

West Virginia Highlands Conservancy  
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# The Highlands Voice

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

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## Fundamental Data is heading for Davis and Thomas

By Luanne McGovern, West Virginia Highlands Conservancy

On March 26, 2025, a small legal notice appeared in the Parson Advocate. A company called Fundamental Data was applying for an air permit for a facility called Ridgeline, to be built just outside the towns of Davis and Thomas, WV, in Tucker County. It listed numerous air pollutants but gave no description of what the facility was or what it would be used for.

West Virginia Highlands Conservancy (WVHC) and Go North Coalition member Pam Moe spotted the advertisement and quickly downloaded the permit application. She alerted the WVHC and the Go North Coalition, which led to an in-depth analysis of the permit application.

The application was for a massive power plant located less than a mile from Davis and Thomas residents. Local political figures in the area were contacted, as well as Senator Randy Smith; all responded with the same message, “We know nothing about



Photo captured by Frank Gebhard, Allegheny Aperture Media

this.”

The permit application was heavily redacted, making it difficult to truly understand the facility’s purpose. It proposed to generate a large quantity of electricity and “would not be selling power to the grid.”

At the same time, the WV Legislature was debating HB2014 – the Certified Microgrid bill. This bill would

allow companies to build unlimited power plants as long as more than 70% of the power was used for data centers, and less than 10% of the power was sold to the grid. This facility had to be for a data center, as the current laws would not otherwise allow such a facility to be built.

Davis Mayor Al Tomson was contacted and quickly scheduled a Town Hall meeting in Davis on April 13.

More than 300 people came in person, and another 100 attended via Zoom, to hear about how this massive complex could upend their homes and lives. Speakers included Mayor Tomson, members of the Tucker County Commission, WVHC President Marilyn Shoenfeld, and dozens of concerned citizens.

While the crowd listened politely and intently for almost 2.5 hours, it was clear that most people were shocked that such a facility could be proposed in their own backyards with no involvement of the local community.

Concerned local citizens quickly reacted and held the first meeting of “Tucker United” on April 21. As stated on their website: “We are a coalition of residents and allies of Tucker County that demand the power to protect our community, our families, and our economy against harmful development.” Their first action was to draft a petition asking Governor Morrisey to veto HB2014, the key to the entire project.

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# Fundamental Data is heading for Davis and Thomas

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ect. As of our publication date, almost 2000 people have signed the petition.

The coalition is forming committees to conduct research on the impacts of data centers on local communities, to develop permitting and legal strategies, and to engage stakeholders with communications and advocacy.

The WVHC is firmly opposed to this power plant and potential data center complex to be built anywhere within the region. The potential impacts to this precious region cannot be overstated.

**Water** – Power plants and data centers require huge quantities of water for cooling, in a region that has already been stressed by drought and water shortages. Pendleton Creek flows through this site, draining to the Blackwater River and eventually to the Cheat River. This project imperils some of the most scenic and beloved rivers in the entire state.

**Air Emissions** – The planned emissions from the power plant are very large and would have immediate impacts on the local communities, the state parks, and Dolly Sods Wilderness Area. Prevailing winds could direct these emissions towards Canaan Valley, where weather inversions would trap pollutants. The plant would produce over 2 million tons per year of carbon dioxide, a major source of climate change.

**Noise and Light Pollution** – The proximity of the facility would cause significant noise and light impacts to the towns of Davis and Thomas, as well as Blackwater Falls State Park. Data centers and power generation plants have been shown to generate significant noise pollution from process equipment, cooling systems, and exhaust fans, sometimes exceeding 96 decibels. Residents close to data centers have documented health effects caused by

constant low-level noise. Light pollution is also problematic in areas known for dark skies and superior stargazing.

**Significant Diesel Storage** – The permit application states that 30 million gallons of diesel fuel would be stored on site for backup power generation. This quantity of a hazardous hydrocarbon poses risks for fires and explosions, water contamination, accidental releases to the ground, and transportation risks associated with delivering this huge amount of material through local communities. Diesel fuel would be periodically burned in the power plant, further increasing the release of dangerous pollutants.

**Impact on Culture and Community** – Tucker County is a small rural area with some of the most outstanding natural resources found anywhere in the country. The area is a mecca for hikers, mountain bikers, kayakers, campers, anglers and hunters. This massive industrial project would negatively impact the robust tourism industry and numerous local businesses. Most importantly, the small-town mountain culture that is so cherished by residents and visitors alike would be devastating, never to be recovered. Once these data centers are established, experience shows they will proliferate and take over an area, like in Loudoun County, VA.

There are many ways that you can get involved and help save Tucker County from a data center invasion.

Sign the petition letting Governor Morrisey know how opposed you are to HB2014, which strips away local control and tax revenues from communities. Join the Tucker United team and provide your support and expertise in this fight. Join us on Facebook to stay updated on what's happening. Subscribe to WVHC Action Alerts.

# Save the Wardensville Coalition

For press inquiries, contact Loki Kern at Friends of Blackwater: loki@save-blackwater.org

Environmental groups in both West Virginia and Virginia repeated a call for an updated Environmental Impact Statement (EIS) on the Wardensville to Virginia line section of the long-controversial Corridor H highway after a hearing Tuesday, April 22, in Hardy County. Citizens expressed concerns about drinking water, traffic patterns, taking of private farmland and George Washington National Forest, and loss of business on bypassed Main Street, as about 60 people attended the hearing at East Hardy High School.

Lewis Leslie Strosnider relayed a message from his hospitalized sister Cindy Cain Strosnider Orndorff, “[if Corridor H goes through], Wardensville would be a ghost town. Landowners will lose their land for pennies on the dollar. Our farm has been in the family since 1877. Native trout streams will be destroyed, and the Tuscarora Trail on top of the mountain.”

