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The Cherry River uprising: A David vs. Goliath showdown to defend the Monongahela

By Andrew Young, Allegheny-Blue Ridge Alliance

Since 2023, the West Virginia Highlands Conservancy, together with the Allegheny-Blue Ridge Alliance and Appalachian Voices, has been shining a bright light on South Fork Coal Company's brazen use of oversized coal haul trucks through the Monongahela National Forest—home to some of West Virginia's most cherished headwater streams. Despite repeated alarms, this illegal haul road above the South Fork of the Cherry River continues to threaten our public lands, imperiled and rare wildlife like the candy darter, and nearby communities who rely on the forest's clean waters.

Now, a new development demands our attention: the United States Office of Surface Mining Reclamation and Enforcement (OSMRE) has opened a formal public comment period on South Fork Coal's belated request for a Valid Existing Rights (VER) determination. Below, we revisit how we got here,



Photo captured by Frank Gebhard, Allegheny Aperture Media

explain why the coal company's claims don't hold water, and rally readers to take decisive action—because your voices can shut down this rogue operation once and for all.

Monongahela National Forest and the Cherry River

At the heart of this conflict is a rugged corner of the Monongahela Nation-

al Forest, where cold streams tumble down steep slopes to form the Cherry River, one of the Gauley's main tributaries. For countless West Virginians and visitors, these waters and forests are a haven for trout fishing, paddling, hunting and camping. The Cherry's tributaries support endangered species such as the candy darter and the

Eastern hellbender, both relying on the region's unspoiled creeks. Native brook trout also populate these headwaters, powering a vital recreation industry in local towns. Adventurers from around the country come to fish hidden pools, run the Gauley's famous rapids farther downstream, or simply enjoy the wild beauty of these high-elevation forests.

When protected and healthy, the Cherry River watershed anchors West Virginia's outdoor economy, supporting local outfitters, restaurants, gear shops, and small businesses in towns across the upper Gauley basin. Yet, the entire area now stands at risk from a coal operator that cuts corners and ignored regulations to run heavy trucks illegally across national forest land—putting both the forest and local communities in harm's way.

Illegal coal hauling on Forest Road 249

South Fork Coal Company began using Forest Road 249 (FR 249) as a haul

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The Cherry River uprising: A David vs. Goliath showdown to defend the Monongahela

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road for its Rocky Run Surface Mine in 2021. Under the Surface Mining Control and Reclamation Act (SMCRA), surface mining in national forests is broadly prohibited unless a company can prove it had valid rights before SMCRA took effect in 1977. However, state and federal regulators approved the SMCRA permit for the company's haul road (called "Haulroad #2," SMCRA permit O302211) in 2013 because South Fork Coal falsely claimed it would not cross national forest land. Grassroots organizations uncovered this only after the trucks started rolling coal. We filed complaints; we documented how FR 249 clearly cuts across the Monongahela; we demonstrated the company's deceit; and we continue to demand accountability from state and federal officials for this gross dereliction of duty.

What are "Valid Existing Rights"?

A "Valid Existing Rights" (VER) determination is a narrow exception allowing surface mining operations on national forest land only if the operator held a recorded property right to mine or use the road before SMCRA's 1977 enactment. If a mining operation was legally operating before new rules were put in place, it might be allowed to continue even after those rules changed. It's meant to avoid depriving someone of a long-established, specific right, not to authorize newly invented claims. Caught in the act of hauling, South Fork Coal now claims "valid existing rights" after the fact. The company must show clear evidence that it had legal right to operate before protections were enacted. The record shows that the company's arguments fall far short of the law's strict test—which requires clear and convincing evidence of a pre-1977 easement or deed specifically granting use of the haul road.

A record of violations

Beyond sneaking an industrial coal haul road through national forest land, South Fork Coal has repeatedly violated environmental standards at its Rocky Run Surface Mine (and every other permitted operation), discharg-

ing heavy metals and sediment-laden runoff into the Cherry and Meadow River watersheds. Inspectors have documented frequent exceedances of legal water-quality limits, with the company showing no commitment to timely reclamation or pollution prevention. Every rainstorm and snowmelt erodes the steep slopes, pushing pollutants downstream and endangering wildlife like the candy darter and brook trout that depend on clear water. This pattern raises serious doubts about the company's fitness to operate at all, much less on treasured public land.

Agencies failed to follow NEPA, ESA, and the 1990 MOU

One of the most troubling aspects of this saga is the failure of federal agencies—particularly the U.S. Forest Service and OSMRE—to honor their legal obligations. Under the National Environmental Policy Act (NEPA), the Forest Service should have performed a thorough environmental review, open to public comment, before granting any permit for a haul road. The Endangered Species Act (ESA) similarly mandates consultation with the U.S. Fish and Wildlife Service when an action could harm listed species, such as the candy darter. Neither happened.

In 1990, both agencies signed a Memorandum of Understanding (MOU), requiring them to coordinate on any VER claim in a national forest before approving something like a coal haul road. Yet they allowed heavy trucks to start rolling over FR 249 with no environmental analysis or ESA consultation. In essence, the agencies side-stepped the exact safeguards meant to protect the Monongahela's high-value habitat and allow for public involvement. The failure is so blatant that in January 2025, the Biden Administration's OSMRE issued a cessation order on the road for violating SMCRA § 522(e) and failing to show valid existing rights. Although that order briefly halted coal hauling, the company appealed under the new presidential administration and soon resumed its illegal use of the road once OSMRE ceased opposing the operation.

