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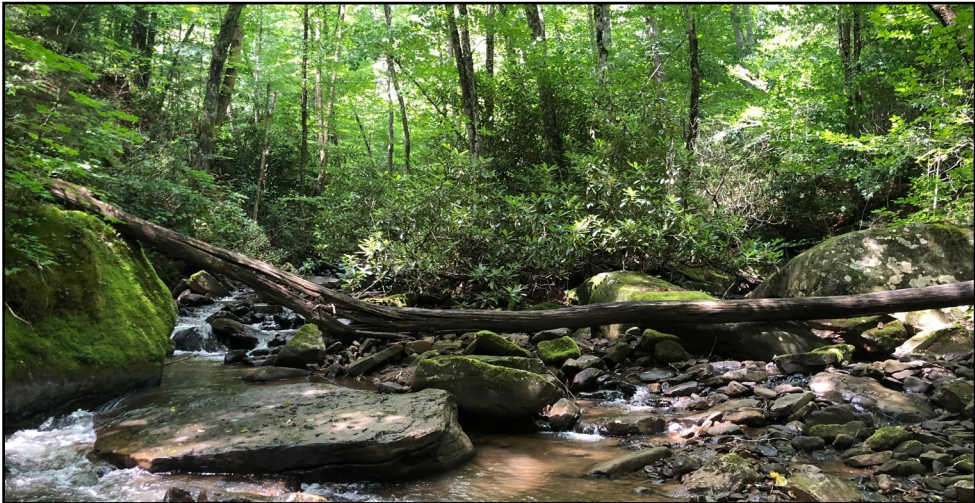
Since 1967, The Monthly Publication of the West Virginia Highlands Conservancy

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WVHC, Appalachian Voices, to Sue South Fork Coal Over Toxic Discharges and Reclamation Failures in Greenbrier County

The West Virginia Highlands Conservancy and Appalachian Voices filed a formal notice on October 16, 2024, of its intent to sue the South Fork Coal Company for ongoing and severe violations of the Clean Water Act and Surface Mining Control and Reclamation Act at multiple sites in Greenbrier County, West Virginia. The notice cites high levels of polluted water released from the sites and inadequate reclamation efforts that put the environment, local communities, and the natural integrity of the area at risk.

South Fork Coal’s mining operations at the Lost Flats, Blue Knob, and



Becky Run is one of the many small native brook trout streams that drain to the South Fork of Cherry River. Becky Run is now listed as an impaired stream. (Photo by Andrew Young)

Rocky Run mines have repeatedly violated permitted effluent limits for iron, manganese, and aluminum, according to the company’s own monitoring reports. When discharged into nearby rivers, streams, or soil, coal effluent can harm ecosystems, contaminate drinking water sources, and affect the health of both wildlife and humans.

The West Virginia Department of Environmental Protection has documented repeated noncompliance, including failures to implement proper reclamation practices, stabilize vegetation, and ensure proper sediment con-

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Thoughts From Our President

On the weekend of October 18, 2024, fifty dedicated environmentalists, along with family and friends, gathered at Cacapon Resort State Park to celebrate the West Virginia Highlands Conservancy's Fall Review. The energy was palpable, filled with camaraderie, hope, and commitment to the cause. Our gathering began on a joyful note with music and dancing on Friday night, setting the stage for a powerful day of presentations and reflections on Saturday, all centered around "The State of the Highlands."

Our speakers presented an inspiring, sometimes sobering, view of our work to protect the Highlands. We were privileged to hear from renowned experts such as Dr. Van Gundy, who provided an in-depth geology lesson that underscored the unique landscape we're fighting to preserve. Doug Wood and Dr. Eddie Brzostek reminded us of the irreplaceable value of Old Growth Forests and shared updates on efforts to protect and better understand these vital ecosystems.

Judy Rodd spoke passionately about recent successes, including the acquisition of land to protect nearly 10,000 acres of the Blackwater Canyon in the Monongahela National Forest in Tucker County—a testament to the tangible impact of our commitment to protect the Highlands. Leaders from the West Virginia Land Trust, The Nature Conservancy, and West Virginians for Public Lands offered insights into on-

going conservation efforts, highlighting the critical role the Conservancy plays in building partnerships and advancing the conservation movement.

Our discussions extended into the afternoon, with presentations on the historical and current status of Corridor H and the promising rise of ecotourism industries, which foster both environmental and economic resilience. It was an enlightening weekend, filled with learning, encouragement, and a renewed sense of purpose.

I would also like to extend my heartfelt thanks to the incredible staff and volunteers who worked tirelessly to organize and execute our Fall Review. Your dedication and hard work made this gathering a success. To our inspiring speakers, who generously shared their expertise, and to each of our attendees who joined us with enthusiasm and commitment—thank you. Your presence and participation brought this event to life and reaffirmed the strength of our community.

However, just days later, we found ourselves facing an abrupt shift in the political landscape. Emerging threats now place our hard-won victories at risk: proposed environmental deregulation, expanded drilling and leasing on public lands, accelerated land sales to developers, and threats to the clean air and water we've long fought to protect. While we await more specifics, we are preparing for a fierce defense. These challenges could unfold quickly,



Gather round! Members and friends of the West Virginia Highlands Conservancy held a discussion with local business owners about the emerging ecotourism industry in the Highlands.

and we must be ready to mobilize.

The legacy of the West Virginia Highlands Conservancy is one of resilience, advocacy, and the unwavering protection of our state's irreplaceable natural beauty. For over half a century, we have faced similar obstacles, yet we have always persevered—thanks to the dedication of individuals like you, who believe in the vision of a thriving and protected Highlands. Today, we are called once again to step up, and I am confident that, together, we can rise to this challenge.

