



The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 40

number 7

July, 2007

PUBLIC SERVICE COMMISSION RULES AGAINST LIBERTY GAP WIND FARM

By Peter Shoenfeld

On June 22, 2007, the West Virginia Public Service Commission "refused to issue" Liberty Gap Wind Force, LLC a "siting certificate" to construct a wind farm along the crest of Jack Mountain. This ridge runs parallel to and a few miles east of the S. Branch of Potomac River from a point a few miles south of Franklin, WV to the Virginia state line. The facility would have been 7 miles long and included up to 50 turbines with combined output of up to 125 megawatts.

Liberty Gap is a subsidiary of US Wind Force LLC which has been trying to develop wind projects in WV, PA, and MD for a number of years. The other WV projects include a PSC-approved project north of WV Route 93 and east of Stony River and a newer proposal along Allegheny Front near Keyser.

Liberty Gap's original application was filed on November 18, 2004 and withdrawn just six weeks later in an atmosphere of scandal. Liberty Gap had secretly offered funds to the County Commission to construct a remote water line extension. In return the Commission was to use eminent domain powers to secure Transmission Line rights-of-way needed for the wind project. They filed again in December, 20005.

The Friends of Beautiful Pendleton County were the lead interveners. Other interveners included the Highlands Conservancy, Larry

V. and Rebecca K. Thomas, the WV Building and Construction Trades Foundation, the Chestnut Woods Association, Chestnut Woods President Larry Hargrove acting personally, and Highlands Conservancy Officer Frank Young acting personally. The Commission limited the participation of the Conservancy and Chestnut Woods through strict interpretation of a requirement that corporate interveners have legal representation.

The author (who owns high mountain property a few miles away) considers this wind farm proposal the most harmful of those thus far submitted in terms of potential visual, cultural, economic, and environmental and wildlife impacts. So do lots of other folks in Pendleton County. The PSC case file contains 566 entries, the greatest numbers of which are letters-of-protest from County citizens.

In rejecting the application, the Commission cited specific deficiencies including (1) fundamental inadequacy of a required 5-mile radius map characterizing the surrounding area, (2) failure to address historical and cultural impacts, and (3) inadequate evidence regarding viewshed, noise and endangered bat species. The Order stated that

(Continued on p. 3)



What's Inside

Thoughts from President Hugh	2	Arguing over mines and windmills	8	Birthday bash coming	15
Roster of officers	2	How to join	9	Summer board meeting	15
George Washington National Forest	3	Big powerline proposed	10	Garden party coming up	16
A blow for clean water	4	Get hats, brochures, bumper stickers	11	Fishers of men support wilderness	16
A miscreant gets its comeuppance?	5	Outings	12	Fishers of fish do too	16
Beating the drum for wilderness	6	Get a hiking guide	13		
A thank you note	6	Blackwater canyon news	13		
Legislative update	7	Poetry	14		
Speakers available	7	Get wilderness stuff	15		

Heirs of Aldo Leopold

Our Congressional representatives are working on a wilderness bill for West Virginia, although a fraction of the state's hunters are digging in their heels against preserving the wildest places in the Monongahela National Forest. Organized as the Camo Coalition, and affiliated with a national outfit called the U.S. Sportsmen's Alliance, this group makes two arguments against designated wilderness.

First, they say it would "cripple sportsmen's access to federal land" by "allowing only traffic by foot or horseback."

Second, they claim that wilderness designation would "devastate wildlife management" and cause "game and non-game species to become less diverse and suffer greatly."

The first objection is puzzling. Every area eligible for wilderness status is already off-limits to off-road vehicles. These areas have been managed under regulations that have preserved their wild character, so far. Wilderness will not take away any roads or machine-accessible trails.

The second argument takes us back to the earliest days of wildlife management and wilderness preservation, when a man who has been called the father of both foresaw the coming disagreement.

Aldo Leopold was born in Iowa in 1887 and joined the newly established Forest Service in 1909, after graduating from the forestry school at Yale. At the age of 24 he was promoted to Supervisor of the Carson National Forest in New Mexico. In that post, he convinced the regional forester for the Southwest to establish a Gila Wilderness Area of half a million acres—the first federally designated wilderness. He was one of the founders of The Wilderness Society.

A prolific writer on forestry, conservation, and ecology, Leopold published the first textbook in the field of wildlife management. His appointment as professor of game management at the University of Wisconsin was another "first." In 1935, he and his family began a long-term ecological restoration project on a worn-out farm north of Madison, Wisconsin. There he wrote the essays collected in the classic, *A Sand County Almanac*. It has remained in print since it was first published in 1949. If you haven't read it, you should. Look for an edition that also contains his essays on conservation from Round River.

