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# *The Highlands Voice*

The Monthly Publication of the West Virginia Highlands Conservancy

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## POWER COMPANY AGREES TO FIX POLLUTION PROBLEMS

By John McFerrin

American Electric Power and its affiliates have agreed to bring its John Amos power plant in Putnam County, West Virginia, and its Kammer and Mitchell power plants in Moundsville, West Virginia, into compliance with the federal and West Virginia Clean Water Acts. This is in settlement of a two lawsuits brought by the West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition, Sierra Club, and the West Virginia Rivers Coalition. Because some of the facilities were in northern West Virginia and some were in southern West Virginia, there were actually two separate lawsuits although they were negotiated and resolved together.

### **The Way the Clean Water Act Works**

Both the federal Clean Water Act and corresponding statutes in West Virginia prohibit discharge of any pollutant in any amount unless certain conditions are met. The most prominent of these conditions which allow limited pollution is the discharge permit, known as the National Pollutant Discharge Elimination System (NPDES) permit.

The NPDES permit protects streams by limiting the concentration of pollutants that are allowed in water that leaves the operation. The permit allows no more than certain concentrations of pollution such as iron, manganese, and aluminum. The permit

is supposed to set these discharge limits low enough that the water coming from the mine may contain small amounts of pollution but not enough to impair the waters that it flows into.

Each site has designated points—called outlets—where water containing this minimal amount of pollution is allowed to leave the site. The companies are required by the terms of their permits to test the water that comes from each outlet and report the results to the regulatory agency that issued the permits.

### **What happened here**

The John Amos power plant in Putnam County discharges into the Kanawha River and two of its tributaries, Little Scary Creek and Bills Creek. As a condition of its permit, it is required to test the water that is leaving its operations and report the results to the West Virginia Department of Environmental Protection.

The reports that American Electric Power has provided to WVDEP for the period from June 1, 2008 through September 30, 2013, from its Putnam County plant show that it has violated the limits set in its permit at least 870 times. The reports showed that at various times the discharged water contained excess amounts of aluminum, iron, copper, arsenic, selenium, and mercury.

There were violations at its Kammer plant in Marshall County

(More on p. 4)

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## Ramblin' the Ridges

By Cynthia D. Ellis

### Hardworking Friends in Action; some bits of good news...

She had a warm smile and the pleasantest demeanor. And she talked a great deal about collaboration. But we could tell that our guest speaker was engaged in a long, tough fight, and that she could sometimes work wonders.

At our most recent Board of Directors meeting, we enjoyed a presentation by Lynn Cameron of the Friends of the Shenandoah. It's always gratifying to hear from ally groups and this time we heard about efforts to establish a site on the West Virginia/Virginia border as a National Scenic Area. Lynn spoke at length about the struggle to draw in everyone concerned and about how those working for a cause make tough decisions concerning compromise.

Enjoying an inspiring chat with an ally is one of a number of good things happening lately. Elsewhere in this edition of The Highlands Voice you can read about some favorable court decisions. There have also been environmental challenges, and you can read about how those are being met. Familiar partner groups are taking action and new groups are being formed. All of this is heartening to us---"West Virginia's oldest environmental advocacy organization."

One challenge is a proposed mega-pipeline, across the mountains in our state and beyond, for gas from fracking fields. Our own volunteers have been attending meetings and gathering information. Newer groups sharing the fact-finding and distribution include WV Wilderness Lovers vs. the Proposed Pipeline, Virginia Wilderness Committee, and Don't Frack George Washington National Forest.

A second challenge has been the extension of a permit for Mountaintop Removal Mining on lands adjacent to Kanawha State Forest. Established local groups have become energized around the issue and the new Kanawha Forest Coalition has worked tirelessly.

The January spill of a coal-prep chemical into the Elk River at Charleston was a challenge for everyone who tries to advocate for clean water. The West Virginia Sustainable Business Council bloomed from that disaster and was formed by several small businesses in the capital city, including our sometimes caterer Jeni Burns of Ms Groovy's Catering. They then worked for effective chemical storage tank legislation. Other groups we know who work for clean water include Wheeling Water Warriors, Doddridge County Watershed Association, Friends of Deckers Creek, Friends of the Hughes, West Virginia Clean Water Hub, and Friends of the Lower Greenbrier River.

Fish need clean water too. WVHC member Than Hitt and Doug Chambers completed an important study, paralleling the Michael Hendryx studies on effects of humans, on the ills visited upon fish populations from mountaintop removal mining. One of their findings was that, "There were fewer fish downstream from the mining sites and half the number of species." The good news part of this study is its usefulness as a stepping stone for broader work and for making improvements.

There was other news; close and not so. In Colorado a town vowed to fight on after its citizen mandated fracking ban was overruled. In Texas, a 70 year old Deputy Sheriff tracked down fracking polluters and made them be responsible for fines. In Vermont it was found that some colonies of Little Brown Bats are surviving White Nose

(More on p. 10)

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## COMING ATTRACTION

The Fall Review of the West Virginia Highlands Conservancy will be October 18 & 19 at a site yet to be determined. This year it will be held jointly with the West Virginia Environmental Council.

In addition to all the other activities, the Fall Review will include the Highlands Conservancy's annual meeting. That includes the election of officers. This year all the officers are up for election/re-election. There are also six Board seats to be filled. If you know of anyone (including yourself) you think would be suited for a seat as an officer or a Board member, please feel free to contact a member of the nominating committee. The current nominating committee is LeJay Graffious, Wayne Spiggle, and Cindy Rank. They welcome suggestions. Their contact information is on page 2.

You do not have to contact the Nominating Committee to make a nomination. There will also be an opportunity to make nominations from the floor at the annual meeting.



*Why We Do What We Do*

## TIME TO PLANT SOME TREES

**September 13, 2014 - Red Spruce Ecosystem Restoration, Canaan Valley National Wildlife Refuge.** Join us as we continue our efforts to restore the red spruce ecosystem in the West Virginia Highlands. This tree planting event will take place on the Canaan Valley National Wildlife Refuge. We will meet at the Refuge Headquarters and Visitor Center at 9 am. Following an orientation about the red spruce ecosystem and our work to restore it we will car pool to the restoration site. Come dressed for the weather, wear sturdy shoes or boots and bring gloves. Lunch will be provided. Please RSVP! For more information, visit [www.restoreredspruce.org](http://www.restoreredspruce.org), or contact Dave Saville at [daves@labyrinth.net](mailto:daves@labyrinth.net), or 304 692-8118.

## MOUNTAINTOP REMOVAL UP CLOSE AND PERSONAL

Visit Kayford Mountain and/or Mud River Mountain south of Charleston to see mountain top removal (MTR) up close. Bring lunch for a picnic on Kayford mountain. Hear the story on how the late Larry Gibson saved fifty acres from mountain top removal on Kayford Mountain. Call in advance to schedule. Julian Martin (304) 342-8989; [martinjul@aol.com](mailto:martinjul@aol.com).

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*The Highlands Voice* is always printed on recycled paper. Our printer uses 100% post consumer recycled paper when available.

The West Virginia Highlands Conservancy web page is [www.wvhighlands.org](http://www.wvhighlands.org).

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.



## AEP TO FIX PROBLEMS (Continued from p. 1)

as well. There, its discharge reports showed that between June 1, 2008, and September 30, 2013, it had violated its permit limits 157 times. At various times the discharged water contained excess amounts of aluminum, iron, and total suspended solids. These discharges enter the Ohio River.

There were also violations at its Mitchell plant in Marshall County. The reports showed that between June 1, 2008, and September 30, 2013, it violated its permit 1211 times. At various times the water contained excess amounts of aluminum, cadmium, selenium, barium, manganese, nickel, arsenic, thallium, and total suspended solids. Some of the violations were in monitoring wells designed to monitor groundwater near the site.

American Electric Power had also discharged water from an ash impoundment which contained sulfates. These caused a violation of what are called the "narrative" permit conditions. These conditions are statements which describe things someone with a permit may not do. In this case, AEP was causing a hazard to aquatic life.

### What American Electric Power agreed to do

In settlement of the claims, American Electric Power has agreed to:

- Bring its facilities into compliance. This will require some new equipment and some change in the way AEP does things. The Mitchell plant must convert its wet coal ash pond to a less polluting dry ash containment facility. The Kammer plant, already tentatively slated for retirement, will now cease operations on December 31, 2015. Both, the Mitchell and Kammer plants must study aquatic life near their coal ash ponds.
- Make a mitigation payment to the West Virginia Land Trust for its land acquisition, restoration and/or conservation activities.
- Pay a civil penalty.
- Pay the Plaintiffs' attorney fees.
- Agree to pay a set amount for each future violation.
- In total AEP will be required to pay nearly \$100,000 in fines, penalties, and fees.

## RED SPRUCE SEEDLINGS AVAILABLE FOR SPRING 2015

CASRI partner, the West Virginia Highlands Conservancy, organizes volunteers to collect seeds from local trees, shrubs and herbaceous plants associated with the red spruce ecosystem. It contracts with various nurseries to have seedlings produced for use in restoration and reclamation projects. When there is a surplus, they are made available to the public.

A limited number of 2-year old red spruce plugs (container grown), 10-15 inches, are currently available for Spring 2015 delivery. Minimum order is 100 trees, price is \$2.00 each. 1,000 trees at \$0.95 each. Price FOB Morgantown, WV.

