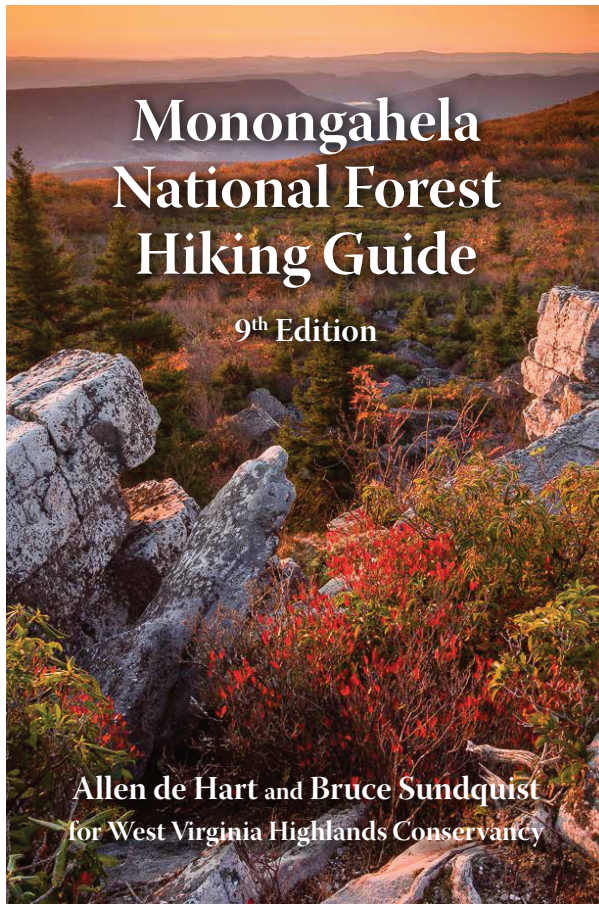
**Send \$18.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy**

P.O. Box 306

Charleston, WV 25321

OR

**Order from our website at
www.wvhighlands.org**



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 with a pre-curved visor. 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 and red.. The front of the cap has I ❤️ MOUNTAINS. The heart is red. The red 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

Better data would help fix this

Forest Service Says Sedimentation Is from Natural Causes, not Its Management

By Rick Webb

On January 3, 2022, the West Virginia Highlands Conservancy filed an objection to the pending approval of the Greenbrier Southeast (GSE) project, a Monongahela National Forest (MNF) project involving timber harvest and related roads in the East Fork of the Greenbrier River watershed (see [The Highlands Voice, March 2022](#)). On March 18, 2022, the MNF published a final Decision Notice and Finding of No Significant Impact, authorizing the project.

A key issue raised in the Conservancy's objection to the Greenbrier Southeast Project was the failure to describe and evaluate baseline environmental conditions, as required by both the National Environmental Policy Act and the Endangered Species Act. In particular, the MNF failed to meaningfully consider its own aquatic habitat monitoring data, which indicate that most of the streams in the Forest are degraded and trending negatively with respect to chronic sedimentation. This includes streams in the MNF that are designated critical habitat for the endangered candy darter and streams that support native brook trout populations.

Although an understanding of the existing sedimentation problem is needed for informed conclusions about the risk of additional degradation due to proposed timber projects, MNF managers have not conducted a rigorous analysis to determine the causes of the existing problem. Instead, they rely on mitigation measures to reduce additional sediment production and transport to acceptable, although unspecified, levels. As described in the Conservancy's objection to the Greenbrier Southeast project, however, the available measures for controlling runoff from mountainside timber-harvest operations are unreliable, especially during periods of active road construction and road use for timber transport. The Conservancy thus called for meaningful analysis of the existing problem before proceeding with a new project that may add to the problem.

