



The Highlands Voice

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

Volume 56

No. 7

July 2023

Dolly Sods Wilderness Stewards Head Into Busy Summer Season

By Dave Johnston

With the inauguration of the Memorial Day weekend, we have passed into the busy season at Dolly Sods, which will last through the summer and fall color season. The Dolly Sods Wilderness Stewards have successfully initiated new programs to support wilderness trails, brought in a new cadre of Trailhead Stewards, and begun reaching out to raise the consciousness of this year's visitors. Here is a recap of recent Wilderness Stewards activities.

Trail Maintenance

Following up on the formation and training of our Crosscut

Sawyer team in early April, in late April, we held the first meeting and training of a Trail Maintenance team. While the Crosscut team is specially certified to deal with the sometime-difficult and technical task of clearing wind-thrown trees and encroaching brush from trails, the Trail Maintenance team has a broader scope: ensuring that wilderness trails avoid contributing to degradation of the surrounding environment and providing for safe passage for wilderness visitors.

Guided by the principles of “keep water off the trail and keep

people on the trail” the team studied the methods used to control drainage with minimal “engineering” of wilderness trails and how to use psychology to influence hiker behavior on the trail. Team members learned about optimal trail slope, drainage features, and the best approach for trails on side slopes, straight uphill and on level ground. Gargoyles and other means of encouraging hikers to stay off the downhill edge to prevent erosion were highlighted. The team was introduced to the tools used for trail work, some of them specialized, including the fire rake, McCloud, and

venerable Pulaski.

The next day members had a chance to put these methods into practice on a trail in Otter Creek Wilderness. After viewing some extensive but well-disguised rock work done by a previous specialized team, the volunteers shaped trail contours, created drainage slopes called “knicks” and channeled the outflow of a seep to prevent it from bogging down the trail.

The challenges of trail management in Dolly Sods are numer-

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Thoughts from our President

By Marilyn Shoenfeld

I have now spent one month as president of the West Virginia Highlands Conservancy; it has been, and still is, an education!

Luanne McGovern has been appointed to the post of senior vice president. She has also taken on the role of working with the West Virginia Legislature during the executive session to help keep us informed of bills that will harm the environment and to help lobby against their passage. Kudos to Luanne for a job well done, and I look forward to her filling that role.

Working with our wonderful staff has given me a new perspective on the Conservancy's broad scope of activities. The level of commitment of our Board of Directors, officers, and committee chairs has kept our organization at the forefront of environmental activism for more than 50 years. We plan on at least another fifty.

In looking toward our future, we recognize other sources of in-

come are necessary in order to maintain our sustainability. One area that we have not fully explored is grants. We plan to form a grants committee to explore opportunities and obtain funds from public and private sources. We are turning to our membership to participate in this effort. Surely there are members who have grant-writing experience that they are willing to share with us. Please get in touch with me (marilyn.shoenfeld@gmail.com) if you wish to help us.

In the same vein, there are many other active committees that may be available for members' participation. Our Public Lands Committee has worked with the United States Forest Service for many years by commenting on the National Forest Management Plan and having a dialogue with them on various projects. We strive to keep our membership informed on these issues with articles in the Highlands Voice.

This committee's latest and

probably most successful endeavor is the Dolly Sods Wilderness Stewards Program. The Dolly Sods Wilderness Area has been overrun in recent years as it has gained popularity. One man saw this and decided to do something about it. He formed the Stewards Program. Wilderness Stewards are stationed at the trailheads to provide information about trails, campsites, and water availability while cautioning hikers to observe safety rules and to Leave No Trace. There is an article in this issue that outlines their latest efforts.

There is also the Highways Committee. It was formed over 20 years ago when Corridor H was first proposed and has been reignited as the controversy over the route between Parsons and Davis has resurfaced. The Climate Change Committee has produced a guide to what you can do to prevent climate change that other entities have requested to duplicate. With success, the Extractive Industries Committee has stopped

those industries from polluting water and has publicized mountaintop removal mining. These are just a sample of what we do, and you are welcome to join us.

Two events are coming up as well: Our next Board of Directors meeting will be held at Twin Falls State Park on Sunday, July 16, at 10 a.m. This would be an opportunity to make a weekend trip to the Park and enjoy the outdoors. I hope to bring all the committees together and reaffirm our common goals.

Our next Annual Meeting will be held on October 13-15 at Canaan Valley Resort. The theme is Water: legislation, acid mine drainage rehabilitation, sedimentation and impact on freshwater fish, local water and sewer issues and much more will be covered. There is an article later in the Voice about this event.

Thank you for reading this, and please email me with any questions.

Save the Date: Annual Fall Review Focuses on All Things Water

Mark your calendars for our annual Fall Review. Join the West Virginia Highlands Conservancy for a fun and informative weekend learning about water issues in West Virginia. This year's event will be held at Canaan Valley Resort State Park. Square Dance Saturday Night!

WHAT: West Virginia Highland Conservancy's Annual Fall Review: A weekend of education, environmental activism, and fellowship

WHERE: Canaan Valley Resort State Park

WHEN: Friday-Sunday, October 13-15, 2023

Friday Evening: Meet and Greet

Saturday All Day: Speakers, Panelists and Outings

Saturday Evening: Square Dance with Live Music

Sunday: Election of Officers and Quarterly Board Meeting

We are very excited about this year's list of topics for Saturday's Fall Review on Water in West Virginia. Expect a list of speakers and an RSVP form soon. Our current topics include the following:

- Keynote Speaker Nicolas Zégre - PhD, Associate Professor of Forest Hydrology at WVU and Director of the WVU Mountain Hydrology Laboratory
- Sedimentation and the Candy

Darter Panel

- Small Town Water Issues/Local Water Panel
- WV Water Legislation
- Acid Mine Drainage Rehabilitation

- PFAS

We hope to see you at our Annual Fall Review. If you have any questions, feel free to reach out to info@wvhighlands.org

Get Emails from Us!