Kirsten Johnson, who works at Macks Bingo restaurant on Main Street, said she is a lifetime resident of Wardensville and wants to stay. “This road to nowhere is bypassing somewhere—the town of Wardensville.”

Loki Kern of Friends of Blackwater recorded all the speakers at the Corridor H Wardensville April 22 hearing on YouTube [https://youtu.be/oagXQBeTZEK?si=MZZT\\_ayV5-ZoY-j2](https://youtu.be/oagXQBeTZEK?si=MZZT_ayV5-ZoY-j2). Kern said West Virginia Division of Highways (WVDOH) had turned down the Coalition's request to broadcast the hearing on Zoom, so the group decided to do their own recording.

WVDOH and the Federal Highway Administration (FHA) on April 1 released an Environmental Assessment (EA), a less comprehensive document than an EIS. WVDOH's timetable calls for construction on the Wardensville section to begin later this year, assuming that the EA process results in a Finding of No significant Impact. How-



ever, FHWA, in announcing the hearing, has left open the possibility of doing a full EIS. The public may comment on the EA until June 1. Information on WVDOH's Corridor H page at <https://storymaps.arcgis.com/collections/476b7a6eddf240ec9a0f19e59f89e473>

Much of the 100 mile four-lane is complete between Elkins and Wardensville, except for two environmentally sensitive sections in Hardy and Tucker County. WVDOH estimates the Hardy section to cost \$485 million and Tucker County to cost over \$800 million.

Those who voiced support for Corridor H at the hearing pointed to dangerous curves and steep grades on the current Route 55 between Wardensville and Virginia. The Save Wardensville Coalition addressed this concern by distributing map brochures suggesting several possible spots for passing lanes on Route 55.

Corridor H is the last built of the Appalachian Corridor Highways, conceived in the 1960s to boost rural economic development. Several speakers at the hearing pointed out that times have changed, and local farm and tourist business has grown. Further, since 1995, the Commonwealth of Virginia has not included Corridor H in its design or funding plans—meaning that

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## Save the Wardensville Coalition

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its original terminus at I-66 and I-81 is questionable. WVDOH's designs shown in the EA call for the four-lane to fade back into two lanes at the state line, and for current Route 55 to be cut off. Shenandoah County and the town of Strasburg, VA passed resolutions in 2022 reaffirming their opposition to building Corridor H.

Environmental groups assert that the streams, forests, wildlife, and residents' way of life that would be destroyed by a huge highway in the mountains is more valuable than what would be gained. An updated EIS, they say, could more accurately analyze the costs and benefits.

The Save Wardensville Coalition includes Alliance for the Shenandoah Valley, Friends of Blackwater, Stewards of the Potomac Highlands, Virginia Wilderness Committee, and West Virginia Highlands Conservancy. Also speaking at the hearing was Than Hitt of WV Rivers Coalition, who emphasized the impact of construction on Wardensville's wellhead protection area due to the area's fractured sandstone/limestone geology.

Citizens and groups can submit comments for the official public record until June 1 on the WVDOH Corridor H website at <https://storymaps.arcgis.com/collections/476b7a6eddf240ec9a0f19e59f89e473> U.S. Congress members and Senators in both states can be contacted anytime.

# Why we do not want CPV's wind turbines at Capon Springs

By Jacob Kirk

Nestled in the rolling hills of Hampshire County, Capon Springs & Farms is more than a historic resort — it's a cherished part of our community, a place where generations have come to slow down, connect with nature, and find peace in a landscape that still teems with wildlife and rural charm. That is why so many of us were alarmed to learn that Competitive Power Ventures (CPV), a foreign-owned energy company behind a proposed industrial wind project, is targeting this very area — with Capon Springs positioned to benefit.

We are being asked to trade the integrity of our local environment, viewsheds, and community character for a project that promises renewable energy and economic gain. But the reality is far more complicated — and troubling.

**This Is not Just Wind — It is Industrial Development:**

CPV's plan involves constructing a series of massive wind turbines along ridgelines near Capon Springs. These are not modest structures. Each turbine stands hundreds of feet tall, with wide access roads, large concrete pads, and transmission infrastructure that permanently alter the landscape. This is not just about "green energy"; it is about converting a relatively undisturbed corner of the county into an industrial zone.

The area may not be remote wilderness, but it is still home to abundant wildlife: black bears, bobcats, migrating birds, bats, and native plant spe-



cies. Many of these species are sensitive to habitat fragmentation and the noise and vibration that come with turbines. Once these ridges are cleared and built upon, there is no going back.

**The Community Was Not Truly Consulted:**

Deals were made quietly, with little transparency or real outreach. Many of us found out about the project long after key decisions were made. When residents asked questions, they were met with vague reassurances or told that it was already a done deal.

That is not how responsible development works — especially not in a community that has always prided itself on cooperation and thoughtful land use.

**Who Really Benefits?**

We are told Capon Springs & Farms will benefit from hosting the project — perhaps through energy offsets, lease revenue, or marketing it as a "green" destination. But the broader community will bear the costs: disrupted views, increased traffic and road wear, property devaluation, and ecological harm.

We do not begrudge any landown-

er the right to make a living. However, when private deals have public consequences, the public deserves a seat at the table as a major stakeholder.

**There is a Better Way Forward:**

Let us be clear: we support the goal of cleaner energy. However, not every clean energy project is appropriate for every place. Hampshire County has opportunities for solar on already developed land, for community energy initiatives, and for conservation-minded solutions that respect the land and the people who live on it. Industrial wind turbines towering over Capon Springs do not align with that vision.

