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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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TROUBLING STUFF IN THE MON

By Beth Little

Coal Trucks

If you have had the visiting pleasure, you know that the Falls of Hills Creek is a spectacular site in the southern Monongahela Forest in Pocahontas County. There are a series of three falls, the last of which, at 63 feet, is the tallest in West Virginia. There are globally rare plants in the protected area around the falls, a profusion of wildflowers in the spring, and an awesome display of colors in the fall. Hills Creek begins on the slopes of the Yew Mountains and flows mostly west until it turns sharply cutting between Spruce Mountain, 4307 feet high, and Rocky Knob, 4430 feet high, and flows southeast along the northeast side of Briery Knob, 4500 feet high, to disappear into a sink hole on the back side of Droop Mountain.

Hills Creek is one of the cleanest streams in West Virginia and a home to native Brook trout. It is a popular tourist attraction with a parking lot and boardwalk.

This past fall there was a public hearing on a proposal by South Fork Coal Company to add mileage to the Coal Resource Transportation Road System. Included in the proposal is 0.94 mile

of CR 29/4 in Pocahontas County in order to access a proposed deep mine on Fork Mountain in northern Greenbrier County. CR29/4 is locally known as the Briery Knob Road. It is a rough 4 wheel only road that runs from the Lobelia Road near the unincorporated town of Lobelia to intersect with Bear Run Road, a well-developed gravel road accessing the large area of strip mines and clear cuts between Fork Mountain and Cold Knob from State Route 39.

This is an uninhabited area that is within the Monongahela National Forest Proclamation Boundary but is privately owned, mostly by extraction companies such as Westvaco and Plum Creek.

The problem is that the section of Briery Knob Road identified in the proposal runs along the top of the ridge above Spruce Run, a major tributary of Hills Creek. Traffic sounds from the road

reverberate down the Spruce Run hollow and can be heard clearly in the Falls of Hills Creek canyon. In the past, there was so little traffic that it was a minor disturbance to the wild pristine character of the area. A constant stream of coal trucks is another story.



Third falls at Falls of Hills Creek

Photo Courtesy of Troy and Rusty Lilly, www.forestwander.com

(More on p. 3)

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Ramblin' the Ridges

By Cynthia D. Ellis

DREAM

"I have a dream..." said Dr. Martin Luther King, Jr. We remember that. We know many here in the mountains have dreams. I have met one person who is trying to make some dreams come true in southern West Virginia

Lorelei Scarbro is one of the founders of the Boone-Raleigh Community Group. She and others in the Whitesville area---all with strong views on the excesses of extractive mining, and some with activism in their personal history--- began talks about the multiple community problems there. They wanted to deal with pervasive poverty, unemployment, and drug use. They wanted to create a safe neutral location for people of all views to come together to create, learn, and recreate, and strive for a sustainable economy. They wanted to work on something positive.

So the Boone-Raleigh Community Group was formed in 2010...one month before the Upper Big Branch mining disaster that ended the lives of 29 of their neighbors. Center staffers stood at candlelight vigils and yearned even more for hope.

With Lorelei as the self-described "Bulldozer" of the group, they acquired space in one of many vacant storefronts of a languishing main street. Activities and events were planned and launched. The BRCG's Center hosts dinners, classes, and "Kids Days." There's line dancing, beginning banjo, and yoga. A Children's Library has been started. A popular annual event is apple butter making.

Locals are assisted in establishing mini-four-square gardens complete with tools and rain barrels. Lorelei and the center's directors recognized that local talent abounded but needed encouragement and a market outlet. Near her own home was a woodworker, wool spinner, beekeeper, and accomplished seamstress. At BRCG, vendors can rent a space for a very nominal fee, and sell goods. Scarbro is especially pleased to note that those funds go directly back into the local economy.

BRCG staffers are all volunteers. Appeals for funding are made to all elements of the community. Lorelei is frank when questioned about funds received from a coal company. I asked if that had been criticized. Not overtly, she notes. But BRCG has been careful to avoid entangling promotions from donor groups. When she hears of negative responses, she tries to make a personal contact to cultivate discussion. She repeatedly stresses the neutral and therapeutic goals of the center. She is especially proud of support from her own town...from police, PSD, and fire department and town hall.

Those local civic groups were a major help in a midsummer 2012 "Kids Day" with a water theme. Families here often cannot afford expense and travel to swimming pools. So a water-themed day was set up for them in the middle of the town, with a water slide, buried treasure, bubbles, music, crayon-shaped water soakers, and pizza. Two little boys lurked with soakers and thoroughly drenched Lorelei...twice.