For decades, we have communicated with our membership through The Highlands Voice, but there's a new kid on the block.

Sign-up to receive emails from up by visiting bit.ly/WVHCemail or by scanning the QR code to the right.



Dolly Sods Wilderness Stewards Head Into Busy Summer Season *continued from page 1*

ous. The rocky and near-surface substrate, coupled with gentle contours in many areas, make effective drainage difficult. Many of the trails were simply routed on repurposed logging railroad grades and don't represent good trail alignment in the first place, and would be difficult to rehabilitate without rerouting. Trail work—along with many other initiatives in the wilderness—are further limited by the potential for impact on the Cheat Mountain Salamander, an endangered species.

Trails in Dolly Sods will remain primitive—as they should—and will never be luxurious turnpikes. Still, the Wilderness Stewards Trail Maintenance team will be working with the Forest Service to mitigate sections of trails that have had the greatest environmental impact or have encouraged hikers to widen or bypass the trail. Work is expected to take place regularly, starting this summer.

Trailhead Stewards Training

In mid-May, we kicked off the oldest of the Wilderness Stewards initiatives for the 2023 season: the Trailhead Stewards. Volunteers began staffing the trailheads on May 13, and the following weekend we held training for new Stewards at Seneca Rocks. A total of 12 new volunteers learned about the history of Dolly Sods, the issues confronting it, and how practicing Leave No Trace principles can enable visitors to have minimal new impact on its wilderness character.

In the training we place special emphasis on a technique called the “Authority of the Resources,” which leverages the good intentions of most visitors toward actions consistent with resource protection.

Trailhead Stewards learn a set of “key messages” that they try to work into their conversations at the trailhead. These are based on Leave No Trace principles but adapted for the particular issues and conditions faced during a visit to Dolly Sods. After the classroom training, new Trailhead Stewards arrange to meet a veteran Steward at a trailhead for some guided real-world experience interacting with visitors. At the completion of their training at the trailhead, new Stewards receive their distinctive green vest, a Highlands Conservancy cap and a supply of maps and other resources they use to assist visitors.

Immediately following the training, both the new Stewards and current ones returned to the Seneca Rocks picnic pavilion for a well-deserved celebration of past successes and mobilization for the coming season. Seven volunteers were recognized for their dedication and participation in all of the main projects conducted by the Stewards in 2022. Frank and Judy O'Hara, Chris Longe and Elizabeth Olmo, David Mong, Jill Watkins and Marjorie McDiarmid each put in at least 40 hours of volunteer time during the past year. Each was awarded a coveted Highlands Conservancy-customized Hydro-Flask. The Highlands Conservancy and the Forest Service thank them and all of the Wilderness Stewards for their commitment.

Crosscut Trail Clearing

As of this writing, all of the trails in Dolly Sods have been cleared of winter blowdown, though we have had reports of blockage by newly-fallen trees. Other than forays to Dolly Sods to clean up any new issues, the Crosscut Sawyer team is likely to fo-

cus on Otter Creek Wilderness for the rest of the summer.

Wilderness Skills Institute

Each year the United States Forest Service, in cooperation with wilderness stewardship organizations in different parts of the country, produces regional Wilderness Skills Institutes. Each one consists of two one-week sessions, with several different courses offered each week. This format allows for in-depth exploration of topics and skills related to wilderness stewardship. Examples of courses include basic and advanced wilderness stewardship, crosscut sawyer training and certification, basic trail maintenance, advanced trail rockwork, training to be a Leave No Trace trainer, and visitor use management, among others.

I attended the 2023 Southern Appalachian Wilderness Skills Institute in the Pisgah National Forest, North Carolina. I took the course “Leading a Volunteer Experience.” This course covered the cycle of managing a volunteer-based stewardship effort, from recruitment through debriefing and recognition. Topics included developing attractive recruitment messages, volunteer service agreements, job hazard analysis and accommodations, tailgate talks and field leadership practices, evaluations and debriefing, and working with partnerships.

I was happy to see that the Dolly Sods Wilderness Stewards is already following many of the best practices outlined in the course. Even so, I came away with many ideas for enhancement of our procedures for managing our volunteers and shoring up our documentation.

Just the experience of the

Wilderness Skills Institute is worth the trip. It is held at the interesting and informative educational center of the Cradle of Forestry, in the heart of the Pisgah National Forest. The nearest hotels are 15 miles of winding forest roads away, so many of the participants stay in a camping area designated for the event, and there are lots of opportunities for networking and sharing of experiences. There is an easy trail system immediately adjacent, and the event even coincides with the emergence of the mysterious blue ghost fireflies! I would highly recommend it to anyone interested in learning more about implementing wilderness stewardship initiatives and gaining specific, valuable skills.

How to get involved

As all of our projects evolve, we will send out more information and specific arrangements to all who have signed up to be a Dolly Sods Wilderness Steward. To ensure that you get information on the team or training you are interested in, first become a Wilderness Steward and indicate your projects of interest on the signup form.

Simply go to the Conservancy's website (wvhighlands.org) and look for the link on the home page to the Dolly Sods Wilderness Stewards. From there, you can go to the online signup form. If you have any other questions, write to dollysodsstewards@gmail.com. We will be in touch if more information is needed and with information about training, scheduling, etc.

What's Next for Wetlands?

By Luanne McGovern

The recent Supreme Court decision in *Sackett vs. Environmental Protection Agency* has thrown into chaos the protections for the nation's wetlands and the Clean Water Act enforcement. In a ruling that shocked environmentalists and gladdened conservatives, the definition of what constitutes federally protected water has been significantly revised. Some sources estimate that more than 50% of the previously Clean Water Act-protected wetlands and waterways will now be open for development without a permit.

How did we get here?