Leopold was an old-fashioned hunter. For him, that was the point. Hunting had a cultural value. It reenacted our origins, it taught sportsmanship, and it reminded us of our dependence on the natural world. He insisted "that outdoor recreations are essentially primitive, atavistic; that their value is a contrast-value; that excessive mechanization destroys contrasts by moving the factory to the woods or the marsh." By "mechanization," he meant more than the penetration of wild lands by motor vehicles; he meant the proliferation of gadgets that were "offered as aids to self-reliance, hardihood, woodcraft, or marksmanship, but too often function[ed] as substitutes for them."

"The sportsman has no leaders to tell him what is wrong," Leopold wrote. "The sporting press no longer represents sport; it has turned billboard for the gadgeteer. Wildlife administrators are too busy producing something to shoot at to worry much about the cultural value of the shooting."

He did not spare his profession from blame. "Wildlife managers are trying to raise game in the wild by manipulating its environment, and thus to convert hunting . . . to cropping." That was more

(Continued on p. 6)

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, hugh.rogers@gmail.com
SENIOR VICE PRESIDENT: Buff Rodman, 32 Crystal Dr., Oakmont, PA 15139; (412) 828-8983; buffrodman@hotmail.com
VICE PRESIDENT FOR STATE AFFAIRS: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
VICE PRESIDENT FOR FEDERAL AFFAIRS: Marilyn Shoenfeld, HC 70 Box 553, 23 Sands Springs Lane, Davis, WV 26260, (304) 866-3484, mshoenfeld@mountain.net
SECRETARY: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
TREASURER: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277
545-6817, woodhavenwva@netscape.net
PAST PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@mountain.net

DIRECTORS-AT-LARGE (Terms expire October 2007)

Bob Henry Baber, P.O. Box 413, Richwood, WV 26261, 304-846-6661
George Beetham, 2819 Mt. Carmel Ave. #3, Glenside, PA 19038 (267) 252-3748; geobeet@hotmail.com
Perry Bryant, 1544 Lee St., Charleston, WV 25301 (304)344-1673; perrybryant@suddenlink.net
Barbara Weaner, Rt. 2, Box 96, Montrose, WV 26283 (304) 478-2123; weaner2@gmail.com
Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175; scz3667@aol.com

DIRECTORS-AT-LARGE (Terms expire October 2008)

Don Gasper, 4 Ritchie St., Buckhannon, WV 26201; (304)472-3704
Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624; photonzx@ntelos.net
Russ McClain, 64 Wilmoth Run Road, Montrose, WV 26283, (304)637-2201; mcclainw@davisandelkins.edu
Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369; wpmcneel@gmail.com
Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; peter@mountain.net

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Robert (Bob) Handley, HC 67 Box 508 Renick, WV, 24966 497-2266; grbat@ntelos.net
PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983; jeanrodman@verizon.net
BROOKS BIRD CLUB: Cindy Ellis, RR 1, Box 163, Red House, WV 25168 (304) 586-4135; ellis_6511@msn.com
MOUNTAINEER CHAPTER TROUT UNLIMITED: Frank Slider, Rt 1, Box 163-A2, Middlebourne, WV 26149, (304) 758-2500; sliderf@ovis.net
WEST VIRGINIA RIVERS COALITION: Don Garvin, P.O. Box 666, Buckhannon, WV 26201; (304) 472-8716; DSGJR@aol.com
DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505; cmains@wvu.edu
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net
PUBLIC LANDS MANAGEMENT COMMITTEE: Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)545-6817; woodhavenwva@netscape.net
OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
LEGISLATIVE COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945; fyoung@mountain.net
WIND ENERGY COMMITTEE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com
ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com
RIVERS COMMITTEE: vacant
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662; hugh.rogers@gmail.com
OUTINGS COMMITTEE: Jonathan Jessup, 8225 Adenlee Ave. #40, Fairfax, VA 22031, (703) 204-1372; jonathanjessup@hotmail.com

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
WEB PAGE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820 PShoenfeld@gmail.com and Jim Solley, jamesolley@comcast.net

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Beth Little HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277

HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com

PLANNING IN THE GEORGE WASHINGTON NATIONAL FOREST

The George Washington National Forest is in the midst of its management plan revision, the same process as the Monongahela National Forest just completed. The management plan would set out the Forest Service's strategy for managing the Forest for the next 10-15 years.