In the official response to the Conservancy's objection to the GSE project, the Forest Supervisor discounted concerns about sedimentation with the following statement:

The Final EA has considered the potential for sediment production and delivery to streams documented in the Greenbrier Southeast Project Watershed Analysis Process (in the project record). This document shows monitoring data for forest-wide stream sediment changes that are not directly associated with management activities but instead are driven by natural processes. These data show streams in wilderness areas increasing in fine sediment and some streams in areas

of management decreasing in fine sediment. Therefore, it appears that the project planning conducted by Monongahela National Forest staff is successful in protecting streams from any quantifiable changes in sediment delivery. (*Excerpt from response to WVHC objection to the GSE Project Final Environmental Assessment (EA) and Draft Decision Notice and Finding of No Significant Impact. Shawn Cochran, Supervisor, MNF, 2/22/22*)

The Conservancy obtained and reviewed the cited document, Greenbrier Southeast Project Watershed Analysis Process, dated January 19, 2022. Note that this document was prepared and added to the project record after conclusion of the public comment and objection periods. After obtaining this document, the Conservancy submitted a request for data:

We have obtained the cited document [Greenbrier Southeast Project Watershed Analysis Process]. It does not show or provide the data used in the analysis. Instead, it provides a qualitative summary of results for selected example sites. Because the findings reported in this document are central to your dismissal of our concerns about National Forest management and preservation and restoration of candy darter critical habitat, we request a listing of the specific data used in the analysis. We wish to obtain the actual data values that "show streams in wilderness areas increasing in fine sediment and some streams in areas of management decreasing in fine sediment." (*Excerpt from request to the Forest Supervisor, Larry Thomas, President, WVHC, 3/28/22.*)

The Forest Supervisor identified the Aquatic Ecological Unit Inventory (AEUI) program as the source of the data and identified the streams in question:

The AEUI data contains the spatial location of the AEUI sample site; however, the attribute data does not quantify the sites by landscape characteristics. Thus, Chad Landress, Fisheries Biologist, has highlighted streams in wilderness areas increasing in fine sediment in the Stream Reach Master excel workbook in dark green. They include the following streams: Camp Five Run; Cranberry River – North Fork; Cranberry River – South Fork; Laurel Creek (Anthony Creek);

(More on the next page)

More about the Forest Service, Sedimentation (Continued from previous page)

Laurel Fork (Dry Fork), upper; and Williams River – Little Fork. Please note Cranberry River – South Fork is on the border of wilderness and Management Prescription 4.1 (Spruce and Spruce-Hardwood Ecosystem Management). Mr. Landress also identified streams with active timber management (some Forest Service; some non-Forest Service) during the sampling period. These streams are highlighted in orange and include: Glady Fork – East Fork; Hile Run; and Little River (EFGR). (*Excerpt from response to WVHC data request, Shawn Cochran, Supervisor, MNF, 4/25/22.*)

The Forest Supervisor has concluded that National Forest project planning is successful in protecting streams from quantifiable changes in sediment delivery to aquatic habitat. Rather than earth disturbance and hydrologic alteration associated with National Forest management, he attributes stream sedimentation in the MNF to natural processes. This conclusion has significant implications, as it provides a rationale for discounting concerns about impacts of proposed timber and road construction projects throughout the Forest.

The Forest Supervisor based his conclusion on a non-quantitative, selective, and very limited analysis of the available data. As indicated in the response to the Conservancy's data request, six wilderness area streams with increasing fine sediment were identified for comparison with three streams in areas of management. Examination of the watersheds and the data for the streams included in the analysis raises questions about both site classification and interpretation of the data.

The selection of the stream monitoring sites to represent wilderness and natural processes did not account for multiple non-wilderness influences or other significant factors in the upstream watersheds (see Figures 1-3). Among the factors that were evidently not considered:

1. The presence of private lands with non-wilderness management in the watersheds.
2. The presence of roads in the watersheds, including roads in active use and networks of old logging roads.
3. Wide variation in erosion potential due to differences in slope and differences in watershed soil and bedrock properties.

Similarly, the selection of stream monitoring sites to represent forest management includes sites with private land in the upstream watersheds, further complicating any finding about the contribution of National Forest management to the increasing stream sedimentation.