Chantell and Mike Sackett purchased a 0.63-acre property in Idaho near Priest Lake in 2004. In preparation for building a personal home, they obtained local building permits and began backfilling the property in 2007. Soon after, they received a notification from the United States Environmental Protection Agency that their property contained "wetlands" and may be subject to regulation under the Clean Water Act. They were instructed to halt construction and obtain a permit from the U.S. Army Corps of Engineers.

The Sacketts sued in 2008, and their case wound its way through the courts for the next 14 years. In 2022, the U.S. Supreme Court agreed to hear the case, and the decision was handed down on May 25, 2023.

What was decided?

The justices ruled unanimously that the Clean Water Act did not apply to the Sackett property, and they could proceed with construction. The Environmental Protection Agency had classified the wetlands on the Sacketts' lot as "waters of the United States" because they were "near a ditch that fed into a creek, which fed into Priest Lake, a navigable, intrastate lake." The justices found this to be over-reach by the Environmental Protection Agency.



Wetlands in Canaan Valley National Wildlife Refuge (Kent Mason)

But the justices did not stop with a simple ruling on the Sackett's case. In a sweeping move, the conservative majority revised the definition of the "waters of the United States" (WOTUS) that could be protected by the Clean Water Act.

In a prior case in 2006, *Rapanos v. United States*, two competing tests for determining what constitutes WOTUS were put forward – the "significant nexus" test and the "relatively permanent and adjacent" test. The "significant nexus" test has been used by the courts to determine if adjacent wetlands or waters had the ability to significantly affect the chemical, physical and biological integrity of navigable waters. The "relatively permanent and adjacent" test takes a much narrower view that wetlands must have a visible surface water connection to navigable waters, to be considered WOTUS.

In the Sackett ruling, Justice Alito threw out the "significant nexus" test and ruled that wetlands are only protected when it is "difficult to determine where the water ends and

the wetland begins."

Why is this so confusing?

The case revolves around the definition of what truly is a WOTUS, and whether the federal government has the legal right to regulate water on private property.

The Clean Water Act was passed in 1972 to regulate pollution of the "waters of the U.S.," but the boundaries of what constituted WOTUS were unclear. As stated previously, the *Rapanos* decision in 2006 was an attempt to define WOTUS, but led to more confusion. In all these cases, the difficulty is defining words such as "bordering," "adjacent," "neighboring," "ephemeral" or "intermittent" when talking about water systems. Are all water systems ultimately connected? And should all water be subject to federal oversight?

The Alito decision has now determined that the Clean Water Act applies only to "a relatively permanent body of water connected to traditional interstate navigable waters ... and ... that the wetland has a continuous surface connection with

that water, making it difficult to determine where the 'water' ends and the 'wetland' begins."

It would seem that the decision introduces even more confusion into the definition, given the complexity of water systems and wetland ecology.

What happens now?

The ruling has thrown into chaos the permitting process for construction near wetlands and waterways. The U.S. Environmental Protection Agency and the Army Corps of Engineers must now go back and revise their guidance around the permitting process. Projects that are in process and have been subject to Clean Water Act permits are now in limbo. Permit renewals will now be subject to the same rules as new permits. Millions of dollars in mitigation efforts and years of work to minimize impacts to wetlands may now be invalidated.

Impacts to public lands could be significant. The Chesapeake Bay, the Everglades, and many national parks could lose significant protection from upstream pollution.

In West Virginia, the impact could be severe. Most states—West Virginia included—have generally deferred to the federal government on wetland determinations and permits. While some states have robust local programs to oversee wetland protections, it would seem highly unlikely, given the current political climate, that West Virginia would put forward any new rules more stringent than the federal ones.

To read the Sackett decision:

<https://bit.ly/WOTUS>

Read more on this topic:

<https://bit.ly/WOTUS2>

Groups Challenge Effort to Throw Out Mountain Valley Pipeline Lawsuit

On June 26, 2023, environmental and community organizations filed a response opposing efforts by the U.S. Department of Justice and Mountain Valley Pipeline, LLC, to dismiss the environmental groups' pending challenge to the latest biological opinion and incidental take statement under the Endangered Species Act for the ill-advised Mountain Valley Pipeline.

Also on the 26th, the Southern Environmental Law Center on behalf of The Wilderness Society filed a response in another MVP case opposing motions to dismiss a challenge to authorizations for the project to cross the Jefferson National Forest.

The motions to dismiss the groups' challenges follow the passage of the Fiscal Responsibility Act, which seeks to expedite the non-essential Mountain Valley Pipeline, enshrining congressional overreach over the courts and setting a dangerous precedent that could encourage future congressional action to force through other controversial fossil

fuel projects.

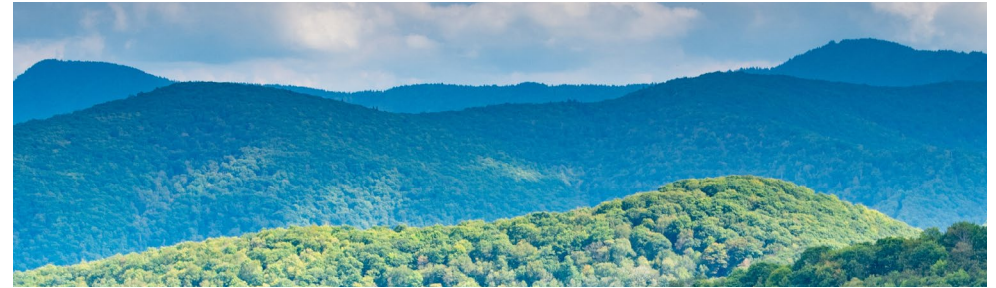
The U.S. Court of Appeals for the 4th Circuit has already twice rejected the U.S. Fish and Wildlife Service's prior authorizations for the pipeline project, finding that the agency failed to adequately analyze the project's environmental context when assessing the detrimental impacts to the Roanoke logperch and the candy darter, a species on the brink of extinction.

The FRA has led MVP to gear up to resume construction along the pipeline's route.