Communities confront an out-law coal operator in some of the East's most awe-inspiring lands

This situation reflects more than just a misunderstanding; it represents a growing dispute between concerned local communities and a coal operator whose permit application included inaccurate information—potentially due to uncertainty around its existing rights. The operator has continued to impact public waterways and is now seeking retroactive approval for actions already taken. Making matters worse, South Fork Coal Company has filed for bankruptcy—a tactic often used by coal operators to shed liabilities and walk away from environmental damage while far-off investors pocket the profits. Yet local community members, watershed organizations, and conservation groups have fought back by filing complaints, publicizing evidence, and compelling OSMRE to open the present VER comment period. The message is clear: a company cannot lie on a permit, desecrate our national forest, pollute pristine headwaters, and then escape its obligations through bankruptcy and mercenary lawyers. Americans—and especially West Virginians—refuse to let one operator's short-term profiteering undermine the region's long-term potential for a thriving outdoor-driven economy, with the Monongahela National Forest and the Gauley River Watershed as its linchpins.

These same citizens have seen how heavily the Cherry River depends on healthy ecosystems and strict environmental enforcement. Anglers know that fishing these cold headwaters has been a generational tradition—and if the forest and the river become intractably polluted, that tradition and the tourism dollars it brings vanish. Meanwhile, environmental groups track sediment plumes that smother trout and hellbenders. The fight against South Fork Coal stands for the entire region's ecology, recreation economy, and way of life. By confronting this impudent effort to offload liabilities and dismantle legal safeguards, we stand not only for our clean water and public lands, but

for the bedrock principle that justice demands polluters and thieves must never profit from the harm they inflict on communities and ecosystems.

Why a 30-Day extension is essential

OSMRE's formal comment period on South Fork Coal's VER claim is now underway, but documents remain confusing, more records have emerged, and Freedom of Information Act (FOIA) requests are still outstanding. Advocates insist on a 30-day extension to allow more time for residents, local officials, and experts to analyze newly released information. Democracy relies on informed public participation. Rushing the process would leave critical questions unanswered and risk letting the company off the hook. An extension fosters transparency and ensures a fair hearing of all voices.

It is time to defend the Monongahela with everything we've got

For over a year now, The Highlands Voice has tracked how a rogue coal company is hauling coal through our national forest without legitimate authority, polluting pristine streams, and then asking for retroactive approval. Now, OSMRE must decide if South Fork Coal's "valid existing rights" claim holds up. This is our chance to speak out, to protect the Cherry River, to uphold the rule of law, and to ensure that the Monongahela National Forest remains a haven for anglers, hikers, and future generations.

We need every one of you in this fight. Now is the moment for full-court pressure—stake your claim, hold the line, and finish what we started. Let's protect the Monongahela, the Gauley, and our shared future, once and for all.

Find information on how to submit a public comment on page 3. Be on the lookout for an action alert email from us and check out our website at wvhighlands.org for more information.

Below is a suggested public comment that can be submitted through the Federal Register via email to Justin Adams, director of the Charleston OSMRE Field Office at jadams@osmre.gov. Alternatively, visit wvhighlands.org and submit our action alert.

SUGGESTED PUBLIC COMMENT

Subject: Deny South Fork Coal's "Valid Existing Rights" Claim and Grant a 30-Day Comment Extension

Dear Director Adams,

I am writing to strongly urge the Office of Surface Mining Reclamation and Enforcement to deny South Fork Coal Company's request for a Valid Existing Rights determination, which would allow this bad actor company to conduct coal hauling operations within the Monongahela National Forest. I also respectfully request a 30-day extension of the public comment period.

The Monongahela National Forest is a cherished part of West Virginia, drawing visitors from around the country for fishing, rafting, hiking, hunting, and more. Allowing South Fork Coal Company to operate within the national forest would not only harm our forests but also threaten streams that harbor the native brook trout and endangered candy darter, along with the entire ecosystem that supports the state's growing outdoor recreation economy. The Monongahela National Forest, and the waterways it supports, are parts of our state and national heritage, and they must be protected.

South Fork Coal Company has been unlawfully conducting surface mining operations within the national forest since at least 2021. In its initial application for a state mining permit to operate "Haulroad #2," the company falsely asserted that the operation would not enter the national forest. Now, after having been exposed and challenged by grassroots organizations, the company is claiming to have "valid existing rights" to operate within the national forest, but it hasn't provided any credible or specific evidence to meet the strict criteria for a VER determination. Additionally, they've racked up numerous violations of environmental laws, including at the Rocky Run Surface Mine, the operation associated with Haulroad #2. Continued use of the road would perpetuate a history of violations and undercut the broad prohibition against mining activities within the national forest.

Illegal Mining Activity in the National Forest

Surface mining on national forest lands is expressly forbidden unless a company can prove valid existing rights that predate the Surface Mining Control and Reclamation Act's enactment. South Fork Coal Company has not shown this, and is nonetheless seeking permission to operate within the national forest.

No Documented Right-of-Way

Under federal law, operators must show a recorded haul-road easement or equivalent property interest existing before SMCRA took effect in order to haul coal through the national forest. South Fork Coal Company cannot substantiate such a claim.

Failure to Follow NEPA, ESA, and the 1990 MOU

The Forest Service and OSMRE allowed coal hauling on Forest Road 249 without meeting their legal obligations under the National Environmental Policy Act and the Endangered Species Act, and they also ignored the 1990 Memorandum of Understanding that requires them to coordinate on any Valid Existing Rights claim in national forests. Instead of initiating the MOU process or conducting a public environmental review, both agencies let heavy coal trucks begin using the road with no ESA consultation or NEPA review, leaving endangered species like the candy darter unprotected. This procedural failure undercuts public trust, bypasses key safeguards, and shows exactly why OSMRE must deny South Fork Coal's VER request and grant more time for public input.