Let us not allow corporate greenwashing to drown out common sense. Let us demand thoughtful development that values long-term community well-being over short-term profit. CPV's project does not reflect the values of this community. It is time we made that clear. We urge CPV — and our local officials — to reconsider this project. Our community's voice must be louder than a corporation's promise. We have too much to lose.

### 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.

## 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 \$6.25 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 + \$5.38 shipping
- Fighting to Protect the Highlands: \$15.95 + \$5.38 shipping
- The Nature and Scenery of the West Virginia Highlands, 2nd Edition: \$29.95 + \$5.38 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](http://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.



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# Thoughts from our President

Dear friends and fellow lovers of the Highlands,

It has been a turbulent stretch for the West Virginia Highlands Conservancy (WVHC)—and for environmental nonprofits across the country. I'll do my best to break it down into three major concerns we're facing right now.

Threats from the current administration to limit the scope of nonprofits that deal with "climate:"

A few weeks ago, members of our Board and staff were on a Zoom call initiated by West Virginia's American Civil Liberties Union (ACLU), Public Citizen and other groups. The purpose of the call was to provide strategies to deal with attacks on nonprofits—attacks that appear to go far beyond defunding and revoking grants.

It was suggested that the 501(c)(3) status of nonprofits who deal in "climate" would be revoked. Even more troubling were rumors of plans to eliminate National Monuments and reclassify federal lands.

The ACLU and other groups shared action items—both internal and public-facing—that we immediately began putting into place. We'll need the continued support of our members as we move forward.

A few days later, a vague statement was issued suggesting that revoking nonprofit status "wasn't really being considered"—so let's just say we're staying alert.

Massive deregulation of existing environmental regulations and the designation of a huge percentage of our national forests as timber harvest:

A proposed map has been published of all the national forests that would now be eligible for logging, including the Monongahela, George Washington, and Jefferson National Forests. We are waiting for clarification from the United States Forest Service on next steps.

There is a proposal within the EPA to revamp 21 environmental rules, including those that affect air, water, and the environment in general. We hope to work with our partner organizations to deflect the impact of this.

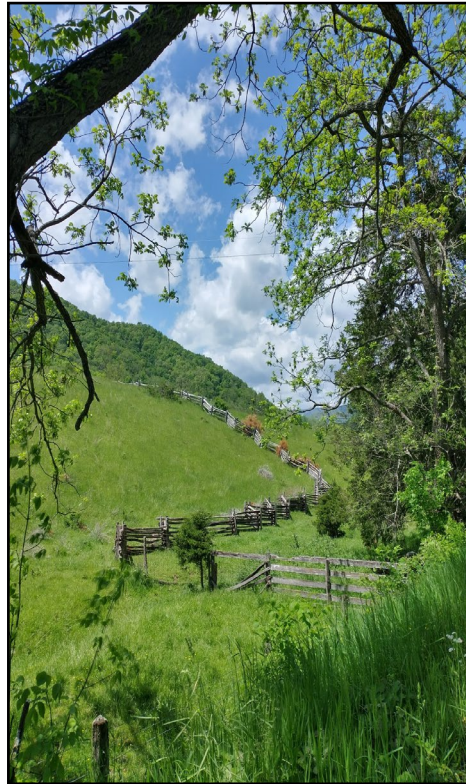


Photo by Herb Meyers

We've also seen a quiet transfer of authority within the Department of the Interior from the appointed Secretary to an official in the Department of Government Efficiency (DOGE). This shift has only heightened concerns that our public lands could be auctioned off to the highest bidder for mining, drilling, or development. Once again, we're watching closely.

Data centers in West Virginia—a growing concern:

Bill 2014, which passed the Legislature and awaits the Governor's signature, strips counties and municipalities of the power to regulate data centers. This bill would remove local control just as applications for major projects are being filed—including at least three air control permits submitted to the West Virginia Department of Environmental Protection (WVDEP). One of them hits close to home: Tucker County.

On March 26, 2025, a small legal notice appeared in the Parsons Advocate requesting an air control permit for a company called Fundamental Data LLC from Purcellville. It was for

a microgrid that would produce more power than Mt. Storm, using natural gas and the backup was 30,000,000 gallons of diesel stored on site. That's right—30 million gallons—within 0.7 miles of homes in Davis and Thomas and 0.8 miles from the local elementary and middle school.

We started questioning the legal notice and spreading the word. It soon became apparent that the microgrid would power a data center. A member of Go North Coalition and one of our board members were instrumental in launching a response. Within two weeks, the Mayor of Davis and WVHC had organized a Town Hall. Over 300 people attended in person and another 100 joined on Zoom.

The public response was overwhelming. Some called for the facility to be moved farther from town. Others voiced opposition to its construction altogether. The media took notice—WBOY has coverage available on their website. The Mayor and WVHC encouraged residents to send comments to the WVDEP and to the developer, Casey Chapman.

The end result was the formation of a group called Tucker United, which meets weekly and is looking at every aspect of this project. This is a group of very talented folks. The other result was that the WVDEP General Council, in response to hundreds of comments received, returned the permit to the applicant with requests to unredact a lot of information. So, the permit process is stalled until they reply. This is what community action looks like!

And there is more—so much more:

Please keep an eye on our social media for updates. Share our posts, talk to your friends, and if you're able, please contribute. This is a critical time for all of us, and we need to take steps to protect ourselves and the Highlands.

Onward,

**Marilyn Shoenfeld**  
President

West Virginia Highlands Conservancy

## 2025 Legislative wrap-up

By Luanne McGovern, West Virginia Highlands Conservancy

What more can be said about the 87th West Virginia Legislative Session that has not already been said? It was a dismal and frustrating year ... again. There were 2460 bills introduced and 249 passed - only 10% - the lowest percentage in many years. Perhaps, that is a good thing, as numerous bad bills died quiet deaths.

Unfortunately, two bad bills did make it through the session.