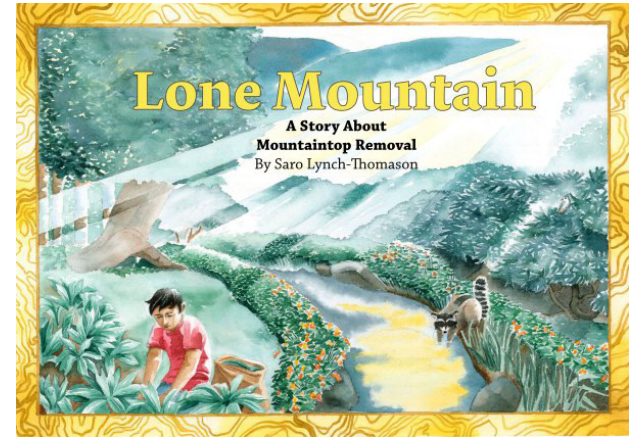
Contact Dave Saville, [daves@labyrinth.net](mailto:daves@labyrinth.net), if you are interested in ordering.

## NEW CHILDREN'S BOOK ON MOUNTAINTOP REMOVAL MINING

By Cynthia D. Ellis

In January, our board was charmed to see a presentation on the history of Blair Mountain by Saro Lynch-Thomason. So when some of us heard of her project of writing and illustrating a children's book on mountaintop removal mining, we were intrigued.

This month the Mining Committee of the West Virginia Highlands Conservancy worked on its own project--to donate a copy of that book to each public library in West Virginia.



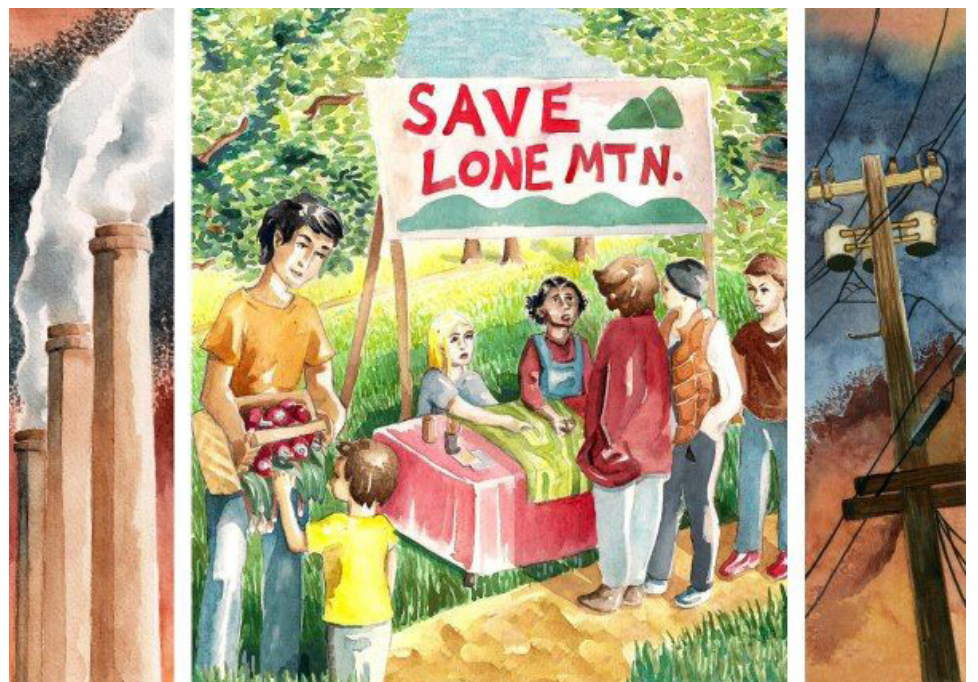
"Lone Mountain: A Story About Mountaintop Removal" is rich in color and reflects the author's deep love and regard for the hills and valleys. Narrated

by a mountain itself, the voice says, "In the evenings, families sat back on their porches to watch the sun set. A breeze flowing down from my ridges sang lullabies to fussy babies, and rustled the hair of children catching fireflies in the twilight." But trouble comes to the mountain and the voice explains.

The Mining Committee sees the "Lone Mountain" book donations as its effort to help provide varied views on energy and conservation, to people of all ages. For youngsters, it may be, as the National History Education Clearinghouse has noted, "...students need to learn that the dilemmas of our own fossil-fueled society have deeper roots than history textbooks manage to convey..."

Parents and grandparents, and all of us know that there are two meanings of "check it out." So, consider both--- and seek and examine this book; then perhaps borrow it from your local library. Look for "Lone Mountain" and check it out.

<http://lonemountainbook.com/order-books-and-donate/>





**Former Conservancy leader and internationally known environmental attorney and professor****FRED ANDERSON PASSES**

By Dave Elkinton

Over forty years ago, when I first met Fred Anderson, he was a young attorney in Washington DC and loved spending free time in West Virginia. He was often accompanied by another attorney, Jim Moorman, who ironically had grown up in the same town of Rutherfordton, North Carolina. In an interview years later, Fred told me he actually knew of Jim, but only got well-acquainted after they met in a field near Seneca Rocks.

My introduction to Fred (and Jim) was at my first Conservancy Fall Review Weekend when the proposed Davis Power Project was actively discussed by the Conservancy's board of directors. Fred and Jim provided critically strategic advice to the board, which soon filed a "petition to intervene" in the Federal Power Commission's licensing review. Without that legal advice, much of the Conservancy's next twenty-year fight to preserve Canaan Valley, would not have been successful.

Earlier that same year, Fred and Jim had been critically important in filing a lawsuit that would eventually preserve Otter Creek among the first areas in the Eastern Wilderness Areas Act. As recounted elsewhere (see Highlands Voice, April, 2007), the Conservancy lawsuit forced the mineral owner (Island Creek Coal Company) to preserve the wilderness characteristics of Otter Creek while conducting core drilling operations. The result was that Island Creek was forced to use mules to enter Otter Creek, rather than build the road network they had proposed. Every hiker and future Otter Creek user can thank Fred Anderson (among others) for the preservation of this special place.

Beginning in 1971, Fred also served on the board of directors of the Highlands Conservancy. During this period his wise counsel was important as the young organization faced numerous issues.

Thirty years later, when I was researching the Conservancy's history, Fred and I discussed those early years. He had maintained his love of West Virginia; both his daughter and wife told me recently that West Virginia occupied a very special place in Fred's heart.

During those intervening years, Fred had become a very distinguished environmental attorney and expert on the National Environmental Protection Act. He was the founding editor and president of the Environmental Law Institute and its influential Environmental Reporter. Later he taught at two law schools, and served as Dean of the Washington College of Law of American University. He authored many publications and completed his legal career with two prestigious Washington law firms. Following retirement, he started a new career, writing fiction, publishing one book and preparing another. His retirement was cut short when he died July 14, 2014 at age 73, after a brief illness.

There are now only a few Highlands Conservancy members who had a personal acquaintance with Fred. But all of us can appreciate his wise counsel in helping the Conservancy during two of its most important political and legal battles. Not only did he make a major impact on our young organization, but his legacy of mentoring the next generation of environmental attorneys will have a lasting impact everywhere. Thank you for a life well-lived, Fred.



**Profound Light**

**Photo © Jonathan  
Jessup**



# FEDERAL COURTS BACK CLEAN STREAMS WHILE WEST VIRGINIA TURNS ITS BACK

By Cindy Rank

Efforts by WV Highlands Conservancy and others to hold the coal industry accountable for maintaining the water quality of streams near mining operations sometimes get so confusing that I find myself stumbling over mental blocks when it comes to writing about those efforts for *the Highlands Voice*.

I continue to learn from conversations with lawyers who represent us in various legal pursuits and by reading complaints and listening to testimony and debate in court hearings. But with each trial and each attempt to rein in pollution the maze of legalities and depth of scientific discussion winds deeper and deeper into a seemingly impenetrable tangle of weeds. There are moments of clarity when I see my way through the thickets but when it comes to relaying what to me are fascinating tidbits, my tongue is tied and mind turns to mush.

So bear with me as I try to parse out a glimmer of sense in connecting the dots between some of the debate and hullabaloo about the coal industry's legal responsibility for maintaining both 'numeric' and 'narrative' water quality standards in discharges to streams near their operations.

## THE COURTS

In the July 2014 *Highlands Voice* editor McFerrin reprinted a Charleston Gazette article by Ken Ward about the first court ruling that found conductivity pollution from mountaintop removal mining operations is damaging streams in Southern West Virginia.

That court decision supported plaintiffs' (West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and the Sierra Club) assertion that discharges from two mines operated by Alpha Natural Resources subsidiaries (Alex Energy at Robinson Fork in Twentymile Creek of the Gauley River/Nicholas County and Elk Run in Laurel Creek of Big Coal/ Boone County) have harmed the chemical and biologic integrity of the streams in question. Conductivity and sulfate levels have risen over time while the West Virginia Stream Condition Index (WVSCI) scores have notably decreased showing significant impairment to the stream life.

The article quoted an Alpha representative as saying that more than a set of "bad bug" scores are needed to prove violation of state water quality standards. However, the court relied on what

it considered "extensive scientific evidence" that these mines are "discharging materials which have caused or materially contributed to a significant adverse impact to the chemical or biological component of aquatic ecosystems, in violation of West Virginia's narrative water quality standards."

Fumbling for words of my own to restate what is abundantly clear in the Court's ruling, I yield to my better instincts and include here portions of the decision itself – the concluding comments that expand on the opinion that a "preponderance of evidence" in the case supported the Plaintiffs' claims.

