



# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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If you can't help us, for goodness sake don't help that bear!

## GOVERNOR SIDES WITH COAL INDUSTRY IN MOUNTAINTOP REMOVAL LITIGATION

By Ken Ward, Jr.

By [Ken Ward Jr.](#)

Gov. Joe Manchin has joined with Massey Energy and the rest of the coal industry to fight two federal court rulings that require more scrutiny of proposed mountaintop removal mines.

Two state agencies also are siding with the Bush administration in the appeal of the rulings by U.S. District Judge Robert C. Chambers.

Lawyers for the state departments of Commerce and Environmental Protection filed "friend of the court" briefs with the 4th U.S. Circuit Court of Appeals in Richmond, Va. They warn that Chambers' rulings could cripple the coal industry if they are not overturned.

"The legality of coal mining, as has been practiced in West Virginia since the [Clean Water Act] was passed in 1972, is now subject to question," Commerce lawyer Will Valentino and DEP attorney Tom Clarke wrote in their brief. "In short, coal mining is vital to the economic survival of West Virginia — the eradication of this industry would cause devastation to thousands of West Virginians, shortfalls in general revenue, a constriction of state and local services, and the destabilization of the

economy."

Lawyers for the Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy and Coal River Mountain Watch responded that the state failed to raise its concerns while the case was pending before Chambers, when all sides could have introduced evidence on the economic consequences.

Coalition lawyers said the state's brief "discusses nothing of legal significance" and "would be solely for the purpose of judicial lobbying."

Bush administration lawyers, Massey and various coal industry groups are appealing Chambers' March 23 and June 17 rulings in the latest legal effort by environmental group lawyers to toughen regulation of mountaintop removal.

On March 23, Chambers concluded that the U.S. Army Corps of Engineers had not fully evaluated the potential environmental damage before approving four

Massey strip-mining permits.

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**From the Heart of the Highlands**

by Hugh Rogers

**The Nobel Prize and a Consensus on Coal**

In cartoonist Doug Marlette's double portrait, at first Jimmy Carter was dwarfed by Ronald Reagan, but after they left office a statue-like Carter towered over Reagan. Carter had won the Nobel Peace Prize, twenty-two years after Reagan's victory in the 1980 election.

Things move faster now. Seven years after Al Gore lost the 2000 election in the United States Supreme Court, the Nobel committee recognized his campaign for action against global warming. And the man who had been declared president instead, who used to ridicule the idea that we should do anything about the climate, invited Gore to the White House to talk about the problem.

There had been other signs that President Bush's position was shifting. He had referred to "global climate change" for the first time in a State of the Union speech in early 2007. At his end-of-year press conference, he spent more time answering a question on climate change than on any other topic. "I take the issue seriously," he said.

Remember the days when government scientists who were working on the problem had their testimony edited by White House ideologues? They were not allowed to say that global warming was occurring, much less that human activity contributed to it. Remember Christine Todd Whitman's resignation from the Environmental Protection Agency? The Bush Administration was a hostile environment, then.

Whether or not the president changes his policies to accord with his words in the year he has left in office, the words themselves mark a consensus that makes action inevitable. On this issue, it would seem, we have reached the final stage in the process that the philosopher Arthur Schopenhauer defined: "All truth passes through three stages: First, it is ridiculed; Second, it is violently opposed; and Third, it is accepted as self-evident."

Equally self-evident is the link between the warming of the planet and the mining and burning of coal. Federal action will come—the consensus guarantees it, although it doesn't guarantee the timing. In the interim, we'll see more wolf-in-sheep's-clothing routines to save coal by making it "clean."

The current favorite of some national environmental groups is coal gasification combined with carbon sequestration. These groups, including the Natural Resources Defense Council and Environmental Defense, have played good defense for a long time, but sometimes we have to play offense. The coal industry, of course, loves gasification with sequestration, not least because such plants would have to burn about 25 percent more coal to generate the same amount of electricity. The extra fuel is necessary to separate, liquefy, and pump the carbon dioxide underground.

It sounds like a tale from Mouse Soup, a book I read to my children. A mouse was being kept awake by a cricket's chirping, but the cricket didn't quite get the message because, as it said, "I cannot hear you and make my music at the same time." So the mouse repeated: "I want to sleep," said the mouse. "I do not want any more music."

"What did you say?" asked the cricket. "You want more music? I will find a friend." Soon there were two crickets chirping. "I want you to stop the music," said the mouse. "You are giving me more!" "What did you say?" asked the cricket. "You want more music? We will find

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## NEW RULES PROPOSED FOR GAS WELLS IN STATE FORESTS

By John McFerrin

The West Virginia Division of Natural Resources has proposed new rules on gas wells in State Forests. The Rule would require that there be public notice of proposed wells, including their location, operator, and mineral owner. They would also require that there be similar notification of the roads leading to the wells.

The rule would also inject into the planning of well and road location a concern for such things as recreational facilities, picnic sites, archaeological sites, and trails. In approving an application the Division would have to make provisions for species which are rare, threatened, endangered species, or species of concern. The Division could require that a proposed well or road be moved if it adversely impacts recreations use, natural resources, or other values.

The proposed rules also impose requirements on road construction, revegetation, etc. These requirements would be in addition to the current requirements that are imposed upon all gas well operations.

The rules specifically prohibit the practice of "daylighting." Daylighting is the practice of cutting down all the trees in a wide swath on either side of the gas well road. It is often justified as necessary to allow sunlight to reach the road and keep it dry. In practice, what is done is destroy more trees than is necessary to construct and maintain the road.

The Division of Natural Resources published the proposed rule for public comment in the summer of 2007. In response it received many, many comments from individuals as well as citizen groups. The West Virginia Highlands Conservancy filed comments, as did several of its members and Board members.

The comments of the general public were universally supportive of the rules. The only major area of disagreement was a comment, made by several commenters, that the rule did not go far enough. They suggested a ban on all gas wells in State Forests.

Several of the commenters did suggest that there be a requirement that the sites be revegetated with native plants.

The Division of Natural Resources did not adopt the suggestion that all gas wells be banned from State Forests. No doubt it believed this was beyond its statutory authority. It did, however, include in the rule a provision that the use of native plants may be required if they are available, equally effective, and cost effective.

The only wholesale objections to the proposed rules came from the oil and gas industry. It contended that the rules were too expensive and were so restrictive as to deprive it of its property.

These rules are the outgrowth of an incident in Kanawha State Forest in the summer of 2006. In that incident a contractor for a gas company leveled a nearly mile-long swath of trees in the forest in the construction of a road that was unnecessary to the operation.

This action resulted in public outcry from residents who regularly use the Forest. The outcry resulted in Legislative interest in more

tightly controlling gas wells in Kanawha State Forest, an idea which quickly expanded to all State Forests. The result was legislation aimed at creating new standards for oil and gas drilling in State Forests. The legislation directed the Division of Natural Resources to come up with new rules regulating drilling in State Forests. The currently proposed rules are the result.

Now that the Division of Natural Resources has published draft rules, taken public comment, and completed its work on the rules, they must now go to the Legislature for final approval. They will go to the Legislative Rulemaking Review Committee at its interim meeting in early January, 2008, and ultimately to the Legislature.