We need your voices, your energy, and your support more than ever. Together, we must rally our resources and stand united in opposition to policies that threaten what we have all worked so hard to preserve. I urge each of you to commit to this fight—whether through direct involvement, financial contributions, or by spreading the word about

our cause. Every contribution matters and strengthens our impact.

Please send your thoughts and comments to me at marilyn.shoenfeld@gmail.com. Donations can be made on our website, where every dollar will go toward the battle to keep West Virginia wild, free, and thriving.

The time to stand up and defend our Highlands is now. Let's honor our legacy and ensure that these mountains will remain for future generations to enjoy.

See you on the mountains—while they're still here.

Sincerely,

Marilyn Shoenfeld
WVHC President

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.

October 2024 Board Highlights

By John McFerrin

The fall Board meeting came on the last day of the Fall Review. We were just ending a successful Fall Review where we achieved the trifecta: had fun, learned a lot, and ate well. Unfortunately, Board membership is not all fun and games. Sooner or later we have to get down to business.

If this Board meeting had a theme, it was growing up. For most of the history of the organization we were an entirely volunteer organization. We funded ourselves through dues, donations, and some profits on things such as the hiking guide.

Now we have paid staff; we are starting to apply for grants. With those new circumstances we need to have things such as policies and procedures in place.

Our bylaws were written forty years ago. They reflect the organization (and the technology) of forty years ago. They talk about distributing notices and information by mail. Now a lot of our communication is by email; the bylaws need to reflect that. There are also other things in the bylaws that could be

brought up to date. They require payments by check—so twentieth century.

We also don't have such things as a conflict of interest policy that would help us should issues arise.

At a previous meeting, we had created a committee to review the bylaws. This time we also asked that committee to recommend policies that we might adopt to bring our organization up to date.

We also discussed making our investments consistent with the purposes of our organization. We have some savings which we need to put somewhere. A fruit jar buried in the back yard is not really an option. When making decisions on where we keep our savings, we want to be sure that we do not invest them in ways that are inconsistent with our values. For example, if a bank invests heavily in strip mining, we would not want the money it has to invest come in part from our savings. To avoid this problem, we are going to consider our investment policies.

Fall Reviews do not happen by accident. We are already planning for the



The West Virginia Highlands Conservancy Board of Directors held their quarterly meeting at Cacapon Resort State Park on October 20, 2024.

2025 Fall Review. It is set for October 31, 2025, at Blackwater Falls State Park. There was some small discussion on the kind of activities we have. Is more action, less sitting desirable?

Boards do not live by planning and organizing alone. We also got to hear about the interesting and exciting things we are involved in.

Olivia Miller gave her Program Director Report. She is still planning outings and doing tabling. She had for the Board's inspection and delight the Highland Creatures coloring book. She is also doing some advocacy, particularly around Corridor H. We continue to get more and more activity on Instagram and Facebook.

Susan Rosenblum reported on the Rivers Committee. It continues to support the Citizen Scientists monitoring the streams that will be, or are, affected by the construction of Corridor H. Most streams are being tested monthly a month, some twice. Than Hitt has recently begun as the staff scientist at the West Virginia Rivers Coalition. He is enthusiastic about establishing citizen scientist programs to do testing all around the state so we will probably be collaborating with him.

Rick Webb reported on the goings on at the Allegheny Blue Ridge Alliance. It continues its mapping project. It now has maps of thirty different proj-

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WVHC, Appalachian Voices, to Sue South Fork Coal Over Toxic Discharges and Reclamation Failures in Greenbrier County

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trol.

"We are calling on South Fork Coal Company to fulfill their responsibilities and protect these vital resources from further degradation," said Olivia Miller, program director for the West Virginia Highlands Conservancy. "Each day that these pollutants continue to flow into our waterways at hazardous levels, the health and wellbeing of West Virginians and the vitality of our ecosystems are compromised. This disregard for our environment and community safe-

ty is indefensible, and we will not stand by and allow it to continue."

The notice details numerous Clean Water Act violations across multiple outfalls at the mining sites, which have exceeded limits set for critical pollutants, including iron and manganese, by as much as 405% in certain months. Manganese can pose serious health risks to humans and animals at high concentrations.

The West Virginia Highlands Conservancy and Appalachian Voices—rep-

resented by lawyers from Appalachian Mountain Advocates—also allege significant violations of federal and state reclamation standards under the Surface Mining Control and Reclamation Act, with South Fork failing to mitigate erosion, control sediment, and conduct required water quality testing.

"If South Fork Coal Co. does not end these ongoing violations, we will enforce compliance as citizen attorneys general. Plain and simple, nobody is above the law in this country," said

Andrew Young, chair of the West Virginia Highlands Conservancy's Extractive Industries Committee. "This land is within the Monongahela National Forest proclamation boundary and drains into designated critical habitat for the endangered candy darter. This amazing landscape and ecosystem is worth protecting for future generations of West Virginians, and Americans as the public land it is meant to be. The South

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West Virginia Highlands Conservancy Online Store Catalog