"In multiple ways, the chemical and the biological components of the aquatic ecosystems found in Laurel Creek and Robinson Run have been significantly adversely affected by Defendant's discharges. The water chemistry of these streams has been dramatically altered, containing levels of ionic salts – measured as conductivity – which are scientifically proven to be seriously detrimental to aquatic life. The biological characteristics of these streams have also been significantly injured, in that species diversity – and, in some areas, overall aquatic life abundance – is profoundly reduced. These receiving streams are unquestionably biologically impaired, in violation of West Virginia's narrative water quality standards..."

"Losing diversity in aquatic life, as sensitive species are extirpated and only pollution-tolerant species survive, is akin to the canary in a coal mine. These West Virginia streams, like the reference streams used to formulate WVSCI [WV Stream Condition Index] and even like those used by Defendants' expert for comparison in this trial, were once thriving aquatic ecosystems. As key ingredients to West Virginia's once abundant clean water, the upper reaches of West Virginia's complex network of flowing streams provide critical attributes – functions, in ecological science – that support the downstream water quality relied upon by West Virginians for drinking water, fishing and recreation, and important economic uses. Protecting these uses is the overriding purpose of West Virginia's water quality standards and the goal of the state's permit requirements."

The court clearly recognizes the importance of 'narrative' standards and fully acknowledges the legal responsibility

of mine companies to not only abide by the specific numeric limits in water discharge permits, but also to not discharge any other materials in such quantities that will cause significant harm to the downstream waters. (i.e.: "Just as the Court must find a violation if a defendant is exceeding a specific numeric effluent limit in its permit, the Court must find a violation here if Defendants' discharges cause or materially contribute to a significant adverse impact to the chemical or biological components of aquatic ecosystems.")

## STATE OF WEST VIRGINIA RESPONSE

The push-back by coal has caused some totally off-the-wall responses from the WV Legislature and the Department of Environmental Protection (WVDEP).

WVDEP continues to mealy mouth its way around creating any strong policy to implement narrative standards and engender better enforcement of those standards.

Meanwhile the federal Environmental Protection Agency (EPA) made attempts a few years back to suggest guidance and standards related to conductivity and total dissolved solids to help Appalachian states address those pollutants. Unfortunately, West Virginia in its unbelievably unfounded resistance to all things EPA (except of course when it comes to accepting funding from that same federal agency to support some state program or another) joined with the coal industry to challenge EPA's legal authority to take such actions. Industry won that challenge in D.C. District Court. The Court of Appeals disagreed. Just recently (July 11, 2014) that lower court's decision was unanimously reversed by the D.C. Circuit Court of Appeals.

The ruling in the Alpha court case in District Court for the Southern District of WV laid explicit blame on WVDEP for some of the confusion and ongoing violations of narrative water quality standards saying that "it is the very abdication of responsibility by the WVDEP which required the EPA to step in and conduct its own assessment of West Virginia's biological narrative water quality standard." (p 21)

And so the debate continues over how to identify in numeric terms levels of conductivity, total dissolved solids, sulfates – that toxic soup that impairs streams, so

**(More on the next page)**

# SPRUCE – WHAT HAPPENS NEXT ?

By Cindy Rank

That was the question editor McFerrin left us with at the end of his April 2014 *Highlands Voice* front page article and review of the seemingly unending back and forth in federal court about the Environmental Protection Agency's (EPA) authority to veto 404 Clean Water Act (CWA) permits. Mingo-Logan Coal and others had challenged EPA's authority to veto 404 permits after they have been issued by the Corps, and in particular EPA's authority to veto the Spruce #1 permit in Blair, WV.

John's review took us from the beginning of this controversy spurred by the 1998 *Bragg v Robertson* litigation by WV Highlands Conservancy and several individual citizens up to March 2014 when the U.S. Supreme Court denied the National Mining Association's request that the high court review the case

(<http://wvhighlands.org/Voice%20PDFs/VoiceApr14.pdf>).

In brief, the lower District Court agreed with Mingo-Logan's assertion that EPA had overreached and had acted beyond its statutory authority in vetoing the Spruce #1 after the Corps issued the 404 CWA permit. .... Then on appeal to the DC Circuit a three judge panel overturned that lower court ruling and said no, EPA acted within its authority under the CWA, and that EPA can act "whenever" it makes the necessary determination, including after a permit is issued. The second part of Mingo-Logan's challenge was sent back to the lower court to decide the merits of the Spruce # 1 veto, i.e. to decide if EPA had made the necessary determination and that the specific Spruce veto was justified.

On July 30, 2014 this long and winding road continued on to the next phase when the lower court (DC District Court) heard oral arguments about the merits of the Spruce veto. During the three hour hearing Mingo-Logan and the Department of Justice for EPA argued their respective positions. Earthjustice and Appalmad lawyers were on hand to once again offer brief comments in support of EPA's position as they had done on behalf of a large coalition of groups including WVHC in our earlier friend of the court brief.

So the question still remains – WHAT HAPPENS NEXT ?

..... Stay tuned for details of the court ruling on the merits of the Spruce veto.

*Personal note:* It is an amazing challenge to cut a clear path through the maze of interconnected environmental laws and regulations that have become totally mind-boggling mostly as a result of years of pressure from industry tweaking and poking at what are pretty clear mandates to protect and preserve our waters, land, air, and human health. I've said it before and I'll say it many more times I'm sure, we are ever so fortunate to have public interest lawyers willing to represent us in our battles to protect our state waters from the incessant and persistent pressure from polluting coal mine discharges. Our thanks to all the legal beagles on the team.

## FEDERAL COURTS BACK CLEAN STREAMS (Continued from previous page)

that a protective and enforceable numeric limit might be inserted in permits.

In related matters and further complicating these issues, the WV Legislature in 2012 passed SB615 in an attempt to create a new version of a "permit shield". SB615 states that it is West Virginia's policy that compliance with a permit equals compliance with the state and federal clean water acts. Period.

Despite an August 22, 2013 court ruling that outlined why SB615 doesn't shield industry as it had hoped, and using the ill advised SB 615 as a crutch, WVDEP has recently proposed to weaken WV/NPDES regulations for Coal Mining Facilities by deleting the very sentence that unequivocally relates to narrative standards. The sentence WVDEP wants to delete reads "The discharge or discharges covered by a WV/NPDES permit are to be of such quality so as not to cause violation of applicable water quality standards..."

Sigh.

### RELATED COURT ACTION

To end on a more upbeat note, on July 22, 2014 the U.S. District Court for the Southern District of West Virginia ruled that Alex Energy violated key water quality protections at its Hardway Branch surface mining complex in Nicholas County, West Virginia. The case, brought by the Appalachian Mountain Advocates on behalf of West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition, and Sierra Club was first filed in July of 2013. The groups successfully argued that selenium pollution from the surface mining complex violates both the Clean Water Act and Surface Mining

Control and Reclamation Act even though the mine's discharge permit does not include specific numeric limits on that pollutant.

Also notable is an upcoming trial where our legal team will once again go to bat over violations of narrative water quality standards – this time by FOLA Coal Company and discharges of conductivity and sulfates into Stillhouse Branch of Twentymile Creek of the Gauley.

As always, stay tuned.....

### ***Leave a Legacy of hope for the future***

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

# BOARD HIGHLIGHTS

By Cindy Rank

For the summer quarterly Board meeting we returned to the welcoming environs of the Old Hemlock Foundation and its resident caretakers and gracious hosts LeJay and Helen Ann Graffious.

Bob Marshall distributed and reviewed the **treasurer's report** for the second quarter of 2014. Financials were "about as expected", though the amount of 'undecided funds' is much lower than usual and there was some discussion about how that might play out over the next quarter.

For the **Voice Editor's report**, and speaking on behalf of vacationing Voice Editor, those in attendance announced in unison that deadline for the August issue is July 30<sup>th</sup> and that John would always like to have more stories.

Beth Little presented a **membership** report and reported on the growing numbers of folks choosing to receive the email version of *the Highlands Voice*.

**Webmaster report.** Jim Solley and Jackie Burns' personal situations are such that the web site has been lacking the expert attention that it needs, though Beth noted that the Voice was posted promptly last month. Jim Van Gundy reiterated his willingness to give a hand to Jackie as she works her way into tending the site and was encouraged to contact Jackie.

## ISSUE REPORTS:

### Extractive Industries.

**Coal:** Cindy Rank reported on the current controversy over the Leer Mine in Taylor County and a proposed air shaft originally proposed for a location that was only hundreds of feet from the Tygart Lake State Park boundary and near the lake and a resort area with a hundred or so permanent campers. Proper ventilation is an absolute necessity for the safety of the miners underground, but the question is where to put it so that it protects the miners while also impacting the communities above ground as little as possible. The earlier hearing Tuesday, April 29 drew a crowd that packed to overflowing the Paradise Cove Community Center and led West Virginia Department of Environmental Protection to insist and the company to agree to move the shaft further away from the park. Cindy reported on a site visit and a second public hearing on the new location on July 21<sup>st</sup> and 22<sup>nd</sup>.

Cindy also highlighted recent favorable **court decisions** that 1) validated EPA's efforts to establish Guidance for regulatory agencies when considering what levels of conductivity and total dissolved solids in mine discharges negatively impact streams (D.C. District Court of appeals), 2) affirmed industry's legal responsibility for maintaining the water quality of receiving streams when specific numeric permit limits prove to be insufficient – (re: Alex Energy in the Twentymile drainage of the Gauley River and Elk Run in Laurel Run of the Big Coal watershed re: selenium, narrative standards, ionic stress and harm to aquatic life, conductivity) (Federal District Court for the Southern District of West Virginia...)