High school students, from Sherman High School, and students from various colleges have helped in the general efforts. "We don't really want anyone to FIX us," Scarbro notes. "We are not broken." But they do welcome anyone who wants to assist them in working toward their goals.

Slowly, progress has been made in attracting the whole community. As the widow of a Black Lung affected miner, Lorelei

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MORE ABOUT THE MON (Continued from p. 1)

The Coal Resource Transportation Road System is the result of the furor over weight limits some years back. 80 tons is the limit on regular state roads, and higher weights cause more impacts that cost more money to maintain, so the CRTS was created. Roads incorporated in the CRTS have the higher limit of 120 tons and are maintained with user fees.

The announcement about the public hearing was one of those tiny type legal ads in the back of the local paper, and there was no explanation about why the Briery Knob Road was included. If you looked at a map it would appear that the CRTS was going to end in the middle of nowhere. It wasn't until we got to the public hearing (all two of us), that we learned about the deep mine and the private haul road not shown on maps connecting the Briery Knob Road to the Cold Knob Road.

Of course the Briery Knob Road will have to be upgraded at some cost, so I asked why they didn't go out the Bear Run Road, as coal trucks from previous mines in the area did, and then continue on Rt 39, a paved highway. The answer was that there were several bridges on Rt 39 that were only rated for 80 tons and replacing the bridges was too expensive. (I guess in the past, the coal trucks either limited their weight to 80 tons or violated the law.) The private haul road runs along ridges and has no bridges; besides, it's private.

I registered my official protest over the negative impacts to a special area, but had little hope that it would make any difference. Allen Johnson, the other citizen attending the hearing, cited a paper by Downstream Strategies which found that the CRTS was actually costing the taxpayer.

It was bizarre that there were only two of us, the citizens for whom the hearing was held, while there were 20 or so other people in the room – members of the CRTS Advisory Committee, the WV Department of Highways, and the South Fork Coal Company. Setting up the advisory committee and mandating public hearings was part of the legislation creating the CRTS, but with no more publicity than the legal announcement, which had no explanatory information, a lot of taxpayer money was spent to hold what felt like an exercise in futility for two citizens.

I did alert the Forest Service beforehand about the hearing, because the Briery Knob Road is on the Monongahela National Forest and impacts a forest attraction, but no one from the Forest Service attended.

Tree theft

It would appear that the Tucker County Division of Highways

Superintendent, Bobby Cooper, and a couple of local loggers took advantage of the cleanup from hurricane Sandy as an opportunity to harvest some national forest trees.

FEMA provides funding for cleanup, and Mr. Cooper stated that "this has helped a lot of operators to make a little bit of money, keep everything going until they do get back into the timber business." If the money was just paying for time and expenses to do the cleanup work, that would be fine; but local citizens noticed that a lot of perfectly healthy trees outside the state road property were cut on land owned by the Forest Service, which would indicate that the operators were already back into the timber business.

Along Rt 72 north of Parsons from Holly Meadows Rd to St George, a distance of about 2 miles, the roadway was cleared as if for a 4 lane highway – laurel bushes and everything. At a pullout, called the Cool Springs rest area, there was a row of large evergreens on the side of the pullout away from the road that were all cut needlessly, and a historic marker that is gone. Turning from Rt 72 onto Rt 38 the extra wide clearing continued for another mile or so to the Clover Run Road. Then on Clover Run Road 4 huge healthy evergreens were cut that were 2 to 3 feet in diameter and no hazard to the road.

A local concerned citizen called the Forest Supervisor, Clyde Thompson, to report what appeared to her as theft. Mr. Thompson called her back to say it had been taken care of, but she replied that she didn't think so, because she had seen some just happening that day.

Apparently this is not a new phenomenon. Earlier, a local landowner caught Cooper and a logging company taking trees they had cut from his property to a sawmill. The sawmill agreed to pay the landowner instead of the logging company for the trees.

Cooper approached Parsons City to use Corricks Fork Battlefield for a staging area to pile branches and logs that were being removed from the roadways of Tucker County during the cleanup. It would be interesting to know if any of the big trees cut from national forest land ended up in sawmills instead of the staging area. If so, they should be paid for.

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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.

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.

Join Now !!!

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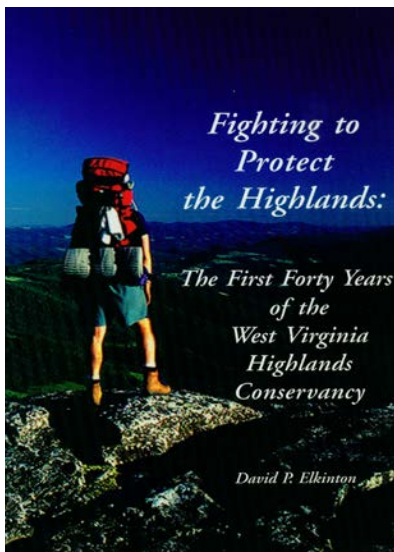
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	Individual	Family	Org
Senior	\$ 15		
Student	\$ 15		
Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
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West 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.