The Forest Service had originally intended to have public meetings in the spring and summer of 2007 and then publish a draft plan in the fall, 2007.

This timetable has been cast into serious doubt by litigation which, while it did not arise in the George Washington National Forest, does affect it. The Forest Service had been proceeding under the 2005 planning regulations. In March, 2007, a United States District

Court in California enjoined the United States Department of Agriculture (including the Forest Service) from implementing and using the National Forest land management planning rule published in 2005 until it had complied with the court's opinion regarding the Administrative Procedures Act, the Endangered Species Act, and the National Environmental Policy Act. The agency is currently in the process of complying with that Order.

While having to comply with the Court's decision is a nationwide task, its local effect is that it puts planning at the George Washington National Forest in doubt. Since it had been planning according to the 2005 regulations, it is uncertain how it can proceed now that those regulations are subject to Court order. This

makes it unlikely that Forest officials will be able to meet the goals set forth in the previously published timeline.

For information about the planning process, go to <http://www.fs.fed.us/r8/gwj/> or call Dave Plunkett, Planning Team Leader, Ken Landgraf, Planning Staff Officer or JoBeth Brown, Public Affairs Officer at (540) 265-5100 or write George Washington Plan Revision, George Washington & Jefferson National Forests, 5162 Valleypointe Parkway, Roanoke, VA 24019.

LIBERTY GAP (Continued from p. 1)

these deficiencies alone provided sufficient grounds to reject the application. The Order also provided a long list of other areas where it was felt that the application was adequate.

While the Siting Rules are largely a prescription for what an application must contain, the State Code does direct the Commission to appraise and balance the interests of the applicant, the public, and the state and local economy in reaching its decision. The Order stated that the record failed to provide the information needed on environmental and community impacts in order to carry out this appraisal in the prescribed fashion.

This author's quick review of the Order left the impression that the refusal was based as much or more on perceived inadequacy of the applicant's presentations as on the power and enthusiasm behind those of the interveners.

A long list of dedicated individual, organizational and expert opponents played roles in this case. The Conservancy role was limited but significant. Financial support was provided. A high-quality photographic collection documenting the scenic and cultural wonders of Pendleton County and probable impacts was prepared by Jonathan Jessup and Friends of Beautiful Pendleton County activist Barbara Dean. This was submitted for the case record and also presented in an artistically scripted form at the May 2006 public hearing in Franklin. Frank Young, acting as an individual intervener was active in the wildlife discussions at the Evidentiary Hearing in Charleston. He has a special credibility through his demonstrated fair-mindedness which strengthened the opposition case.

The *Highlands Voice* is published monthly by the West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by the last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor on the previous page. Submissions by internet or on a floppy disk are preferred.

The *Highlands Voice* is always printed on recycled paper. Our printer use 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.

SILT SNAKES and SEDIMENT PONDS

by Cindy Rank

(with gratitude to Ken Ward and the Charleston Gazette for portions of Ken's June 14th article)

RECENT COURT DECISION

Coal operators cannot evade the Clean Water Act by building sediment-treatment ponds just downstream from strip mine valley fills, a federal judge ruled on Wednesday, June 13, 2007.

U.S. District Judge Robert C. Chambers essentially outlawed the common coal industry practice of turning small stream segments downstream from fills into waste treatment systems.

In a 26-page decision, Chambers concluded that the Clean Water Act protects parts of streams where mine operators traditionally build sediment-control ponds. The judge also said the law protects small segments of streams between those ponds and the bottom of valley fills [lovingly referred to by many as "silt snakes"].

The U.S. Army Corps of Engineers, Chambers declared, "has no authority under the Clean Water Act to permit the discharge of pollutants into these stream segments."

In March, Chambers blocked four Corps permits for Massey Energy operations, ruling that agency officials had not fully evaluated the potential environmental damage before approving the operations. That ruling is being appealed.

The new ruling is part of the same case.

Lawyers representing West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and Coal River Mountain Watch in that case argued that "Compliance with water quality standards is therefore required not only at the outlet of the sediment pond, but also upstream starting at the toe of the valley fills,"

Chambers agreed, saying the Corps' defense "appears to be ... a post hoc rationalization for the purposes of this litigation."