HB2233 will allow the removal of Category A drinking water protections from certain WV rivers and streams. In a land where everything flows downhill, this can only have negative consequences for the people of the state and their ability to access clean water.

HB2014 Certified Microgrids Program is a truly frightening and overreaching piece of legislation. The bill allows the formation of certified microgrid districts, where independent entities can produce unlimited amounts of power, provided more than 70% of the power is used by data centers, and no more than 10% of the power is exported to the grid. The legislation prohibits:

"Counties and municipalities, whether by ordinance, resolution, administrative act, or otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules which limit, in any way, the creation of, and acquisition, construction, equipping, development, expansion, and operation of any certified microgrid district or certified high impact data center project".

To add further insult to local governments, 70% of the property tax revenue from these huge multi-billion-dollar investments will revert to the state, primarily to offset revenue losses from lowering the state personal in-

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# A small victory for elder forests

By John Coleman

Spring is a good time to celebrate a small victory, a victory over, seemingly, overwhelming odds. In March, the Forest Service contacted us with a final decision on the Upper Cheat River Project. They set aside three stands of particularly old trees important to the community at the project's center. Those 120 acres, on slopes overlooking Horseshoe Run near the community of Leadmine, had been proposed for clear-cutting (<https://nfip-abra.hub.arcgis.com/pages/usfs-upper-cheat-river>). One of those stands contains the 3rd largest Eastern Hemlock in the state, according to the West Virginia Division of Forestry Big Tree Program (<https://wvforestry.com/big-tree-program/>). That same stand is within 50 yards of the 4th largest Northern Red Oak in the state.

Fifteen years ago, my neighbor showed me that huge oak overlooking Camp Horseshoe. Over the years I have learned that almost everyone in the area has visited that tree sometime in their life. That introduction by my neighbor started my love affair with the forest grove that would later be tagged as Stand R-45 in the Forest Service plans to clear-cut 3,500 acres in the Horseshoe Run and Clover Run watersheds. Portions of the grove overlook Horseshoe Run, where a branch of the Seneca Trail ran to the Indian village at Holly Meadows on the Cheat River. The trees in the grove range up to 260 years old with many oaks, maples and hemlocks over 200 years old.

The trees in this stand have a long history. In 1765, the then young saplings looked over the Iroquois's Seneca Trail or Great Indian Warpath ([https://en.wikipedia.org/wiki/Great\\_Indian\\_Warpath](https://en.wikipedia.org/wiki/Great_Indian_Warpath)). This footpath was part of the Indian trade routes through the Appalachians. In 1861, already nearly 100 years old, these same trees looked over the troops of the Confederate Army as they retreated up Horseshoe Run from their losses at the battle of Corrick's Ford on July 13 (<https://www.hmdb.org/Photos5/530/Photo530934o.jpg>). During the Great Cutover of the



The 3rd largest Eastern Hemlock in the state and companion grape vine; estimated to be over 200 years old. Credit to Frank Gebhard, Allegheny Aperture Media.

late 1800's and early 1900's, these trees somehow escaped the axes, and the fires that followed that logging. One wonders how these trees escaped the fires and logging that cleared so much of West Virginia, until you climb the very steep trail that leads to the grove and realize how difficult it was to cut these West Virginia hills. Over the years I have learned that there are two places where one might find incredibly old trees-- along property lines and at sites that are exceedingly difficult to access. The grove that the Forest Service dubbed Stand R-45 certainly fits the second bill.

From my first introduction to the ancient red oak honored by the community, my interest in the grove led to many trips to visit the oak and explore the surrounding slopes, ridges and hollows. Some of my children's earliest wanderings in the forest were on my shoulders, exploring the trees of the area. The Forest Service's 2021 proposal to clear-cut 120 stands totaling 3,500 acres in the area kick-started my concern for the loss of these ancient beings. What had been a recreational interest in large trees in our area became a race to convince the Forest Service that the oldest of these stands should not be cut. Over approximately 11 years

of wandering the steep slopes in and around Stand R-45 we documented hundreds of large old trees, including 3 that qualified for the state list of "big trees". To date, we have measured approximately 200 trees that are more than 200 years old and there are more groves nearby that we just have not had time to get to yet.

Despite our successes, the Forest Service has not acknowledged that the grove we have focused much of our effort on, Stand R-45, is 'Old Growth'. But we continue our efforts to fully document the old trees, structure and function of the stand. We suspect that the definition of old growth used by the Monongahela National Forest is focused on coniferous stands and erroneously equates old growth with undisturbed or virgin forest. Such a definition does not recognize that there is no such thing as undisturbed forest; it is just a question of how long it has been since the last disturbance. It is curious that despite the Monongahela being dominated by hardwoods, the Forest Service has yet to acknowledge any hardwood old growth in the National Forest. As we continue collecting data on the age of the trees, species diversity, canopy complexity and the substantial number of large, downed logs and standing

snags, we hope the Forest Service will eventually recognize that hardwood old growth does in fact occur.

The effort to save these big old trees and the ecosystems they support has been rewarding. The number of people and organizations that came together to advocate for older forests has been impressive, and the opportunities the effort has provided has been a gift. I particularly want to thank my neighbors who have supported these trees for many, many years. Unfortunately, one of their primary concerns, clear-cutting steep slopes and the resulting flooding, was not resolved by the Forest Service's final decision. (Approximately 70% of the proposed 117 clear-cuts are to be on slopes of 40-65% grade, i.e., classified as steep or very-steep by the Forest Service.) Additionally, I would like to acknowledge the West Virginia Highlands Conservancy (WVHC), the Friends of Blackwater Canyon (<https://www.saveblackwater.org/upper-cheat>), West Virginians for Public Lands, and many other state conservation groups for raising awareness across the state. The fate of these trees was even raised to the national level by groups such as the Sierra Club, the Center for Biological Diversity, the Climate Forest Coalition and the Old Growth Forest Network. While we did not save all the old forest beings we hoped, the trees on these 120 acres shall remain. Today they represent a small remnant of old forests that have seen many more years than any of us ever will. With the March decision by the Forest Service, they may outlive us all.