The response was filed by lawyers from the Sierra Club, Appalachian Mountain Advocates and Center for Biological Diversity on behalf of Wild Virginia, Appalachian Voices, Indian Creek Watershed Association, Preserve Bent Mountain, Preserve Giles County, West Virginia Highlands Conservancy, West Virginia Rivers Coalition, Chesapeake Climate Action Network, Sierra Club and Center for Biological Diversity.

Matching Gift Programs

By Luanne McGovern



Does your employer match employee donations to charitable causes through a corporate matching gift program? Research shows that more than 65% of Fortune 500 companies participate in this type of charitable workplace giving. Many companies will match employee contributions at a 1:1 ratio or even higher and have policies that allow gifts to be matched retroactively if you forgot to apply for the match at the time of your contribution. Some companies will even match your volunteer hours with a monetary contribution.

Back when I was in the working world, I took full advantage of my employer's matching gift

programs. While I couldn't physically be in West Virginia and the Highlands, it was my way of keeping in contact and in touch with the place I love.

Some of the biggest companies with matching gift programs include General Electric, Coca-Cola, Microsoft, Verizon, Home Depot, JP Morgan and many more.

The West Virginia Highlands Conservancy is a United States-based tax-exempt 501(c)(3) non-profit and will meet the requirements for most matching gift programs. So, if you are already contributing to the Highlands Conservancy (thank you!) or if you volunteer with us, check it out and see if your employer will match your gift!

JOIN US FOR AN OUTING

2023 Mushroom Meander

Join us to identify West Virginia's mushrooms along a short hike through Canaan Valley Resort State Park led by local fungi expert Kristen Wickert on **Sunday, Sept. 10, 2023**.

The 2023 Mushroom Meander will comprise a short, intermediate hike exploring the woods and seeing what sort of fungi are nearby at Canaan Valley Resort State Park lodge.

At last year's mushroom meander, we barely made it out of the parking lot and found numerous fungi!

Our trip leader, Kristen Wickert, Ph.D., is a professional entomologist, botanist, and plant pathologist who also has a lot of knowledge about fungi. Check out her Instagram @kdubsthehikingscientist!

Please note: this event is limited to 30 participants and spots do fill quickly. If you would like to join us, please register at bit.ly/mushroommeander2023

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THE WAY THE VOICE WORKS

The Highlands Voice is the official publication of the West Virginia Highlands Conservancy. While it is the official publication, every story in it does not represent an official position of the Conservancy. While all of our members share the general goal "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," our members often have differing views upon the best way to do that.

As a result, stories in The Voice often reflect different points of view. The Conservancy itself, however, only speaks through its Board. The only stories that reflect the official policies of the Conservancy are those reporting Board actions, including litigation positions we have taken, comments on proposed regulations, etc.

Two Changes Will Require Changes to Corridor H

By Hugh Rogers

First, the West Virginia Northern Flying Squirrel graduated from the endangered species list.

In a Settlement Agreement signed in 2000 by the Federal Highway Administration, the West Virginia Division of Highways, and fifteen environmental groups, the Division of Highways committed to “evaluate one or more alignment shifts for the Thomas-Davis Section” of the Parsons to Davis Project. The alignments would avoid a National Register-eligible historic site, the Blackwater Industrial Complex. They were called Blackwater Avoidance Alignments.

The study area made a semi-circle north of Thomas, from just outside Davis on the east to Benbush, less than two miles west. From there, it extended southwest three miles to meet the preferred alignment. Its southern boundary followed that alignment except for an irregular cut-out for the historic district.

In preparation for a Supplemental Draft Environmental Impact Statement (SDEIS), live traps were set to determine the presence of the then-endangered flying squirrel. Squirrels were captured both within and outside the study area. The Fish and Wildlife Service recommended expansion of the study area to the north and west. The new area’s western boundary was more than twice as long.

By August 2002, the Blackwater Avoidance Alignments had been reconfigured into the Squirrel Avoidance Alternatives, SAA 1 and SAA 2. The combination accomplished its purpose: a biological assessment concluded that while the Division of Highway’s preferred alignment would adversely affect the squirrel, the alternatives would not.

Then the rules changed. All possible habitats were assumed to be occupied—so the alternatives had



Douglas, West Virginia

no advantage. Moreover, it was discovered that the expanded study area contained highly suitable habitat, which the original area did not. And it had other problems: directing the highway beyond the edge of Backbone Mountain would require extra-large cuts and excess waste. Some of this would inevitably be dumped into trout streams. Although the alternatives continued to be less damaging by most measures, such as impacts to wetlands, flood plains, and stream relocations, their additional length and difficult topography made them more expensive.

Thus, 20 some years ago, a single issue hijacked the alignment selection process. That’s no longer the case. The flying squirrel’s success, marked by a 2013 de-listing, requires consideration of fresh alternatives in a new Environmental Impact Statement. It’s time for the Divisions of Highway to complete its original assignment.

Second, in Davis and Thomas, the economy has turned around.

Quoting the most recent

(2007) Environmental Impact Statement for the Parsons to Davis Project (p. III-2):

“The 1996 Corridor H Final Environmental Impact Statement provided a description of the existing economic environment in Tucker County. Updated census data available confirms that some population and economic trends have not changed since the approval of [that document] in 1996.”

In Thomas and Davis specifically, the population declined roughly 20% between 1980 and 1990 and continued that trend between 1990 and 2000. Within the study area, including the towns, the poverty rate was 16%.

Until recently, the Division of Highways would have been justified in relying on 30 or 40-year-old population and economic data. The news was negative, and the story never changed. It was the story that brought us the Appalachian Development Highway System, a one size fits all cure.

In our case, a highway made

a difference by stopping at the right place. The Corridor’s arrival from the east in 2015 accelerated a local turnaround.

Here are some of the changes: after decades of population losses, Thomas began to gain. From 2000 to 2021, it grew faster than 74% of cities its size, not just in West Virginia or Appalachia but in the entire country. Small towns have been slowly dying everywhere, so a small gain—or, in Davis’s case, holding steady—is significant.