Examination of sediment data obtained for the selected AEUI stream monitoring sites raises further questions (see Figure 4). Fine-

sediment levels, as measured in brook trout spawning gravel, exceed criteria for detrimental effects to aquatic life at all the selected sites, including all the designated "wilderness" and "managed" sites. There is no pattern of improving conditions at either set of sites. The data do not support a conclusion that stream sedimentation in MNF streams is driven by natural processes and that Forest Service management is not among the causes of the problem. Examination of both sediment data and watershed-attribute data for the selected sites instead highlights the need for a meaningful analysis of the problem.

In its objection to the GSE project, the Conservancy called for a description and evaluation of the environmental baseline, as required by key federal environmental laws. This has not happened, and the MNF is poised to proceed with multiple projects that may further harm legally protected aquatic habitat. The remedy is to put a hold on these timber harvest and road development projects until a scientifically credible analysis of the existing sedimentation problem is conducted.

Access to cited documents and additional information about the endangered candy darter and National Forest management projects, including the Greenbrier Southeast project, is available through the ABRA-Conservation Hub: <https://conservation-abra.hub.arcgis.com>.

But There's More! There are illustrations that were supposed to go with this story. They are all on the next page. If a picture is worth a thousand words there are four thousand words worth of pictures, along with captions of several regular words which you will find helpful in understanding this issue.

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.

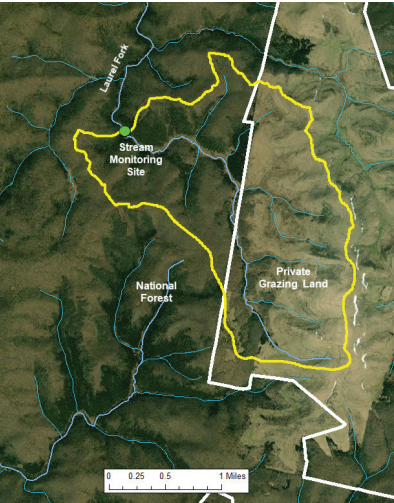


Figure 1 - The Aquatic Ecological Unit Inventory (AEUI) site on upper Laurel Fork in the Laurel Fork South Wilderness is one of the monitoring sites selected by the Forest Service to show streams in wilderness areas increasing in fine sediment. Among all the streams included in the Forest Service analysis, Laurel Fork had the highest maximum fine-sediment levels for both <1 mm and <4 mm size sediment. The Laurel Fork monitoring site, however, does not represent wilderness

conditions. Although the monitoring site is in the Laurel Fork South Wilderness, more than half of the watershed area above the monitoring site is open private land used for grazing cattle. This illustrates a critical problem with the Forest Service analysis. The selection of the stream monitoring sites to represent wilderness and natural processes did not account for multiple non-wilderness influences and other significant factors in the upstream watersheds