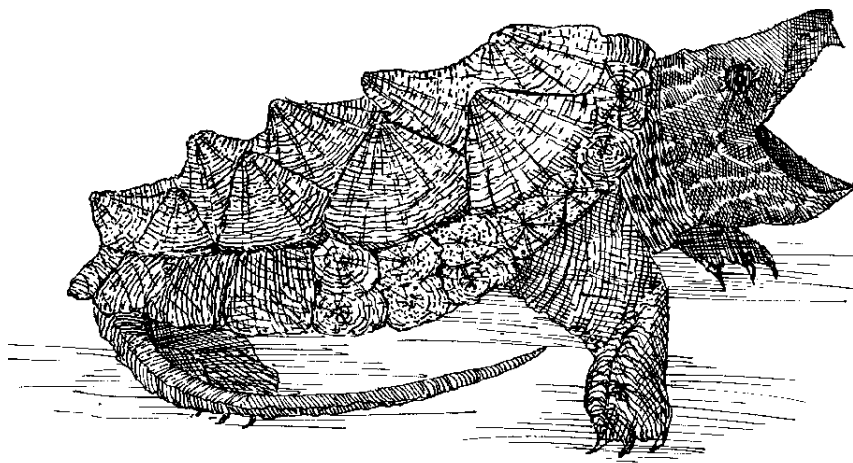
Chambers noted that in-stream sediment ponds are a long-standing industry practice. But, he found there was little legal basis for the practice.

ECHOES OF EARLIER TIMES

This ruling by Judge Chambers is particularly gratifying in light of the Conservancy's long history of objecting to in-stream sediment/treatment ponds.

Throughout the 1980s the West Virginia Highlands Conservancy engaged in discussions with state and federal agencies about the increasing use and illegality of in-stream sediment ponds at mining operations. At issue then were mining operations in Nicolas and Clay counties and along the Buckhannon River in Upshur County.

The Conservancy's position was reiterated at Reclamation Advisory Committee meetings, annual EPA roundtable meetings, in written comments about the 1984 proposed transfer of the NPDES permit program for



mining from Water Resources to the Division of Reclamation, and in a number of other official and unofficial meetings and communications. This myriad of actions eventually culminated in our 1986 challenge of Enoxy Coal's plans for expansion into the Right Fork of Tenmile Creek in Upshur County. Job#11 was to include a mile-long valley fill in a naturally reproducing trout stream and an 80 ft high dam and huge sediment pond in Bo and Rosetta Zirkle's back field.

To many old ears, comments and words written about this case, the recent decision and the issue of in-stream ponds in general, are hauntingly reminiscent of similar statements and arguments from at least as far back as the early 1980's. Here are just a few from my dusty files.

Water Resources

- 1984 memo from a Water Resource Inspector to his supervisor about a review of a couple of mines in Nicolas County:

"I think we should examine how we reached the point of habitual in-stream treatment problems.

"It started with the Brooks Run Coal

Company a few years ago. Although it was a blatantly illegal act, the Division permitted an in-stream treatment pond. At that time I objected, saying: 'if you give them an inch they will take a mile.' Quite plainly this is what has happened. Originally this type treatment was intended only for very temporary sediment control during face up operations.

"Now look where we are."

Mining and Reclamation

- A 1983 Memorandum from then director David Callaghan instructed water resource inspectors to stay away from mining operations. Beginning in August 1983, only mining reclamation inspectors were to sample streams that received drainage from mine sites and those inspectors were instructed to sample for compliance only BELOW the sediment ponds, not the stream segments flowing into the pond.

Though a topic of sporadic and often heated debate in the years following, the practice continues today as state and federal regulators evaluate whether a mining operation complies with its water pollution limits by testing the water that flows out of the sediment ponds only.

Environmental Protection Agency (EPA)

- An EPA memo about a June 18, 1980 meeting with the National Coal Association reveals that agency's position at the time:

"NCA (National Coal Association) asked us what the status of "in-stream" sedimentation structures was (i.e., in-stream ponds). We indicated the Agency's (i.e. OGC, OWE, new consolidated permit regulations) position was that "in-stream" structures are generally prohibited because it constitutes use of 'waters of U.S. and their tributaries' for treatment which is prohibited by the Clean Water Act."

Industry

- That same 1980 EPA memo also records a familiar refrain of industry: "NCA membership said such a position will cause extreme hardships at hundreds of mines where this situation presently exists especially in Appalachia."

(Continued on the next page)

MASSEY COAL SHOULD PAY FOR CLEAN WATER ACT VIOLATIONS

On June 19, 2007 a coalition of environmental groups moved to support a Clean Water Act enforcement action by the federal government against Massey Energy Company. Last month, the government filed suit against Massey, stating that the coal company committed thousands of violations of federal environmental law during the past several years, a move that could result in billions of dollars in fines for the scofflaw company, potentially the largest such fine in Clean Water Act history.