As we have over the past few summers, we plan to organize hikes to see the big trees in and around Stand R-45. Here is a chance to not only see some of the largest and oldest trees in West Virginia, but also to walk the paths used by Tribal peoples before the founding of this country and by soldiers during our War Between the States. Keep an eye on the WVHC's calendar and the Facebook page of Speak4Trees2 for announcements of upcoming hikes. Hope to see you then!



# 2025 Legislative wrap-up

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come tax. The potential long-term impacts of this bill on local communities and environments are difficult to imagine. Please see our other article on how Tucker County is fighting back against a microgrid/data center project.

Numerous bills we were watching – and to which you responded with your advocacy – did not pass. These include revisions to the aboveground storage tank regulations (SB592), expansion of ORVs in state lands (SB711 and SB794), community air monitoring restrictions (SB575), the “Anti-Science” bills (SB599 and HB2493), timbering in public lands (SB224), the “Reliable Energy” bill (SB505), restrictions on local control of water quality standards (SB940), advanced nuclear power (HB2205) and several bills to regulate forest carbon credits.

The one bill we hoped would pass – SB801, Creating WV Public Waterway



Access Act – would have required the WV Department of Transportation to consider including public access to waterways when building new bridges. It passed the Senate but was not taken up by the House.

Thanks again for all your support and advocacy. It was a long 60 days, but we made it through. Governor Morrisey is threatening to have “several” special sessions this year, so take a deep breath and stay tuned!

## Valley So Low: One Lawyer’s Fight For Justice in the Wake of America’s Great Coal Catastrophe, by Jared Sullivan (2024, Knopf)

Reviewed by Dave Cooper

As most West Virginia Highlands Conservancy members know, on December 22, 2008 a coal ash impoundment at the TVA’s Kingston Fossil Plant suddenly failed in the middle of the night, releasing about one billion gallons of toxic coal waste into the Clinch and Emory Rivers just west of Knoxville.

It was one of the worst industrial disasters in US history, and it raised a great deal of public consciousness about the national problem of safe long-term storage of power plant waste - the

coal ash left over after coal is burned. TVA’s coal waste pile was a mountain that had been accumulating since 1955: 65 feet high and 84 acres across.

I was at the site a few days after the spill, and was briefly detained by TVA security for driving around and taking pictures. I wrote some stinging pieces about the spill for Huffington Post and tried to alert as many environmentalists and media as I could: the slow response of the national media to the Martin County Kentucky coal slurry spill in October of 2000 was still fresh in my mind. So I posted some dramatic aerial footage of the spill on You

Tube, where my video amassed 180,000 views.

I tacked signs to trees reading “Clean Coal?!” and was interviewed by NPR’s Tamara Keith. Matt Landon of United Mountain Defense (a grassroots group fighting mountaintop removal and strip mining in Tennessee) wore a full face respirator and delivered jugs of water for weeks to homeowners on Swan Pond Road. The day after the spill, he brought a Geiger counter and measured for radioactivity.

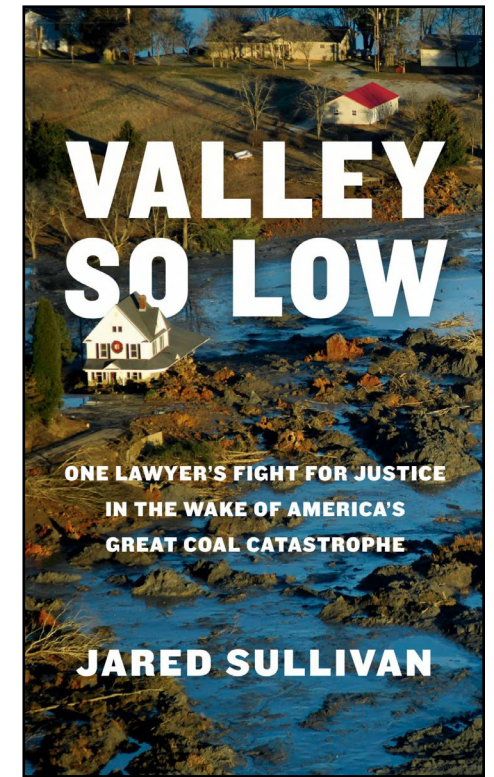
I was a little skeptical of Matt’s respirator, which I felt at the time might be unduly alarming residents who were already frightened. Boy, was I wrong.

There were many terrible things about this spill, but because of the size of the spill and the national news coverage, the issue of dangerous coal ash impoundments gained national recognition – finally. Although TVA spokespersons initially claimed that the coal ash was inert and harmless, that proved tragically untrue and fatal to the cleanup workers.

It was a strange way to spend Christmas of 2008, fighting a toxic waste spill of enormous proportions. After Matt Landon was interviewed by Amy Goodman of Democracy Now! about the spill, I remarked that one day someone would write a book about this tragedy. So I was delighted to learn of Jared Sullivan’s new book and I eagerly bought a copy. It’s terrific.

“Valley So Low – One Lawyer’s Fight For Justice in the Wake of America’s Great Coal Catastrophe” follows the lives of cleanup worker Ansol Clark and his wife Janie, and the attorney who took his case once Ansol got sick. Their story puts a human face on the disaster: Ansol and Janie were a loving Knoxville working class couple who met while taking classes at Knoxville Evening High School. Ansol was a Navy veteran; their first date was at Pizza Palace.