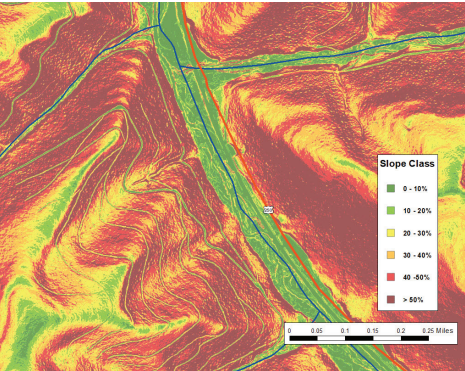
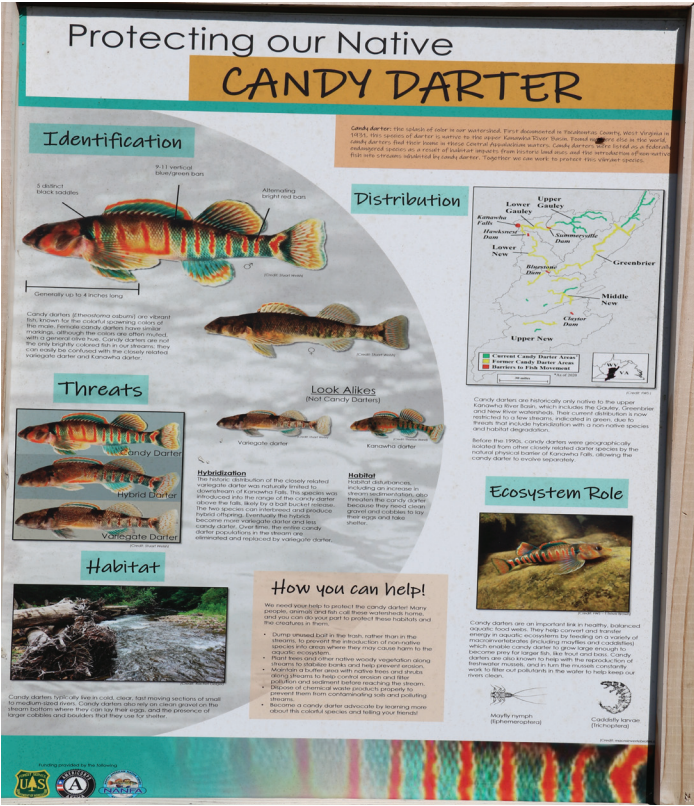
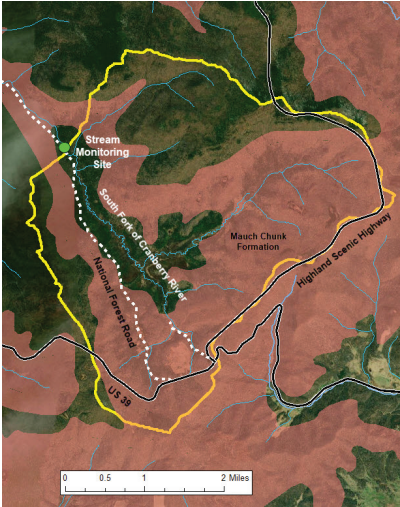


Figure 3 - The presence and effect of roads, including roads in current use and old logging roads, is among the factors that need to be considered when assessing the causes of elevated and increasing stream sedimentation in MNF streams. This map of slopes in the Greenbrier Southeast project area

shows a network of old logging roads cut into the steep mountainside above Little River, which is designated critical habitat for the candy darter. These “legacy linear features” are found throughout the Forest.

Figure 2 - The AEUI site on the South Fork of Cranberry River is among the monitoring sites selected by the Forest Service to show streams in wilderness areas increasing in fine sediment. It is also among the selected “wilderness” sites with significant non-wilderness conditions in the upstream watersheds. In this case, the watershed includes a gravel road along the entire length of the stream course. Moreover, most of the watershed is underlain by the highly erodible and unstable soils associated with the Mauch Chunk geologic formation.



The Forest Service has posted signs describing the plight of the endangered candy darter at various locations in watersheds that support the candy darter. Threats to the candy darter are identified as hybridization with the introduced variegated darter and habitat disturbance, including an increase in stream sedimentation, which threatens

the candy darter because “they need clean gravel and cobbles to lay their eggs and take shelter.” In fact, about half of the historic range of the candy darter has been lost due to sedimentation. Elevated and increasing stream sedimentation, documented throughout the MNF, coupled with an insufficiently precautionary approach adopted by National Forest management, suggests that further habitat loss is in store for the candy darter and other coldwater species such as the brook trout.

Now Hiring: Communications Director

The West Virginia Highlands Conservancy is the oldest conservation organization in West Virginia. Since 1967 we have worked to fulfill our mission of the conservation and appreciation of the natural resources of West Virginia. During that time, our primary tool for communicating with our members and the public has been our monthly publication, *The Highlands Voice*.

WVHC is currently seeking a creative and dynamic person to continue the work of *The Highlands Voice* as well as expand our digital communications. This position requires extensive experience with communications and marketing, particularly geared towards developing and editing content for newsletters, websites, and internal/external communications. This is a part-time, remote contractual position with compensation ranging between \$20,000 and \$25,000, dependent upon experience and skill levels. The position is open until filled. A review of applications will begin the week of August 15, 2022, and will continue until the position is filled. Please contact Larry Thomas at larryvthomas@aol.com or Cory Chase at director@wvhighlands.org for questions or additional information.