She also spoke about the response of WV DEP and our state legislature to these court decisions; a new peer reviewed Fish Study that determines fish communities are being harmed downstream of Mountaintop Removal valley fills; the ill advised KD surface mine encroaching on Kanawha State Forest near Charleston; additional talks about settlement agreements; and possible resolution of the complaint filed in late 2013 against Allegheny Power for offending water discharges at three of their power plants along the Ohio River. --- All topics which either have been or will be revisited in articles for the Voice.

All of this ran the meeting up to 11:30, about the time our guest speaker, Lynn Cameron was scheduled to take us on a power point trip to Shenandoah Mountain and an update on the proposed **National Scenic Area the Friends of Shenandoah Mountain** are working on.

We broke for a scrumptious lunch provided by Helen and LeJay.

**Gas:** We then reconvened to discuss the hot topic of the proposal by Dominion Resources for a 450 mile long 42 inch gas transmission pipeline to carry gas from its storage field in Lewis County, WV through Upshur and Randolph Counties, through the Mon Forest and up and over the very Shenandoah Mountain area Lynn Cameron talked about and on through Virginia to North Carolina and its final terminus in southern North Carolina. Beth Little reported on some of the meeting she participated in with the Forest Service, WV Department of Natural Resources, U.S. Fish & Wildlife Service and others. She will be keeping us informed about another meeting on the Dominion line in the near future and reminded us that there are also two other 42" pipelines being planned (EQT and SPECTRA) that will also come through West Virginia. These pipelines have been the topic of Voice articles in past issues and more will be forthcoming as planning and discussions continue.

Beth also brought up the topic of geothermal and just wanted the Board to be aware of how much is presumably available under Randolph and Tucker Counties.

In **outreach**, Cindy Ellis reported that we continue to have a presence on Facebook and on Twitter, mentioned Julian Martin's continuing eco-tours to Kayford Mountain with groups of students and other interested folks, and reminded people about the donation and drawing for the Mark Blumenstein sculpture.

In matters **legislative**, Frank Young reported that the WV environmental Council (WVEC) is beginning to develop legislative strategies and priorities of issues for this coming legislative session. Among the issues suggested by the WVHC Board members present are siting guidance/regulation for wind facilities, regulating the disposal of shale gas drill cuttings, water and mining regulations proposed by WV DEP, etc. Frank encouraged members of the board to email him with further input.

After a discussion about funding for **Interim lobby** efforts we decided to again send \$3,000 to West Virginia Environmental Council for interim lobby efforts this year, but with the caveat that there is no guarantee WVHC will repeat that support in 2015. WVHC will revisit the question next year.

Mining next to Kanawha State Forest and the proposed Dominion gas pipeline through the Mon Forest were already discussed and there was nothing further on **public lands**.

In matters of **wind**, Wayne presented a report that Larry Thomas had prepared and promised to circulate the report and attachments to the Board via the listserve. Wayne also reported that the Allegheny Highlands Alliance (AHA) continues to promote energy conservation and to conduct research into wind power and hopes to have a White Paper to present sometime later in the year.

Hugh Rogers reported that it's the same old same old in **highways** as far as Corridor H is concerned. Planners are in final design stage on one relatively non-controversial segment (and the



**SAVE THE DATE: OCTOBER 3-4, 2014****WELLNESS AND WATER III**

For the third year the West Virginia Highlands Conservancy is working with a coalition of West Virginians to gather people concerned about health issues in communities adversely affected by water pollution.... to share their experiences and explore solutions.

The first year in Morgantown and the second in Buckhannon both focused on impacts from shale gas drilling and mountaintop removal coal mining.

This year we meet in Charleston and include a third source of pollution that has been on the minds of many since the MCHM chemical leak in January that contaminated drinking water for some 300,000 people in the WV American Water distribution area.

Friday evening the 3<sup>rd</sup>: concert and socializing ... workshops Saturday 4<sup>th</sup>

Featured speakers:

**Dr. Rahul Gupta** -- Executive Director/Health Officer, Kanawha/Charleston Health Department – central figure in the MCHM discussions and studies

.... AND not one but two North America Goldman Prize Winners:

2014 Goldman Prize Winner: **Helen Slottje** -- helping towns across New York defend themselves from oil and gas companies by passing local bans on fracking.

2009 Goldman Prize Winner: **Maria Gunnoe** – organizing, educating and leading the opposition to Mountaintop Removal coal mining.

And other informed and informative panelists to spur discussions throughout the day.

----- **MORE TO COME IN THE SEPTEMBER VOICE** -----

**MORE BOARD HIGHLIGHTS (Continued from previous page)**

discovery of the Whorled Pogonia did cause an alteration in the survey), but on the hotly contested Parsons to Davis segment there is no action in spite of rumors and PR to the contrary.

President Cindy E listed several items in her **president's report**. – She appointed LeJay, Wayne and Cindy Rank to serve as the Nominating Committee for the Fall Annual Meeting and encouraged others to send along names of any prospects. Member and veteran hiker Lois Ludwig has completed a compilation, "Hiking Opportunities in West Virginia"; the data will be shared with the state department of tourism. Dave Elkinton is writing a piece for the Voice about Fred Anderson, who died recently. Fred was one of the founding members of WVHC. She also mentioned a growing number of hydro proposals at Army Corps dams across the state, asked about guide maps that are available from the website and how they compare to the ones in the Hiking Guide, and said she was working with T-Graphics to possibly include WV-made T-shirts in their repertoire.

President Ellis then presented LeJay with a hospitality gift, a small candle holder in a pattern similar to others in the heritage house on the grounds of Old Hemlock. (LeJay and Helen Ann led a tour of the grand log heritage house after the meeting concluded.)

President Ellis also performed her now famous mystery **Door Prize** drawing, but first asked what Preston County was known for. Despite one negative nod to Acid Mine Drainage and red streams, the majority of those present recognized the more positive reputation surrounding Buckwheat and the famous Preston County Buckwheat Festival. Beth Little won the draw and went home with a sack of Buckwheat flour quite content to be leaving the orange streams for others to tend.

In honor of former board member Julian Martin, who usually did the honors, Hugh moved we adjourn. Bob seconded the motion. The motion passed.

## BOARD LEARNS ABOUT A NEW (WE HOPE) SCENIC AREA FOR SHENANDOAH MOUNTAIN

For its lunchtime edification and entertainment, the Board welcomed Lynn Cameron of the Friends of Shenandoah Mountain. She did a power point presentation on the proposal that Shenandoah Mountain be designated a National Scenic Area.

The Friends of Shenandoah Mountain has proposed that land on Shenandoah Mountain in Virginia between Rt. 250 and Rt. 33 be designated a National Scenic Area. The West Virginia Highlands Conservancy has previously endorsed the proposal; the



endorsement is listed on the Friends of Shenandoah Mountain web site. The proposed National Scenic Area would imbed four Wilderness Areas: Skidmore Fork, Little River, Lynn Hollow, and Bald Ridge Addition to Ramseys Draft Wilderness.

The proposal calls a new National Scenic Area in the George Washington National Forest. It would be the Shenandoah Mountain National Scenic Area, a 90,000-acre scenic area located in Augusta, Rockingham, and Highland Counties. It would be between Rt. 33 and Rt. 250, in the North River Ranger District of the George Washington National Forest.

The proposed National Scenic Area would not include any private lands. Current roads would remain open for access. It would remain open to mountain biking. Designating it as a National Scenic Area would help protect the It would protect the Cow Knob Salamander and the Shenandoah Salamander. The site is featured on the Nature Conservancy's "Biodiversity Hot Spots" map.

A National Scenic Area is a federally designated area of outstanding natural and scenic value that receives a level of protection that is less stringent than wilderness designation. Scenic areas are typically occupied or used in some manner by people and either cannot be considered for wilderness designation, or are seen as suitable for a wider range of uses than those permitted under wilderness designation.

Designation as a National Scenic Area would protect the area from leasing for gas production. Designation would require an act of Congress.

Shenandoah Mountain offers some of the most spectacular scenery in Virginia. The undulating ridgeline serves as a backdrop for the Shenandoah Valley, enjoyed daily by those of us fortunate enough to live in the Valley and those who pass through on Interstate 81 alike. When we see a storm coming or a glorious sunset, we look toward Shenandoah Mountain. Those who venture to Reddish

Knob are inspired by the panoramic view of the surrounding area. Shenandoah Mountain is more than a beautiful mountain; it is part of our culture and history. Protecting its beauty should be our generation's legacy to our children and grandchildren.

The 90,000-acre section of Shenandoah Mountain that lies in Virginia between Rt. 250 and Rt. 33 knits together one of the most significant concentrations of roadless wildlands in the Southern Appalachians. It includes the 6,519-acre Ramseys Draft Wilderness and seven areas identified in Virginia Mountain Treasures: The Unprotected Wildlands of the George Washington National Forest (The Wilderness Society, 2008). The Shenandoah Mountain area between Rt. 250 and Rt. 33 includes 10 named peaks that rise above 4,000 feet. The highest point is Reddish Knob which offers a 360-degree panoramic view of surrounding mountain valleys.

Shenandoah Mountain's eastern flank forms a major drainage divide for the headwaters of two major rivers, the Potomac to the north and the James to the south, both of which flow into the Chesapeake Bay. The North River and its tributaries drain most of the Shenandoah Mountain area, flowing into the Shenandoah River and on to the Potomac River. Ramseys Draft, Shaws Fork, and the Calfpasture flow from the southern end to the James River. Several streams in the Shenandoah Mountain area support native trout populations.