People who live in Knoxville are well aware of the tragedy that slowly unfolded in the years after the spill, which was doggedly covered by reporter Jamie Satterfield of the Knoxville News Sentinel, but the lawsuit against Jacobs Engineering, TVA’s cleanup contractor, didn’t receive as much national atten-



tion. Over the next seven years - until the cleanup was finally ended in 2015 - approximately 60 Jacobs cleanup workers died of various ailments caused by inhaling the toxic dust, which swirled around the site as the heavy equipment loaded the ash into trucks and train cars bound for Arrowhead Landfill near Uniontown, Alabama.

And in a bizarre development, the dredging operations that were intended to pull coal ash from the bottom of the Clinch River had to be repeatedly halted when the dredging machines pulled up barrels of radioactive waste that had been midnight-dumped into the river - apparently left over waste from uranium enrichment activities at Oak Ridge National Laboratories.

“In the darkness, the three men watched as the dredge head rose dripping from the water. Stuck in its teeth was a rusted, leaking barrel... they had all taken hazardous-waste training; they recognized the hazard placard on the barrel’s side. “That was a radioactive drum,” [Rick] Samson recalled the men saying...Over the next week, they watched as divers, sporting protective suits, hauled to shore dozens of similar-looking barrels.”

Jacobs cleanup workers were not

Continued on page 9

# Conservationists file new complaint over South Fork Coal Company's impacts to National Forest

By Willie Dodson, Appalachian Voices

On April 11th, the Allegheny Blue Ridge Alliance (ABRA) submitted its latest complaint against South Fork Coal Company to federal regulators. ABRA, alongside West Virginia Highlands Conservancy, Appalachian Voices, and other organizations, has been calling for regulators to shut down the company's coal hauling activity in the Monongahela National Forest, which utilizes a portion of Forest Service Road 249 – activities that are prohibited under

federal law – since last summer. This latest complaint explains that the company is also using Forest Service Road 223 to bring equipment in and out of the Rocky Run Surface Mine – an impact on the Monongahela National Forest that is not sanctioned under federal law or relevant permits.

The Rocky Run Surface Mine covers more than 1,100 acres in Greenbrier County, West Virginia. The sprawling strip mine is situated just outside the boundary of the Monongahela National Forest, just a few miles from the popu-

lar Falls of Hills Creek trail, and about 6 miles from the Cranberry Wilderness.

After years of chronic noncompliance at multiple coal mines, haul roads, and a coal processing facility/waste impoundment, South Fork Coal Company declared bankruptcy on February 8th.

The West Virginia Department of Environmental Protection has cited South Fork Coal Company nine times so far in 2025 for an array of environmental violations. The company has become infamous in recent years for

repeatedly discharging pollution into the otherwise pristine Cherry River, part of the Gauley River watershed, and for its impacts to the Monongahela National Forest. On April 1st, Appalachian Voices reported on SFCC having released “sludge” into tributaries of the Cherry River.

An accounting of the DEP's enforcement actions against South Fork Coal Company for the first few months of 2025 is below.

Mine name/ permit number	Date	Nature of violation	Status of violation as of Apr. 29th
Lost Flats #2 (S303393)	3-24-25	Caused “iron staining and sludge deposits” in Cherry River tributaries	Ongoing. Clean up deadline of May 7th
(S013878)	3-24-25	Caused “iron staining and sludge deposits” in Cherry River tributaries	Ongoing. Clean up deadline of May 7th
Laurel Creek Contour #1 (S301016)	2-10-25	Stopped conducting any reclamation activity	Ongoing. Deadline to resume reclamation has been extended 3 times. Current deadline is May 11th.
Laurel Creek Contour #1 (S301016)	4-17-25	Failed to maintain sediment control	Ongoing. Compliance deadline is May 1st.
Blue Knob Surface Mine (S300511)	1-9-25	DEP ordered cessation of mining due to ongoing excessive erosion first noted in October 2024.	Ongoing. Last compliance deadline on DEP website was February 8th.
Blue Knob Surface Mine (S300511)	1-9-25	DEP ordered cessation of mining due to failures to control drainage off of mine first noted in October 2024.	Ongoing. Last compliance deadline on DEP website was February 8th.
Pretty Ridge Surface Mine (S300219)	1-9-25	DEP ordered cessation of mining due to ongoing excessive erosion first noted in October 2024.	Ongoing. Last compliance deadline on DEP website was February 8th.
Clearco Loadout (O301311)	2-16-25	Released black water into Clear Creek, a tributary of Meadow River,	Resolved. Company added treatment preventing continued release of black water on February 18th.
Clearco Loadout (O301311)	2-20-25	Failed to add sufficient kiln dust material to coal waste area. (kiln dust is used to stabilize coal waste and to mitigate acidic discharge into nearby waters)	Ongoing. Deadline has been extended four times. Current compliance deadline is May 1st.



# Valley So Low: One Lawyer’s Fight For Justice in the Wake of America’s Great Coal Catastrophe, by Jared Sullivan (2024, Knopf)

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provided any respiratory protection, not even dust masks, apparently out of fear that the respirators would alarm the local residents, who had been repeatedly assured that the coal ash was non-toxic. In his book, Sullivan recounts the fateful words of top Jacobs safety officer Tom Bock, who told cleanup workers that they could eat a pound of coal ash a day and be fine.

Cleanup worker Jeff Brewer had headaches and his eyes burned. He had been coughing up a black substance. He had a prescription from his doctor saying he needed to wear a respirator on site.

“Tom, I’m sick,” Brewer said, exasperated. “I’ve been telling you.”

“We don’t do that,” Bock replied. “You can’t wear a respirator.”