Earthjustice and the Appalachian Center for the Economy & the Environment are representing the West Virginia Highlands Conservancy, the Ohio Valley Environmental Coalition, and Coal River Mountain Watch in federal court asking to join the enforcement action as citizen intervenors in the case.

The Environmental Protection Agency (EPA) is finally doing the right thing by enforcing the Clean Water Act and holding Massey accountable for the environmental degradation their operations have wrought in Appalachia," said Earthjustice attorney Jennifer Chavez. "Protecting water quality is important, and the government should not allow coal companies and other industrial polluters to run roughshod over the law."

These groups recently won a dramatic decision in a separate case challenging four mountaintop removal mining permits illegally approved by the U.S. Army Corps of Engineers. A federal judge found that the Corps had violated the Clean Water Act by issuing the permits, which would have allowed thousands of tons of waste rock and debris to permanently bury headwaters and streams in West Virginia.

"It seems ironic that on one hand, the EPA is taking action to require this mining company to comply with the Clean Water Act, while on the other hand, the Corps of Engineers is permitting mining practices that result in complete stream destruction," said Cindy Rank, long-time member and chair of the mining committee at West Virginia Highlands Conservancy. "It sure would be nice if the Corps followed suit and actually protected our streams instead of allowing them to be permanently destroyed."

On May 12, EPA filed a civil suit against Massey, alleging the

coal company had illegally dumped pollution into waters in West Virginia and Kentucky over 4,600 times over the past six years. This disregard for clean water protections – about 69,000 days of Clean Water Act violations – carries up to \$2.4 billion in fines. The environmental groups are intervening to support enforcement of Massey's obligations under the Clean Water Act to protect streams and drinking water supplies in the communities where it operates.

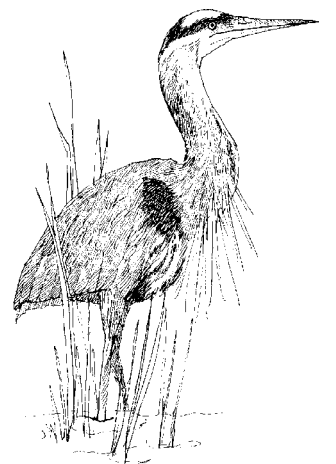
"The government has documented over 69,000 days of Clean Water Act violations by Massey," said Vernon Haltom, with Coal River Mountain Watch. "It's as if this company has been breaking the law every single day since 1818. Back then, the U.S. flag had only 20 stars and Mary Shelley just published *Frankenstein*." (Mr. Haltom refers to the EPA allegation that discharge reports filed by Massey show water pollution violations on 69,071 days over the last six years.)

"Massey seems to be operating in the dark ages, leaving behind a legacy of polluted water, environmental destruction, and a disregard for the law. None of this is good for the future economy of West Virginia," said Dianne Bady, with the Ohio Valley Environmental Coalition, based in Huntington, WV.

Massey Energy is one of the largest coal mining companies in the world, and has a long history of environmental destruction. The company, through various subsidiaries, operates dozens of mountaintop removal and other large-scale surface mines in Appalachia. Mountaintop removal mining is one of the most environmentally destructive practices in the United States. Already more than 1,200 miles of streams have been buried and 500,000 acres of mountains have been flattened.

"The Corps of Engineers could certainly follow the lead of the EPA and begin protecting our streams rather than permitting their destruction," said Joe Lovett, attorney for the Appalachian Center for the Economy & the Environment.

All of the Army Corps of Engineers permits successfully challenged by the groups in the separate litigation are for mines owned and operated by Massey subsidiaries.



More Silty Snakes (Continued from previous page)

When asked about Judge Chambers' recent ruling, Bill Raney, president of the West Virginia Coal Association, said, "It's absolutely astounding to me. Here's a judge outlawing a practice that has been in place for almost four decades."

With those words in mind, I repeat two of my favorite sections from Ken Ward's article.

First, "Chambers noted that in-stream sediment ponds are a long-standing industry practice. But, he found there was little legal basis for the practice."

Second, Ken ends with quotes from Joe Lovett, Director of the Appalachian Center for the Economy and the Environment and one of the lawyers who represented us in the case.

Joe praised the judge's decision saying, "The Clean Water Act has prohibited this kind of activity since it was passed. The agency simply never enforced it."

"The mining industry has to change its practices to comply with the Clean Water Act," he said. "It's an ingenious industry, and it can find a way to do that."

Amen to that.