Apparel

- WVHC Cotton Hat (Black or Army Green): \$22.50
- WVHC Hemp Hat (Black or Green): \$25.00
- WVHC 100% Cotton T-Shirts (Coyote Brown, Kelly Green, Navy Blue, Black) Available in XS-XXL: \$22.00
- Black 50th Anniversary T-Shirt with "Celebrating 50 years" logo. Available in Small-XXL: \$20.00
- I Love Mountains T-Shirt Short Sleeve. Available in M-XXL: \$18.00
- I Love Mountains T-Shirt Long Sleeve. Available in S, M, L, XL: \$22.00
- I Love Mountains Toddler T-Shirts. Available in 18-months, 2T, 3T, 4T, 5/6: \$20.00
- Square Black Bandana: \$5.00

Please include \$5.50 shipping for Apparel items

Drinkware

- WVHC Hydro Flask 20 oz. All Around Tumbler (Birch, Indigo, Black): \$35.00 + \$5.50 shipping
- WVHC Hydro Flask 21 oz. Standard Mouth Flex Cap Water Bottle (Pacific, Mesa, Indigo): \$45.00 + \$5.50 shipping

Stickers

- I Love Mountains Bumper Sticker: \$3.00 for one, \$12.00 for 20

Books

- Monongahela National Forest Hiking Guide, 9th Edition: \$21.95 + \$4.87 shipping
- Fighting to Protect the Highlands: \$15.95 + \$4.87 shipping
- The Nature and Scenery of the West Virginia Highlands, 2nd Edition: \$29.95 + \$4.87 shipping

To order by mail make checks payable to West Virginia Highlands Conservancy and send to P.O. Box 306, Charleston, WV 25321. Please indicate the item and relevant color and size if applicable. To view and purchase store items online, visit wvhighlands.org

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.)



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

Please email any poems, letters, commentaries, events, etc. to the Voice editor at olivia.miller@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.

Environmental Humanities: The Woods Program at Davis & Elkins College

By Emma Engle and Willow Ferguson

The 2024 Woods Program was a nature writing retreat hosted by Davis & Elkins College (D&E) at Camp Pioneer in Beverly, West Virginia. From August 3 to August 8, the program sponsored ten participants, a combination of current and prospective students from across the state. The goal of the retreat was to explore the environmental humanities, a critical field for making environmental issues legible to the public.

This program was funded by an MLA Pathways Step Grant, a partnership designed to promote recruitment of college students interested in writing, communication, and literature. And, given the location of D&E near the Monongahela National Forest, the English department focuses much of its work on “place,” nature writing, and environmental justice.

Woods Program participants hiked, kayaked, and went horseback riding to inspire their writing and create opportunities to learn about the natural world directly. Additionally, students participated in writing workshops led by authors Doug van Gundy, Elizabeth Savage, and Sydney Tammaring; humanities professors Jay Smith and Brantley Craig; and forest manager Iris Allen. This work gave students a space to build their writing portfolios and a chance to experience what college writing courses are like.

Based on a survey of program attendees, we found that this program boosted self-confidence and college readiness across the board. It also illustrated the connections between writing and environmentalism. One participant stated, “For me, this program had perfectly followed my interest in both writing and nature, and for someone who usually does not have time for both, this was a great opportunity.”

As assistant directors, the Woods Program benefited us as well. Through the program, we were able to gain ex-

perience in program organization, marketing, and discussion leading. Both of us are double majors in Environmental Science and English, and this program combined our passions. We guided students through important discussions about the environment and how to bring the humanities into conversations about animal rights, sustainability, and justice.

One of the main goals of this program was to highlight the importance of the environmental humanities. This multidisciplinary field combines literature, writing, philosophy, and similar disciplines to engage current scientific issues.

Humanistic scholarship is essential to our world today; providing environmental education for the general public is vital for promoting a more sustainable future. In other words, climate change is not only a scientific issue but also a cultural one, and the environmental humanities engage the ethical and social dimensions of the issue. College students can take courses in the environmental humanities, but the Woods Program focuses on outreach. It caters to young people who want to learn more about how they can enact positive environmental change through storytelling, philosophy, and community building.

Participating in this program gave us and prospective students a unique opportunity to combine our interests in nature study and creative writing. Staying overnight in cabins and getting outdoors provided inspiration, allowing us build bonds with each other and the natural environment. Based on positive feedback from the 2024 Woods Program, D&E aims to continue the program yearly. We look forward to hosting more groups interested in nature writing and we hope to continue promoting the environmental humanities.

For questions or more informa-



Students immersed in the beauty of West Virginia's wilderness during the 2024 Woods Program at Davis & Elkins College, where they explored environmental humanities through nature writing. Led by authors and faculty, students engaged in writing workshops that bridged their passion for storytelling with environmental issues, preparing them to become voices for sustainability and environmental justice.

tion about the Woods Program, contact the project director Dr. Sebastian Williams at williamss4@dewv.edu or visit

our website here: <https://sites.google.com/view/nature-writing-retreat>

South Fork Coal's Toxic Discharges and Reclamation Failures in Greenbrier County

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Fork Cherry River watershed will never be an appropriate place for the permanent toxic mine drainage and environmental devastation now left by a rogue, out of state coal company, and it is wholly unfair to burden the communities downstream that rely upon this water for their drinking supply.”

If these violations are not rectified

within the 60-day notice period, the West Virginia Highlands Conservancy and Appalachian Voices intend to file a citizen lawsuit in federal court to seek declaratory and injunctive relief, as well as civil penalties, for these ongoing violations.

Wardensville, Thomas and Davis Await Environmental Reviews of Corridor H

By Hugh Rogers and Bonni McKeown

West Virginia's controversial Corridor H highway will be debated once again. The state Division of Highways plans to issue environmental documents soon on two remaining sections in Tucker and Hardy County known for pristine streams, steep slopes, and diverse plant and animal species—Parsons to Davis and Wardensville to the Virginia line.