The Secretary of State’s Business Statistics database shows new businesses opened, year by year: in 2014, 44; 2018, 62; 2020, 91. Most recently, in the year since July 2022, 106 have opened. The five-year growth rate is 102%. These are figures for Tucker County, not the study area, but the latter has been the most active. We know that for Thomas and Davis combined, the number of new businesses more than doubled between 2015 and 2021.

In its recent report, “Bracing for Change,” Downstream Strategies confirmed that “Together, these two communities have gained notice among the most desirable small towns in America.”

This “significant change in circumstances,” to use the language of the National Environmental Policy Act, requires an alignment compatible with a thriving tourist economy. Corridor H has had an undeniable influence, but its benefits are largely due to the fact that it stopped at Davis. It brings in visitors without damaging what attracted them. From there, it should take through traffic around Thomas—giving that town its own exit—preserving the Blackwater area as West Virginia’s “crown jewel,” in the words of the late Senator Robert Byrd.

Persistence Isn't Always Enough

By John McFerrin

Charles Manson, who was convicted and sent to prison after orchestrating the “Manson Family” murders, applied for parole 12 times. It was never granted. In spite of his persistence, he died in prison.

The reason he was never granted parole is obvious: He never changed. When the parole board looked at him, they saw the same murderous psychopath who had been locked up years before. He was a danger to the public at the time he was locked up. If released, he would still be a danger to the public.

Persistence can be a wonderful thing. There are stories in the Bible about the value of persistence. If at first you don't succeed, try, try again. President Calvin Coolidge never said much, but he did have one memorable saying on the importance of persistence.

At the same time, persistence is not enough. As Mr. Manson's experience shows us, applying for parole 12 times does not mean someone is paroled. He had to meet some requirements; he had to show that he was sorry for what he did, that he would not be a danger if he got out, etc.

An apparent exception to the general rule that persistence alone is not enough is the Mountain Valley Pipeline. Apparently, we, including the Congress of the United States, are about to let it go ahead, in spite of its never having shown that it could be built and operated without damaging the environment. It is about to be approved on the basis of persistence alone.

This is not to say that the Mountain Valley Pipeline bears any

resemblance to Charles Manson. It has never murdered anyone. It does not have a cult following. Its developers lack the crazed look that characterized Mr. Manson. They find themselves in the same paragraph as Mr. Manson only because of the sharp contrast in how the rules on persistence are applied. With Mr. Manson, persistence alone was not enough. With the Mountain Valley Pipeline, it apparently is.

Consider the Mountain Valley Pipeline's recent experience in federal court. To proceed, it needed a certification from the West Virginia Department of Environmental Protection that its construction would not violate West Virginia's water quality standards. It had sought certification twice before and had been rebuffed by the courts both times. The court rebuffed its efforts again.

To public officials and commentators, this was an outrage. The Mountain Valley Pipeline had tried three times. “This thing has been reviewed and reviewed. Time to get on with it” was a common refrain. They were persistent. How could a court refuse someone who had tried three times? The only thing to do, at least in the minds of commentators and public officials, was to cut the courts out of the picture and plunge ahead with building the pipeline.

No matter what commentators and public officials said, this was no outrage. It was, instead, a correct application of what I like to call The Charles Manson Rule: Persistence alone is not enough.

Look at the facts. Parts of the pipeline have already been built. In those parts, the MVP's record has

been terrible. There have been multiple violations, hundreds of thousands of dollars in fines, etc. While not murdering anybody or starting a violent cult, it certainly inflicted a lot of damage on the environment.

In deciding to build a pipeline across mountains, over streams and through areas with unstable soils, the developers of the Mountain Valley Pipeline have taken on a tall task. While they have not yet shown that it can be done and I have my doubts, I take them at their word. If they say that they can build the pipeline without doing environmental damage, they must believe it is possible.

To do it and not violate water quality standards will require extraordinary care and diligence. The company will have to be on top of its operation at all times. Anything that can be done to prevent erosion will have to be done.

In this third application for certification and approval, the company and the West Virginia Department of Environmental Protection made general assurances that things would be different this time around. They claimed there would be more frequent inspections. They set forth measures that they were confident would control sediment.

If we look beyond the general assurances, however, we find more of the same.

While making general claims that there would be more frequent inspections, West Virginia did not make any commitment of resources to these inspections. So far as company inspections are concerned, the company committed itself to fewer self-inspections than it had conducted

during the time when it was inflicting all the damage on the waters of West Virginia.

Neither did the company commit to any additional measures that would control pollution from the construction. It had set forth measures that it was confident would control sediment. These included such things as filtration to keep sediment out of streams and prompt reseeded of disturbed areas.

The things the developers relied upon were the exact same measures as it had committed itself to before. The result was numerous violations and hundreds of thousands of dollars in fines. The things proposed have not worked in the past. There is no reason to assume that those same things will work in the future. If they hope to protect water quality, they are going to have to come up with something better.

When Charles Manson came to his third, fourth, or 10th parole hearing, he left the impression that he was a murderous psychopath when first locked up and remained one. The result was a proper application of the rule: Persistence is not enough; being paroled requires that someone has changed.

With the Mountain Valley Pipeline, the rule is different. Because of its persistence, and a boost from its friends in Congress, it gets to go ahead, doing the same thing that produced an environmental disaster before. If persistence is all it takes, and no change is required, Mr. Manson would like a word.

What the H is Going On?

By Olivia Miller

In early June, West Virginia Governor Jim Justice and Babydog sat atop a ravaged mountaintop in front of a fleet of bulldozers, 20-foot-high piles of logged trees, and cameras for a [groundbreaking ceremony](#) of section three of the Corridor H route from Kerens to Parsons. To me, the “ceremony” felt more akin to a memorial service for our mountains, rivers and streams, wildlife, the town of Parsons I grew up in, and Wardensville, which has become my second home.