A 30-Day Extension is Essential

More time is needed for residents, experts, local officials, and outdoor enthusiasts to understand what's at stake, especially given the confusing claims made by South Fork Coal Company, newly released materials related to this request, and outstanding Freedom of Information Act requests for critically important records. Please extend the comment period so that more voices can be meaningfully heard, and so we can have an informed, transparent and fair decision-making process.

Conclusion

For these reasons, I ask OSMRE to reject South Fork Coal's claim of valid existing rights and grant the requested 30-day extension for the public to submit comments. Our national forests exist for the benefit of all, and SMCRA's strong protections must remain intact to safeguard the Monongahela's pristine landscapes, wildlife, and local economies for generations to come.

Thank you for your consideration of my comment and extension request.

Sincerely,

[Your Name]

[City, State]

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.

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To get free I ♥ Mountains bumper sticker(s), send a SASE to P.O. Box 306, Charleston, WV, 25321. Slip a dollar donation (or more) in with the SASE and get two bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free.



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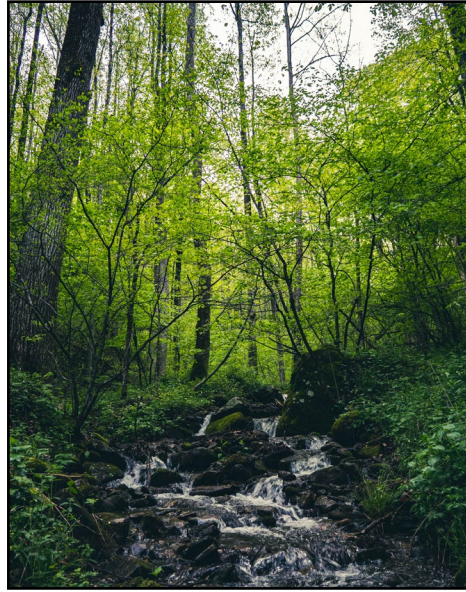
Thoughts from our President

As I'm writing this letter, it is a gloomy day in Canaan Valley; while daffodils are starting to peak through, snow is expected this week. The mood matches our feelings as we watch our environment being attacked.

Changes in staffing, facilities and regulations are afoot in all of the government agencies that we rely on to protect our land, water and air. Uncertainty permeates the atmosphere of environmental groups as grants are arbitrarily cancelled, work is halted or picked up by overburdened staff and research is defunded.

Each day brings a new challenge to groups like the West Virginia Highlands Conservancy. We are doing everything we can to meet them and to carry on with our current efforts, while keeping track of federal and state policy changes and ensuring our members and the public remain well-informed.

Unlike many groups, the Conservancy does not rely on federal grants. Instead, we rely on you, our members, to support our work and our vision. Our staff is doing a fantastic job, and our board members and committees are logging many, many unpaid hours of volunteer efforts— legal work, re-



search, water testing, organizing, advocacy, education and much more.

We want to hear from you! Do you like what we are doing? Should we be doing more? Is there something you would like to see us pursue? Please let us know.

A matter of critical importance: South Fork Coal Company VER Determination

One of the most pressing issues we currently face is the pending Valid

Existing Rights (VER) determination for South Fork Coal Company. If approved, the company would be able to continue surface mining activities on the Monongahela National Forest. This decision could have serious consequences for our streams, wildlife and local communities. It is extremely important that we all raise our voices during this review process. Public input is critical, and your comments can help shape the outcome. We will be sending more details and an action alert soon. You can read more about this VER Determination on the front page of the Voice. Please keep an eye out for updates and make sure to submit your comments before the deadline.

Some updates:

Our Program Director, Olivia Miller, traveled to Capitol Hill and had successful meetings with Congressional staff about securing permanent protections for the headwaters of the Monongahela National Forest.

The Dolly Sods Wilderness Stewards and Backcountry Stewards are preparing for an expanded season and are recruiting additional folks. Trainings are scheduled for the coming months.

Our lawsuits against coal compa-

nies are ongoing, though progress is slow. We continue to work to protect endangered species in West Virginia, as well as for clean air and water.

The Conservancy's Corridor H partners are working on getting information out and encouraging community involvement in the proposed section from Wardensville to the Virginia state line. The long-awaited Supplemental Environmental Assessment was issued on March 31. A public meeting is scheduled for April 22, 2025, from 5 to 8 p.m. at East Hardy High School. The public comment period ends June 1. Our Highways Committee will be sending out information and an action alert to help guide your comments. Be on the lookout for this.

We continue to work with our partners, other environmental groups, the Allegheny-Blue Ridge Alliance and more to share information and formulate actions.

Please stay in touch— see you in the Highlands!

Marilyn Shoenfeld

President

West Virginia Highlands Conservancy

Legislative update – the end is in sight!

By Luanne McGovern, West Virginia Highlands Conservancy

The 87th West Virginia Legislature will gavel out on April 12 at midnight, and it cannot come soon enough. As of our publication deadline, there have been over 2,500 bills introduced and only 16 passed and signed by the Governor. By any standard, that is a do-nothing governing body, and the bills that have passed will do little to improve the lives of West Virginians.

There have been a few bright spots. SB627, which would allow carbon sequestration under state parks was amended to ensure there are no surface disturbances (such as well-heads, pipelines, compressor stations, etc.) within the state park lands. The bill is still troubling, as the long-term



consequences of CO2 injection are largely unknown.