The costly mountain-crossing four-lane is part of the 1960s Appalachian Development Highways program, originally intended to connect I-79 at Weston, West Virginia, to I-81 in Virginia. The 68 miles already built between Elkins and the west end of Wardensville, known as US 48, have cost almost \$2 billion, and the remaining two are slated to cost another billion.

Virginia's Commonwealth Transportation Board vetoed its 15-mile portion nearly thirty years ago, and CTB spokesman Marshall Herman told the Charleston Gazette in January 2024 that Virginia still has no plans to build it. Environmental groups and many local residents call the project a "Road to Nowhere."

Nevertheless, outgoing West Virginia Governor (and US Senate candidate) Jim Justice and WVDOH Highway Commissioner Jimmy Wriston, plus US Sen. Shelley Moore Capito, have been pushing to build to the state line alongside existing Route 55, claiming an increase in traffic would then force Virginia to build its section. Current traffic volume on WV and Va. 55 is less than 5,000 vehicles daily, which in no way justifies a four-lane.

New regulations also require a study of how new highway projects would affect climate change—by destruction of forest and field cover, and by encouragement of more automobile driving. Because the whole region



Route 55 carves through the George Washington National Forest, with a sweeping view of the vast roadless area along the mountain chain to the left—a Virginia Mountain Treasure. In the distance, you can catch a glimpse of Wardensville and the controversial Corridor H. (Photo by the Allegheny-Blue Ridge Alliance)

is environmentally sensitive and was one of the first areas settled in West Virginia, any Corridor H route impacts streams, wetlands, wildlife habitat and historic areas.

WVDOH officials have indicated they expect to issue an Environmental Assessment on the 6.8-mile section from Wardensville to the border this month, and an Environmental Impact Statement for the 10-mile Parsons to Davis section sometime later in the year. Comments from citizens will be taken into account. The Federal Highway Administration has to sign off on the environmental documents before contract letting in each section can begin.

Three historic towns—Thomas, Davis and Wardensville—have developed thriving tourist economies in recent decades. Many of their business people don't want a big new road to de-

stroy the historic and natural resources which bring people to the area to shop, dine, hear live music, and enjoy skiing, biking, and historic sites.

In the Wardensville section, Corridor H would cross and disturb trout stream tributaries of the Cacapon River, the George Washington National Forest, and the area's karst limestone and sandstone terrain, including the recharge area for springs that form the Town of Wardensville's main water source. Because the four-lane would dead-end at the top of North Mountain due to Virginia's reluctance, activists including the group Stewards of the Potomac Highlands are pushing WVDOH not to build that section at all. A few passing lanes on Route 55, they say, are all that's needed to help motorists get over North Mountain more safely.

In Davis and Thomas, sandwiched between sections of Corridor H from

the east and west, environmentalists and businesses formed a "Go North" coalition to oppose WVDOH's Preferred Alignment which would build a conspicuous bridge across the Blackwater River natural and historic district and cut a swath dividing the twin towns. They urge that the corridor go north around the town of Thomas—a plan that has been favored by state and federal environmental agencies.

The Go-Northers want the bypass to divert long-distance truck traffic from Thomas's narrow streets while allowing visitors easy access. They want a greenway connecting the two towns, not a four-lane divider between them. They want to preserve the Blackwater Industrial Complex, a historic district from Thomas south along the North Fork of the Blackwater and into the dramatic Blackwater Canyon.

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October 2024 Board Highlights

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ects. Its two newest ones show Concentrated Animal Feeding Operations and resources for hurricane relief.

ABRA has been active in the controversy over the project which the United States Forest Service calls the Gauley Healthy Forest Restoration Project, a name which the Committee considers a euphemism for timber harvesting. The threshold question is whether the project can proceed under what is called a Categorical Exclusion from the requirements of the National Environmental Policy Act. This procedure would allow the project to proceed without the environmental analysis that the Act requires. ABRA is also pursuing Freedom of Information Act requests on various projects, both on Corridor H and on mining near the Monongahela National Forest.

Finally, ABRA is working with others on litigation seeking compliance with mining laws by South Fork Coal Company. No litigation has been initiated yet although there have been preliminary steps.

Dave Johnston reported on the Dolly Sods Wilderness Stewards. The Stewards logged about 2700 hours, up from about 2200 last year. The Backcountry Stewards program (an addition since last year) is getting off the ground. The Crosscut Sawyer and Trail Maintenance teams completed several projects. The Trail Maintenance Team is somewhat constrained because the Forest Service wants to monitor the environmental impact of trail maintenance projects.

The Dolly Sods Wilderness Stewards has been awarded the Spirit of West Virginia Award by the West Virginia Tourism.

Andrew Young reported on the Extractive Industries Committee. It has been active in the Lexington Coal case, as reported in The Highlands Voice. The Committee is also headed toward a showdown with South Fork Coal. As also reported in The Highlands Voice, it is in chronic violation of various

environmental laws. WVHC has sent a notice of intent to sue, a necessary precursor to litigation. If South Fork does not mend its ways, litigation will almost certainly follow.

Hugh Rogers reported on the work of the Highways Committee, entirely Corridor H. Right now, we are in suspense: the Draft Revised Environmental Impact Statement is due out any time now and we are waiting. When it comes out, we will be commenting on that.

Wardensville, Thomas and Davis Await Environmental Reviews of Corridor H

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WVDOH offered to build, at a time unspecified, a two-lane truck route from US 219 north of Thomas straight down to WV 32. Go Northerners are skeptical, saying the trucks would still have to tangle with local traffic and go through another intersection to continue to their destinations.