***The road in Kanawha State Forest that helped spark the controversy and the new law.***

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*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.*

# THE SPECIAL RECLAMATION FUND: WHAT A MESS WHERE WE ARE AND HOW WE GOT HERE

## HOW IT IS SUPPOSED TO WORK AND WHY IT DOESN'T

By John McFerrin

In late November, 2007, the West Virginia Department of Environmental Protection released a study by an actuary which indicated that the Special Reclamation Fund (For a fuller explanation of how the Fund works, see the accompanying story) will drop to a negative balance of \$3.1 million by June 30, 2009, The fund's deficit will double to \$6.4 million by mid-2010, and top \$20 million by 2016, the study found.

The study also found that it takes the Department of Environmental Protection a very long time to start reclaiming mines or cleaning up polluted streams. On average, it takes DEP nearly five years to start land reclamation after the operator deserts the site. It takes the agency nearly 10 years to start construction of water treatment facilities at deserted sites.

This latest study is just the latest affirmation of what the West Virginia Highlands Conservancy has been saying for *decades* (neither misprint or exaggeration; it has been decades. Some problems just don't go away..)

In 1988 the Conservancy, along with seven other groups, gave notice of their intent to sue suit in federal court, seeking to have the federal Office of Surface Mining assume responsibility for the regulation of mining in West Virginia. Although West Virginia has its own regulatory program, the Office of Surface Mining has oversight responsibility. If West Virginia's program is not as effective as the federal law requires, the Office of Surface Mining is supposed to assume responsibility for enforcing the law in West Virginia. Among the issues the groups raised was the adequacy of the Special Reclamation Fund.

While the Office of Surface Mining never did assume responsibility for the regulation of mining in West Virginia (or take over the Special Reclamation Fund), contacts with the Office of Surface Mining did result in a series of studies by OSM of the extent of the problem and a series of meetings between Conservancy officers and OSM officials.

Although there were several meetings, they were all the same. Office of Surface Mining officials would announce either that they didn't know how much the liabilities of the Special Reclamation Fund were or that those liabilities were enormous. None of the meetings produced any concrete action. One study concluded that cleanup over the next fifty years would cost \$6 billion.

In 2001 then-Governor Bob Wise and the West Virginia Legislature took action. They created the Special Reclamation Fund Advisory Council. Its purpose was to oversee the Special Reclamation Fund. It was also required to report to the Legislature each December on the

By John McFerrin

One of the requirements of the Surface Mining Control and Reclamation Act that passed in 1977 was a bonding requirement. The goal was to make sure that there would always be money available to reclaim mines if, for any reason, the operator could not or would not do so. If an operator went broke or skipped town, the state could always forfeit the bond and use the money to reclaim the site.

The bonding requirement was entirely separate from the Abandoned Mine Land Fund. That Fund was set up to correct problems that existed before the Act was enacted. The Act was supposed to prevent problem sites in the future. The bonding program was to make sure the money would be available to do that.

Many states set bonds at the cost of reclamation. If the operator didn't reclaim, those states could forfeit the bond. Since the bonds were set at the cost of reclamation, there would be enough money to reclaim.

West Virginia chose not to do it that way. Instead, it set the bonds at \$1,000 per acre. This was well below the cost of reclamation. West Virginia was virtually assured that there would not be enough bond money to reclaim sites where the operator went broke, skipped town, etc.

West Virginia set up the Special Reclamation Fund to close this funding gap. All companies would pay into the fund based upon tonnage produced. If, as was often the case, the bond was insufficient then the state could use money from the Fund to make up the difference.

The system benefitted the industry by making the bonds themselves less expensive. Smaller bonds meant smaller premiums to bonding companies or smaller amounts of cash that companies had to deposit with the Department of Environmental Protection.

The trade off for this benefit was that companies had to pay into the Special Reclamation Fund as they mined coal.

In theory, the Special Reclamation Fund would always be available to pay for the reclamation of forfeited sites. Money would continually flow into the Fund as coal was produced so that there would always be money to pay for reclamation. The federal Office of Surface Mining assumed that if the Special Reclamation Fund worked in theory it must work in practice; it approved it.

In practice it never worked for two reasons. First, the rate at which companies paid into the Fund was never high enough. The gap between the bonds and the cost of reclamation was just too great. The Fund could never keep up.

Second, the Fund never worked because it did not account for the cost of water treatment. Because of the geology of parts of West Virginia, and particularly certain seams of coal, mining there will almost certainly result in acid mine drainage. That water must be treated before it can be released to the waters of West Virginia. Since that acid mine drainage will continue for decades, treating it after mining is very costly. Treating acid water from even a small strip mine in certain areas could easily cost over \$100,000 per year. The Special Reclamation Fund was never capable of absorbing such drains upon its resources.



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## More About Special Reclamation

status of the fund. At the same time, the Legislature dramatically increased the rate at which companies paid into the Fund. This legislation also scheduled the higher rate to last only until 2006 when it would revert to the lower rate.

The goal of the 2001 legislation was to provide the Fund with a cash infusion for five years. The Legislature assumed (or at least let themselves believe) that this would shore up the Fund and the Advisory Council would keep it on track in the future.

The Highlands Conservancy was invited to sit on the Advisory Council, as were seven other citizen groups in West Virginia. All declined. In their view, the Advisory Council, the temporary increase in the payment to the Fund, etc. were a sham attempt that would not solve the problem. That the program had been negotiated between the coal industry and the Department of Environmental Protection with no citizen participation did not increase their enthusiasm.

The Advisory Council's reports for 2002, 2003, 2004, and 2005 were sanguine about the Fund. While many citizens would question those reports' assumptions and methods, there was more money coming into the Fund. Things were at least arguably getting better.

In 2006 the wheels fell off. The temporary increase in funding expired, the liabilities continued. The December, 2006, report concluded that the Fund would be broke ("decreasing to a negative balance" in the less direct words of the report) by 2012. The projected costs only included sites where the bond had been forfeited by the time of the study. It did not include sites which would be forfeited in the future. Since the Fund's revenues depend upon coal production, different assumptions about the rate of coal production result in different conclusions about when the Fund will go broke. The optimistic assumptions have it going broke in 2017.

Now we have the latest report, predicting that the fund will be \$3.1 million in the hole by 2009 and falling farther in the hole as time passes.

This is a controversy that must finally be coming to a head. West Virginia spent at least a decade pretending that no problem existed. It spent at least another decade pretending it was addressing the problem. Now its own studies are showing such a deficit that the state can no longer ignore it.

There is already an action pending in federal court in which the West Virginia Highlands Conservancy has asked that the federal Office of Surface Mining be required to assume responsibility for the Special Reclamation Fund or some other bonding mechanism. The Court has deferred action on this request to give the Legislature an opportunity to act.

As we go into the 2008 legislative session, the Legislature faces the choice of addressing this problem or sitting still and letting the federal court fix the problem.

## More from Hugh (Continued from p. 2)

another friend." So it went until there were ten crickets chirping very loud. "Please!" shouted the mouse. "I want to sleep. I wish that you would all GO AWAY!" "Go away?" asked the cricket. "Why didn't you say so in the first place?"