SUCH A DEAL!

Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$14.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership.

Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

STILL DREAMING (Cynthia D., continued from p. 2)

Scarbro diplomatically but firmly walks the fine line she's carved for herself as someone who speaks out against some mining excesses and who also wants to now include everyone in the problem-solving. Some individuals, miners included, have warmed to the center's ideas. One miner was so taken by the apple butter activity, that he voluntarily supplied apples, and wood for the fire.

The Boone-Raleigh Community Center hopes to be part of a sustainable future for its local communities. They want to help heal civic and personal wounds.

It's a dream. Lorelei and the Center are trying to make it real.

[Boone-Raleigh Community Group maintains a website and a Facebook page.]

THE MOUNTAINS LOSE A FRIEND

Joan Mulhern, a forceful advocate for the environment who lobbied Congress and often rallied public support to sway lawmakers to her cause, died Dec. 18 2012. She was 51.

Joan had been the senior legislative counsel for Earthjustice, a nonprofit environmental law firm, since 1999. She fought repeated attempts by Congress to limit the scope of the Clean Water Act and battled coal companies and government officials over mountaintop-removal coal mining.

To the West Virginia Highlands Conservancy and to West Virginians in general, she will be best remembered for her help in battles over mountaintop removal and clean water. She spearheaded the support Earthjustice provided for the West Virginia Highlands Conservancy, co-plaintiffs and the legal team of the Appalachian Mountain Advocates in much of our water/mining litigation.

She also encouraged, helped and welcomed citizens to travel to DC to speak with Congressional folks about the myriad of mining problems affecting them and their communities. She was Senior Legislative Counsel with Earthjustice and maintained a close working relationship with staffers on 'the hill' and often set up meetings with Congressional representatives and assisted citizens invited to testify at Congressional Committee hearings on mining and clean water issues.

She was Earthjustice's original "Mountain Hero" (<http://earthjustice.org/mountain-heroes/joan-mulhern>). She began her work at Earthjustice in 1999, bringing with her a remarkable dedication to the Clean Water Act and leading the organization in its work to save Appalachian waters and communities by ending mountaintop removal mining. She put her heart and soul into her work—which was driven by her fierce determination to defend the disadvantaged and protect those with less power—in a way few can. And in these efforts, she was positively courageous and unflinching, never shrinking back from powerful special interests and bleak politics, and never backing down in her defense of people and communities.

In a regulatory world constantly affected by changing political winds, Joan found herself refighting battles that had seemingly been settled decades before. The Clean Water Act was signed into law in 1972, but it was continually modified by rule changes that restricted the law to fewer and fewer waterways.

In October 1999, federal judge Charles H. Haden III ruled that it was illegal for mountaintop-removal mining operations in West Virginia to dump debris within 100 feet of streams. In response, West Virginia Sen. Robert C. Byrd (D) attached an amendment to an appropriations bill to override the judicial ruling by making streams near mountaintop mines exempt from the Clean Water Act.

Byrd mocked environmentalists as "head-in-the-clouds individualists who peddle dreams of idyllic life among old-growth trees," but Ms. Mulhern taught the veteran senator a lesson in real-world political gamesmanship.

With allies in DC and Appalachia she launched a counterattack that included grass-roots protests, letter-writing campaigns, op-ed essays and Capitol-corridor politicking that turned a spotlight on

mountaintop removal, which had been mostly a regional issue. In the end, Byrd gave up the fight and withdrew his amendment.

"Joan did what Joan does best, and that was to loose the dogs of war," Martin Hayden, Ms. Mulhern's former boss at Earthjustice, said in an interview. "Joan was incredibly knowledgeable, extremely smart and politically skilled, and in my opinion was one of the most tenacious and effective advocates I've ever seen. She would never back down."

In December 2008, after a series of regulatory changes during the administration of President George W. Bush allowed operators of mountaintop mines to dump rubble in Appalachian rivers and streams, Ms. Mulhern had seen enough.

"With two months left in power," she told the New York Times, "the Bush administration is determined to cement its legacy as having the worst environmental record in history."

She wasn't any easier on environmental officials after President Obama took office. After regulatory officials blocked only six of 48 mountaintop-removal projects in 2009, Ms. Mulhern pronounced it a "big disappointment."