SB711 would roll back our hard-fought prohibition against new off-road vehicle trails in state parks. Through your help and advocacy, pressure was placed upon Senator Maynard to re-

move the bill from consideration by the Transportation and Infrastructure Committee. Hopefully this terrible bill stays dead. Numerous other bills introduced by Senator Maynard to facilitate the expansion of ORVs in public lands also appear to be dead.

Environmental Day at the Capitol – Celebrating 35 Years of Advocacy – was a great success. Over 30 organizations came together to educate and influence legislators, and give them a clear message that we need clean air and water. It was great to see so many young people that came out to support the environment and become the next generation of advocates. The day included meetings with Legislators, awards for environmental superstars and “the People’s Public Hearing” on

the bill to loosen aboveground storage tank inspections (SB592).

A few really bad bills appear to be dead, but it's never over until it's over. These include: the Community Air Monitoring Bill (SB575) and the “Anti-Science” bills (SB599 and HB2493).

Given the normal accelerated pace in the final two weeks of the session, we expect several bad bills to continue to move forward. Some of the bills that we will be watching include: the above ground tank bill (SB592), water quality rules (HB2233), the microgrids and data centers bill (HB2014), and the unreliable “Reliable Energy” bill (SB505). Stay tuned!

Thank you for all your support and advocacy – it does make a difference.

EPA announces rollback of decades' worth of regulations

By Chelsea Barnes, *Appalachian Voices*

On March 12, the U.S. Environmental Protection Agency announced what it called the “biggest deregulatory action in U.S. history,” a rollback of dozens of important environmental health protections that will put communities across the nation at risk and let polluters go wild.

Because there is a complex process for changing regulations that requires allowing public comment and ensuring that rule changes aren't arbitrary, EPA officials say their plan is to use an obscure section of the Clean Air Act to allow industrial facilities to ignore rules by merely requesting an exemption from the president.

The EPA said it will also “reconsider” its 2009 finding that greenhouse gas emissions threaten public health and welfare — a finding that allowed the agency to take action to limit those emissions.

Though the agency's press release called their deregulation announcement “the most momentous day in the history of the EPA,” it actually represents the agency abandoning its core mission: protection of the environment and public health.

Here are just a few of the proposed rollbacks and the impacts they would have.

Cutting Climate-Altering Emissions from Power Plants

What does the rule do? New Clean Air Act standards mandated a 90% reduction in greenhouse gas emissions for power plants if they plan to stay open beyond 2039. New plants would have to cut or capture 90% of carbon emissions by 2032.

What would the rollback mean? EPA stated that they would “reconsider” these Clean Air Act standards. Presumably, this means they will initiate a new rulemaking process. If EPA successfully eliminates the rule through a rulemaking process, it means that even as climate-related natural disasters increase in number and severity, regulators would lift strict caps on greenhouse gas emissions.



Who would be hurt? Everyone impacted by climate change — meaning, eventually, everyone — would be hurt by allowing increased greenhouse gas emissions. The rule was expected to eliminate 1.3 billion tons of carbon pollution and tens of thousands of pounds of other pollutants that harm human health, including particulate matter, sulfur dioxide and nitrogen dioxide.

Mercury and Air Toxics Standards

What does the rule do? The rule tightened limits on mercury and other airborne toxics emitted by power plants, reducing mercury emissions by up to 70%.

What would the rollback mean? The EPA stated that it is considering a two-year compliance exemption for affected power plants while EPA goes through a new rulemaking process — essentially stopping the rule immediately while the EPA gets to work attempting to rescind the rule.

With this “compliance exemption” and rule elimination, power plants that have been polluting communities for decades would be allowed to resume spewing more toxic pollution into the air.

Who would be hurt? Residents living near power plants would breathe in

these toxic emissions, and the pollution also settles onto waterways, contaminating fish and other aquatic life. These emissions would lead to more cases of heart attacks, cancer and developmental delays in children. Even pollutants not covered by the rule would increase along with the other emissions, leading to more cases of asthma, more emergency room visits and other health impacts.

Effluent Discharge Limits

What does the rule do? The rule set new wastewater discharge standards for “steam” electric power plants, including coal. Coal-fired power plants use a lot of water to generate steam to turn turbines and to clean smokestack scrubbers, among other things. The wastewater from the process ends up contaminated with a number of toxic elements, including mercury, arsenic, selenium, lead and bromide. The new rule requires coal-fired power plants to upgrade wastewater treatment systems to remove these contaminants.

What would the rollback mean? EPA indicated that it will “revise” the wastewater discharge rules for power plants, reconsidering the standards for how much pollution can be discharged into water. Rolling back this rule would allow more pollution into our water-

ways, threatening groundwater and drinking water supplies.

Who would be hurt? Communities near coal-fired power plants would continue to suffer as heavy metals and other toxic pollution contaminate local waters. These pollutants are linked to cancers, heart disease, rashes and lower IQ in children, among other health impacts. In addition, fishing and recreational opportunities could be restricted.

Coal Ash Cleanup

What does the rule do? This rule extended cleanup requirements to hundreds of old coal ash dumps that weren't covered by previous rules.

What would the rollback mean? EPA states that it is reviewing the recent rule to clean up more coal ash waste. The agency indicated it will evaluate “short- and long-term relief such as extending compliance deadlines” — meaning EPA won't enforce the rule and will allow coal ash to keep polluting waterways. Utilities may not be obligated to clean up old coal ash waste dumps — many of which are leaking and/or at risk of catastrophic failure.