Rather than wait for the feds to play out this routine, opponents of new coal-burning power plants (more than a hundred are pending approval nationwide) are working right now at the state level, in public utility board hearings and other forums, and having some success. Money makes the coal go 'round, and money will make it stop. These coal gasification/sequestration plants not only use 25 percent more coal; building them costs 40 percent more dollars. Very soon, it will be cheaper to leave the coal in the ground and generate electricity by other means.

This column is being written on January 1<sup>st</sup> with traditional New Year's optimism. There will be plenty of time for gloom and doom in 2008. But today I propose a toast to Al Gore, whom the Nobel committee recognized as "probably the single individual who has done the most to create greater worldwide understanding" of global warming and what must be done about it. Al, you stand tall.

### **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,

### **Send us a post card, drop us a line, stating point of view**

Please email any poems, letters, commentaries to the VOICE editor at [johnmcferrin@aol.com](mailto:johnmcferrin@aol.com) or real, honest to goodness, mentioned in the United States Constitution mail to John McFerrin, WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

## **The Way the Voice Works**

*The Highlands Voice* is the official publication of the West Virginia Highlands Conservancy. While it is the official publication, every story in it does not represent an official position of the Conservancy. While all of our members share the general goal "to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation", our members often have differing views upon the best way to do that.

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

## LEGISLATIVE OUTLOOK 2008: WATER WAR CONTINUES

By Donald S. Garvin, Jr.

On January 9, 2008, the 79th Session of the West Virginia Legislature begins, and once again it appears that the battle for clean streams will be the dominant environmental issue facing lawmakers.

Actually, it's shaping up to be an "instant replay" of the 2007 legislative session when the Legislature decided not to act on any of the rules proposed by the Department of Environmental Protection because some lawmakers were threatening to gut the lists of streams that would be protected if the "water" rules were adopted.

The two agency rules at issue here are 60CSR5, the Antidegradation Implementation Procedures Rule, and 47CSR2, the Water Quality Standards Rule.

The "antideg" rule is the most controversial and contains the Tier 2.5 stream list. The streams proposed for Tier 2.5 protection under this rule are among the highest quality rivers and streams in the state, and most of them are headwater streams in West Virginia's highlands. The Department of Environmental Protection is proposing to slash dramatically the list of streams that would be protected by this rule.

In 2001 there were 444 streams on the "presumptive" Tier 2.5 list. Last year DEP proposed cutting the list to 309 streams. This year DEP is proposing to cut the list again, to just 156 streams. But even that number is too large for the powerful group of lobbyists representing polluters, including agriculture, timber, coal, oil and gas, manufacturers and the Chamber of Commerce.

The Water Quality Standards Rule contains another list of streams, a list of trout

streams – called the "B2" list – which qualify for water quality standards that are higher than drinking water standards. Last year DEP proposed greatly expanding the B2 list of streams. This year's proposed rule is exactly the same as last year's.

But once again the coal industry is strongly opposed to the rule because some mining operations cannot meet the stricter water quality standards for some heavy metals like manganese and selenium, and because there is no appeal for permits once a stream is officially placed on the list by the Legislature.

Even before the 2008 session begins, legislators appear to be almost incapable of dealing with these stream rules. In December the Joint Legislative Rule-Making Review Committee again tabled both rules, putting off the committee's recommendation until the final Interim committee meetings, just three days before the regular session begins.

So one way or the other these water rules will be battled out during the 2008 regular session.

There is a growing list of other issues affecting the environment that the Legislature will grapple with this year.

The Legislative Rule-Making Review Committee is still considering an important new rule proposal (58CSR35) from the Division of Natural Resources that would reduce the impacts from oil and gas drilling operations in West Virginia's state forests.

The Interim Joint Commission on Economic Development is still considering proposals to provide a state funding mechanism for the acquisition of additional public lands in the

state. And the Joint Legislative Oversight Commission on State Water Resources is continuing to grapple with water quantity conservation and regulation of water use.

In addition, the West Virginia Environmental Council will be supporting a variety of proposals relating to public health, global warming and renewable energy. And West Virginia Environmental Council member groups will again be advocating for "clean elections" and a "bottle bill."

We will also be on the alert for another "anti-wilderness" resolution, and proposals from the Governor to fund and permit costly and dirty coal-to-liquid projects.

It's going to be a busy session for the environment. Let the sausage-making begin.

***Don Garvin is Legislative Coordinator for the West Virginia Environmental Council.***



Bruce McClung accepts Nikon binoculars from Beth Little, Conservancy Administrator.

### HIKING GUIDE SWEEPSTAKES HAS A WINNER!

Bruce McClung is the winner of the Nikon waterproof binoculars in this year's hiking guide sweepstakes. Each copy of the Monongahela National Forest Hiking Guide contains a card. The purchaser may mail in the card to be entered in the sweepstakes. Bruce says this is the first time he ever won anything.

Bruce, and his wife Terry, live in Frankfort, WV, just up the road from where Bruce works at Boone Tractor. They spend a lot of time in the Monongahela National Forest camping, hunting, fishing and biking. They even camp close enough to still go to work from camp.

Bruce likes to fly fish in the Cranberry Wilderness, and he hunts turkey and deer. We hope the binoculars will aid him in finding his quarry.

# CITY COUNSELS PASS WILDERNESS RESOLUTIONS

By Mike Costello

The benefits of wild places, protected in perpetuity, are endless. Scenic beauty, enhanced air quality, and recreational opportunities highlight the list for some. Spiritual inspiration, protection of wildlife habitat, and a legacy for our natural heritage are priorities for others. Without question, these aspects of our protected wild areas combine to enhance our quality of life, unthreatened by exploitation.

When it comes to preserving this quality of life, municipal bodies statewide are recognizing the benefits of additional permanently protected wild lands in the Monongahela National Forest.

Thanks to the initiative of citizens and their locally elected officials, nearly a dozen municipalities across West Virginia have passed resolutions in support of the Wilderness Coalition's Citizen's Proposal for Wilderness on the Monongahela National Forest.

Lewisburg Mayor John Manchester explained why permanently protected Wilderness is important for his city.

"On a practical level, our water supply, serving about 10,000 people, comes from the Greenbrier River," he said.

Indeed, much of the state's precious water resources lie within several proposed Wilderness areas in the Mon. Among others, Spice Run, Big Draft and East Fork of Greenbrier contain tributaries and headwaters responsible for the water supply of thousands of homes in and around Lewisburg and the Greenbrier River Valley.

"It's important to maintain the quality of those headwaters," Manchester said. "And Wilderness does that."

The sustainable contribution to local economies from the growing tourism industry is reason enough for many communities to hail more Wilderness.

"Lewisburg's economy is heavily dependent on tourism," Manchester said, referring to the many visitors that come to his city for history, arts, and culture, as well as for the easy access to many natural areas. "A lot of those people want wilderness experiences, experiences in the wild areas of our National Forest."

While the preserved natural character of these areas may provide quality resources valued by the local towns of Lewisburg, Renick and Matoaka, the benefits of Wilderness are also being recognized in towns like Nitro, in Kanawha County, and Shepherdstown, in the farthest reach of the Eastern Panhandle, for a wide variety of reasons.