"Until they can clearly tell us their policy is to stop the destruction of mountains and streams in Appalachia," she told the Times, "we cannot support them."

In addition to her fighting spirit, Joan was admired, loved, and *sometimes feared* for her sharp tongue, her wry sense of humor, and her die-hard dedication to the Boston Red Sox.

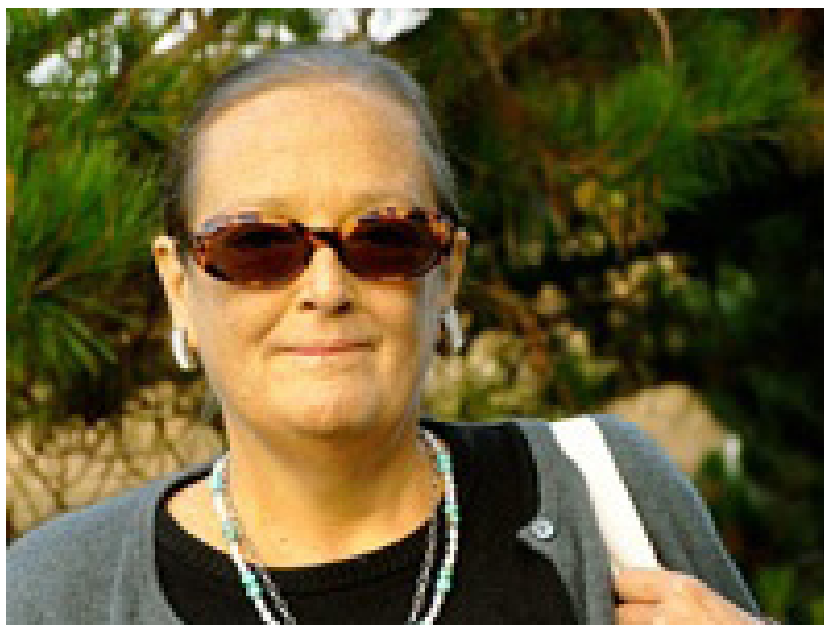
Her Earthjustice family and all who work with her—as well as all who enjoy clean water and have benefitted from her work—are going to miss Joan and her indomitable spirit more than words can express.

Advocates fighting to protect the waters of our nation and the people of Appalachia, and fighting for environmental justice more broadly, may not have this giant standing by their side going forward, but Joan will live on in all of our hearts and efforts.

Born August 23, 1961, in Wellesley, Mass., Joan grew up in Sherborn, Mass. She graduated from the University of Vermont in 1985 and had a law degree from Georgetown University. Before joining Earthjustice, Joan worked for the Vermont Public Interest Research Group, an environmental and consumer advocacy organization, and eventually became its executive director. For the past several years she has served on the board of the Appalachian Mountain Advocates.

Note: Much of the information for this story is from the obituary of Ms. Mulhern which appeared in *The Washington Post* and a blog post on the Earthjustice website.

Known, loved and respected by so many of us, Joan's intelligence, strength and fighting spirit will be sorely missed. Please give a thought or prayer in whatever way you personally do those things for her family and friends in this sad time. Cindy Rank





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PO Box 306 Charleston, WV 25321

West Virginia Seed Source Conifer Seedlings

The West Virginia Highlands Conservancy continues its efforts to conserve and restore the High Elevation Red Spruce Ecosystem in West Virginia, and the Central Appalachian Mountains, by offering high quality seedlings grown from seed collected locally by volunteers.

All proceeds support red spruce ecosystem restoration efforts in West Virginia.

Red Spruce

10-18 inches, these are a 2 inch plug 6 inches deep.

Spring 2013

Thru August 31, 2012	1,000 minimum
\$0.85 each	
Beginning September 1, 2012	1,000 minimum
\$0.95 each	
Beginning September 1, 2012	100 minimum
\$2.00 each	

Spring 2014

Thru August 31, 2012	1,000 minimum
\$0.80 each	
September 1, 2012 - August 31, 2013	1,000 minimum
\$0.85 each	
Beginning September 1, 2013	1,000 minimum
\$0.95 each	
Beginning September 1, 2013	100 minimum
\$2.00 each	

Canaan Valley Balsam Fir Seedlings

14-20 inches, these trees, are a 1 year plug grown in a transplant bed for 2 additional years.

Spring 2013

Beginning September 1, 2012	100 minimum
\$2.50 each	
Beginning September 1, 2012	1,000 minimum
\$1.25 each	

25% deposit will reserve your trees.

Flexible availability from late March thru early May.