Who would be hurt? Communities near coal ash impoundments would continue to live with polluted water and the fear that the impoundments will fail, releasing potentially hundreds of millions of gallons of coal ash sludge — similar to the 2008 Kingston disaster that covered nearby land in up to six feet of sludge, causing damage to dozens of homes. Hundreds of workers who cleaned up the disaster became ill and more than 30 have died in the years since.

National Ambient Air Quality Standards

What does the rule do? Last year, the EPA strengthened the National Ambient Air Quality Standards for fine particulate matter pollution — also known as soot. The new rule lowered the national standard for fine particulate matter from 12 micrograms per cubic meter to 9 micrograms per cubic meter, which scientific evidence has shown is

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EPA announces rollback of decades' worth of regulations

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more protective of human health.

What would the rollback mean? EPA announced it will be releasing new guidance to increase flexibility for manufacturers and businesses to comply with the new standard, and that it will “revisit” the standard – presumably opening up a new rulemaking process to allow more particulate matter pollution. Reversing these improvements would allow polluting industries to put more of this pollution into the air, leading to more health impacts, including heart attacks and premature death.

Who would be hurt? When the rule was initially finalized, EPA estimated that the new rule would avoid 4,500 premature deaths and 800,000 cases of asthma. Rollback of these national standards would impact vulnerable populations – the elderly, children,



Aerial photo of the immediate devastation following the Kingston coal ash spill in December 2008. Photo by Dot Griffith and flight courtesy of Southwings.

people with asthma and other illnesses – everywhere.

We need Congress to step up: Demand congressional oversight of the agency that protects our air and water!

Close up with Ospreys – Book review of “My Summer with Ospreys: A Therapist’s Journey Toward Hope, Community, and Healing Our Planet”

Reviewed by Cynthia D. Ellis, West Virginia Highlands Conservancy

Earlier this year, the weather was cold at my home– snowy and icy and in the grip of a bit of real winter not often experienced now down in the Kanawha Valley. But I was feeling sun-warmed, with soft breezes wafting by, as I was deep in reading “My Summer with Ospreys: A Therapist’s Journey Toward Hope, Community, and Healing Our Planet.”

A few summers ago, Pamela Lowell was delighted to find that she had a chance to participate in a coastal Massachusetts program which monitored

the nests of Ospreys. A trauma therapist and more-than-a-beginner watercolor artist, Lowell had become captivated by “fish hawks” after moving to an area which hosted one of America’s most productive nesting sites.

Her book recounts a volunteer’s experience with a bird banding effort. Many of us in the West Virginia Highlands Conservancy have visited such a project at the Allegheny Front Migration Observatory on Dolly Sods. I was lucky enough to serve as a “net tender” there for short periods each season for 20 years. “My Summer” provides an introduction, or a chance to remember, a



Illustration from “My Summer with Ospreys: A Therapist’s Journey Toward Hope, Community, and Healing Our Planet.”

special location where birds are studied and cherished.

Lowell illustrates her narrative with her own paintings. Watercolor scenes can be both vibrant and muted. The paintings chronicle the adventure, with views of both the imposing raptors and the places and people. One depicts a volunteer climbing a very tall ladder to access the bird family on a nesting platform.

The author’s writing style is chatty, self-examining, and self-deprecating, and does not miss opportunities to explain scientific project terms and facts about Ospreys without being pedantic.

I like that she uses capital letters for the first letter of each species name. There is controversy in the bird world on that point.

She excels in descriptions of anything in nature. Here’s the appearance of an Osprey’s eggs: “Small, about the size of extra-large chicken eggs, but that’s where the comparison ends. These are the color of French vanilla ice cream with melted milk chocolate morsels and dark reddish-brown cinnamon swirls. If you’ve ever done wax batik or made a tie-dye T-shirt, the patterns are like that. Some of the splotches are shaped like small continents, a view of the earth if you were flying far above.”

Trauma therapy has been Ms. Lowell’s primary occupation for de-

cadecades. This adds a depth of empathy to each person, of every age, and each situation, thrilling or not so, which she met in her bird survey experience. That same feeling prompted her to share thoughts about climate crisis and create a whimsical “interview” with Mother Earth.

But wait, there’s more. My notes list such diverse bits as: a dead seal penis, the closed talon “punch” of an Osprey, nip bottles as roadside trash, a calming technique called “Butterfly Hug,” her book club and Demon Copperhead.

Enjoying her stories can be very engaging, even if you are not reading them during a time of snow and ice.

“My Summer with Ospreys: A Therapist’s Journey Toward Hope, Community, and Healing Our Planet” winds up with a chapter titled “Hope and Endings.” She closes with, “We must be bold in the face of change. Bold like the Osprey who have bounced back from the brink of extinction; adaptable like the Osprey, who have learned how to live on almost every continent on the earth; creative like the Osprey who decorate their nests with corn cobs and string; hopeful like the Osprey because they travel thousands of miles each year in the hopes of creating a family; and, finally, community minded like the Osprey who share resources and band together against common foes.”

The Sunrise Movement takes way in Huntington

By Jordan Howes, West Virginia Highlands Conservancy

A new chapter of the Sunrise Movement has taken root in Huntington, West Virginia, bringing youth-led climate activism to the forefront of local advocacy efforts. Led by high school student London Donahoe, the recently formed hub is focused on mobilizing young people to push for policy-driven environmental change in the region.

Donahoe, an organizer and student at Huntington High School, launched the Huntington hub in January 2025 after participating in political advocacy during local elections. After concluding the election cycle, Donahoe sought to continue the momentum which led him to Sunrise, a national movement advocating for the Green New Deal and systemic climate solutions, amongst other things.