Perennial springs high on the mountains give rise to numerous pure streams, such as Skidmore Fork, North River, Black Run, Gum Run, Maple Springs Run, Little River, Hone Quarry Run, Briery Branch, Shaws Fork, Calfpasture River, and Ramseys Draft. These streams support aquatic life and provide abundant clean drinking water for municipalities in the Shenandoah Valley, including Harrisonburg, Staunton, and Bridgewater. Some of these mountain streams are dammed for municipal water supply, flood control, and recreation.

The value of these streams and reservoirs will increase as the population grows and clean water becomes more scarce. National Scenic Area designation would provide permanent protection of these critical watersheds. Reservoirs and lakes would continue to be maintained.

Friends of Shenandoah Mountain is a working coalition of local citizens, businesses, faith groups, wilderness advocates, mountain bikers, hikers, hunters, and other forest users who are working to protect the wild heritage of Shenandoah Mountain for future generations.



**High Knob Fire Tower**



# USGS HALTS RESEARCH ON MOUNTAINTOP REMOVAL'S PUBLIC-HEALTH EFFECTS

By Ken Ward Jr.,

Two years ago, Bill Orem and his team of researchers were setting up air monitors in the yards and on the porches of residents in Artie, a small Raleigh County community surrounded by mountaintop removal mines.

Orem, a chemist with the U.S. Geological Survey, was trying to piece together evidence about exactly what caused residents who live near Southern West Virginia's large-scale mining operations to face increased risks of serious illnesses, including birth defects and cancer, and of premature death.

Since starting their work, Orem's team has added much to what was already known about the issue: Air quality in communities near mountaintop removal is quite different from air quality in non-mining areas, with more particulate matter and higher concentrations of certain contaminants. Mountaintop removal neighbors have higher rates of certain respiratory diseases, including lung cancer. Also, air pollution particles in mining communities show higher levels of certain elements that indicate the dust is coming from "overburden," or the rock that mountaintop removal operators blast apart to get at the coal underneath.

"The data is pretty startling for some of these things," Orem said last week. "To me, it's compelling enough that a more targeted health study needs to be conducted in these areas."

However, if that more in-depth study is going to ever be done, it won't be by Orem and his USGS team. Last year, the Obama administration quietly put the brakes on any new field work to gather data on the potential public-health threats posed by mountaintop removal.

Without warning, the USGS Energy Resources Program in February 2013 pulled its funding for the project. Agency managers diverted Orem and his team to research on the health and environmental effects of unconventional oil and gas extraction, such as hydraulic fracturing in the Marcellus Shale region of Pennsylvania and Northern West Virginia.

Douglas Duncan, interim director of the USGS Energy Resources Program, noted that natural gas plays a key role in President Obama's "all of the above" energy strategy, and that research on hydraulic fracturing, or "fracking," became an important administration priority as part of that strategy.

"We are always having to make tough decisions," Duncan said. "There are lots and lots of worthy research projects."

So, while the Obama administration pushes to increase the nation's natural gas production in the hopes of reducing greenhouse

gas pollution from the energy sector, the government-wide focus on increased drilling has the somewhat ironic effect of curbing official research into the potential public-health effects of strip mining for coal in Appalachia.

Other researchers say the move by the USGS was more complicated and was, at least partly, the result of the coal industry's vocal reaction to studies that suggested mountaintop removal might be harming not just bugs and salamanders, but also people.

"I personally believe they were shut off for political purposes," said Michael Hendryx, a former West Virginia University researcher whose more than two-dozen papers on mountaintop removal's impact prompted the USGS investigation in the first place.

And while research on natural gas drilling's environmental and health effects also undoubtedly will be controversial, that practice is carried out more broadly — in multiple states across the country, meaning that more researchers are interested and more funding is available for such work. Studies of mountaintop removal's health effects have been fewer, and are conducted by a smaller group of scientists. Much of the work was done by Hendryx or by researchers partnering with him or building on his efforts.

As more research continued to be published by Hendryx and his partners, coal companies, including Alpha Natural Resources, Arch Coal and Patriot Coal, created a \$15 million research effort based at Virginia Tech to respond to the public health studies. Industry lawyers have tried to keep the studies out of court cases over new mining permits, and coal company public relations officials have dismissed the findings.

Elected officials in West Virginia have generally ignored the growing body of studies showing health risks of living near mountaintop removal, but citizen activists have convinced lawmakers from other states to introduce legislation aimed at blocking new mining permits until further studies can show the practice is safe.

Coal River Valley resident Bo Webb, a leader of the Appalachian Health Emergency campaign, said it was "extremely disappointing to see funding for this much-needed research being diverted to fracking."

"While fracking research is clearly an issue of need, it is already being addressed by scientists from all over the U.S.," Webb said Friday. "On the other hand, mountaintop removal is being studied by only a handful of scientists operating on meager budgets. Our elected officials should be doing everything in their

power to see to it that USGS scientists continue to focus on mountaintop removal."

Before their funding was pulled, Orem's team completed several presentations for scientific conferences. They have one paper undergoing review by a journal and a second one going through internal USGS review, Orem said.

The USGS has not stopped all research on mountaintop removal.

Last month, a team led by biologist Than Hitt published a study that found that Appalachian streams affected by mountaintop removal can have fewer than half as many fish species and a third as many total fish as other waterways in the region.

"Our results indicate that headwater mining may be limiting fish communities by restricting the prey base available for fish," Hitt said. "For instance, fish species with specialized diets of stream insects were more likely to be lost from the streams over time than fish species with more diverse diets."

That study, though, was conducted by a different section of the USGS, and it wasn't focused on human health. Still, Hitt's paper, published in the peer-reviewed journal *Freshwater Science*, added to the growing body of scientific literature outlining the serious environmental impact of mountaintop removal.

Earlier this month, U.S. Environmental Protection Agency scientists Greg Pond and Margaret Passmore published a study reporting that "sustained biological impacts" of mountaintop removal could be found in creeks downstream from valley fills that were "reclaimed" up to 30 years ago.

The study, published in the journal *Environmental Management*, said that while the valley fills examined were built pursuant to permits issued under the strip-mining law and the Clean Water Act — which require mined land to be reclaimed to its original or higher use and mandate that mining not cause or contribute to water-quality violations — Pond and Passmore's team found "sustained ecological damage in headwaters streams draining" valley fills "long after reclamation was completed."

**Note: This article originally appeared in *The Charleston Gazette*.**

# PIPELINE COULD TRAVEL THROUGH THE MONONGAHELA

By Megan Moriarty

According to a map issued by Dominion Resources, a natural gas pipeline could travel through the middle of the Monongahela National Forest. The Monongahela, a vast expanse of land in the Allegheny Mountains of West Virginia, is home to a wide array of natural resources. Kate Goodrich-Arling is the Staff Officer for Land, Planning, and Public and Legislative Affairs. “We’re blessed on the Monongahela with a tremendously diverse ecosystem,” she said, “with a very large number of threatened or endangered species and what we call sensitive species.”

According to Goodrich-Arling, the forest service first heard about Dominion’s Southeast Reliability Project through the media. Since then, they have had two meetings with Dominion representatives to learn more about this proposed 450-mile pipeline that would transport natural gas from West Virginia to North Carolina. The most recent meeting took place at the beginning of July.

“We talked with the company about what some of the management prescriptions under our forest plan are that they would be crossing if they crossed this country, and what those management prescriptions meant,” Goodrich-Arling said. “They asked us to start gathering resource information: wildlife information, soils information, aquatics, all of those different resources. They use a contractor, a company called Natural Resources Group (NRG), who actually does their environmental analysis for them. So we will be supplying those pieces of information to NRG, not directly to Dominion.”

The forest plan is a living document that provides guidance on how to approach different parts of the land. Goodrich-Arling compared the plan to a patchwork quilt, with collections of different management prescriptions scattered across the wilderness. “We have seen the maps that show a very wide swath across the belt of the Monongahela as being the general area that Dominion is initially looking at. This area crosses several management prescriptions, and those management prescriptions were developed 25 years ago for the most part. They were developed with a tremendous amount of public involvement, and generally continued in the same management pattern in our current land management plan.”

One of those areas is managed primarily for high elevation

red spruce. “At one point in time, there was a much larger red spruce component to the forests around here, but red spruce was cut pretty heavily,” Goodrich-Arling said. “It’s a high elevation species here, and the ridges in the Monongahela, like all of the Appalachian area here, run primarily northeast to southwest. So the ridge tops, which is the primary habitat for red spruce, also go in a sort of northeast southwest pattern with valleys in between them. So any type of pipeline that’s proposed across basically east to west or west to east goes through high elevation red spruce.”

“We care about that because we’re trying to recreate or reconnect isolated patches of red spruce. When you have any kind of a project that’s proposed to create an opening that’s going go over these ridges somehow, it has the potential to hit quite a few of these populations.”

The forest service plans to submit resource information to NRG within the next several weeks. At the same time, they’re cautious about giving piecemeal information, because the pipeline could change its route to avoid one resource, only to find itself in the middle of another. “There’s historic sites potentially along this route,” Goodrich-Arling said. “There’s a mixture of recreational opportunities, trails, remote camping opportunities, so it’s not just wildlife. It’s the whole range of all of those resources.”

“And water of course. We have the headwaters of seven major river systems on the Monongahela. Something like 90% of the reproducing trout waters in the state of West Virginia are on the Monongahela, and much of the clean drinking water downstream comes off national forest.”