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For more information visit www.restoreredspruce.org or contact:

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WVEC PREPARING FOR 2013 WV LEGISLATURE

By Frank Young

The West Virginia Environmental Council (WVEC, aka "E-Council") is, as its name suggests, a council or coalition of several environmental organizations whose general purposes include conservation of the natural resources of West Virginia and the region, and dedication to the improvement and preservation of the environment through education, grassroots organizing and coalition building, leadership development, and media outreach.

More specifically, WVEC is primarily the lobbying arm of West Virginia's organized environmental community. WVEC lobbying activities include lobbying the state legislature as well as monitoring and advising, and hopefully educating, various agencies of government on appropriate administrative rules and procedures relating to the environment, and the carrying out of governmental duties to protect the environment from unhealthy and unwise exploitations.

In that regard, WVEC annually develops what it loosely calls its "legislative agenda" for the following year. Development of such an agenda begins with a gathering of state environmentalists, usually at an annual WVEC fall conference. That 2012 conference was held in early October at the Ritchie County 4-H camp. As part of that annual conference, attendees offered some three dozen general "wish list" items for consideration by the WVEC legislative committee and WVEC's board of directors. This list ranged from re-organization of the state's Public Service Commission and Department of Environmental Protection, to requiring state employee testimony to legislative committees be actual sworn testimony subject to criminal prosecution for knowingly giving false testimony, land "surface owner" rights, and a couple dozen other wish list items.

But a three dozen or so item legislative "agenda" is far more than an only modest sized and underfunded lobby team can sustain. So the WVEC legislative committee, lobby team and board of directors refine this list to about a half dozen manageable items. Initially, items considered of most importance and deserving of pursuit include mandated energy efficiency standards, "least cost planning" by public utility companies, a ban on drilling for gas in karst regions until adequate regulations and enforcement capability are in place, revised shale gas hydraulic fracturing ("fracking") regulations, amendment of the West Virginia Renewable Portfolio Standards to include a one percent carve-out for solar generated energy, and continued opposition to the still pending 2011 Senate Bill 615 mining rules.

Perhaps of most importance, we are always on the lookout for pending "bad" legislation (usually promoted by well funded industry lobbyists, and for which WVEC and its allies must play "defense") that would be harmful to our environmental conservation and preservation purposes.

WV E-Council's 2013 lobby team will include WVEC paid lobbyists, unpaid citizen lobbyists, as well as, for certain issues, lobbyists for other allied organizations such as (a) church groups (b) health related professional groups (c) education and other labor groups, and (d) other groups whose focus is on social justice generally. All combined, these lobbyists have had decades of experience in pursuing a better level of environmental sanity as relates to the state's official, government sanctioned environmental policies and procedures.

FUN STUFF TO DO

The following outings are being offered at White Grass Ski Touring Center in Canaan Valley. 304 866-4114, www.whitegrass.com

Jan 6 Snowshoe Discovery Tour: "Coolest" wildlife species that over winter in the Valley, species like golden eagles, fishers, golden kinglets, ravens, pygmy shrews, snowshoe hares. I'd like at the end of the walk for folks to know more about the unique species of the high elevation spruce-northern ecosystem that they may only see if they are quiet, lucky, and aware while out in the woods. Understand some of the different adaptations these species have to survive a typical freezing snowy Canaan Valley winter. Co lead by Casey Rucker, amazing local ornithologist and Amy Cimarolli a forester and scientist for The Nature Conservancy in WV.

Jan 12 Winter Trails Day - Free lessons/clinics and rentals to all first time interested skiers or snowshoers. XC lessons every hour and a 10 am and 2 pm clinic on types of snowshoes, clothing, basic techniques, and outdoor winter snow travel followed by a natural history tour on snowshoes into our neighboring National Wildlife Refuge.

Jan 13 Snowshoe Discovery Tour: Casey Rucker leads Winter Bird Adventure...more later

Jan 20 5 Km Snowshoe Walk/Run - 1 pm Well organized by Helvetia, WV distance runner Dan Lehmann this event features a rolling course full of prizes and fun. Snowshoe rentals available for \$8.

Jan 21 MLK Day Snowshoe Discovery Tour - 10 am with Chip Chase, owner of White Grass and lifelong outdoorsman sharing his knowledge of the area. Included is a history of the relationship with Fish and Wildlife Service and the formation of the Refuge here.

Jan 24-25 West Virginia Special Olympics Winter Games - Gathered are racers from three states, parents, coaches, volunteers, and helpers. This event will give back tenfold what is put in!

Jan 27 25K Mountain State Marathon - 1 pm This rolling course never gives you a needed break or settle for a shortened version. Kid's classes, and great prizes. \$20 entry fee. Fully groomed for classic or skate, sweet prizes, website splatter and personal glory.