Job Description

The Communications Director will work in a close partnership with the President, Program Director, Membership and Fulfillment Secretary, working committees, and board members to lead the external communication efforts of the WVHC, including but not limited to *The Highlands Voice*, the WVHC website, active social media platforms, direct communications with WVHC members and supporters, and public relations messages to articulate WVHC's mission consistently.

The incumbent should be ambitious, possess a high level of personal responsibility, and be comfortable creating and executing communication strategies. The Communications Director must be an assertive project manager, detail-oriented, and possess excellent relationship-building skills and instincts.

Responsibilities

- Ensure the successful and timely publishing of *The Highlands Voice*, including but not limited to copy editing, layout, soliciting, and writing articles.
- Manage the creation, distribution, and maintenance of all additional print and electronic collateral, including brochures, WVHC's website, WVHC's social media platforms, communications with WVHC members and supporters, and public relations messages
- Develop, implement, and evaluate the annual communications plan for WVHC
- Lead the generation of online content that engages audience segments and leads to measurable action. Decide who, where, and when to disseminate
- Implement communications systems to create momentum and awareness as well as to test the effectiveness of communications activities and initiatives
- Coordinate webpage updates and general maintenance to ensure that new and consistent information (article links, stories, and events) is posted regularly
- Track and measure the level of engagement within WVHC over time
- Manage all media contacts

Qualifications

- Proficiency in InDesign Creative Suite, Microsoft Office Suite, and CRM systems; working understanding of, or ability to learn, cloud-based applications and tools such as Google Groups, Google Docs, Office 365, WordPress, and Slack.
- Highly collaborative style; experience developing and implementing communications strategies
- Excellent writing/editing and verbal communication skills
- A strong track record as an implementer who thrives on managing a variety of key initiatives concurrently
- High energy, maturity, and leadership with the ability to serve as a unifying force and to position communications discussions at both the strategic and tactical levels
- Sincere commitment to work collaboratively with all constituent groups, board members, volunteers, program participants, members, and supporters
- Self-starter, able to work independently; enjoys creating and implementing new initiatives
- Familiarity with issues WVHC has addressed in the past would be a plus