While many of us drift to Wilderness areas to hike, paddle or take advantage of rare backcountry hunting and fishing opportunities, all of us can enjoy enhanced scenery, air quality, and water quality among the many benefits, without even stepping foot in the forest.

These are some of the reasons protecting places like Seneca Creek is important to residents and city councils in Morgantown and Grafton, just as protection for Roaring Plains and Dolly Sods North is valuable to those in the towns of Montgomery and White Hall.

More communities can easily play a role in establishing a national legacy for our state's remaining wild areas. Ask your local town or city council representatives to recognize the benefits of permanently protected Wilderness in the Monongahela National Forest, sending a message to congress that, no matter where in West Virginia, we all benefit from a state that is truly 'wild and wonderful.'

For more information about how to get your local council on board, contact Outreach Coordinator, Mike Costello at 304-437-1082 or michael.costello@wwwild.org.

## RESOLUTION

A RESOLUTION BY THE COUNCIL OF THE CITY OF LEWISBURG, WEST VIRGINIA TO SECURE PERMANENT PROTECTION FOR THE WILDEST PARTS OF WEST VIRGINIA AS WILDERNESS FOREST AREAS.

WHEREAS, wilderness forest areas protect the value of backcountry recreation, clean water and air, scenic beauty and wildlife habitat; and

WHEREAS, wilderness forest areas encompass the development of rural communities as people are attracted to, or stay in, places that are clean, beautiful and where they have ample opportunities to connect with nature; and

WHEREAS, wilderness forest areas encourage economic development in West Virginia because of tourists that are drawn to these wild areas to hike and camp; and

WHEREAS, people and businesses locate where the quality of life, based in part on a clean natural environment and high quality recreational opportunities is high; and

WHEREAS, public lands represent natural assets that provide communities with a comparative advantage over other rural areas in diversifying their economies; and

NOW, THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF LEWISBURG:

That the Mayor and Council of the City of Lewisburg support the protection of additional wilderness forest areas in the Monongahela National Forest.

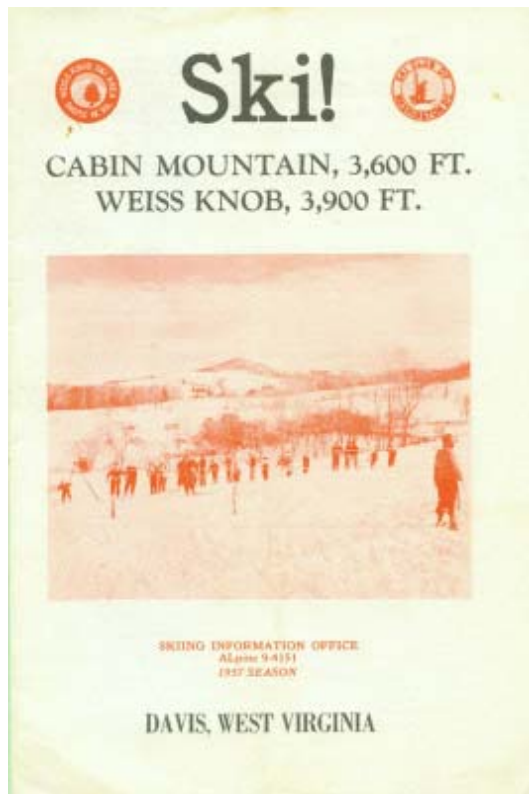
On motion duly made my Councilperson \_\_\_\_\_ and seconded by Councilperson

\_\_\_\_\_, the City of Lewisburg, West Virginia does hereby approve and authorize the

adoption of said Resolution to become effective immediately.

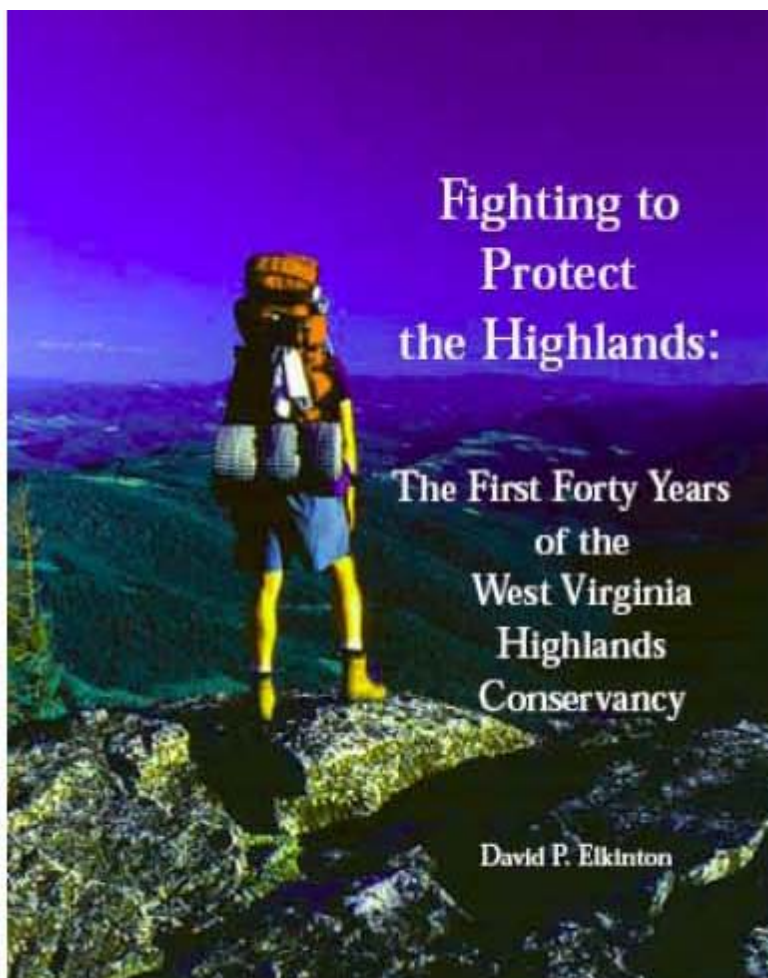
Adopted this 18<sup>th</sup> day of November, 2003

\_\_\_\_\_  
John Manchester, Mayor



The Weiss Knob Ski Area was built in 1957 by Bob and Anita Barton. The ski area had four rope tows and artificial snowmaking. Although the rope tows are no longer in operation, the Weiss Knob Ski Area became the White Grass Touring Center, which has remained a popular destination for cross country skiers since 1979. White Grass offers over 50 kilometers of trails, with an 1,196-foot vertical. 25 kilometers of the trails are groomed. White Grass also relies on “snowfarming,” using 5 kilometers of snowfence to capture snow. Because of this, and the smaller amount of snow required for cross country skiing, White Grass is often the first ski area in the region to open.

## LEARN THE SCOOP ON THE HISTORY OF THE HIGHLANDS CONSERVANCY



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 \$24.95, plus \$3.00 shipping, visit the Conservancy’s website, [wvhighlands.org](http://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.