During the last confrontation over Corridor H in the 1990s, the groups Corridor H Alternatives, the West Virginia Highlands Conservancy, and 13 co-plaintiffs sued to block it. In federal appeals court, the environmentalists won reroutes around Civil War battlefields at Moorefield and south of Parsons, another study for Tucker County, and a 20-year delay for the Wardensville section.

As DOH contractors currently work east from Elkins to a Cheat River crossing near Parsons, construction is damaging Monongahela National Forest lands and waters. West Virginia's Department of Environmental Protection has reported over 50 water quality violations in this section from Kerens to Parsons. Once a section has been

authorized and funded however, it is legally almost impossible to stop the bulldozers.

Citizens are urged to comment on WVDOH's environmental impact documents. It's our tax money and our roads. We'll do our best to keep you informed.

Lexington Coal held in contempt for third time

On Nov. 7, 2024, The U.S. District Court for the Southern District of West Virginia held Lexington Coal Company in contempt for the third time for the company's ongoing refusal to address the environmental damage caused by its coal mining operations in Appalachia.

For years, Lexington Coal Company has discharged toxic pollutants like selenium and other ions into nearby streams from two mines in Mingo County. As a result, the Sierra Club joined with regional environmental groups Appalachian Voices and the West Virginia Highlands Conservancy to sue Lexington for its ongoing violations of the Clean Water Act and Surface Mining Control and Reclamation Act. The groups are represented by lawyers from Appalachian Mountain Advocates.

Today, the court held that Lexington Coal's "disrespect for the environment and this Court's orders has permeated every stage of this litigation." Appalachian Mountain Advocates lawyers had gone to court on Sept. 25, 2024, to argue for additional contempt sanctions.

In March 2021, the court decided that Lexington Coal Company was liable for numerous violations of the Clean Water Act and federal surface mining laws resulting from two of its mining operations in Mingo County. In December 2021, the court ordered the company to clean up the affected streams and stop its illegal water pollution.

In May 2022, the court held Lexington Coal Company in contempt for the company's failure to provide an adequate plan to correct its multiple violations. In November 2023, the court held the company in contempt for a second time for its repeated failures to produce a sufficient plan. Meanwhile, Lexington has continued to discharge toxic selenium and other pollution into the streams near its mines, and Appalachian streams continue to suffer the consequences of the company's inaction.

Today the court rejected Lexington's excuses for its failures, stating that if the company "is under the impression that it can cobble together last-minute, ineffective plans and declare that it has accomplished the court's orders, it is severely mistaken." To motivate the company to take its obligations to the court seriously, the court levied \$50,000 in coercive contempt sanctions and required Lexington Coal to fund a \$100,000 reserve account to be dedicated to pollution treatment and remediation. The court also required Lexington Coal Company to hire competent engineers to ensure the company complies with federal laws.

Statement from James Kotcon, Chair of the Sierra Club West Virginia Chapter: "The law requires companies to abide by a simple principle: You must clean up the mess you make. For years, Lexington Coal has dragged its feet on that task and failed to stop polluting Mingo County streams. The pollutants they've discharged into the water have completely devastated ecosystems.

"Lexington Coal Company has made it clear that it has no respect for our courts and our laws. It has blatantly ignored legal mandates and shirked responsibility for years. Its flagrant disregard for our legal system, and more importantly, the community in which it mined and profited off of, is unacceptable and reprehensible. The company must be held accountable for its actions and take full responsibility for repairing the environmental damage it caused."

Meet Tyler Cannon: WVHC's New Board Member

The West Virginia Highlands Conservancy is pleased to announce Tyler Cannon as its newest Director-At-Large on the Board of Directors. Cannon, who began his two-year term in October, brings a wealth of experience and passion for environmental and social justice to the organization.

Currently serving as the Climate Alliance Coordinator for the West Virginia Climate Alliance with the West Virginia Citizens Action Group—a longtime partner of the Conservancy—Cannon has deep roots in West Virginia and a longstanding commitment to climate and environmental advocacy. Raised in Logan and now residing in Charleston, Cannon has worked across the state on issues related to environmental, food, and economic justice. His background spans grassroots and “grass tops” organizing and project management. In addition, he is a certified arborist through the International Society of Arboriculture, an avid skateboarder and white-water kayaker, a trombonist, and a father.

Cannon holds a degree from Marshall University, where he studied plant science, horticulture, soil science, anthropology, and geography. This academic foundation has supported his organizing efforts and strengthened his commitment to sustainable community-driven change.

Reflecting on his experiences working with the Highlander Research & Education Center, Cannon shared, “I fully believe that people in communities impacted by resource extraction and a changing climate are the ones who have both the most pertinent understanding of the issues they face and the ability to take action in protecting themselves. Learning from the grass-



Tyler Cannon, newly appointed Director-At-Large for the West Virginia Highlands Conservancy, assists during a citizen mine inspection, examining local impacts of mining operations in West Virginia.

roots and supporting them in taking action based on their needs is a central tenet of my personal theory of change.”

Cannon joined the Highlands Conservancy as a member in early 2024 and has since supported efforts led by Andrew Young, Willie Dodson, and others.

“While I am still learning about the legacy of the Conservancy’s work, it’s clear that continued protection of the Allegheny Highlands—and the rest of the state—is essential,” he said. “I am hopeful that I can contribute alongside the board and support the important work of the Conservancy’s staff.”