Goodrich-Arling explained that all national forests east of the Mississippi were initially developed to protect the headwaters of navigable rivers. Since then, the purpose of the land has continued to grow. “The classic litany is wood, water, wildlife, recreation, grazing, and minerals,” she said. “And the idea is to have a long-term sustainable forest that can continue into the future, providing the resources that it currently does.”

**Note: This article originally aired on Allegheny Mountain Radio.**

## PIPELINE INFORMATIONAL MEETING

The First Public Meeting on PROPOSED PIPELINES will be at 6PM on Thursday, August 7, 2014 at the Durbin Fire Hall in Pocahontas County, WV located at 1st St and 4th Avenue. It is sponsored by WV Wilderness Lovers and the Wetzel County Action Group

The program focuses on the known facts of human health dangers and public safety hazards involved with pipeline construction and operation.

There will be displays of aerial views of Compressor Stations, Liquid Separators that would be located every 10-40 miles and Valve Meter Stations every 2-5 miles, along the route through the Monongahela National Forest, parallel to the meeting location off of Rt 250.

For more information contact the Facebook Cause Page [“WV Wilderness Lovers vs Proposed Pipelines”](#) and the Google+ Blog [“FERC-101”](#) at “Love Wilderness”.

This will not be a formal public meeting; no Dominion representatives will be present. It is just a chance to learn and discuss.

## ....AND JUST ONE MORE THING

The proposed pipeline would run across Shenandoah Mountain that is the subject of the story on page 10 of this issue.



# GROUPS LOOKING FOR FOREST SERVICE PLANS ON PROPOSED PIPELINE

By Beth Little

As reported previously (*The Highlands Voice*, June, 2014; July, 2014), Dominion Resources is planning a \$4 billion interstate natural gas pipeline that would run from central West Virginia to power plants in North Carolina. On the way it would pass through parts of the George Washington National Forest and the Monongahela National Forest.

In late July representatives of the West Virginia Highlands Conservancy, the West Virginia Sierra Club, Friends of Blackwater, and Highlanders for Responsible Development met with Forest Service staff. The purpose of the meeting was to determine the process the Forest Service would follow in response to the request for a right of way through the Monongahela National Forest for the pipeline, the status of the process, and what opportunities there would be for public input.

Group representatives who attended expressed the opinion that there will be dramatic possible impacts to the Monongahela National Forest. Because of the sensitive areas and wildlife species, very steep slopes, and several significant waterways, early public comments are critical to an appropriate outcome. In fact, the very idea of crossing the highlands seems so likely to encounter severe environmental problems that there is a question whether Dominion knows what it is getting into. There has been some indication from comments by Dominion and NRG (Natural Resources Group – the contractor for environmental studies) that the decision was based on the idea that public lands would be easier than private lands to navigate, without any real understanding of the nature of the highlands. The Dominion PR people are just charged with selling the proposal; the project people just want to get it built. Those at Dominion who may be most sensitive to the severity of possible environmental problems would be higher in the corporation.

As part of allowing the project to go ahead on the Forest, the Forest Service would request mitigation both onsite and offsite. For example, in exchange for the spruce habitat that would be lost to the pipeline the Forest Service would request that Dominion pay for an extension of spruce habitat restoration elsewhere. This would be expensive, adding to the cost of the pipeline project.

There is also the likelihood of a legal challenge, which could tie the project up for years. Some examples were described.

The Dominion pipeline is being proposed at all because Duke Energy had previously made a request for proposals for a pipeline to supply gas to its power plants, supposedly so it can switch from coal to gas. The Dominion pipeline is one of three (Spectra and EQT are the others), and possibly four proposals being explored in response to this request for proposal. The three proposals would be

in competition with each other. Because Duke Energy has at least three proposals to choose from, it may also be interested in hearing about the possible costs and length of time for the Dominion project. Because submitting proposals (in response to Duke Energy's request) is a competitive process with a deadline for submission, the proposals will almost certainly be submitted before there are any environmental studies in the National Forests.

Forest Service staff reported that environmental studies in the Mon have not started. Dominion is trying to come up with a 300' corridor as soon as possible in which to conduct the studies. The environmental studies will probably involve a special use permit, depending on what is involved. The group representatives requested an opportunity to provide public input into the special use permits. It was not clear what the Forest Service response to this would be, because the other suggestions for providing input at the Dominion corporate level and Duke Energy surfaced.

The formal NEPA process won't begin until Dominion has filed an application with Federal Energy Regulatory Commission, and FERC conducts either an Environmental Assessment (EA) or Environmental Impact Study (EIS). This is much further down the road and too late to demonstrate to Dominion that they

may be well advised to save themselves a lot of time and money.

Because both would be affected by the pipeline, the question was raised of how coordination between the George Washington and Monongahela National Forests would work. Someone had heard that there would be one decision for both forests, but another source indicated that one of the forests would take the lead. There was unanimous agreement that it would be best for the George Washington to take the lead. Mon staff indicated that they would contact the George Washington.

Information was relayed from Bill Hughes of the Solid Waste Authority in Wetzel Co about how the pipeline workers were the worst examples of disregard for the environment. They are more transient than the well workers and don't seem to care what kind of a mess they leave. The most negative impacts of the pipeline are likely to be to water quality because of heavy equipment on the steep slopes. Concern was expressed about the fact that the WV DEP would be responsible for regulation of water quality, for which they have a very poor record.



**Because there has been no construction on the proposed Dominion pipeline, this picture could not possibly show disturbance in the Monongahela National Forest. It is from somewhere in Wetzel County and demonstrates the perils of construction on steep slopes. Photo courtesy of Ed Wade.**

## Join Now !!!

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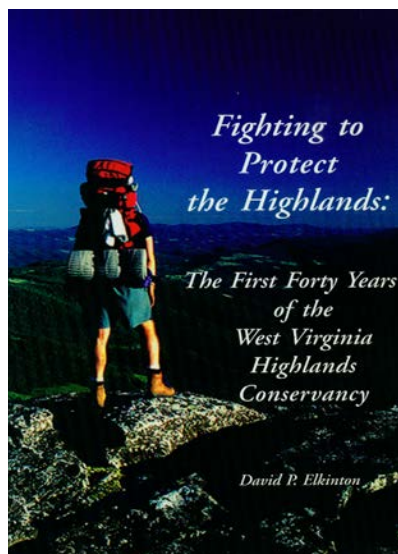
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Introductory			
Other	\$ 15		
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Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

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

### GREAT HISTORY BOOK NOW AVAILABLE



For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also

read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press To order your copy for \$14.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

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### VOICE AVAILABLE ELECTRONICALLY

The Highlands Voice is now available for electronic delivery. You may, of course, continue to receive the paper copy. Unless you request otherwise, you will continue to receive it in paper form. If, however, you would prefer to receive it electronically instead of the paper copy please contact Beth Little at blittle@citynet.net. With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived. The electronic Voice is in color rather than in black and white as the paper version is.

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

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



# LEER TO LIGHTEN THE LOAD – we hope

By Cindy Rank

As reported in the June 2014 issue of *The Highlands Voice*, an outpouring of objections to the bleeder shaft location first proposed for the Arch/ICG Tygart Leer Mine next to Tygart Lake State Park led to the company withdrawing its application for Incidental Boundary Revision (IBR) # 7.

ICG subsequently submitted a new application for the Air/Methane bleeder shaft to be located higher on the ridge and further from the Park, Park Lodge, Lake, and Camper Resort near the park boundary. (IBR # 9)

The higher elevation will make the shaft a couple hundred feet longer and thus require extended drilling time, but the drilling will be done using the raise bore method which requires an 18 inch pilot hole be drilled from the surface down to the depth of the mine floor. Then the actual cutting is done by drilling upwards to the surface and leaving the cuttings in the hole and in the mine workings rather than on the surface where they would have to be stored in a pit of some sort.

A portion of the ridge will have to be flattened to accommodate the drill and a pad approximately 50 feet wide by 100 feet long will have to be created by excavating down to bedrock, an estimated 10 feet. Dirt and rock from the excavation will be stockpiled at a location along the access road until the mining is done, the fan and shaft are no longer needed and the site is reclaimed.

Site preparation is predicted to take a one or two months, then the actual shaft and fan installation another 6-7 months.

The company contracted for a study of possible noise reducing efforts that could be undertaken to lessen the impact of the 10-10.5 foot diameter shaft and centrifugal fan (81' to 87" in diameter), rated at 800 HP, 880 rpm and 250,000 cfm. The permit application includes this study and indicates a commitment to use some or all or similar applications in the shaft construction. E.g. "The fan will utilize a combination of available technologies to minimize fan noise including a fan silencer installed between the fan and an upcast exhaust tube to direct the air and fan noise upward. ...the motor for the fan will be installed in an insulated sound dampening structure. The fan housing will be covered with a rock wool which will be covered with additional sound dampening foam material. "

Runoff due to rain events will be directed off the pad site to the opposite side

of the ridge from Tygart Lake, high at the head of a tributary to Three Forks Creek.

It remains to be seen just how effective these paper promises will pan out to be, but we can only hope the new location is a bit less a disturbance than the original site.

## **Site Visit Monday July 21**

I accompanied a couple of local residents on a site visit with representatives of WVDEP and the company Monday July 21st. A slippery slog through a muddy access road from Woodyard Road to the site of the test hole that had been drilled the week or so before revealed minimum disturbance of the area which, if this IBR is approved, will soon see a 30 foot wide access road cut through the woods to what will be the fairly large open area created for the pad.