“We’re trying to fight climate change, and we believe that advocating for policy is a much more effective way than just simply recycling or using a reusable water bottle. We believe in actual [policy] changes,” Donahoe shared when referring to the organization’s efforts toward public policy and government action.

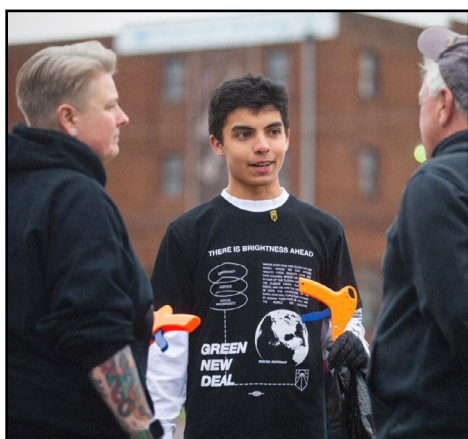


Photo of London Donahoe captured by The Herald Dispatch

The Huntington chapter currently has 20 to 25 members, with a mix of high school students, college stu-



Photo of Sunrise Huntington at the Huntington City Mission captured by The Herald Dispatch

dents and other community members. Though it is primarily geared toward people under the age of 35, the group welcomes anyone interested in the movement.

Unlike traditional environmental groups, the Sunrise Movement prioritizes grassroots organizing, using direct action and advocacy to push for progressive policies. While national Sunrise leadership provides guidance, local hubs, including Huntington’s, have the autonomy to create their own events and initiatives.

Recently, the chapter hosted a discussion titled “How to End an Oligarchy,” aimed at educating participants about the “overreach of power by billionaires,” as Donahoe describes, and how young people can work to combat these challenges.

Donahoe said one of the challenges facing climate activism in West Virginia is a lack of infrastructure for local engagement. While national groups frequently organize in the state, there are fewer opportunities for West Virginians themselves to organize long-term efforts. The Huntington hub aims

to change that.

“We’re the first Sunrise hub in the state,” Donahoe said. “I think there’s a lot of potential. West Virginia is at the front of green energy and how to combat climate change-like discussions. I mean, we’re known for coal. I think we can use our reputation,” Donahoe explained when talking about utilizing Sunrise to energize West Virginians to get involved.

Despite the challenges environmental action often faces in West Virginia, Donahoe remains hopeful. One particular experience that reinforced his commitment to organizing came during a recent community outreach event.

The Huntington chapter of the Sunrise Movement recently conducted a cleanup at the Huntington City Mission. This is an event that Donahoe described as “often scrutinized by politicians and seen as something that needs to be moved or defunded.”

Following the day’s work, an employee of the Huntington City Mission shared that they have worked there for many years and had never seen it so

clean.

“This gives me so much hope. I just really felt like what we did made an impact. And it wasn’t just, you know, we picked up some trash, but we also made people feel like this is people’s home,” Donahoe shared. “It might not seem that big, but it really can make an impact on the people that are residing at the [Huntington] City Mission, or go there for meals, or whatever it may be. Or just the people that work there. They deserve a space that is clean.”

For those looking to get involved in environmental advocacy, Donahoe’s advice is simple: take action and don’t get discouraged by negativity.

Donahoe’s main emphasis is that those looking to get involved in environmental advocacy do not need to reinvent the wheel. “There are so many organizations that are doing things. And if you can, just like, organize a group to go join in on something that somebody else is doing. I think that is incredibly helpful,” he said.

“Also, just don’t read the Facebook comments,” he joked, referencing the backlash many climate activists face online. “If you’re organizing and you’re involved in environmental advocacy, you’re actually doing something, and you’re trying to make a difference. It really doesn’t matter what other people say, because you know deep down that you’re doing what’s right. You’re helping people. You’re helping our planet. So just stay the course and don’t get in your head about the Facebook comments.”

As the Sunrise Huntington hub continues to grow, its members hope to expand outreach efforts and engage more of the community in climate advocacy.

For more information or to get involved, follow @sunrise.huntington on Instagram or visit the national Sunrise Movement website.

11 years after WV chemical spill, advocates speak out against bill to rollback water protections

By Caity Coyne, West Virginia Watch

London Donahoe, a sophomore at Huntington High School, said he was 6 years old when the 2014 Elk River chemical leak unfolded in central West Virginia. That January, 4-methylcychohexanemethanol (MCHM) — a chemical used in processing coal — leaked from an aboveground storage tank owned by Freedom Industries into the Elk River, contaminating the drinking water for about 300,000 people in nine counties.

The West Virginia Legislature was convened for its regular session at the time of the spill, though took a few days off as an immediate response as efforts were underway. When they returned — and in direct response to the chemical leak — lawmakers unanimously passed Senate Bill 373, which established the Aboveground Storage Tank Act and implemented myriad other water protection measures to, hopefully, prevent future disasters.

Donahoe doesn't remember much from that time. He does know one thing, though: because of that action

by the Legislature, he was able to grow up under policies that ultimately meant he was healthier and better protected from potential disasters.

But now, 11 years after the chemical leak, lawmakers are seriously considering a bill that would cut back on the mitigation efforts that were implemented in its wake.

Senate Bill 592 has already passed the Senate and is now pending consideration in the House Energy and Public Works Committee. Under the proposed legislation, more than 1,000 oil, gas and coal tanks nearest to drinking water intakes — the same tanks that were responsible for the 2014 chemical leak — would be exempt from mandated third party inspections that currently ensure they aren't at risk of leaking.