The Conservancy is excited to have Cannon’s expertise, dedication, and energy on board and looks forward to the contributions he will make to protect West Virginia’s natural environment.

WVHC, WV Rivers Coalition, and Sierra Club Secure Historic Settlement to Clean Up Coal Mining Pollution

In a historic victory, the Sierra Club, the West Virginia Rivers Coalition, and the West Virginia Highlands Conservancy have reached an agreement with the Environmental Protection Agency (EPA) and the West Virginia Department of Environmental Protection (WVDEP) to address long standing pollution issues in certain West Virginia streams caused by coal mining. The groups were represented by lawyers from Appalachian Mountain Advocates.

After decades of coal mining in the region, big polluters have left communities in the Lower Guyandotte River watershed with streams that do not meet water quality standards to protect aquatic life. This week, the U.S. District Court for the Southern District of West Virginia approved an agreement between environmental groups and regulatory agencies under which WVDEP, with EPA oversight, would develop long-delayed pollution standards that the coal industry and other polluters must meet. These standards function as “pollution budgets” designed to restore streams that are not meeting all of the uses protected by the Clean Water Act.

In March, a similar agreement was proposed between the EPA and environmental groups to address the rampant pollution in the region. Public comments on the proposal led to months of negotiations and advocacy by the Sierra Club and other environ-

mental groups, and a revised agreement this week.

“This agreement is a long overdue victory for the people of West Virginia,” said Sierra Club West Virginia Chapter Chair James Kotcon. “For decades, coal companies reaped profits at the expense of the environment in the Lower Guyandotte River watershed. Today’s settlement is the initial step to ensuring that the industry cleans up the mess it created. Our residents deserve access to clean streams with healthy and diverse aquatic life.”

“This settlement agreement is a good first step in getting our polluted streams the help they deserve. For too long, the State of West Virginia left our waters vulnerable to coal mining pollution, resulting in the degradation of thousands of streams,” said West Virginia Rivers Coalition Deputy Director Autumn Crowe. “The efforts to reduce ionic pollution in the Lower Guyandotte River watershed will serve as a model that can be replicated throughout the state to restore other waters impaired by coal mining.”

“This is a seemingly small but essential step forward in protecting the health of West Virginia’s streams and those of us who depend on them for our own health and wellbeing is a long time coming,” said West Virginia Highlands Conservancy Mining Committee Member Cindy Rank. “We are grateful to all who made it happen.”

Corridor H Gets Another Review—Its 59th

By Hugh Rogers

In mid-October, the West Virginia Highlands Conservancy held its 59th annual Fall Review at Cacapon State Resort Park. Over the years, the organization has addressed many threats to the Highlands – dams, strip mines, clear-cutting, and more – but one topic has been perennial: Corridor H, the proposed, and now nearly completed, Appalachian Development Highway.

Conservancy members and guests heard a presentation on the history and present situation from Hugh Rogers, chair of the Conservancy's Highways Committee, along with Pam Moe of Corridor H Alternatives and Bonni McKeown of Stewards of the Potomac Highlands.

Corridor H (now US 48) was originally intended to connect I-79 at Weston, West Virginia, to I-81 in Virginia. While Virginia vetoed its fifteen-mile portion, the West Virginia Division of Highways (DOH) insisted it wouldn't quit until it reached the state line. An Environmental Assessment (EA) for the six-mile section from Wardensville to the border is due this month.

The other segment without a final route, ten miles from Parsons to Davis, will get its Draft Environmental Impact Statement (an EIS is more complex than an EA) somewhat later. Opponents to the highway department's Preferred Alignment have been urging it to go north around the town of Thomas, rather than between Thomas and Davis.

Go North has been a long-running demand. In 1965, the proposed alternatives all went east from Elkins, and would have run over or passed near Dolly Sods, not yet a protected wilderness area. Arch Moore, governor in the early 70's, grew impatient with disagreements over the route. He ordered construction to begin willy-nilly from Elkins east to Alpena. At Bowden, road-building dynamite destroyed the spring that fed a federal fish hatchery. Further construction was stopped; the northern alternative was revived.

One EIS followed another in the



70's and 80's. Opponents' hopes rose when the Environmental Protection Agency's regional office rated the entire project "EU" – environmentally unsatisfactory. Would the DOH go back to the drawing board? Not while Senator Byrd and Governor Rockefeller could pressure the Clinton administration to fire Regional Administrator Peter Kostmayer.

Finally, in 1996, the Federal Highway Administration signed off on the selection of a northern route via Parsons, Davis, Moorefield, and Wardensville. That EIS had many flaws, however, and the West Virginia Highlands Conservancy, Corridor H Alternatives (the lead plaintiff), and thirteen co-plaintiffs sued to block it.

Judges were no more willing than politicians to second-guess the highway engineers' choices re: streams, wetlands, wildlife habitat, and other natural resources. But the engineers' failure to take seriously the area's historic sites gave opponents a temporary victory. The Court of Appeals then ordered the parties to engage in mediation with a court-employed facilitator. In early 2000, a Settlement Agreement was signed by the plaintiffs and the state and federal highway agencies.

The Agreement controlled further construction on 40% of the route.

Civil War battlefields at Moorefield and south of Parsons have been avoided. Since 2000, the highway has been completed west from Wardensville, past Moorefield, to Davis, a distance of 68 miles. Now DOH contractors are working east from Elkins to a Cheat River crossing near Parsons. The new alignment is severely impacting Monongahela National Forest lands and waters.