## Join Now !!!

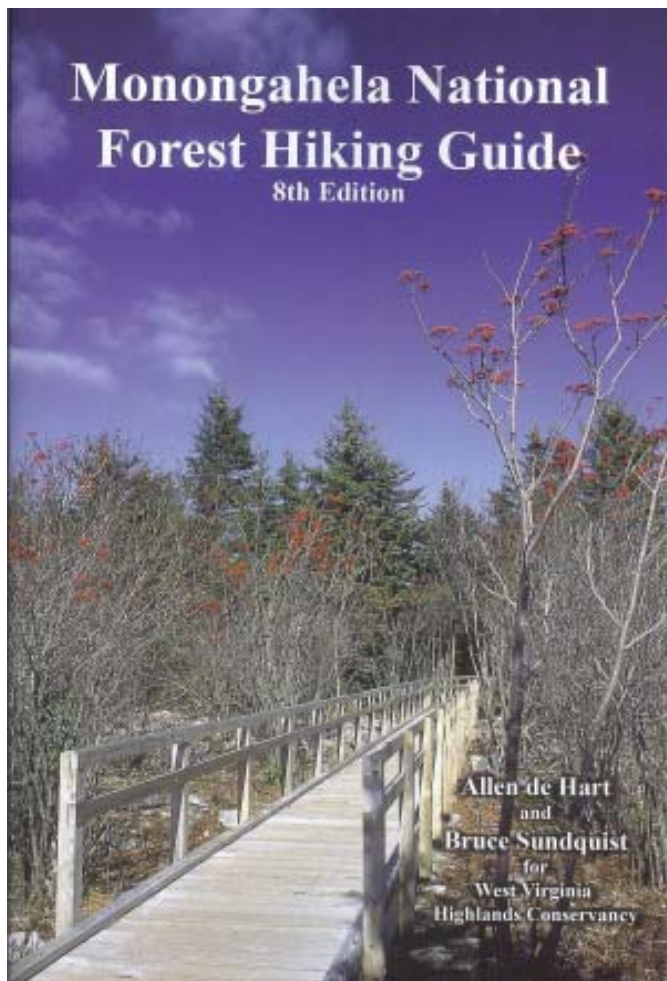
Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Membership categories (circle one)**

	<u>Individual</u>	<u>Family</u>	<u>Org</u>
Senior	\$ 15		
Student	\$ 15		
Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$ 100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$ 500	\$ 750	\$ 1000

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

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



## 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.

# West Virginia Mountain Odyssey



## Outings, Education and Beyond 🇺🇸

**Saturday, 04/05/08 – Bucktail Tr/Halfmoon Lookout Loop, George Washington National Forest, WV:** 9.7 mile strenuous hike to one of the best views in GWNF. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Bring lunch and water. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday, 04/19 – 21/08 – AT Shuttle Backpacking Trip, Jefferson National Forest/George Washington National Forest, VA:** Strenuous 26 mile Backpacking trip starting at Sunset Field, passing through the Thunder Ridge and James River Face Wilderness areas and ending at the Punch Bowl. Cross the James River on a \$1,000,000.00 footbridge. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday-Sunday, 05/03 – 04/08 – Beginner's Backpacking trip/White Oak National Recreation Trail/North River Gorge Loop, GWNF, VA:** 10 mile moderate hike for experienced hikers that want to move up to backpacking. Hike 6 miles the first day with an elevation gain of 1000 feet over 3 miles and 0.5 miles of open woods bushwhacking. Camp in a beautiful Pine grove next to the river. Day 2 is a mostly flat hike back to the cars along the river. There will be 7 substantial stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday-Monday, 05/24-26 – Memorial Day backpack, Canaan Mountain, Monongahela National Forest, WV:** 29 mile hike of moderate difficulty with mature forest, giant Spruce and Hemlock trees, streams, highland bogs and vistas. Leave from the Rt 32/I-70 Park and Ride at 7:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Thursday to Sunday, 06/05 – 08/08 – Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA:** Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Austin Mt/Furnace Mt loop (12.6 miles) and the Rocky Mount Circuit (9.8 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday, 07/12 – 14/08 – Dolly Sods North and Wilderness Area Backpack, Monongahela National Forest:** 26+ mile moderate backpacking trip through this wild area that looks more like the Canadian Shield than a typical North American forest. We will explore some seldom visited trails on the first day. Several technically challenging stream crossings possible that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Friday to Sunday, 08/08 – 10/08 – Otter Creek Backpack/Base Camp w/day hike, Monongahela National Forest, WV:** Day one hike approximately 9 miles along Otter Creek and up and over McGowan Mountain visiting the highland bogs of Yellow Creek and Moore Run. Day 2 10 mile day hike visiting several swimming holes on the return leg. Day 3 is a nearly flat 5 mile hike out along Otter Creek. Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 8:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday – 08/30 – 09/01-08 – Seneca Creek Backcountry, Monongahela National Forest, WV:** Day one features a moderate 10 mile hike exploring trails on the western slope of Allegheny Mt before descending to our base camp below beautiful Seneca Falls. On day 2 we'll explore the High Meadows above the creek without packs. On day 3 hike back to cars using the Seneca Creek Tr, Tom Lick Tr and Allegheny Tr (approximately 7 miles). Several technically challenging stream crossings that might require a change of footwear. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**More on the Next page**

## More Hikes

**Saturday to Tuesday, 09/13 – 16/08 - Car Camping and 2 day hikes, Loft Mountain Campground, Shenandoah National Park, VA:** Four day trip. Possible short hike on the first day for early arrivals. Featured hikes are the Rip-Rap Hollow Loop (9.5 miles) and the Turk Branch/Moorman's River Circuit (9.7 miles). Both hikes are rated strenuous. Join us for one or both. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday, 09/20 – 22/08 – Roaring Plains Backpack and Base Camp with Day Hike:** Day 1 hike in 2.5 miles and set up camp at the entrance to the Hidden Passage. Day 2 features a 12 mile day hike along the Canyon Rim with possible side trips. Day 3 backpack out the way we came in. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday – 10/25 – 27/08 – Cold Mountain/Mount Pleasant Backpack Base Camp w/Day Hike, George Washington National Forest, VA:** Easy 3 mile backpack into and out of camp with a sensational moderate 12 mile day hike in between with some of the most breathtaking views in central VA. Suitable for experienced hikers who wish to move up to backpacking. Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 10:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Saturday to Monday – 11/01-03/08 – Hog Camp Gap to Spy Rock Backpack/Base Camp:** Strenuous rating but with low daily mileage. We will hike 7 miles over scenic Tar Jacket Ridge and set up a base camp at the Seeley-Woodworth shelter. The next day we will hike packless to Spy Rock. The round trip will only be about 6 miles. If the weather is good we will linger a bit at Spy Rock, enjoying its 360 degree view for as long as we can. On the hike out we will add Lovington Spring Tr to add some variety to the third day. . Leave from the Broken Land Parkway/Rt 32 Park and Ride (West Side) at 7:00. Pre-registration required. Contact Mike Juskelis at [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com) or 410-439-4964.

**Open Dates: Visit Kayford Mountain** south of Charleston to see mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totally surrounded by MTR. Bring lunch for a picnic on Larry's mountain. Call in advance to schedule. Julian Martin (304) 342-8989; [martinjul@aol.com](mailto:martinjul@aol.com) or Larry Gibson (304) 542-1134; (304) 549-3287.