BIRD WALK

FARM VIEW TRAIL
AT CANAAN VALLEY
NATIONAL WILDLIFE REFUGE

Sunday
Sept. 4, 2022
11AM - 1PM

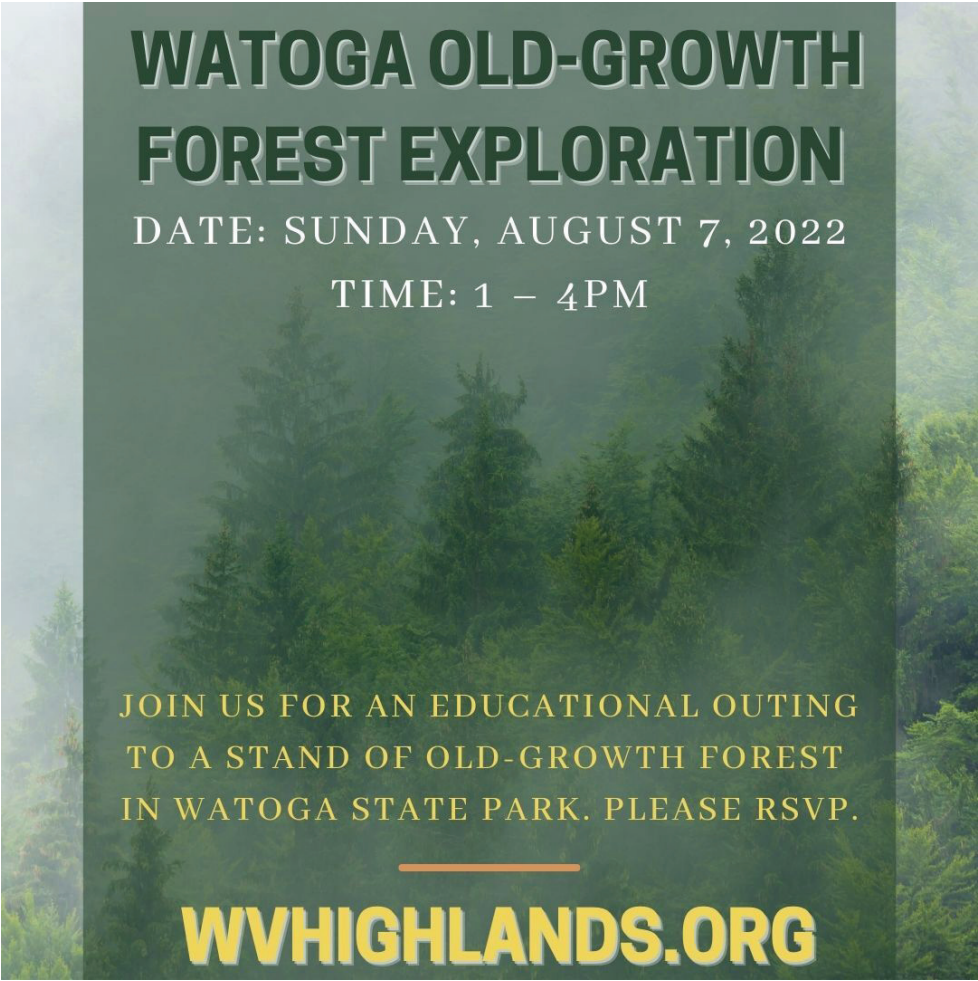
RSVP
on our website:
WVHighlands.org

Birds you may see! Clockwise from top left: CEDAR WAXWING, MAGNOLIA WARBLER, SCARLET TANAGER, RED-BREASTED NUTHATCH, Center: BELTED KINGFISHER

Now for the Bad News

The Mushroom Meander outing scheduled for August 28 is all full. We are sorry for any inconvenience or disappointment.

We hope to be scheduling new outings all the time. Perhaps you can find something else to your taste.



WATOGA OLD-GROWTH FOREST EXPLORATION

DATE: SUNDAY, AUGUST 7, 2022
TIME: 1 – 4PM

JOIN US FOR AN EDUCATIONAL OUTING TO A STAND OF OLD-GROWTH FOREST IN WATOGA STATE PARK. PLEASE RSVP.

WVHIGHLANDS.ORG

Board Highlights

By John McFerrin

Treasurer Bob Marshall presented the financial information for the first half of 2022. Our revenue for memberships is down a little bit but that might be a result of the transition in the Membership and Fulfillment Secretary position. For a short time in the late spring the renewal notices, etc. were not going out as they normally would. Other than that, we are more or less on track.

Dave Johnston reported on the activities of the Dolly Sods Stewards. He had hoped to have enough Stewards to cover the main trailheads most of the time. There was considerable publicity including radio interviews. As a result, we got fifty new stewards and coverage is increasing. It appears that the surge of visitors to Dolly Sods in response to the pandemic has subsided and the number has returned to pre-pandemic levels. This does not mean that problems with too many visitors putting pressure on the resource have disappeared; even before the pandemic there were so many visitors that it made Wilderness values such as solitude hard to attain. Now we are back to that level.

The new vests for the Stewards have arrived. They look good, particularly since we didn't have to spend an arm and a leg to get them. They make it clear that a visitor could approach without hesitation and with an expectation that the Steward would provide help.

There will also be campsite monitoring. Dave wanted to do this in 2021 but other activities precluded that. He spent the winter planning so that now they are all ready to go. They also will be working with a representative of the Southern Appalachian Wilderness Stewards (SAWS). SAWS has assigned a representative to work with the Forest Service; that person will be working with the Forest Service on campsite monitoring.