So: from east and west, Corridor H approaches the missing link. How will it affect the tourist-friendly towns of Davis and Thomas? How will it help the visitors who want to shop, dine, hear music, and stay to enjoy skiing, biking, and historic sites, while diverting long-distance truck traffic from Thomas's narrow streets?

The Go North Alliance includes a large majority of local business owners along with environmental activists. They want a bypass that will carry through traffic while allowing visitors easy access. They want a greenway connecting the two towns, not a four-lane divider between them. They want to preserve the Blackwater Industrial Complex, a historic district from

Thomas south along the North Fork of the Blackwater and into the dramatic Blackwater Canyon. It's pretty simple. The DOH has offered a two-lane Truck Route from US 219 north of Thomas straight down to WV 32. There, trucks would tangle with local traffic until they reached another intersection that would enable them to continue to other destinations. For the main route, DOH's preference remains the same: a straight shot that bridges the Blackwater and divides the towns.

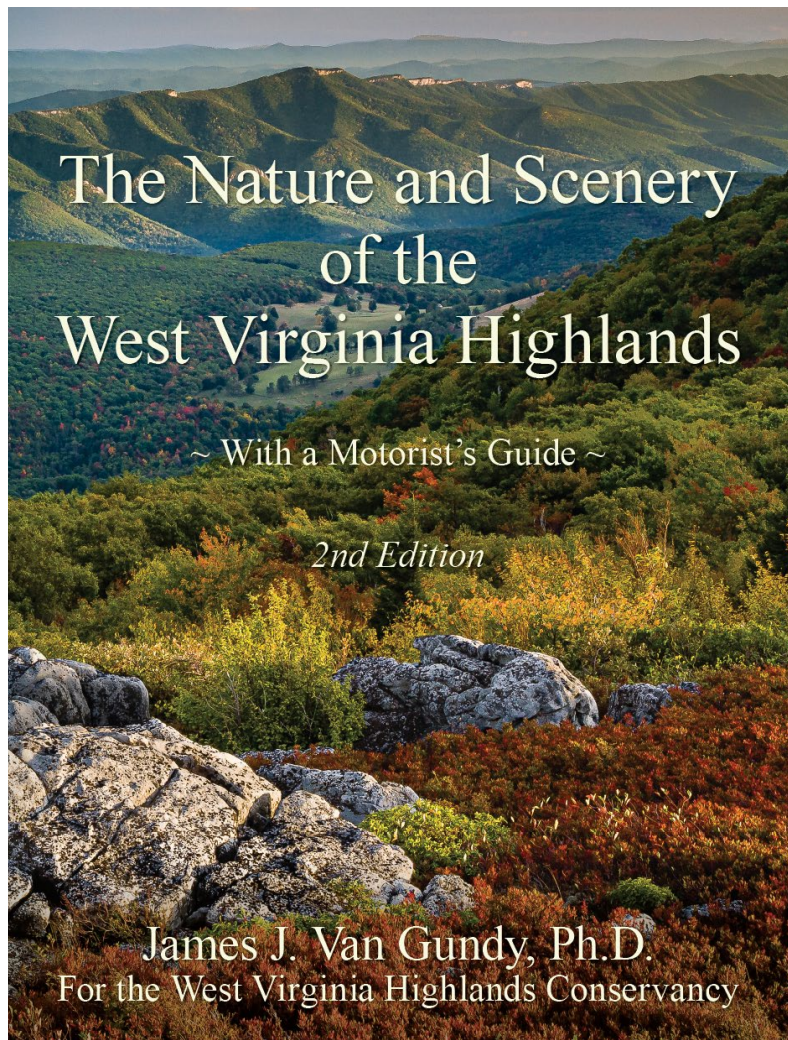
The Blackwater Historic District has been found eligible for the National Register of Historic Places, and thus is protected from "substantial impairment" by federal transportation law. The DOH must consider whether any alternative route is "feasible and prudent."

The basic outline of the northern route, first set out more than twenty years ago, was approved by state and federal environmental agencies, but the DOH rejected it. The Federal Highway Administration did not sign off on their preferred alternative. Now FHWA has required the DOH to re-consider the northern alternative.

Meanwhile, Wardensville was left alone for twenty-five years as Corridor H began on its west side. The first town in West Virginia to receive travelers on this route, it has benefited from the delay with new businesses and attractions. The only reason to build back up to the state line would be a supposed change in the Level of Service, based on inflated predictions of traffic when the corridor is complete. The cost would be high: impacts to the George Washington National Forest (trout streams, rare species, flood protection), the town's water supply, and the town itself. A few improvements to WV 55 would be more than enough. Sometimes the smartest course is to keep on the same course.

Editor's Note: Please consider making a donation to support our Corridor H campaign. The year ahead will be critical in this effort, and we need your help to protect the integrity of our region's landscapes, wildlife, and communities.

Discover the Hidden Wonders of the West Virginia Highlands: Second Edition of The Nature and Scenery of the West Virginia Highlands Now Available!



We're thrilled to announce that the second edition of Jim Van Gundy's celebrated book, *The Nature and Scenery of the West Virginia Highlands: With a Motorist's Guide*, is now available for purchase on the West Virginia Highlands Conservancy's online store! This eagerly anticipated release combines decades of Jim's passion and knowledge with newly added scenic routes, expanded natural history sections, and stunning photographs by Kent Mason.

Originally self-published in 2022, Van Gundy's guide sold out due to high demand over its initial release period. Now, *The Nature and Scenery of the West Virginia Highlands* returns with even more ways to explore this beautiful region. Organized into two parts, the book begins with a comprehensive look at the region's natural history, covering geology, ecosystems, flora, fauna, and human impact. Following this is a detailed Motorist's Guide through 33 scenic highway segments, each packed with insights on must-see locations, historical sites, and scenic turnouts that will delight both local residents and out-of-state adventurers.