A brave Knoxville attorney, Jim Scott, began to take on clients who worked at the site. Sullivan’s book – a highly-readable thriller similar to “A Civil Action” by Jonathan Harr – recounts the difficulties that lone attorneys have while fighting giant corporations. TVA – a government agency with sovereign immunity – couldn’t be sued, but the private contractor Jacobs could, so the David vs. Goliath case wound through the courts for years. Eventually attorney Scott got much-needed help from some larger law firms, and finally a settlement was reached that compensated the victims of the spill. They did not get a huge settlement.

Cleanup worker Ansol Clark passed away in April, 2021 after years of suffering.

# Trump administration sidelines public to expand drilling and mining on public lands

By The Wilderness Society

The Wilderness Society denounces federal plan to quash public input in decision making.

On April 23, 2025, the Trump administration unveiled emergency permitting procedures to fast-track oil, gas and mining projects on national public lands – sharply curtailing public participation and environmental review. The changes, issued under a declared “National Energy Emergency,” purport to allow the Department of the Interior to bypass key safeguards under the National Environmental Policy Act (NEPA), Endangered Species Act and National Historic Preservation Act. The move ignores the fact that the country is currently at record production levels.

“This directive, based on an emergency that doesn’t exist, silences the public and guts NEPA’s core purpose – informed decision making,” said Tracy Stone-Manning, President of The Wilderness Society. “By skipping over the

public, science and impact analysis, the administration skips over threats to our wildlife, water and cultural resources. And while claiming to create certainty for developers, this move guarantees the opposite: more litigation, more delay and less certainty.”

A recent report from The Wilderness Society titled Open for Drilling: The Outsized Influence of Oil & Gas on Public Lands underscores the lopsided nature of federal energy policy. As of January 2025, more than 81% of Bureau of Land Management (BLM) lands in the West – over 200 million acres – are open to oil and gas leasing. Nearly half of the acreage already leased is not producing, much of it held speculatively by industry.

The administration’s move also aligns with recent legislative proposals that would mandate oil and gas lease sales across all eligible public lands on a quarterly basis – further tipping the

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# Trump administration sidelines public to expand drilling and mining on public lands

*Continued from page 9*

scales toward fossil fuel extraction and away from recreation, conservation and cultural uses that federal law is meant to protect.

These policies could have profound consequences for communities across the West. Areas targeted for extraction often overlap with critical wildlife habitat, cultural and historical sites and lands valued for recreation and tourism. By removing meaningful review and public input, the emergency permitting scheme puts those resources and the people who depend on them at risk.

## Board Highlights from April 2025

*By John McFerrin, West Virginia Highlands Conservancy*

The April Board meeting of the West Virginia Highlands Conservancy featured a possible threat to the organization, both an old and a new threat to places we hope to protect, and the end of an era for the Board. Mixed in with that were the mundane, “businessy” things that we always do.

The threat to the organization comes in a widespread rumor that President Trump will shortly sign an Executive Order requiring that any non-profit organization which works on “climate” should be investigated and possibly have its non-profit status revoked. Since we, along with hundreds of other organizations, are within that category, it was prudent that we be prepared. Right now, it is only a rumor; maybe nothing will happen. Maybe it will.

The steps we took were to hurry along with things we had already begun because they are good ideas, whether we were ever investigated. We had just finished adopting a conflict-of-interest policy. We were even working on a records retention policy and are close to finalizing it. We have been arranging to have an audit done and will be proceeding with that.

The new threat to places we hope to protect is the proposal to build a gas fired power plant and a data center in



Tucker County, between Thomas and Davis. The only publicly available information is an application by the developers of the power plant for an air pollution control permit. Since the proposed power plant has no plans to connect to the general electricity grid, it is a sure bet that it would be producing electricity for a data center.

There has been an uproar in Tucker County, including a town hall meeting with 300 people present and about 100 more people participating by Zoom. Many people have made comments on the proposed air pollution permit. We are going to oppose the project as well.

There are already at least two

data centers proposed for southern West Virginia. There was discussion of whether we should oppose all data centers throughout the state. The discussion included why we would oppose data centers. Is it just that it is an expansion of fossil fuel use, or is it something else?

The Board’s sense was that we did not have enough information to decide on blanket opposition to data centers. We determined to gather more information and make a decision on the more general question once we are better informed.

The investment policy is still in progress. The original motion express-

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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.



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# Board Highlights from April 2025

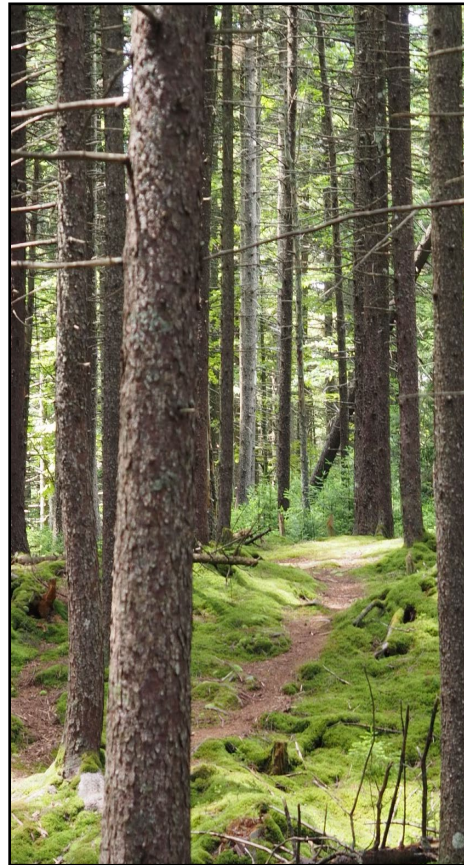
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ing our intent to adopt an improved investment policy said that we should do it within 60 days. Now the 60 days have come and gone, and we still have not accomplished that although we have effectively complied with the policy: we are now only investing in government securities which do not finance any fossil fuels. The Finance Committee will keep working on it and have a policy within six months.