## MORE ABOUT THE GOVERNOR (Continued from p. 1)

Three weeks later, though, Chambers allowed Massey Energy to continue to dump waste rock and dirt into streams at three of those mines, because the company had already started operations there. Massey has asked Chambers to also allow operations to resume at the fourth mine covered by the judge's original ruling.

In his second ruling on June 13, Chambers ruled that the Clean Water Act does not allow coal operators to build in-stream sediment ponds at the bottom of valley fills.

In October, Chambers blocked another corps permit for Magnum Coal subsidiary Jupiter Holdings LLC's Callisto Surface Mine near Bob White, Boone County. That move was expected to cost 39 miners their jobs.

The Manchin administration brief cited a much higher number — 637 jobs — that it says are at risk at all five mines considered by Chambers. The brief does not mention that the ruling has been stayed pending appeal.

The state's lawyers also did not include any legal arguments for why Chambers' first ruling — the one requiring additional permit studies — was incorrect. The brief argues that the second Chambers ruling conflicts with fed-

eral strip mining law and with the settlement of a previous federal court case.

DEP and Commerce lawyers focused on what they argued were the dire economic consequences of the ruling.

"As a result of this case and the others which have preceded it, those who desire to obtain environmental permits in West Virginia have been forced to meet greater requirements than for the same federally based regulatory programs in any other state," they wrote. "The difficulties responsible mine operators are having in obtaining permits to mine West Virginia coal, due to litigation, [are] becoming a threat to the state's ability to continue to provide the nation with a stable source of energy and contribute to national security."

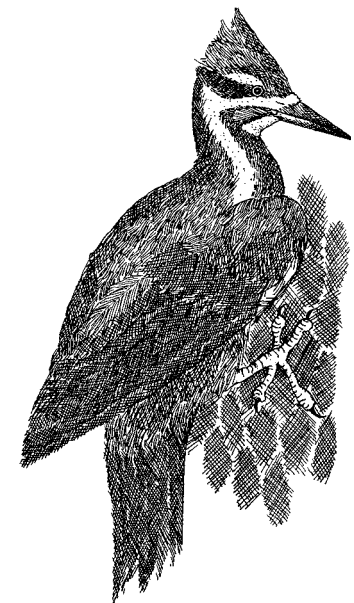
Joe Lovett, a lawyer with the Appalachian Center for the Economy and the Environment, said Thursday the state wrongly argues that Chambers' ruling outlaws coal mining.

"The judge did not say that mountaintop removal is illegal," Lovett said. "He just said that mine operators have to follow environmental laws."

On Thursday, Lovett filed a new lawsuit

in federal court in Kentucky, seeking a ruling on corps permits there that are similar to the one Chambers issued in Southern West Virginia.

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



**This bird appeared in my front yard last summer.**

# THE FALSE PROMISES OF WIND POWER

By Arthur Hooton

Be prepared to hear dire predictions of doom from the promoters of Big Wind as they failed to secure from Congress more government support than they already receive for their subsidy dependent industry. Although the Energy Independence and Security Act of 2007 did not include an extension of production tax credits or the imposition of a national 15% renewables mandate, the tax credits don't expire until the end of 2008 and 25 states have versions of legislation that compel utilities to acquire a percentage of their energy from renewables.

Arguments for providing government and taxpayer support to the wind industry are familiar refrains. First, we were told that this new, unproven technology could not attract private investment and that only government was in a position to provide investment-inducing incentives.

Then we were told the assistance was temporary. Once the technology had proven itself, no further help would be required. Now we hear it's our patriotic duty to shield Big Wind from competition and that the supposed benefits to the environment from using wind energy outweigh its costly ineffectiveness.

The claims made by Big Wind cannot be substantiated, although their eco-friendly pretensions, absorbed by an unsuspecting public, have created a climate of uncritical support for a technology that cannot deliver on its promises.

The principal flaw in using wind as a source of energy is its variability. When you turn the key in your car, you fully expect the engine to start. It's called power on demand. Wind cannot supply power on demand. The only thing industrial wind facilities can do is to put unpredictably fluctuating energy into the power grid. No amount of fixes can change that fact.

This is not at all helpful to the grid. It is for now merely an annoyance, but only because industrial wind facilities produce less than 1% of the energy supplied nationally to our power grids. This meager production is pretty much ignored by grid managers and absorbed into the existing dispatchable capacity that is used to "smooth out" the normal demand fluctuations.

However, as more wind plants come on line, grid managers will no longer have the luxury of simply deploying existing conventional power to balance wind volatility. Eventually there will come a tipping point where the increasing numbers of wind plants will require construction of additional conventional power units, otherwise the managers' abilities to supply power on demand will be seriously compromised and grid stability will be threatened.

This is already happening in other countries that were early adopters of industrial wind - a development that should be taken seriously by the US, a late-comer to the wind power games. According to a 2005 report by Germany's largest utility, a study of over 7,000 wind turbines revealed that more than half the time they produced less than 11% of their nameplate capacity, meaning that other power sources would have to fill in the missing 89%, if indeed the wind plants were actually being counted on to provide their rated output. Even if they were expected to furnish only 11% of their capacity, they could at any time be cranking out more or less than that particular amount and still need to be balanced with other power sources. The report indicated that adding more wind plants to those already on line could no longer be accommodated without adding conventional power units to the grid.

Here's the problem with wind energy. Each day grid managers predict how much energy will be needed, where and when. This prediction is based on previous demand experience, usage patterns and

weather forecasts. Energy producers bid to supply power to the grid in three categories: base load demand, peak load demand and standby reserve. The Federal Energy Regulatory Commission suggests grid operators use the concept of economic dispatch in selecting the winning bids, taking the lowest bid first and going through the ascending bids until the day's, week's or month's projected power needs are met.

In our grid region base load demand is typically met by slow, inflexible but highly productive coal-fired and nuclear reactor power plants whose huge steam-driven turbines run non-stop for months at a time.

Natural gas units that are capable of quickly responding to demand fluctuations generally provide the peak load needs. The high price of natural gas does not lend itself to base load power production, but it dependably adds power to the grid when, for example, a heat wave strikes. Bidding to supply standby power, also known as spinning reserve, usually falls to the newer, smaller, more efficient coal-fired plants that can afford to be running on spinning standby and still make a profit when called into service.

It's easy to see, given wind's variability, that there's really no way an industrial wind facility could bid to supply any fixed amount of energy to anyone at any time. FERC's rules rightfully penalize any bidder who fails to deliver the bid amount.

Big Wind's response was to get FERC to change its rules several years ago, exempting renewable energy producers from fines or any other sanctions if they failed to meet their promised delivery of energy. Big Wind also got FERC to require that transmission line operators unconditionally accept all the inputs of any industrial wind facilities, known in FERC-speak as "intermittent resources." This concession allowed Big Wind to claim that clean wind energy was available to one and all at the nearest electrical outlet.

Because industrial wind facilities cannot dispatch power as needed and thus cannot bid to supply power on demand, they instead enter into long-term contracts with energy retailers to supply an annual average amount of energy. These contracts are announced with great fanfare by wind developers to impress the public that this is a viable enterprise.

It is more like a shell game. Once the wind energy has been injected into the grid, its identity is lost. It does not have a "green" tag. The electrons in the wires have no idea what power source is jolting



(Continued on p. 13)

## More About Wind

them back and forth at 60 cycles per second. However, the wind developer gets credits for injecting the energy and sells those credits to energy retailers.