In his address, the Governor said, “I can tell everyone here one thing. My goal is for ALL of Corridor H to be under contract before I leave office. We’re going to finish this road.”

I’m curious what the Governor considers “finished.” Does the finished four-lane funnel down to the current, winding two-lane Route 55, 500 feet from the Virginia border on top of Great North Mountain through a resistant Virginia to reach the Interstate 81 interchange outside Strasburg?

The state of West Virginia has already placed a massive amount of resources into Corridor H—to the tune of almost two billion dollars—and let us not forget the immeasurable costs to our environment. To complete the route, though, there is still estimated to be an additional billion dollars worth of work.

Corridor H has long been referred to as the Road to Nowhere because of Virginia’s long-standing opposition to completing the route within their border and the absence of the highway in any of the state’s short or long-term transportation plans.

A resolution of the Virginia Commonwealth Transportation Board, found in the [1996 Final Environmental Impact Statement](#) (Appendix A) states, “Be it resolved: That the Commonwealth of Virginia adamant-

ly cannot support the alternative of Corridor H in Virginia.”

This has not changed. The Shenandoah County Board of Supervisors and the Town of Strasburg, who represent the areas that construction of Corridor H would most impact, have reinforced this sentiment.

On Oct. 11, 2022, the Shenandoah County Board of Supervisors adopted a [resolution](#) reaffirming their 1993 position against West Virginia’s plans to extend the highway into Shenandoah County. The board said the 1994 alignment, as proposed by West Virginia officials, would likely be harmful to farms, homes, churches, and community centers, and it could cause “irreversible damage to the Cedar Creek and Belle Grove National Historical Park and the Fisher’s Hill Civil War Battlefield.”

If completed as envisioned by West Virginia state officials, the road will bulldoze through the Virginia state line, into the George Washington National Forest, through the Cedar Creek drainage, and create a huge interstate exchange where the Cedar Creek and Belle Grove National Historical Park now lies, while offering almost no benefit to Virginians.

The Town of Strasburg also opposed the plan in a [Dec. 8, 2022, letter](#) and shared concerns with the Shenandoah County Board of Supervisors. In the letter, the Strasburg Town Council demanded that the significant adverse impacts on communities in Shenandoah County must be considered before construction of the proposed section from Wardensville to Virginia begins.

What is the point, then, of laying the burden of this four-lane highway on the people of Wardensville and the taxpayers of West Virginia for a road that, as it stands now, will not connect to an interstate in Virginia? What is the big rush, big Jim? Baby-

dog? For more than 30 years, landowners in the right-of-way path of the Wardensville to Virginia line section have been pestered by highway officials, engineers, and field researchers signaling the looming acquisition of their land. New highway equipment has recently appeared on the outskirts of town and on core drilling has begun on private land. Landowners are being told it’s really happening this time, move out of the way: the road is coming through.

Their peaceful, quiet small town and homes are set to be forever altered by a four-lane highway that stops 500 feet from the Virginia border, where current construction plans show the four-lane merge into a two-lane, and no alternatives are being considered.

The proposed route from the western side of Wardensville to the Virginia line is approximately 6.8-miles long and is estimated to cost \$168 million to complete. The route will cross the George Washington National Forest and two Tier 3 protected native trout streams, plow over homes and farms, skim the edge of downtown Wardensville and travel directly through the town’s wellhead protection area.

In a [comment submitted](#) by the Town of Wardensville during the public comment period, the town’s mayor questioned the impact on the town’s water supply and stated the town was awaiting the Division of Highway’s mitigation plan. The mayor also stated the Council was concerned that the placement of exits would have a negative impact on the town’s economy.

Also, in the public comment period, the [Stewards of the Potomac Highlands questioned](#) whether bypassing the town of Wardensville with a four-lane highway is the best and only alternative, especially considering the environmental impact

statement was issued for this section in 1996—27 years ago.

An environmental re-evaluation of unclear scope was to begin in 2018-19, per documents from a public meeting in May 2018, with construction starting in 2027. A stepped-up timetable from February 2022 slated re-evaluation and right-of-way acquisitions for 2023 and construction to begin in 2024.

In a letter sent by the Stewards of the Potomac Highlands to the Division of Highways and Federal Highway Administration on June 5, 2023, the Stewards requested a prompt response from the Federal Highway Administration either agreeing to prepare a supplemental Environmental Impact Statement or, alternatively, explaining the reasons why the Federal Highway Administration refuses to do so under the circumstances.

As is true for all remaining sections of Corridor H, from Parsons to Davis and Wardensville to Virginia, these are arguably some of the most special places in the entire state. They have undoubtedly experienced significant changes to the environment, local economy, land use, and in the occurrence of endangered and threatened species since these sections were last given a proper environmental review.

Like the towns of Thomas and Davis, Wardensville has developed a thriving tourist economy over the last 20 years. A road of this magnitude has the potential to damage the natural and historical assets prized by local people and tourists.

Do these special places not deserve special consideration and care from our state officials?

Clearcutting: A Perspective

By Robert Beanblossom

I graduated from high school on a Wednesday evening in early June of 1971 and had a job waiting on me the following Monday in the Greenbrier Ranger District of the Monongahela National Forest. I was hired as a forestry aid for the summer as a result of winning a national contest sponsored by the Izaak Walton League of America.

It was a heady experience for a green kid fresh out of high school in Mingo County and on his own for the very first time. It also threw me “smack dab in the middle” of the bitter clearcutting controversy that was raging on the Monongahela.

That summer, I was given the opportunity to assist foresters in all phases of the district’s timber management program from surveying areas to be clearcut, to assisting with the layout of roads and marking the trees to be harvested. It was a real learning experience.

I left at the end of the season with a deep appreciation of what a valuable tool even-aged management or “clearcutting” was to regrow diverse, healthy stands of Appalachian hardwoods. It is not for every site or forested stand but applied judiciously, it is remarkable how well a hardwood forest responds.