For those who love the Highlands or are eager to uncover its secrets, this book is an ideal companion. *The Nature and Scenery of the West Virginia Highlands* is designed to complement our popular Monongahela National Forest Hiking Guide. While the Hiking Guide gets you exploring on foot, Van Gundy's guide takes you deeper into the Highlands by car, offering a window into the forces that shaped its unique landscape, its rare wildlife, and its cultural history.

Whether you're tracing the route of the Cheat River, marveling at a dark sky in Watoga State Park, or taking a detour to the hauntingly beautiful Cranesville Swamp, this book brings the Highlands to life with every page.

Order your copy today from our online store and prepare to set out on an unforgettable journey. Every purchase helps support the West Virginia Highlands Conservancy's mission to preserve the beauty, character, and ecological health of the Highlands for generations to come!

Send \$29.95 plus \$4.87 shipping to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321 OR order from our website at [vwhighlands.org](https://www.vwhighlands.org)

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 for years to come.

Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life in the mountains. Contact crys.bauer@vwhighlands.org

Are you on our email list?

Signing up to receive emails from the West Virginia Highlands Conservancy is your gateway to staying actively engaged in conservation efforts and volunteer opportunities in West Virginia.



Staying informed with our action alerts will empower you to advocate for environmental policies that matter the most. **Sign up today at bit.ly/WVHCemailsingup**

Monongahela National Forest Issues Forest Wide Fire Restriction

From the Monongahela National Forest

Date(s): Nov 13, 2024 - Dec 13, 2024

Effective immediately, building, maintaining, attending, or using a wood or charcoal fire or campfire is prohibited on all National Forest lands, roads, and trails within the confines of the exterior boundary of Monongahela National Forest, except for the areas listed below.

Any individual or group lawfully camped in the Forest Service developed campgrounds and cabins, when the fire is in a Forest Service provided fire ring designed and installed for the purpose of a campfire at the designated campsite, are EXEMPT from this restriction. This includes:

- Bear Haven Campground
- Big Rock Campground
- Bishop Knob Campground
- Blue Bend Campground and Small Pavilion
- Cranberry Campground
- Day Run Campground

- Gatewood Campground
- Hopkins Mountain Fireman’s Cabin
- Island Campground
- Laurel Fork Campground
- Middle Mountain Cabins
- Pocahontas Campground
- Red Creek Campground
- Summit Lake Campground
- Tea Creek Campground
- Williams River Campsites

The purpose of this fire restriction is to protect public health and safety and natural resources by prohibiting recreational fires during periods of high fire danger. Due to the current long-term drought the Forest has been experiencing, and associated low ground fuel moisture content, any fire start would prove difficult to suppress. This order is also to compliment and manage in partnership with cooperators from the state of West Virginia that are implementing similar restrictions on a state-wide basis.

BECOME A WVHC MEMBER

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

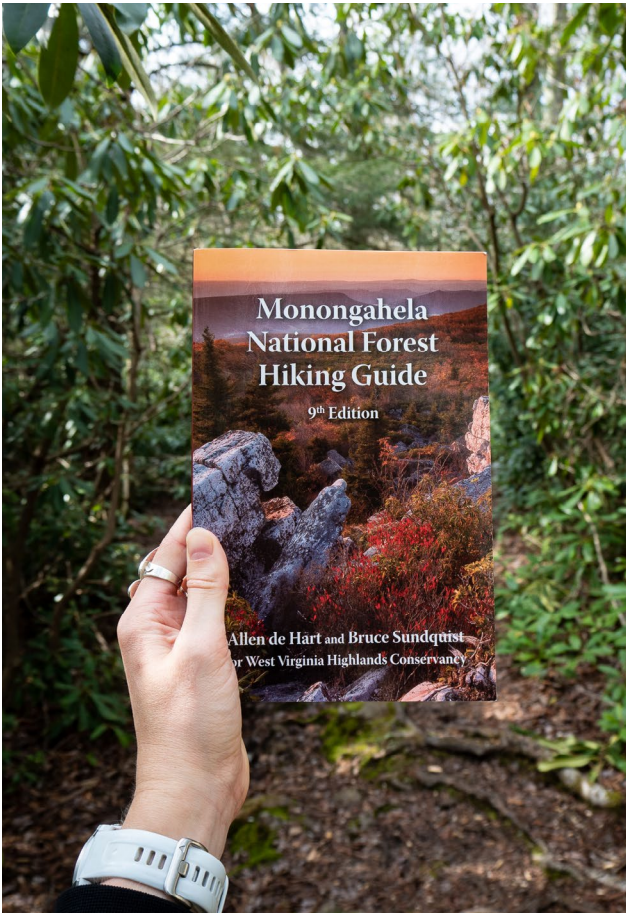
Membership categories (circle one)			
	Individual	Family	Org.
Senior	\$15		
Student	\$15		
Introductory	\$15		
Other	\$15		
Regular	\$25	\$35	\$50
Associate	\$50	\$75	\$100
Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

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

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.

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. **Send \$21.95 plus \$4.87 shipping to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321 OR order from our website at www.wvhighlands.org**

Get your I ❤️ MOUNTAINS and WVHC gear at our online store!

Show your love for the mountains with our range of bumper stickers, cotton tees, hats, onesies, toddler tees and Hydro Flasks. Shop now at wvhighlands.org