Jan 27 Snowshoe Discovery Tour - 10 am TBA with Bruce and Andy Dalton, Master Naturalist

Feb 1 Our Ground Hog's Day Ski (one day early) - 9am Our annual trek in search for clues to the rest of winter never seems to end. Full day backcountry journeys usually have no route in mind and end up a little lost.

Feb 3 Snowshoe Discovery Tour: GPS Mapping Skills with WVU Forest Professor Rick Landenberger.

Feb 10 Snowshoe Discovery Tour - 10 am Winter Tree Identification Learn how to identify common evergreen and deciduous trees during the winter by using simple observation techniques and field guides. This trip will explore the northern hardwood and spruce/fir forests that abound in Canaan Valley. Basic tree identification and ecology will be discussed along with other issues influencing our forested landscape. Trip led by Mike Powell – Manger of Stewardship for the Nature Conservancy in West Virginia

Feb 18 President's Day Snowshoe Discovery Tour - 10 am with Chip Chase, owner of White Grass and lifelong outdoorsman sharing his knowledge of the area as well as the history of the relationship with the Fish and Wildlife Service and the formation of the Refuge here.

Feb 24 Snowshoe Discovery Tour - Winter photography with Marc Shaffer and Martin Radigan @ 10

Mar 3 - Natural History Discovery Tour with Chip Chase 10 am - A natural history snowshoe walk with Chip Chase as he shares his knowledge about the climate, forest type, and geology of the area. Enjoy a short streamside jaunt that lasts about an hour and covers around a mile of easy rolling terrain.

Full Moon Skiing Trips are around each month's lunar glare Dec 28, Jan 27, Feb 25, Mar 27. We usually head out around 7:30 pm. Good snow, suprising visibility, mysterious sense of control.

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.

WIND TAX CREDIT SURVIVES FISCAL CLIFF

By John McFerrin

Wind developers spent the last part of 2012 hustling to get projects on line before the end of 2012, in advance of the possible expiration of a federal incentive. Under the law that was in effect (see below), projects that began operating prior to the end of 2012 were eligible to receive a 2.2-cent Production Tax Credit for each kilowatt hour of generation over a 10-year period.

The federal Energy Information Agency collects monthly updates on modifications, retirements, and additions to the nation's fleet of power plants, including the planned date of commercial operation for new generators.

According to Energy Information Agency reports, wind plant developers reported increasing amounts of new capacity scheduled to enter commercial operation in 2012 as the year progressed. Even as completed projects accumulated during 2012, the amount of capacity expected to come on line before the end of the year continued to increase. As of November 30, 2012, the wind capacity planned to come on line by the end of December would account for approximately half of the total 2012 wind capacity additions.

Wind generators accounted for a significant portion of capacity additions since 2007 and were the largest source for additions to generating capacity in 2008 and 2009. If all planned wind generators for 2012 come on line, as reported by industry participants, wind capacity additions could top 12,000 MW for this year. This would account for 45% of total additions and exceed capacity additions from any other fuel source, including natural gas. Natural gas was the leading fuel source for electric generating capacity additions in 2010 and 2011.

The increase in capacity does not necessarily mean that there will be more increased use of wind generated electricity than increased use of natural gas generated electricity. Because wind energy production depends upon how the wind blows, wind generators often operate at less than their rated capacity.

The Production Tax Credit was scheduled to expire at the end of 2012. Like almost everything else, its extension was a part of the negotiations surrounding the "fiscal cliff." Fiscal conservatives say the rush in activity to complete shows wind power is not competitive with other energy industries. They argue the federal government cannot afford to prop up wind, especially given the deficit situation.

The credit's supporters say it has helped bring the wind industry closer to self-sufficiency. They call the industry a boon for job growth, drawing upon a wind industry-commissioned study that says axing the credit would eliminate 37,000 jobs.

The American Wind Energy Association (AWEA), the main wind trade group, has suggested extending the credit one year and then phasing it out after five. It said wind would be cost-competitive with other energy sources by the end of that timeframe.

Now that the fiscal cliff negotiations are more or less over, it turns out that the developers did not need to be in such a rush. A one-year extension of a key tax credit for the wind industry made it into the fiscal cliff deal the U.S. Senate and House passed on Tuesday. It would allow any project that begins construction in 2013 to claim the credit, even if it goes online in 2014. The tax credit that expired on Monday could only be claimed for projects that went online in 2012.

It is not clear from readily available sources how much this credit will cost the treasury. The Congressional Budget Office data on the cost of the fiscal cliff deal that was published contains a line item labeled Energy Tax Extenders. It shows a cost to the treasury of about \$4.5 billion in the first year and smaller amounts in subsequent years. The fiscal cliff deal includes other energy related credits such as one for producing biofuels with algae. Because of this, it is not at all clear what fraction of the \$4.5 billion is for wind production tax credits.