The term simply means growing a forested stand where all the trees are of the same age. The practice emulates nature since most forests regrow in this manner as a result of fire, hurricanes, major insect infestations or other natural disturbances.

Today, I can return to places where I worked and see the results from years ago. I remember a rather large cut along the Mylius Trail leading into Otter Creek Wilderness. It was harvested in 1972 and I am sure that hikers today along that trail do not realize that the area had been cut a mere 52 years ago. My guess is

they figure the area was probably cut over at the turn of the century. The same can be said for other locations throughout the forest.

In 1964 the US Forest Service made the decision to increase even-aged management on the Monongahela after years of intensive research. The Vinton Furnace/Mead Experimental Forest in southeastern Ohio was the site of much of this early research and clearly demonstrated that even aged practices provided the most desirable species composition. Simply put, some of our most valuable trees, both from an economical and, more importantly, an ecological standpoint, require a lot of sunlight to grow.

Even-aged management was not new then. It had been used for years in the Southeast and the Douglas-fir areas of the Pacific Northwest with good results. What was new at the time was its application to Eastern hardwoods, and a new clearcut can have a major visual impact. The first large-scale public controversy arose when several large clearcuts were made in the Gauley Ranger District near Richwood between 1966 and 1968.

Opposition quickly mounted and included such leaders as Delegate Charles “Tate” Lohr, who owned a cabin near a clearcut on Middle Mountain. Lohr soon introduced a resolution in the West Virginia Legislature expressing concerns about the practice and called for the creation of a 14-person Forest Management Practices Commission comprised of five State Senators, five members of the House of Delegates and four citizen members. The Commission was to investigate the matter and report its findings.

The Commission met ten times after its creation, including five all-day hearings and two field trips. Among the findings in its August 1,

1970 report was that multiple-use management can’t be carried out if clearcutting is used extensively, that most clearcuts were too large and too concentrated and that too many occurred in scenic vistas. Further concerns were raised about slope, soil type and waste of the resource when sound wood is left to decay.

Another prominent leader was Lawrence Dietz of Richwood. Dietz probably spearheaded the campaign against the practice more than anyone. Later in life, he became a close friend of mine, and at the time, he was a Department of Natural Resources Commissioner and commanded immense respect.

Numerous others were involved, including turkey and squirrel hunters in the area.

Chaired by Senator Frank Church (D-ID), the Public Lands Subcommittee of the Senate Committee on Interior and Indian Affairs held hearings on the matter in Washington, D.C. from April 5 – 7, 1971. Senator Jennings Randolph (D-WV) remarked during those hearings, “...But the point is that this clearcut area was tangible evidence that our concern, reservations – even fears – with regard to the present clearcutting program were well founded...”

In the meantime, the US Forest Service response was rather high-handed, implying that foresters knew best and were slow to change. One group that traveled to Washington, D.C. from Nicholas County had their concerns quickly dismissed out of hand. The Forest Service later tried to learn from their public relations mistakes and adjust their timber management program incorporating many of the recommendations of the Church Committee, but it was too late, and the controversy continued to grow. The Izaak Walton League sued and on November 8, 1973, United States Judge Robert Maxwell of Elkins ruled

that the application of even-aged management was in violation of the so-called Organic Act of June 4, 1897.

This Act was the foundation on which the administrative structure of the Forest Service was built. It clearly stated in unambiguous terms, though, that only marked dead and mature trees were to be cut. An interesting side story is that a young law clerk at the National Resources Defense Council made this obvious discovery. Told to get a handle on this clearcutting “business,” he chanced upon it while reading the Organic Act. There, in surprisingly plain language, was a promising precedent to stop the practice. His name was Lawrence Rockefeller IV.

Although the Forest Service appealed the decision of Judge Maxwell, they ultimately lost in the Fourth Circuit Court of Appeals on August 21, 1975. It is important to note that the Forest Service was overturned on matters of law; the scientific research behind even-aged management was never in question.

The “Monongahela Decision” along with a similar controversy on the Bitterroot National Forest in Montana at the time, led to the passage of the National Forest Management Act of 1976, which governs the Forest Service today. The Act did not abolish even-aged management. However, implementing the National Forest Management Act has involved mandating smaller clearcuts than before, more “shaping” of the harvest units to be more “pleasing to the eye,” and extensive testing of different harvesting methods.

Am I writing this article to suggest a return to the days when the Monongahela was heavily cut by applying even-aged management methods? Absolutely not! I am writing to capture some of the events that oc-

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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 Crys Bauer at membership@wvhighlands.org. 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 two 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.)



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 comms@wvhighlands.org or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

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Letter to the Editor: Salt Fork State Park, Zepernick Wildlife Area, and Valley Run Wildlife Area in Ohio on List To Be Fracked

By Randi Pokladnik

“Unless someone like you cares a whole awful lot, nothing is going to get better. It’s not.” This quote is from Dr. Seuss’s 1971 book “The Lorax.” These words may serve as a warning to Ohioans and out-of-state tourists who fail to take action to save Ohio’s parks and forests from being fracked. House Bill 507 opened our public lands to the endless greed of our politicians and the oil and gas industry. The bill passed along party lines, during a lame-duck session, with no public comment period. It was quickly signed by Governor DeWine.

As of May 30th, oil and gas companies can “nominate” land parcels within citizen-owned state parks and forests to obtain fracking leases. Parcel leases need approval from the four-member Oil and Gas Land Management Commission, a group which lacks any scientific expertise. Currently, eight parcels have been nominated. They include almost the entirety (302 acres) of Valley Run Wildlife Area in Carroll County, with one well pad being less than 700 feet from the boundary. A 66-acre parcel in Zepernick Wildlife Area in Columbiana County, with a well pad 3.6 miles away from the boundary. Finally, 281 parcels which total over 9,000 acres in Salt Fork State Park have been nominated to be fracked. Well pads will surround the park, located from 406 to 6,000 feet from the park boundary.