For the campsite monitoring, they will be using a Forest Service phone app, which sends the collected data directly to a database maintained by the Forest Service. The Stewards will be working with the Forest Service to ensure that WVHC also has access to the data for potential future study.

Solitude monitoring will be conducted again this year. Last year's successful solitude monitoring project used a "convenience" protocol, which provides a good qualitative picture of the status of solitude in the wilderness. This year the solitude monitoring will be conducted using the "enhanced" protocol, which provides a more statistically valid sampling of trail encounters and can be used for quantitative analysis.

The main item of the Voice editor's report was discussion of how to replace Editor John McFerrin. He has resigned from that position, effective at the end of December, 2022.

There was much discussion, most of it focusing on this question: do we want to replace John as Voice editor, continuing as we have been, or do we want to expand the position. Expanding the position would mean hiring a communications director. The communications director would be Voice editor (John's old job) but also do things such as manage our social media presence, communicate with members, and communicate with the media.

There was a lot of discussion. There was overwhelming consensus that the Voice is valuable and should continue. There was also general agreement that we need a robust social media presence. The consensus fell apart on how we get there. We did not really know what all would be involved in managing our social media presence, etc. Would editing the Voice plus all the other things be a full time job? Should the social media, etc. be a part time job with the Voice editor being another part time job?

We didn't resolve these questions so President Larry appointed a committee to figure it all out. To see a result of the committee's work so far, see the advertisement on p.15.

Program Director Cory Chase reported on our revitalized outings program. We have four currently scheduled. He is also exploring the possibility of some Meet the Ranger programs in which people can meet and talk with various rangers from the national forests.

Rick Webb reported on Public Lands. He has recently become the Executive Director of the Appalachian-Blue Ridge Alliance and is spending a lot of time working on its Conservation Hub. Its mission is to obtain and assemble information into an accessible form. The core of its work is its mapping.

He also said that the Conservancy is involved in one way or another with six projects or proposed projects in the Monongahela National Forest. There are two more in the wings. The Public Lands Committee is also looking at how President Biden's Executive Order on old growth forests. In April, 2022, President Biden signed an Executive Order designed to safeguard mature and old-growth forests on federal lands, combat global deforestation, etc. The Committee will be looking at what that means for forest policy in the West Virginia highlands.

Luanne McGovern reported on the status of All Terrain Vehicles on public lands. She has been following the issue and finds that the effort to use public lands for ATVs is ubiquitous. There are Facebook groups devoted to the issue and support from manufacturers of ATVs. Senator Maynard is a leading proponent.

(More on the next page)

And the Highlights Just Keep on Coming (Continued from previous page)

Perry Bryant reported on the Climate Change committee. He reported that things are unsettled nationally. There were substantial climate change provisions in the original Build Back Better proposal but that never became law. Now there are ongoing talks in the Senate about some of those ideas but the prospects for those are unsure. There should be clarity by the end of August.

The Committee has prepared a Citizens Guide to Impacting Climate Change. It suggests steps a person could take. It can't publish it now since action in Congress could make some of it outdated. Once it is time to publish it, the Committee is undecided how to distribute it. It could be an insert in the Voice. It could be printed in the Voice in serial form.

Hugh Rogers reported on Corridor H. For the last few years the controversy has been an abstraction. People assumed that questions of whether the route would split Davis and Thomas, cross Blackwater Canyon, etc. had either been decided or would not be decided any time soon. Now that there is interest in finishing Corridor H, etc. the questions become real. There is a great deal of local interest and enthusiasm, thanks in part to the efforts of Cory and Susan Rosenblum. Because there is so much local interest, West Virginia Highlands Conservancy is no longer the only face of efforts to select a different route.

The Fall Review is scheduled for October 14-16 at North Bend State Park. We have speakers lined up and activities planned. People need to make reservations.

We discussed another facilitated meeting to discuss the future of the organization. We had such a meeting a few years ago. There was general support for the idea but no agreement on when and how. Perhaps on the Sunday of the Fall Review? Or would we be too tired and grouchy from all the fun we had had? A stand alone meeting? There was no decision.