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.

MORE WILDERNESS: IT'S A GOOD THING

By Don Gasper

Wilderness designation is the best and strongest tool available to citizens to permanently protect a few of the remaining roadless areas of the Monongahela National Forest. In addition to the benefits to soil, water and wildlife resources, protecting these places is most likely to provide the largest possible benefits to overall biodiversity within these tracts. Designation of Wilderness Areas is a cost effective and efficient means for providing a sustainable setting for development of natural processes and natural communities - and recovery.

An old growth forest, where disturbance occurs in patches ranging from an occasional downed tree and its canopy gap, to a larger area disturbed by fire or windthrow, will tend to have a range of age classes in a heterogeneous mosaic. This tends to increase diversity of species, as a range of habitats is provided. The least "healthy" forest, using the criterion of uniform age, would likely be those that develop from even-age management practices (clearcutting) by much of the timber industry over most of the last century.

Disturbance and second growth forest habitat do not appear to be limiting to wildlife species in West Virginia or throughout North America. The rarest and most rapidly disappearing habitat type is old growth habitats. Species that depend on this rare habitat are the species most in danger of extinction. The "weedy" species that tolerate disturbance do not appear to face any significant risk of extinction.

A healthy forest would have a reasonable proportion of diseased and rotting trees, as nothing so resembles a biological desert as continuous stands of "healthy" even-aged, younger trees with no fungi, insects or decaying cavities. Birds, squirrels, etc. would have few homes in such a forest.

More from President Hugh (Continued from p. 2)

than fifty years ago; since then, we have gone far down that road. Some hunters and natural resource professionals can't imagine leaving any part of the forest free of manipulation.

Leopold's study and experience had led him to believe in "the capacity of the land for self-renewal." He defined conservation as "our effort to understand and preserve that capacity." When he wrote about the health of the land, and prescribed a land ethic, he meant much more than just the soil, or the plants growing in that soil; he included all the animals and man as well. He urged Congress to preserve the small portion of the land that still qualifies as wilderness as "a base datum of normality, a picture of how healthy land maintains itself as an organism."

In his almanac under October, Aldo Leopold wrote: "Hunts differ in flavor, but the reasons are subtle. The sweetest hunts are stolen. To steal a hunt, either go far into the wilderness where no one has been, or else find some undiscovered place under everybody's nose." Hunters today have the same itch to find that "undiscovered place," but an outspoken minority is unwilling to go far into the wilderness.

A Sand County Almanac anticipated the contemporary hunter's frustration and disorientation. You can find this on the Camo Coalition's website: "Our hunting and fishing heritage is not being passed on to the next generation." It appears to be, at least in part, a self-accusation: we are not passing on our hunting and fishing heritage. But what is that heritage, really? On that, some heirs of Aldo Leopold can't agree.

Of course there are many other reasons for protecting forests besides their benefit for wildlife. Non disturbed forests reduce run-off thereby reducing the threats from flooding. Most people find large trees and old-growth forests to be the most beautiful thus enhancing the experience for hunting, fishing and other backcountry recreational pursuits. Scientists need old-growth forests for research purposes. Many aquatic species, including native brook trout, need the cold, clear water that a non-disturbed watershed provides best.

This generation, and their leg-



Seneca Creek, Photo © Jonathan Jessup

islators, has the opportunity, now, to set aside these 10 or so new Wilderness Areas assuring their recovery and characterizing the Monongahela as a wilder, more natural appearing Forest. The next generation will find few nearly roadless areas and a greatly limited Wilderness opportunity. Write Washington for Wilderness.

IN MEMORY OF SARAH'S GRANDDAUGHTER

By Cindy Rank

In the May issue of the Highlands VOICE I reviewed a lovely book titled Sarah's Girls – a Chronicle of Big Ugly Creek. Sarah's granddaughter (and author of the book) Lenore McComas Coberly visited West Virginia for a week long book tour and visits to her home place of Hamlin, Big Ugly and nearby Huntington and Charleston.

Two days after returning to her current home in Madison, Wisconsin Ms. Coberly learned that her sister had suffered a massive stroke. Lenore flew to California to be with her sister awhile... and then returned again for her funeral a short while later.

I received a warm letter from Lenore early in June. Included with her letter was a separate note and very generous memorial gift in honor of her sister.

I'd like to publicly acknowledge her generosity and share with you the note that accompanied her gift:

From Lenore McComas Coberly, 4114 N. Sunset Ct, Madison, WI 53705.

In memory of my sister: Ruth Elaine McComas Allen who was born in Hamlin, Lincoln County in 1930.