The Ohio Ornithological Society opposed the fracking leases saying, “Our state parks make up less than three percent of Ohio’s land mass and have been set aside as repositories for biodiversity where Ohioans can seek nature, enjoy the scenic rivers and the best wildlife watching Ohio has to offer.”

Thousands of peer reviewed

studies show that fracking activities cause water and air pollution, release climate-changing methane gases, increase dangerous traffic accidents, require millions of gallons of freshwater, create millions of gallons of toxic produced water, and contribute to a plethora of human illness including endocrine disruption and cancer. Unlike New York State, which banned fracking based on experts’ studies of health effects, Ohio’s politicians have ignored the scientific studies and have welcomed the industry. Now, in an effort to generate money for the state, our precious forests and streams will become the next target of an industry that is the main contributor to climate change.

Scientific studies show that fracking harms other organisms besides humans. This includes plants, birds, bats, soil microbes, aquatic organisms, and insects. Fracking requires land for well pads, access roads, storage areas for water, chemicals, sand, wastewater, compressor stations and collector pipelines. Forest fragmentation results in an increase in predation and invasive species as well as a loss of species which prefer a continuous forest canopy.

Noise from fracking interferes with communication of species like bats and birds, as well as impairing hunting by owls. Light pollution from flaring affects migratory birds and nocturnal animals. Artificial light from well pads also disrupts predator-prey relationships.

Open wastewater ponds become death traps for water birds, turtles, frogs, muskrats, and other animals. A 2017 study found that up to 16 percent of fracked wells reported a spill each year between 2005 and 2014, totaling 6,600 spills. Brine spills from frack pads enter the environment and can kill birds, plants

and soil microbes.

Fracking has the potential to alter aquatic biodiversity and increase methyl mercury concentrations at the base of food webs. Studies show that riparian bird species accumulate barium and strontium from frack waste water in their feathers.

Where will the millions of gallons of water needed for fracking come from? Studies show that stream water quality, sediment, and dissolved oxygen is affected when water is withdrawn in significant quantities. This affects the types and numbers of aquatic species that can thrive in these streams. “The closer well pads, roads, and pipelines are built to streams, the higher the risk of water quality degradation, both in the stream itself and downstream.”

The birds, reptiles, amphibians, mammals, and snakes, as well as the forested ecosystems that make up Ohio’s public lands, have played a major role in the lives of many of Ohio’s citizens and out-of-state visitors. The state parks and forests are our playgrounds, our places of solace, our outdoor learning labs, and they belong to us. So, like the Lorax in Dr. Seuss’ book, we must speak up for the wildlife and the forests; they cannot defend themselves against the heinous industrial development that will soon be invading our public lands and their homes.

Comments to the commission on the nominated parcels can be submitted until July 20th. Information is on the webpage (<https://saveohioparks.org>). The page also contains information on the environmental, social, climate, and health impacts of fracking. There are talking points that can help you craft your comments. To submit comments using an email message, put the nomination number in the subject line (see

<https://saveohioparks.org> webpage for numbers). Then write your comments about why you think this parcel should NOT be fracked. Send the email to: Commission.Clerk@oglmc.ohio.gov. Be sure to get comments in by the due date (45 days after nomination.) The wildlife at Salt Fork State Park, Zepernick Wildlife Area, and Valley Run Wildlife Area are counting on you to comment by July 20th.

Clearcutting: A Perspective

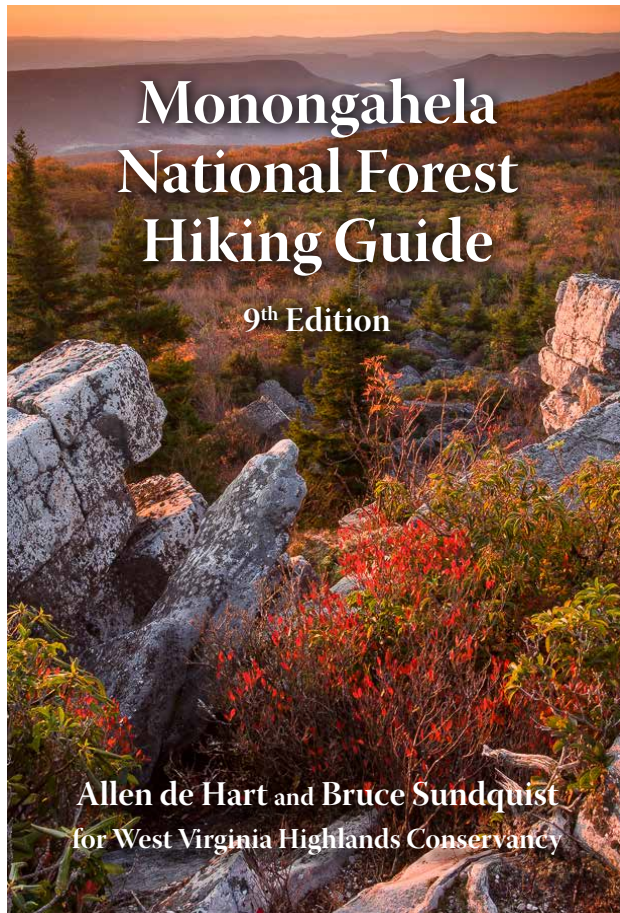
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curred then to provide a historical perspective of the issue and to also provide one professional’s personal viewpoint.

Foresters and other natural resource professionals can bring their expertise to the table and advise landowners of the choices available in managing their forests. They can provide information on the probable consequences of making a particular choice. That is one of our more significant roles. In the end, however, it is up to the owners of that land—in the case of our national forests, the American people—to decide how they are to be managed and used.

Robert Beanblossom, a member of the Society of American Foresters, is retired from the West Virginia Division of Natural Resources. He is currently the volunteer caretaker at the Cradle of Forestry in America. Email him at r.beanblossom1862@outlook.com

Hit the trails with our 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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