LUNCH BREAK LECTURE

Join Us in Charleston---

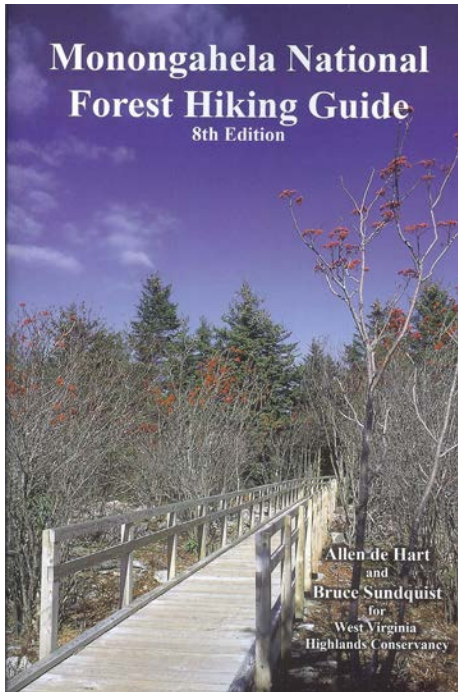
We're trying a new feature at our regular Board Meeting in January. We invite Charleston area members to join us just after lunch for a presentation on "Natural and Cultural Histories of Coal River" by Doug Wood! Doug is a WVHC member, historical researcher and naturalist, with an extensive background in making the past come alive. Join us at the Habitat for Humanity Community Center [at the Habitat ReStore] 301 Piedmont Road. There's easy parking at their lot directly across from Green's Feed & Seed; come in to the Center by the side door [on Court Street]. We hope to meet old friends and new, on Sunday, January 27, 12:30 to 1:30. RSVP to Cindy Ellis cdellis@wildblue.net 304 586-4135. See you there!

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.

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

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.



THE MARCELLUS SHALE AND THE SWORD OF ROME

By John McFerrin

Who is this Marcellus guy and why does he get to have his very own shale?

The Marcellus guy is Marcus Claudius Marcellus (268 BC—208 BC), a famous Roman general known by his nickname “the Sword of Rome” and for his success in the Punic Wars.

He was killed in an ambush while reconnoitering enemy positions in 208 BC. He had been moldering in the grave for some two millennia when, in 1782, the New York State Legislature began setting apart land grants. These were to be used to compensate soldiers who had enlisted in the Revolutionary War. The New York Surveyor-General divided the land into tracts and named them. He named one of them Marcellus, in honor of Marcus Claudius Marcellus.

During the next fifty years a settlement—named Marcellus—grew up on the site. In about 1836 James Hall came on the scene. He was part of a project to collect information on the geology and natural history of New York.

Among the features he observed was the outcropping of a dark shale formation. Because the outcropping was near the village of Marcellus, he named it the Marcellus Shale.

The village of Marcellus, NY, still exists; the population was 1,813 at the 2010 census. It is now best known for some of the finest architectural and historic landmarks in Central New York, such as the Dan Bradley House which was listed on the National Register of Historic Places in 1978.

James Hall died in 1898. He is remembered for his publications, including “Geology of New York,” Part IV. (1843) as well as identifying that stromatolite fossils discovered at Petrified Sea Gardens, a site near Saratoga Springs, New York that is now another National Historic Landmark, were originally organic. There is a residence hall at Rensselaer Polytechnic Institute named after James Hall. It is officially known as Hall Hall.

The Marcellus Shale is still with us.



**Marcus
Claudius Marcellus**

OUR READERS WRITE

Drilling Moratorium a Good Idea

Dear Editor,

I appreciate Mr. Patsche's speaking out. It is through dialogue that we gain understanding.

In response to your suggestion that we should continue gas drilling so that we will have the capital to fix pollution, I would respond that it is much less expensive to prevent pollution before it happens than to fix it after it occurs. In fact, some pollution, like contamination of groundwater, is virtually impossible to fix, and would place a monumental burden on residents and farmers that are affected. We might not be calling for a moratorium if we had been successful in calling for adequate regulations for protecting our air, water and land over the last 4 years. We have had numerous articles about this in the Voice. See our Archives at http://wvhighlands.org/wv_voice/,

Regarding capital, financial news about investment in shale gas drilling indicates that it is a bubble that some have likened to a Ponzi scheme, and a lot of capital is going to be lost when the bubble bursts. For an explanation of this see “Dueling Scare Tactics” in the January 2012 Voice: http://wvhighlands.org/wv_voice/?m=201201.