Her daughters are Samantha Newman of Los Angeles California and Sarah Allen of Half Moon Bay, California.

The last time I talked with her she was concerned about the damage to the environment through mining that was happening in West Virginia, especially near Big Ugly Creek and Hamlin. She had planned to visit West Virginia this summer.

Public Perpetually in Peril**THE LEGISLATURE NEVER SLEEPS**

Legislative Update by Don Garvin, West Virginia Environmental Council Legislative Coordinator

Legislative Interim meetings began June 3, 2007, in Charleston; Don Garvin attended on behalf of the West Virginia Environmental Council. There are several issues of interest to the environmental community being studied by Interim committees. In addition, the West Virginia Department of Environmental Protection has submitted its list of proposed rules to the Department of Environmental Protection Advisory Council and those rules will go to public notice very soon, probably in July. This report will update you on my activities as WVEC Legislative Coordinator.

In April there was only one meeting to attend, and all that happened in that meeting was that the Speaker of the House and the Senate President assigned the various study resolutions passed during the regular session to the various Interim committees. Instead of attending that meeting, Legislative Coordinator Don Garvin spent a lot of time on the phone with committee staff and a few committee chairmen.

I did attend the May Interim meetings which were held May 6, 7 and 8. The May meetings are basically introductory – committees adopt their rules of procedure and hear brief descriptions of the studies they have been assigned.

I delivered letters to Delegate Perdue and Senator Prezioso, chairmen of the Health Committees, requesting that they take up our Public Health Impact Assessment bill as an additional study assignment. While Senator Prezioso was immediately dismissive (our bill was sponsored by Senator Foster, and Prezioso is feuding with him), Delegate Perdue is very supportive and told me he will continue to press the issue and see if he can make it happen.

I also delivered letters to Delegate White and Senator Helmick, chairmen of the Finance Committees, requesting that they take up the subject of funding for the operation and maintenance of West Virginia stream gauges as an additional study resolution. I made this request on behalf of Liz Garland, WV Rivers Coalition, who has been serving as chair of the WV Gaging Council. Delegate White and his committee staff were very supportive, and Senator Helmick agreed to look into it.

I am not optimistic that either of my requests will be granted. The Interim Committees have been assigned an unusually large number of topics this year, and several of them are involved, complicated, and controversial. However, I will continue to lobby the issues this week. I am also discussing with legislators and staff the possibility of getting the global warming issue on the table. At the very least I would like to find some mechanism for Allan Tweddle to deliver the “Inconvenient Truth” presentation to the entire legis-

lature (Allan was selected to attend Al Gore’s training workshops on global warming).

Following is a brief look at the Department of Environmental Protection rules and the various Interim Committee study assignments.

Department of Environmental Protection Rules:

DEP submitted its list of proposed rules to the Advisory Council in May. There are at least 25 rules being submitted. For the most part they are the same rules the agency filed last year on which the Legislature failed to take action. In spite of public statements made following the session, DEP obviously decided that it would not take the position that the proposed rules would go into effect anyway, even though the Legislature did not act. Instead, they are re-filing the rules.

Although DEP is largely refiling the same rules, there are both minor and significant changes in some of these rules. Most notably from our standpoint is the Antidegradation water rule, which contains the proposed list of Tier 2.5 streams. After establishing last year that 309 streams were scientifically and legally qualified for Tier 2.5 status, the agency this year is proposing only 157 streams for Tier 2.5 protection. This is the number that the agency proposed as a compromise during the last session, the same number that agriculture and industry lobbyists rejected. By starting with the compromise number this year, it seems obvious that DEP is preparing to compromise even further. This is most disappointing.

All these rules will go to public notice very soon, probably in July. They will then be filed with the Secretary of State’s Office by the end of August, and then taken up for consideration by the Joint Legislative Rule-Making Review Committee during Interims.

Joint Commission on Economic Development:

This committee has three study topics of interest. HCR 48 will study sustainable funding methods to conserve land important to West Virginia’s natural resources and economy (this is a result of Beth Wheatley’s hard work during the regular session). SCR 65 will study developing tourism attractions in less-developed counties. And SCR 83, which will study permitting public recreational use of certified, managed timberland.

Forest Management Review Commission:

Randy Dye, director of the WV Division of Forestry, presented a long list of study topics to the Commission in May. This month the Commission will meet jointly with Economic Development for discussions on managed timberland and land conservation.