It is hoped that in addition to the sound dampening measures installed with the shaft and fan, the natural barrier of trees will reduce visibility and function as a bit of a sound barrier, though winter months will not provide much help along those lines. But, the company does plan on planting additional 5-6 year old evergreen trees around the perimeter of the fan site facilities if and where space allows.

Unfortunately coal isn't the only industry making a claim on this Taylor County area. A gas drilling company is also already surveying right of ways for cutting a wide swath of trees for a water line midway down the hill from the shaft site toward the Lake so there's no telling what that might do to the native trees portion of any sound and sight barrier, even in the summer.

## **Informal Conference Tuesday July 22<sup>nd</sup>**

The Informal conference/public hearing on IBR # 9 brought out a crowd maybe half the size of the first hearing on the originally proposed site and the mood was a bit less combative.

The location change has quelled some fears, but concerns remain:

- It is yet to be seen if all the plans and promises in the application will be fully realized or truly effective.
- The new location may be farther from the park and lake, and the accommodations being made to dampen the sound may alleviate some of the impact to occupants of the campground and lodge, but the sound and light may now create a nuisance for some residents on the other side of the ridge – along Woodyard and Knottsville roads.
- And questions remain about methane.

Considerations about methane are focused on safety in terms of potential for explosion and safety of the miners underground. But residents continue to be concerned about the possible health impacts of methane at even lower levels than are expected to be released through the bleeder shaft, and the potential for weather patterns and the geography of the Lake area to result in a "methane fog" that may well settle over the lake.

Members of TEAM have also suggested the following:

- Additional Methane capture devices should be required that would decrease the Methane release into the air.
- Additional studies that require further proof and studies on the health effects on the local citizens, visitors and children recreating in the park and the Lakeside Resort Campground.
- Plan for the dangers of a potential life threatening disaster of Methane bolus release and/or explosions at the shaft site, by maintaining continuous monitoring with alarms in the direct location of the bleeder shaft to promote safety.
- Review and consider the "Factor of Safety" in the area of the direct location of the proposed bleeder shaft as a potential area of "blow out" for the current long wall proposal. This area was of concern to begin within the initial Mine permit. Adding additional shafts will further weaken and fracture the geological structure and cause increased risk of a perpetual water contaminant to the area from the underground mine.

## **Silver Lining**

On the bright side of things, if the measures employed by ICG to mitigate the offensive effects of noise and light at this shaft do indeed work well, then there will be good reason to duplicate the effort at future bleeder shafts needed at Leer as the mine progresses – and good reason to lobby for similar measures to be employed at other underground mines elsewhere as well.



## CYNTHIA D. FIISHES UP (Continued from p. 2)

Syndrome. In Pennsylvania, farmer Terry Greenwood died of brain tumors, which is only listed here because that courageous person, who spoke out about the poisonous fracking pollution near his home, helped ignite more studies and more activism.

Here in West Virginia, as one political candidate after another races to place greater distance from themselves and environmental stewardship, the Mountain Party is fielding more candidates than ever and so offering more choice.

Challenges remain. Some friends are no longer here...as in the case of someone important in our group's beginnings---Fred Anderson. Which makes us mindful that of our first five presidents, we do have two surviving---Joe Rieffenberger and Dave Elkinton.

So, we can savor the bits of good news...and enjoy the season...the Bouncing Bet is blooming along the roadside. And we can be glad for hardworking friends.

### GET YOUR SCULPTURE TICKETS NOW!!!

We are having a donation drawing of the sculpture by Mark Blumenstein entitled "Mountain Melody: Phoenix Duet." (Picture on this page). Tickets are \$3 each; 2 for \$5. The drawing will be held on Sunday, October 19, 2014. The piece is 31" tall, 21" wide, and is on a base that is 12 1/2" in diameter. Tickets are available from any Board member.



## PLANS FOR PUBLICATION OF THE 9TH EDITION OF THE MONONGAHELA NATIONAL FOREST HIKING GUIDE

From September, 2012 to December, 2013 I have been researching, hiking or re-hiking some old trails and new trails, and visiting district offices in the Monongahela National Forest. The purpose is to prepare for publication of the 9<sup>th</sup> Edition of the Monongahela National Forest Hiking Guide in 2015.

Readers of *The Highlands Voice* can be of assistance in the new edition by submitting photographs made in the past two years. **I already have some photos but we could produce a better Guide if I had more photos.** Of particular need is a professional color photo for the front cover. It should be a photo not used in any past editions and should be either of outstanding scenery or hiking action. A stipend will be available.

Other assistance from past readers is to comment on changes they have noticed in trail conditions. My research shows only a few new trails, a few renewable trails from past closures, and a number of trails being considered by the forest service to drop. An example for closures in the Greenbrier District are South Branch Loop Trail, Grants Branch Trail, Middle Mountain Trail, Beulah Trail, Forks Trail, McCray Run Trail, County Line Trail, Little Mountain Trail, North Fork Deer Trail, Spring Box Loop Trail, and Strip Mine Trail.

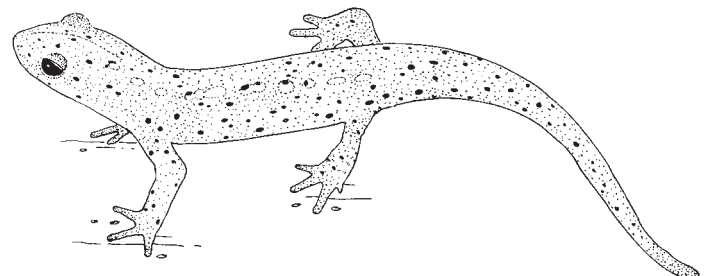
The forest service has also listed some trails as "in the grey" meaning more public involvement is needed before deciding what to do about closure. Examples in the Shavers Area are Stonecoal Ridge Trail, Whitmeadow Ridge Trail and Crouch Ridge Trail.

Among the new trails is the unique Honeycomb Rocks Trail on the Highland Scenic Highway in the Marlinton Ranger District.

For more information on plans for the 9th Edition and for selection of photos, please use addresses below:

Allen de Hart  
3585 US-401 South  
Louisburg, NC 27549

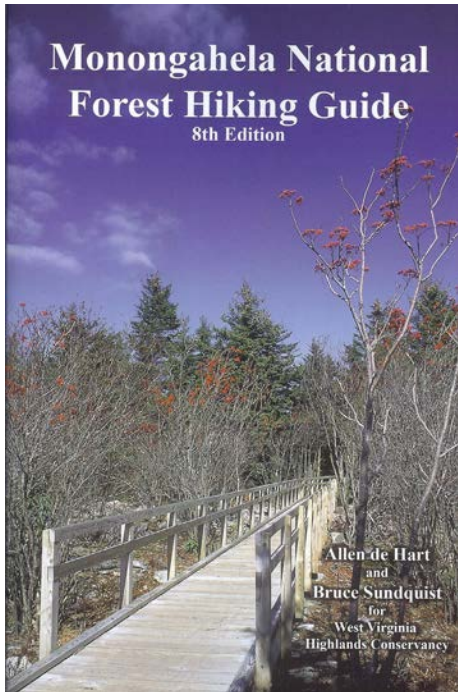
Tel: 919-496-4771  
email: [adh4771@aol.com](mailto:adh4771@aol.com)





# The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist



Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia=s highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

Send \$14.95 plus \$3.00 shipping to:  
West Virginia Highlands Conservancy  
P.O. Box 306  
Charleston, WV 25321  
OR  
Order from our website at  
[www.wvhighlands.org](http://www.wvhighlands.org)

## New 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
- Special Features not found in the printed version of the Hiking Guide: Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
- Trail mileages between waypoints have been added to the maps.
- ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more

Price: \$20.00 from the same address.

## BUMPER STICKERS

To get free **I ♥ Mountains** bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton Road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)

Also available are the new green-on-white oval **Friends of the Mountains** stickers. Let Julian know which (or both) you want.



# STRIP MINING NEAR KANAWHA STATE FOREST: A BAD IDEA

By James C. Waggy, one of the organizers of Kanawha Forest Coalition

On May 6, 2014, the WV Dept. of Environmental Protection (DEP) approved a permit to significantly expand a mountaintop removal (MTR) mining operation near Kanawha State Forest and the community of Loudendale. Under this permit, the deforestation, blasting, noisy machinery, and plumes of toxic dust will move continually closer to the Forest and Loudendale over the next ten years. The MTR operation will be close enough that the mining company, Keystone Global, has been given the right to close the Forest's shooting range road and adjacent hiking/biking trails during the frequent times when blasting occurs. Blast warning signs have already been posted at Forest trailheads.

A growing community of people is coming together under the name of the Kanawha Forest Coalition to appeal and oppose this permit. The Coalition includes residents of Loudendale, residents of other nearby communities such as South Hills and Mount Alpha, and people who use and appreciate the Forest.

There are two primary reasons for Kanawha Forest Coalition's opposition to this permit. First, this is a terrible location for conducting MTR mining. Kanawha State Forest (KSF) is a 9,300 acre tract of Appalachian Forest (which is arguably the finest temperate forest on Earth), located 5 miles from the state capitol building. This makes Kanawha State Forest a wonderful asset, a gem. Kanawha State Forest is exactly the kind of quality-of-life feature that helps us to attract and retain the highly educated, skilled young people who are critical to building modern, diverse economies. What message are we sending to these young people when they see one of our finest assets encircled with the ugliness and devastation of MTR mining? How is this consistent with our efforts to expand tourism and promote a more positive image of WV?