On Monday, Donahoe was one of 13 residents who participated in an unofficial public hearing hosted by multiple progressive and environmental organizations speaking out against SB 592 during Environmental Day at the Capitol.

"History makes it clear: the protections put in place [in 2014] were not just

necessary — they were life saving," Donahoe told those in attendance. "Now, the Legislature is threatening to undo these protections and put everyone in this room at risk. Water should be a basic human right, yet SB 592 prioritizes industry lobbyists and the wealthy elite over the health and safety of West Virginians ... we cannot allow that."

Other speakers against the legislation included environmental activists who have returned to the Capitol year after year to try and ensure the protections put in place 11 years ago remain there. Honey May, an environmental organizer who became involved in the work due to the 2014 water crisis, said it's impossible to ignore how ingrained coal, oil and natural gas industry lobbyists have become in the West Virginia Legislature.

May said it's difficult not to feel left out of the process when industry-backed and -created bills like SB 592 begin to circulate. Year after year, she's helped get people connected with their lawmakers or bussed to the Capitol

Continued on page 10

Contact your representatives and make your voice heard!

We've added a new page to our website where you can find contact details for state and federal representatives at wvhighlands.org/contact-your-representatives.

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Patron	\$250	\$500	\$500
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West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful
 You may also join online at www.wvhighlands.org

11 years after WV chemical spill, advocates speak out against bill to rollback water protections *continued from page 9*

to speak out against such bills. She's seen the rotunda filled with people concerned about their environmental health and safety. She knows how that kind of outpouring can affect legislators' votes.

But, she said, it shouldn't have to take that kind of effort for those in power to listen to their constituents' concerns and see common sense in measures that exist to protect them. This is especially relevant now, May said, as this is the first legislative session without a public hearing process for the full House. The hearing on Monday — dubbed “the People's Public Hearing” by organizers — served as an alternative kind of hearing than those currently held in committees.

“Now, you have to create your own public hearing. We have to create our own ways of reaching our legislators, because they've determined that they just don't have the time to hear from us ... and [now] they think we can do whatever they want, but we say, ‘no,’” May said. “We're going to stand here. We're going to tell you how we feel, and it's not radical; it's clean drinking water. We all drink it, so please contact your legislators. It's the only thing that works. The people's power is the only thing that keeps the relentless pursuit of profits at bay.”

Other speakers on Monday includ-



Honey May speaks during the “People's Public Hearing” against Senate Bill 592 on Monday, March 17, 2025, outside the West Virginia House chamber in Charleston, W.Va. (Perry Bennett | West Virginia Legislative Photography)

ed more people who remember the 2014 chemical spill all too well. Some said they were still hesitant to drink the region's tap water. Others remembered how difficult and frustrating it was to get information as the event unfolded.

Every speaker shared the fears they hold about something like that happening again and their disappointment in seeing protections to stop that

rolled back.

While too young to remember much from the events in 2014 himself, Donahoe and his Huntington High classmate Kaili Anderson have started their own organizing around protecting West Virginia's environment and they want the state's lawmakers to listen.

Both serve as officers of their

school's Sunrise Movement student hub, a local chapter of a national organization built around young people fighting and organizing against the ongoing climate crisis.

Both Anderson and Donahoe said they're frustrated with the state Legislature's focus on social issues that seek to harm already marginalized people while lawmakers seem to ignore multiple ongoing crises — undrinkable water, the drug and overdose epidemic and poverty, among many others — and leave the most vulnerable in the state without support or help.

Young people, Anderson said, aren't being involved in conversations about the state's priorities. If they were, she continued, those priorities would certainly change and more young people would be looking toward a future in the state instead of one where they feel they have to leave it behind.

“If young people had a seat at the table, they'd be more likely to stay here, especially if they were being listened to,” Donahoe said. “Instead we hear all this focus feeding into culture wars, attacking trans people and that's not helping anyone ... Our voice and perspectives are being ignored and we need to become a force to push elected officials and remind them that we are here and our voices matter.”

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Five spring wildflowers you'll likely encounter in West Virginia

By David Sibray, West Virginia Explorer

The West Virginia woodlands burst into color in spring. During that brief period, wildflowers put on a colorful show, attracting bees and butterflies before the trees leaf out and the sunlight dims.

Native plant specialist Barry Glick has identified the five early-blooming wildflowers common along woodland trails. While their presence is fleeting, they play an essential ecological role in supporting pollinators and contributing to the forest's biodiversity.

"The native wildflowers we are blessed to have in abundance in this botanical paradise serve as far more than eye candy for us humans," Glick says.

"As well as producing berries and seeds for wildlife, they're an early source of nectar and pollen for all of the beneficial insects we co-exist with."

Glick says the following flowers are those you'll likely find blossoming on trails across the state in the warmer lowlands in March, where the trees leaf out first, and in the colder uplands in May, where they leaf out later.

Virginia Bluebells

Glick says some of the earliest wildflowers are *Mertensia virginica*, commonly known as "Virginia Bluebell" because they have blue campanulate (bell-shaped) flowers.

"They are extremely ephemeral, meaning that they poke through in late February and early March, show off their lovely flowers, then produce and disperse their seed and die back to make room for other plants like *Polystichum acrostichoides*, "Christmas Ferns" which start unfurling their new fronds about the time that the *Mertensia* is retreating."

Bloodroot

Glick says *Sanguinaria canadensis*, or "bloodroot," flowers blossom



West Virginia Explorer editor David Sibray examines a bloodroot flower in the New River Gorge in West Virginia.

brightly soon after winter, and its blossoms last a long time.