These "renewable energy credits" are



paper tokens of production that can be traded or sold as stand-ins for the energy itself. This explains how a pad of Strathmore drawing paper or a carton of Horizon organic milk can proudly proclaim the product was made using 100% clean and green wind energy when in truth those companies, just as is everyone else connected to the grid, are using whatever energy sources are directly responsible for jolting the electrons in their establishments.

This scheme allows wind developers to make a product that can't be used alone because it's so undependable, but when blended into the grid with the help of compensatory conventional power, is able to be sold for its name recognition as "green energy". This is very expensive energy, highly subsidized by taxpayers. It is expensive because of high capital costs and because state laws requiring utilities to get set percentages of their power from renewable energy have created an artificial demand and wind developers can set the price.

That is what motivates Big Wind; guaranteed profits because the customers are being compelled to buy the product. Big Wind almost got its wish for a national renewable energy standard. The House version of the energy bill had such a requirement in it, but it was blocked in the Senate. For now there are 25 states with renewable energy standards in place. The artificial demand that creates is driving the stampede of wind developers to cover every available ridge with turbines. To assist in the land grab, Big Wind has also gotten the USDA's Forest Service to open our National Forests to private wind developers, a move that raises concerns for many West Virginians and visitors who value the non-industrialized wild places and majestic scenery of the Monongahela National Forest.

The last defense of the promoters of wind

power is that it will reduce carbon emissions and save the planet and for that reason alone it is worth the expense. The inconvenient truth is that wind energy is too feeble and variable to replace any conventional power plants. Even adding thousands of wind turbines to the grid to supplement conventional power and slow its expected growth, will have little effect. Their contribution will be neutralized by the grid's need to shadow their fluctuating input with dependable conventional units forced to operate less efficiently. It is similar to driving a car in stop and go traffic as compared to driving on an interstate. For coal plants a 2% reduction in efficiency translates into a 16% increase in carbon emissions.

The real motive behind the rush to festoon every available ridge with turbines is that it fulfills an investor's dream; where Uncle Sam pays for 2/3 of the capital costs via accelerated depreciation tax write-offs, doles out more tax breaks in the form of credits for production and creates by fiat a market for selling renewable energy credits to power companies scrambling to meet renewable energy requirements. Don't be misled by the false promises of wind power.

***Mr. Hooton is a member of the Friends of Beautiful Pendleton County.***

## Thank you!

Dear West Va. Highlands Conservancy,

Thank you so much for your continued support of the mountaintop removal road show. In December I completed my 500th speaking gig since September 2003 and have already got a bunch of talks scheduled for 2008. My calendar is on my website (<http://www.mountainroadshow.com>) and you can check where I've been and where I'm going.

As you know, I have been hosting student activists on the road with me and so the reimbursements for travel really help. I couldn't do it without your support. Oh and Julian is keeping me supplied with I Love Mountains stickers and they are appearing all over the country now.

Thanks again!

Dave Cooper

The Mountaintop Removal Road Show

608 Allen Ct.

Lexington KY 40505

(859) 299 5669

Call for a volunteer presentation in your community!

## Coming Attractions

Jan. 27

Winter Board Meeting, Citizen Action Group office, Charleston. Lots of talking with moments of frivolity and probably cookies.

April 20

Spring Review, Elkins. In conjunction with Sustainability Fair. Loads of activities for everyone.

July 19

Summer Board Meeting. Like the winter board meeting only warmer.

Oct. 26


Fall Review. We don't know where it will be but fun wherever it is.

Our own little energy sacrifice zone**BOONE COUNTY--DYING SO THAT  
MANHATTAN MIGHT LIVE**

"I'll give you – my daughter lived in Manhattan in New York. Manhattan is an area of 22 square miles. It has 68 thousand people per square mile. Boone County is 500 square miles. It has 50 people per square mile. We, we have an obligation to the greater good for the people. We export 70 percent of our coal. We have to, we have to provide electricity and power for this country for our urban brothers and sisters. We, we have a great responsibility here in West Virginia, and we can't let that go."

*Roger Lilly Mr. Lilly is the marketing manager for Walker Machinery, a company that serves the coal industry. He coined the phrase "Coal keeps the lights on."*

**T- SHIRTS**

White, heavy cotton T-shirts with the  **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 \$10 total by mail; **long sleeve** is \$15. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.

**Speakers Available !!!!!!**

Does your school, church or civic group need a speaker or program presentation on a variety of environmental issues? Contact Julian Martin at 1525 Hampton Road, Charleston, WV 25314, or [Martinjul@aol.com](mailto:Martinjul@aol.com), or 304-342-8989.

**BROCHURES**

The West Virginia Highlands Conservancy has joined with the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Voices, Kentuckians for the Commonwealth, Keeper of the Mountains Foundation and Christians for the Mountains have put together a new brochure entitled **"Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!"** For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

Quantities are available for teachers, civic and religious groups and anyone who can distribute them.

**HATS FOR SALE**

West Virginia Highlands Conservancy has two models of caps for sale.

One is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above **We ♥ Mountains**. The heart is red; and lettering is black.

The other model is tan with a muted green pre-curved visor. The front sports the lovely, in color, logo that appears on the VOICE masthead. Beside the logo is "West Virginia Highlands Conservancy" in green. The lower back of the hat has the **We ♥ Mountains** slogan.

Pictures of both appear on our website [www.wvhighlands.org](http://www.wvhighlands.org). Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$12 by mail. Make check payable to West Virginia Highlands Conservancy and send to James Solley, P.O. Box 306, Charleston, WV 25321-0306

**VOICE INDEX AVAILABLE**

A cumulative index from vol 1: no 1 to current issue of *The Highlands Voice* is now posted on the website [wvhighlands.org](http://wvhighlands.org) and can be downloaded by anyone who so desires. It is found under Highlands Voice, past issues.

# Ecology of Chief Logan State Park, Logan County, West Virginia,

*With a Dedication to the Opponents of Mountain Top Removal / Valley Fill Mining*

## Introduction

Chief Logan State Park lies in the heart of Coal Country and thus is emblematic of the ecosystems at risk and presently being destroyed by Mountain Top Removal/Valley Fill Mining. MTR/VF Mining is one the most far-reaching types of environmental abuses. It not only utterly destroys mountain and valley habitats in headwater regions of streams, but, to varying degrees, degrades streams and their valleys to their points of discharge into the seas—and by extension, the seas as well. The Chief Logan State Park not only is typical of the coal country ecosystems, but also falls in the Mixed Mesophyte Forest Region as defined by the noted ecologist Lucy Braun (1950). And the Mixed Mesophyte is among the most biologically rich and diverse temperate forests on Earth. With this background, it was thought desirable to present the following specific inventories to show in detail part of what is being lost.

Virginians for Wilderness dedicates this work to the West Virginia Highlands Conservancy, The Ohio Valley Environmental Coalition, Coal River Mountain Watch (see their Web Sites) and all those fighting Mountain Top Removal / Valley Fill Mining.