The jobs benefit has been questioned by the AFL-CIO who complain that most jobs go to out-of-state workers. And according to one study by the CDC National Institute for Occupational Safety and Health (NIOSH), workers in the oil and natural gas industries are seven times as likely to die on the job as workers in other industries.

It seems the primary financial benefit in WV is the campaign contributions to politicians like Governor Tomblin, who has repeatedly thwarted efforts to adequately regulate the gas industry and fund proper enforcement. While the WV DEP continues to put the highest priority on issuing new permits as fast as they can, people are getting sick, farm animals are aborting and dying, and land owners are losing the value of their property.

The claims by the Oil and Gas Associations of West Virginia are reminiscent of the tactics by the tobacco industry to protect their profits no matter who suffers.

Beth Little
Hillsboro, WV

Note: The October, 2012, issue of *The Highlands Voice* contained a story on a call for a moratorium on drilling for gas in the Marcellus shale until certain conditions are met. The December, 2012, issue contained a letter from Carl Patsche opposing such a moratorium. This letter offers another point of view, disagreeing with Mr. Patsche.

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. Electronic copies arrive as e-mail attachments a few days before the paper copy would have arrived.

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 or real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

The best choice for restoration, reclamation or landscaping**NATIVE, “LOCAL,” PLANTS**

By Dave Saville

Beyond just using native species, it is also important to keep in mind that it is beneficial to use seed, or plants grown from seed, of a local source. Called an “ecotype,” plants develop subtle genetic adaptations to local conditions.

With the help of West Virginia Highlands Conservancy members, the West Virginia Division of Forestry Clements Tree Nursery will begin to propagate a selection of locally sourced native species. You can visit them on the web at www.wvforestry.com/nursery.cfm.

For the past two years Highlands Conservancy members have been collecting fruits of native species such as cones, berries, pods, etc, and processing them for the seed. So far we have a significant inventory of seed for over 30 species. This has been just one part of a program supported in part by the USF&WS’ Northern WV Flying Squirrel Conservation Fund. We have also harnessed hundreds of volunteers who’ve planted 10s of thousands of spruce and fir trees.

Clements Nursery Manager, Jason Huffman, has expressed an interest in growing more natives, but there has been no source for the seeds. To begin the process, the success of which will depend on many factors, the nursery will propagate 10 species. Collected mostly in Tucker, Preston and Randolph Counties, they are common, important wildlife species, and could serve a diverse utility. They include;

Flowering Dogwood, *Cornus florida*

Silky Dogwood, *Cornus amomum*

Northern Arrowwood, *Viburnum recognitum*

Winterberry Holly, *Ilex verticillata*

Serviceberry, *Amelanchier arborea*

Mountain Holly, *Ilex montana*

American Elderberry, *Sambucus canadensis*

Mountain Ash, *Sorbus americana*

Black Chokeberry, *Aronia melanocarpa*

Balsam Fir, *Abies balsamea*

Depending on seed viability, germination and propagation success, look for them in the Clements Nursery’s catalog in years to come. You can view or download their current catalog here; www.wvforestry.com/Clements-2013_seedling_catalog.pdf. If there is a demonstrated demand for the plants, we hope to expand the effort in coming years.

In the mean-time, if you would like to be involved in collecting seed, please contact me. We also have plenty of nursery grown red spruce seedlings available for Spring 2013! Visit www.wvhighlands.org to learn more about purchasing them.

**Serviceberry****Serviceberry--a testimonial**

By John McFerrin

We set out two serviceberry trees twenty years ago. They are nice to have around since they are early bloomers with the flowers coming before the leaves.

They are easy to grow. We just set ours out, watered them some to get them started, and then left them alone. No fertilizer, no mulch, nothing.

The fruit is edible. Our son would occasionally stand by the tree and pluck a few off for a snack. There are recipes around for serviceberry pie. The berries are so small that picking enough for a pie would be a major chore, one I have never undertaken.

You will have birds. When the berries are ripe there are bazillions of birds all feasting, twittering, and doing what birds do.

HIGHLANDS CONSERVANCY BOUTIQUE

NEW STUFF



Ready for whatever life throws at them in new baby outfit.



Supermodels James Solley and Cynthia D. Ellis show off the new polo shirts.

► Our newest online store items. 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. 18 mos. tee currently available only in standard, not organic, cotton

► 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 James Solley, PO Box 306, Charleston, WV 25321-0306

SAME STUFF

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 \$12 by mail; **long sleeve** is \$15. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, 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 James Solley, P.O. Box 306, Charleston, WV 25321-0306