"If you dig up a rhizome of this beautiful plant and snap it in half, it will exude a red substance the color of blood, hence the name 'sanguinaria,' an extension of the word sanguine, the Latin name for "blood" or blood-like."



Bloodroot flower in bloom.

"You'll find it growing happily on roadbanks, enjoying the dappled sunlight in well-drained soil. The large, white, multi-petaled flowers it sports are long-lasting." Native Americans used the red pigment for skin paint and wound healing.

Trout Lily

Blossoming bright yellow, *Erythronium americanum*, or Trout Lily, is highly conspicuous in forests throughout the eastern U.S., Glick says, using one of several familiar names to describe its flower.

"*Erythronium americanum* has three common names — "Trout Lily" because its spotted foliage resembles the coloration of a rainbow trout, "Adder's Tongue" because its flower tips resemble the tongue of a snake, and "Dog Tooth Violet" because the shape of the flower resembles the fangs of a canine."

"The scientific name of its West

Coast counterpart is *Erythronium dens canis* — 'dens' for tooth and 'canis' for dog."

Jack-in-the-pulpit

Arisaema triphyllum, best known as "Jack-in-the-pulpit," is in the same family as tapioca and the houseplant philodendron, Glick says. It gets its name from its unique appearance, which resembles a preacher standing in a pulpit. The "pulpit" is formed by the plant's hood-like structure, called a spathe.

Like many wildflowers, the plant, if eaten, will numb the mouth, he says.

"Many aroids contain oxalic acid crystals, and when you bite into one of these plants, the crystals burn your tongue so badly that you can't speak for a while.

"A popular houseplant in this family, *Dieffenbachia* carries the common name of 'dumb cane' because when you bite into the stem, the effect is so numbing that you can't speak."

Trillium

Found in its greatest variety in the Appalachian Mountains, trillium is a favorite of wildflower fans and blossoms in brilliant color on the forest floor.

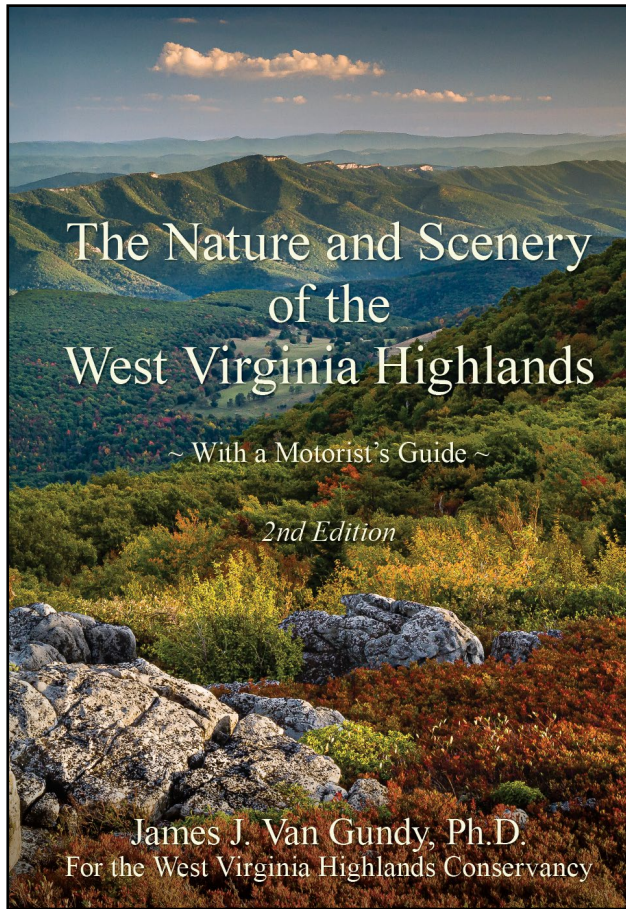
"If I had to answer the question, 'What is most folk's favorite wildflower?' it would have to be trilliums, with "Virginia Bluebells" a close second.

"Here in the Greenbrier Valley, we have six species of trillium, the most ubiquitous being *Trillium grandiflorum*, and there couldn't be a better example of the phrase, "The name says it all" as it is a grand plant!"

The "tri-" in the name alludes to the fact that it has three of each part of the flower. "*Trillium grandiflorum* flowers are pure, icy white and age slowly to a dreamy soft pink."

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Check out The Nature and Scenery of the West Virginia Highlands



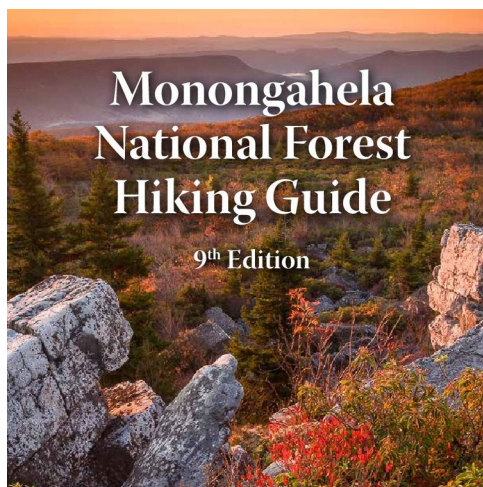
Looking for a book that will excite adventurers, nature lovers, and history buffs alike? The newly expanded **second edition of The Nature and Scenery of the West Virginia Highlands** by James J. Van Gundy is here! Published by the West Virginia Highlands Conservancy, this stunning guidebook offers a deep dive into one of North America's most breathtaking yet underrated regions.

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