Susan Rosenblum reported on the Rivers Committee. It has focused on the water impact of Corridor H construction. No matter what route is chosen, it will involve pristine watersheds. Along with Friends of the Cheat, West Virginia Rivers Coalition, Trout Unlimited, and Corridor H Alternatives, we are doing water quality monitoring to document background conditions. We had a training to teach volunteers how to do the monitoring.

Plug

By the time he was about six our son had been to enough meetings to have developed his own metaphor. He would describe some unrelated, but equally boring, activity as "boring as a meeting." Anyone following his reasoning would skip this story. If there is anything more boring than a meeting it has to be reading about a meeting. In spite of the temptation, don't. The conclusion that comes from this story is that we are doing a lot of stuff. That's exciting, even if the meeting is not.

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.

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.

WV Nonprofit's Legal Challenge Produces Positive Precedent

By: Lynn Delles (Director of Strategic Communication, Jefferson County Foundation, Inc.)

Advocacy organizations in West Virginia will want to review the recent opinion issued by West Virginia's highest court in [Jefferson County Foundation, Inc. v. West Virginia Economic Development Authority](#). In its June 8 opinion the Supreme Court of Appeals addressed the issue of standing and held that a nonprofit advocacy organization has standing to pursue legal action on behalf of its members and the public.

Jefferson County Foundation, Inc. (JCF), a small nonprofit in the eastern panhandle of West Virginia, had challenged the legality and constitutionality of a "sale and leaseback" agreement involving the WV Economic Development Authority (WVEDA) and heavy industrial manufacturer Rockwool's insulation factory in Ranson, WV. In such arrangements, which are regularly used in the state to provide tax breaks to corporations, the corporation "sells" its land and factory to the state with the right to buy back for a minimal amount (here, 1 dollar) after a number of years (here, after ten years). During the time the corporate property is owned by the state, the corporation enjoys substantial tax relief. In its legal challenge JCF asserted, among other things, that the arrangement violates the fair and equal taxation clause in the WV constitution (Article X, § 1).

One of the arguments that the WVEDA made in its motion to dismiss at the lower court was that JCF lacked standing to bring such a case. While the lower court did not address that argument, the Supreme Court directly analyzed the issue and found that JCF has standing to bring such a legal and constitutional challenge on behalf of its members.

The court began its analysis by explaining that "[g]enerally, standing is defined as '[a] party's right to make a legal claim or seek judicial enforcement of a duty or right.'" (The opinion of the court at page 10)

The court then explained that "An organization has representative standing to sue on behalf of its members when the organization proves that: (1) at least one of its members would have standing to sue in their own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." (The opinion of the court at page 10)

The court found that JCF satisfied (2) and (3). WVEDA had argued that JCF did not meet the first criteria because it was not a party to the sale/leaseback agreement and therefore lacked standing. However, the court found that "For standing under the Declaratory Judgments Act, it is not essential that a party have a personal legal right or interest." (The opinion of the court at page 12) And that "When significant interests are directly injured or adversely affected by governmental action, a person so injured has standing under the

Uniform Declaratory Judgments Act, W.Va. Code s 55-13-1 et seq. (1941) to obtain a declaration of rights, status, or other legal relations." (The opinion of the court at page 12)

The Court noted that JCF had challenged contracts to be entered into by a public entity, alleged that those contracts violate both statute and the West Virginia Constitution, and sought a declaration regarding the impact of that public contract on members' interests that arguably fall within those protected by Article X, § 1 of the West Virginia Constitution (The opinion of the court at page 12-13). Comparing these findings to the precedent set in *Shobe v. Latimer* the court found that the JCF had standing to bring this case. The court's decision confirmed the precedent of *Shobe* and applied it to an organization representing the public interest.

In summary, the standing precedent established in *Jefferson County Foundation v. WVEDA* should be reviewed by, and may be helpful to, other public interest organizations that seek to challenge the actions of public entities in West Virginia.

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 Cristyn Bauer 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.



► 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.