The old, but still threatening, project is Corridor H. There are two sections of Corridor H that are actively controversial right now—the section near Wardensville and the section from Parsons to Thomas/Davis. Near Wardensville, the Department of Highways thinks it is close to being able to make dirt fly. Now that it is so close, there is more interest than when construction was an abstraction that might happen someday. There is currently an Environmental Assessment (like an Environmental Impact Statement only smaller and less thorough) that is out for comment. Threats to the national forest and the national forest and to the Wardensville water supply remain.

Things are quiet in the Parsons section. This is probably because of a change in administration. The new administration does not know what it wants to do; if it does it is not sharing anything publicly.

We had the usual business things: the treasurer reported that we are doing well financially. We are getting several new members.



The Fall Review planning is moving along. It will be Halloween weekend at Blackwater Falls State Park. The committee is lining up speakers. The committee is going to plan some outdoor activities. We cannot just sit and learn all the time. We need to get outside for a different kind of fun.

The end of an era came when Buff Rodman announced that she is retiring from the Board. We gave her a round of applause and expressions of appreciation for her years on the Board and all her contributions. Buff's parents—Sayre and Jean—were highly active in the early days of the West Virginia Highlands Conservancy. Legend has it that Buff attended Board meetings as a toddler, although there is no documentation of this. Only later was she elected and became an actual voting member. Her leaving the Board serves as one of the last links to that long ago time when the Conservancy was young.

## West Virginia unveils daily one-mile trail program in 32 state parks

By David Sibray, The West Virginia Explorer

To encourage West Virginians to walk at least one mile daily, state officials are designating one-mile hiking trails in 32 parks as “Mountaineer Mile” challenge trails.

Governor Patrick Morrisey gathered with other state officials to announce the initiative at Little Beaver State Park, which boasts a mile-long walking trail encircling Little Beaver Lake.

“If the Mountaineer Mile can take off across the state, it will lead to incredible health outcomes for our residents,” Morrisey said.

“Because West Virginia has the most beautiful state parks in the country, there's no better place to partake in the Mountaineer Mile challenge.”

Dr. Arvin Singh, W.Va. Secretary of Health, emphasized the role of communities in improving the health of West Virginians, which has consistently ranked among the most unhealthy in the U.S.

“This initiative reminds us that every community—no matter how big or small—can be a part of our state's public health transformation,” Singh said.

“I want to thank the governor for leading by example and for championing this effort as well as the residents who are stepping up across the Mountain State. Together, we're building a culture of movement, wellness, and momentum.”

Beckley native and Super Bowl Champion Doug Legursky was on hand to witness the declaration of the initia-



tive.

“I'm excited to be part of this amazing and much-needed initiative from Governor Morrisey,” Legursky said.

“The physical health of West Virginia has been overlooked for some time. I'm excited to be part of the movement to bring it to the forefront, and hopefully get all West Virginians one step closer to leading healthy lives.”

Brett McMillion, director of West Virginia State Parks, reminded people who attended the announcement that hiking in such places as state parks is the chief outdoor recreation activity.

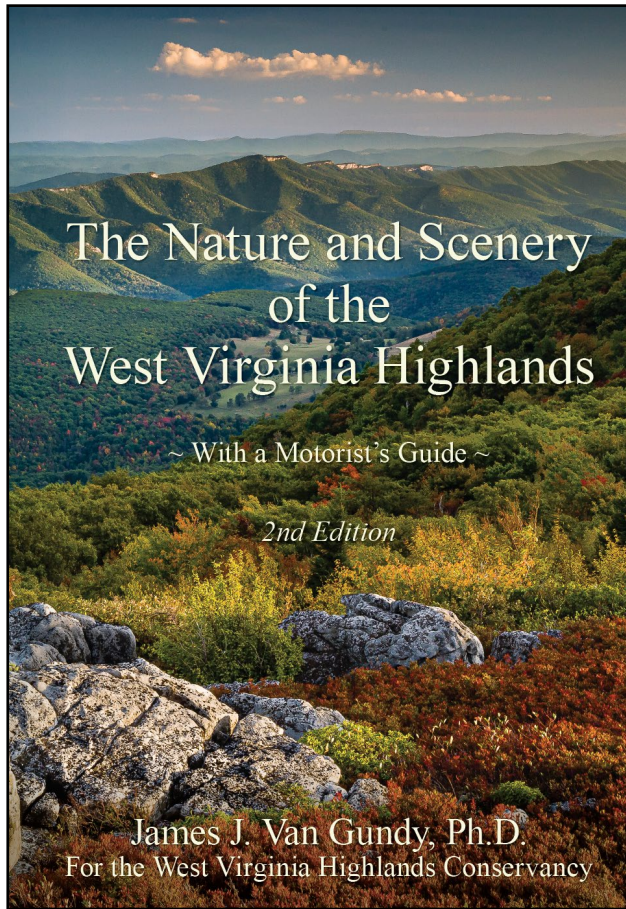
“Hiking is the number one gateway activity to get folks in the great outdoors, and this program exemplifies that mission,” McMillion said.

“I applaud the governor and his desire to help aid the fitness and health of West Virginians and introduce them to our beautiful natural resources.”

*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.*



# 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.

With **vivid new photography by Kent Mason, enhanced maps, and updated content**, this edition is a must-have for anyone eager to explore the Highlands' unique geology, diverse ecosystems, and rich cultural heritage. Whether readers are hikers, road-trippers, or armchair travelers, this book is packed with **detailed scenic routes, hidden gems, and fascinating natural history** that will keep them turning pages—and planning their next adventure!

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