It also makes no sense to conduct MTR directly upstream of a Loudendale community that suffered devastating flooding just over 10 years ago. In addition, a growing body of evidence from peer-reviewed research is showing that people who live near MTR operations suffer significantly higher rates of disease and illness, as well as lowered life expectancies. This correlation holds true even after controlling for differences in income and lifestyles. One likely reason for these health impacts is repeated exposure to toxic fine dust particles, and these particles are carried by the wind well beyond the boundaries of mine sites. So why is our state government allowing an MTR operation in a location that will expose Charleston area residents to these elevated health risks?

The coal industry tries to keep such discussions focused on jobs and cheap electricity. But let's look more closely at the impact of the coal industry on WV, beginning with an analogy. In the Amazon Forest, both individuals and corporations have sought wealth by engaging in a practice commonly referred to as "slash and burn," where they cut down a section of the forest, burn the stumps and slash, and then farm or graze animals for 5 to 7 years, at which point the tropical soils are depleted of nutrients, creating a wasteland, and then the developers move on and do the same thing on more tracts of land.

We look at such self-destructive behavior and wonder what they can possibly be thinking. Yet, other than the fact that coal mines may last a little longer than the tropical farms, is there any real difference between this approach to economic development in the Amazon and the practices of the coal industry in WV? The reality is

that relying on coal is not an effective strategy for building healthy communities or a sustainable economy.

Sadly, the coal industry has been even more destructive than necessary. I've often wondered if there aren't at least a few reasonable, responsible executives in the coal industry who value and support rigorous, effective safety inspections and regulations, a few executives who are interested in mining coal while causing the least possible damage to the environment and to human communities. Yet if these executives exist, they choose to remain silent.

Instead of cooperating with regulators, community members, and environmentalists, the industry has chosen to use its political clout to resist a strong and effective system of oversight. This is why safety inspections are infrequent, regulations are inadequate, and enforcement consists of slaps on the wrist. It's why mines still explode more often than they should, miners still die from black lung, and the hard-won pensions and health benefits of miners are taken away from them. This is why thousands of miles of ecologically vital headwater streams are sterilized by acid runoff or buried under the rubble of valley fills. This is why our landscape is seeded with hundreds of toxic sludge impoundments that are disasters waiting to happen, either swiftly (Buffalo Creek, etc.) or slowly (leaching into groundwater). And this is why we are advised not to eat the fish from anywhere in WV because their bodies contain too much toxic mercury.

The citizens of WV deserve better than this. The second reason Kanawha Forest Coalition is opposing this mining operation is to send a loud and clear message to the coal industry and to our political leaders that the future of WV needs to be about more than protecting the profits of a single industry.

The full name of our organization is, Kanawha Forest Coalition: For a Healthy West Virginia. We seek to build a better WV that supports healthy bodies and minds; thriving, vibrant communities; a diverse, sustainable economy; and a truly representative political system.

To learn more, go to [KanawhaForestCoalition@gmail.com](mailto:KanawhaForestCoalition@gmail.com) or [www.facebook.com/kanawhaforestcoaliton](http://www.facebook.com/kanawhaforestcoaliton)

**Note: This was written in early July. For an update, see the story on the facing page.**





# SURFACE MINING BOARD REFUSES TO HALT MTR WORK NEAR KANAWHA STATE FOREST

By Rick Steelhammer

Following a four-hour hearing Thursday, the West Virginia Surface Mining Board late Friday announced that it had denied motions by the Keeper of the Mountains Foundation and 10 individuals to temporarily halt operations at Keystone Development's new mountaintop removal coal mine on the eastern edge of Kanawha State Forest and to delay a final hearing on whether the project is properly permitted.

Represented by Charleston attorney William DePaulo, the Keeper of the Mountains group hoped to stop further deforestation and earthmoving activity at the 418-acre mine site until it could be determined if Keystone used outdated data to conclude that no endangered bat species live on the property. The conservation group also argued that Keystone failed to address notices from the State Historic Preservation Office cautioning that architecturally significant structures are present in Kanawha State Forest and should be taken into account to avoid possible damage, and sought to postpone a final hearing on the validity of the project's permit from Aug. 11 to Sept. 11.

The state Department of Environmental Protection issued a permit to Keystone to begin developing its KD No. 2 mine on May 6. Work began at the site in early June. On July 15, the DEP issued Keystone a cessation order, halting activity at the mine until it built a ditch to carry off sediment in advance of construction and repaired another sediment ditch on which cracks had developed. That cessation order was modified to a notice of violation on Monday, allowing activity to resume at the mine.

On Thursday, plaintiffs' attorney DePaulo told members of the Surface Mining Board that a four-night bat survey conducted at the mine site in June 2009 that turned up no federally protected bats should now be ruled out-of-date and invalid, since DEP standards consider such surveys useful only for five years. DePaulo cited correspondence between DEP environmental resource analyst Kevin Quick and an environmental consultant for Keystone, in which Quick stated that 2009 bat survey results "will expire June 21, 2014."

In addition to arguing that a new survey is needed to check for the presence of endangered bats, DePaulo cited a September 2009 bat survey at the mine site in which 36 northern long-eared bats — half of them lactating females — turned up in mist nets. While northern long-eared bats did not have threatened or endangered status in 2009, the species has been under review for inclusion since last October by the U.S. Fish and Wildlife Service. A final decision is expected in April. DePaulo argued that state law requires the DEP to consult with the USFWS "regarding the potential for the taking of endangered species before issuing a permit to Keystone," even if the species in question is merely proposed for endangered status but not yet officially listed. Such a consultation has not occurred, he said.

DePaulo said that while the State Historic Preservation Office listed no known archaeologically significant sites in the new surface mine's footprint, it did raise concerns about architecturally significant structures in the 1,503-acre Kanawha State Forest Historic District, which he said mine developers have failed to address.

Included in the historic district, which is listed on the National Register of Historic Places, are a number of chestnut log and stone structures built between 1938 and 1940 by members of the Civilian Conservation Corps. They include the superintendent's residence, four covered picnic shelters, the dam that creates the lake at the entrance to Kanawha State Forest, a powder house and several footbridges.

"State law requires concurrence with SHPO," DePaulo said,

"and that has not occurred."

Attorneys representing mine developers argued that, in order to temporarily halt mining activity through a stay, "irreparable injury" to the plaintiffs must be determined to be likely should a stay not be granted.

"No proof of irreparable harm taking place in the next two weeks has been presented here," should mine development activity proceed at least until the Aug. 11 permit hearing, said Christopher Smith, an attorney representing Keystone Industries.

"If you go forward with clear-cutting the trees, it will wipe out the bat habitat," causing irreparable harm to the resident bat population, DePaulo said.

"There are abundant trees in the area for the bats to use," Smith countered, "including thousands of acres in Kanawha State Forest and another 6,000 acres on land that has been mined in the area in the past 47 years."

In other developments in the case on Friday, the Keeper of the Mountains Foundation and the 10 allied individuals filed suit for a summary judgment in their behalf, based on DePaulo's contention that Keystone moved forward with mine development without receiving approval from the SHPO, in violation of state law and established DEP procedures.

## UPDATES

**LEGAL:** The final Surface Mine Board hearing on our appeal will be Monday August 11, 8:30am at the DEP building in Kanawha City (601 57th St SE). We will meet in the main lobby and they will escort us back to the hearing room. It would be great to have a good turnout there. If the SMB fails to rule in our favor at this hearing, we will be filing a lawsuit the following week.

**PETITION:** The petition calling on Governor Tomblin to rescind the KD#2 permit now has nearly 3,500 signatures. Help up make the final push to 5,000 and thanks so much to all of you who have already sent signatures in! Remember you can download and print the petition forms at [tinyurl.com/kfcfiles](http://tinyurl.com/kfcfiles)

You can scan your full petitions and email them to [kanawhaforestcoalition@gmail.com](mailto:kanawhaforestcoalition@gmail.com)

OR

You can mail your petitions to:

Kanawha Forest Coalition

PO BOX 722

Charleston, WV 25323

**YARD SIGNS:** Another batch of yard signs has arrived! They can be picked up from:

Company Bicycle - 1607 Kanawha Blvd W, Charleston, WV 25302

ph#(304) 744-7433 and Charleston Bicycle Center - 409 53rd St SE, Charleston, WV 25304 ph#(304) 925-8348 during business

hours (call ahead to make sure they still have signs). Signs are

FREE. If you have the financial resources to make a donation it

would be greatly appreciated. \$5 will cover the cost of a sign and

you are certainly welcome to contribute as much or as little as you are comfortable with.

# HIGHLANDS CONSERVANCY BOUTIQUE



► The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is "I ♥ Mountains Save One for Me!" Onesie [18 mo.]---\$17, Infant tee [18 mo.]---\$15, Toddler tee, 2T,3T,4T, 5/6---\$18

► Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XXL [Shirts run large for stated size.] \$18.50

► Order now from the website!

Or, by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Online Store, PO Box 306, Charleston, WV 25321-0306

## T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$15 by mail; **long sleeve** is \$18. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Online Store, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



## HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps for sale as well as I ♥ Mountains caps.

The WVHC cap is beige with green woven into the twill and the pre-curved visor is light green. The front of the cap has West Virginia Highlands Conservancy logo and the words West Virginia Highlands Conservancy on the front and I (heart) Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I ♥ Mountains The colors are stone, black and red. The front of the cap has I ♥ MOUNTAINS. The heart is red. The red and black hats are soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. The stone has a stiff front crown with a velcro strap on the back. All hats have West Virginia Highlands Conservancy printed on the back. Cost is \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306