R.F.Mueller

Virginians for Wilderness

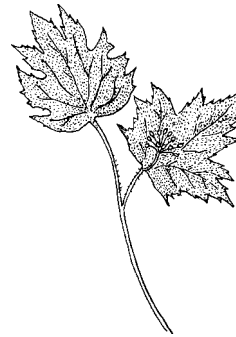
As we posted this survey, we learned that the Cabot Oil and Gas Corp. wants to put nearly three-dozen new natural gas wells inside Chief Logan State Park. (Sunday, 11-18-07, Gazette-Mail, Charleston, West Virginia). Both Cabot (phone 304-347-1600) and Governor Manchin of West Virginia need to hear of our opposition to this proposal.

R. F. Mueller

(At this point the report contains a list of plant and animal species found in Chief Logan State Park. It is about 14 pages, much too long to reproduce here. To see the complete list, go to <http://asecular.com/forests/chieflogan.htm>)

## Comments

The region, as typified by Chief Logan State Park, combines a suitable topography with bedrock, such as limestone, that yields soils that are among the richest anywhere. This is reflected in the imposing native diversity that includes at least 23 species of ferns and 34 species of large trees. Also present are a number of herbs such as American Ginseng, Goldenseal, Sharplobe Hepatica and Guyandotte Beauty, that demand rich soils and which are increasingly rare. We also need to consider the possibility that there are other species, both plant and animal, rarer than any of these, yet to be discovered, not only in the Park, but, of greater likelihood, in the much larger surrounding region that is subject to mining. It may also be the case that some of these species possess great value for medicinal or other purposes. Unfortunately the Park, as well as much of the surrounding region, has already been degraded. This is reflected, as Dr. Hunsucker found, in streams polluted by coal mining and in the Park itself by over-use and unwise and destructive road-building. It is also revealed in a long list of introduced alien species that crowd out natives, since they are better adapted to human-degraded habitats. Glaring examples are the



shrub Autumn Olive, Asiatic Stiltgrass and Asiatic Waterpepper. Asiatic Stiltgrass, in particular, is almost omnipresent and very abundant in a variety of habitats. It also should be stressed that the inventories, as presented here, are very incomplete for bryophytes, fungi and animals of every kind. However, none of this can be blamed on the dedicated Park personnel, who do as best they can to protect the Park.

There are of course large human costs of MTR/VF mining, and a great part of these are a direct result of the loss of native biodiversity, which greatly diminishes livability in the mountain environment. Thus the protection of biodiversity and human communities is really one cause.

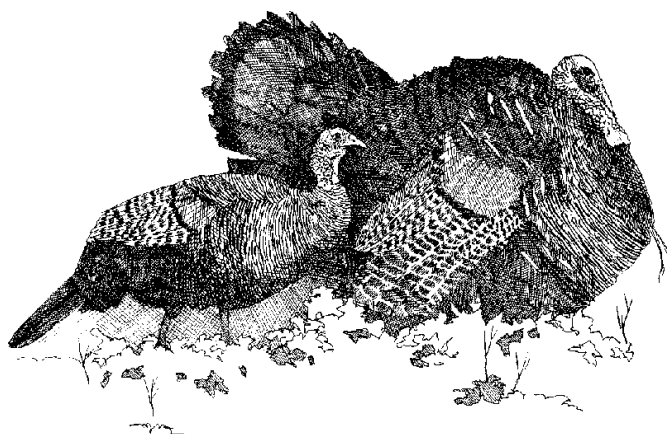
**Editor's note: This study was published by Virginians for Wilderness. This and other studies of Central Appalachian forests as well as articles on forestry and wilderness issues may be found at its web site <http://asecular.com/forests/vfw/>**

## GAS WELL UPDATE

As mentioned in the accompanying story, there is a proposal to drill for natural gas in Chief Logan State Park.

In mid-December, 2007, the West Virginia Department of Natural Resources turned down applications for permits to drill these wells. In doing so, the agency officials cited a state law that prohibits "extraction of minerals ... on or under any state park."

Company officials have indicated that they intend to explore legal options. Options could include an appeal of the agency decision, litigation demanding compensation for property taken, or both.



## REMEMBERING JOE GATSKI

By Dave Saville

Joe Gatski began to pick up *The Highlands Voice* at the Blue Moose Cafe in Morgantown many years ago. It wasn't long before I, then WVHC Administrative Assistant, got a hand written note from Joe about bamboo in West Virginia. He was extolling its virtues and uses as a native landscape plant. Yes, he informed me, there are native species of bamboo in West Virginia. Pretty soon I got a poem he'd written for submission to *The Highlands Voice*. It was the start of a kind of pen pal relationship.

I soon began to recognize the hand written notes I'd periodically receive from him. Sometimes he would comment on something he'd read, or on a trip into Otter Creek Wilderness he'd taken. Some more recent communications centered on his concerns that Ramps are being over harvested in the state and that he feared for the plant's future. Easy to cultivate, he suggested, more people should be growing their own rather than collecting them from the wild.

And of course there were the poems. He regularly sent poems he'd written, which I was, of course, delighted to receive and pass along to the *Voice* Editor. Readers have been enjoying Joe's poems in the *Voice* for many years.

Joe was a fixture in Downtown Morgantown, anyone who works or visits there

often most likely encountered him. Many years after our US Mail correspondence began, I finally connected his name to the person I knew from the Cafe and elsewhere. It seems all my friends knew him. I've heard stories of him catching trout with his bare hands.

I know Joe's brother Steve. When it snows you'll find him at Whitegrass Ski Touring Center. They grew up in Grafton. Their dad, Gunner Gatski, was an NFL Hall of Fame football player.

A couple years ago my friend, Keith McManus, gave me a few books of Joe's poetry. He was also a songwriter and musician and enjoyed watercolor painting. As a naturalist, Joe loved the West Virginia mountains, backcountry and wilderness. He was an avid trout fisherman, hunter and herb collector. He knew his stuff. Anyone who knew him could tell you stories of Joe's adventures in the great outdoors. He had been following the efforts of the Highlands Conservancy to protect everything he loves about West Virginia, especially the Wilderness.

Joe died a few weeks ago. His family generously directed memorial donations to the Highlands Conservancy to support the Wilderness Coalition. His friends in Morgantown had a celebration of Joe's life at 123 Pleasant St. Everyone was there. Folks gave testimonies, read poems and sang songs in Joe's memory.

I encourage readers to go to [www.youtube.com](http://www.youtube.com) and type in Joe Gatski, and watch the Video tribute done by some folks at WVU. It's great. It captures a special part of Joe.

Thanks Joe. And thanks too, to the Gatski family, for thinking of the Highlands Conservancy and its work as a fitting memorial to what Joe cared about. I hope we all can continue to do the work he felt was so important.

In one letter I received from Joe, he wrote; "I am a firm believer in your cause. Here is a poem I have written that I hope you may enjoy. Hearthstone is about the Allegheny Mountains, the land and its people."

### Hearthstone

By Joe Gatski

Though o'er  
a many rough wilderness  
I may travel  
I know that somewhere,  
at the end of the trail,  
there are folks who will welcome me with kindness and grace.  
Wine is on the table  
and the parlor is filled with song.  
In the kitchen the women are eagerly preparing  
to serve up warm helpings of love.

### 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.