Joint Standing Committee on Finance:

HCR 62 authorizes a study of large land holdings, county by county, to determine the value

taxation of deed holders of lands in excess of one thousand acres. This has been one of Helmick’s pet peeves over the years.

Joint Standing Committee on Judiciary

The only issue of possible interest to us this year is in Subcommittee A, which will take up HCR 92 calling for a study of the need for legislative review of agency rules currently exempt from legislative rule-making and review. I was hoping that this discussion might include the Public Service Commission, but at the May meeting committee staff seemed to be taking this in a different direction.

Select Committee C – Infrastructure:

This committee has two transportation issues on its agenda. HCR 80 will study transportation safety in West Virginia, and SCR 84 will study vehicle weights on interstates. The committee will also take up HCR 84 to study the practice of “daylighting” by oil and gas operators. Basically, “daylighting” is the practice of clearing away a large swath of trees around a well road to allow for the drying out of the road surface.

Select Committee D – Health:

The committee will take up HCR 81, a study of the statistical rate of autism among this state’s population and to study existing autism services in this state (there may be a mercury pollution connection we can make here).

Joint Legislative Oversight Commission on State Water Resources:

This committee is now responsible for SCR 15, the DEP and DHHR Coal Slurry Injection Study. They will receive the report from DEP at the end of this year, but the DHHR portion of the report is not due until the end of next year. The committee is also considering possible legislation regarding “failed” water and sewer utility companies. Because Senator Unger is one of the chairs of this committee, I expect it will be considering other proposals regarding water use, even though such proposals have not been officially assigned.

Well, that’s about it for now. I will keep you updated as the Interim sessions progress.

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, or 304-342-8989.

DO WINDFARMS PREVENT MOUNTAINTOP REMOVAL?

Editor's note: A public assertion by Alden Hathaway, a wind energy broker, of the number of acres of mountaintop removal mining which could be eliminated by wind turbines produced the following exchange. Mr. Hathaway was originally quoted as believing that each turbine in a wind farm could eliminate 40-50 acres of mountaintop removal mining. He later suggested that he was misquoted and that the figure of 18 acres per turbine is more accurate.

Displacing Mountaintop Removal Mining with Wind Turbines

By Alden Hathaway

Eighteen acres of saved mountain top over 30 years of continuous operation is likely, for a 2.5 MW Wind Turbine operated in the Appalachians, if we continue our penchant for coal-fired electricity generation.

Here is how I calculate 18 acres of strip mining/mountain top removal saved for every (2.5 MW) turbine over 30 years based on researching other websites:

From EPA and US Fish and Wildlife: We learn that Mountain Top Removal areas have destroyed native plants and chased wildlife away as well as destroy nesting habitat for neo-tropical migrant birds, thus decreasing migratory populations throughout the N.E. US.

From an article in *Grist Magazine*, Feb, 2006, we learn that 100 tons of coal is mined every two seconds in the US; 70 percent of that is from strip mining including mountain top removal. Extrapolating for a year suggests that strip mining/mountain top removal provides approximately 1.1 billion tons of coal per year.

From *Appalachian Voices* we learn that we have already lost 800 + square miles to strip mining/mountain top removal and will lose an additional 1400 square miles by the end of the decade if current patterns continue. That is equivalent to 280 square miles of lost mountain top acreage per year going forward.

From the *Grist* article and *Appalachian Voices* above, one can calculate (1.1 billion / 280) that 3.93 million tons of coal are harvested for every square mile of strip mining/mountain top removal. That is 6,200 tons of coal for every acre.

From our work (ERT) with co-firing coal plants we know that it takes approximately one half a ton of coal (.55 tons to be exact) to produce a MWh of electricity. Finally, the report ERT and Debra Jacobson submitted to the Virginia State Corporations Commission by Resource Systems Group indicates a high percentage of coal (88%) is backed down when wind turbines operate in the Appalachians.

If I do the math, then it appears a 2.5 MW wind turbine operating with a 35% capacity factor will generate enough electricity in 30 years (230,000 MWhs) to save at least 202,000 MWhs of Appalachian coal which would have, otherwise, required almost 111,300 tons of coal. If all this coal came from strip mining/mountain top removal operations it would have destroyed over 17.95 acres of mountain top forever. (0.6 acres per year per turbine or .24 acres per MW)

Considering that a single 2.5 MW Turbine occupies only two or three acres of land and that the land is not permanently destroyed with biodiversity loss, it would appear to me that wind would actually be a net benefit to the bird, bat and other biodiversity populations on the mountain ridges.

Displacing Mountaintop Removal Mining with Wind Turbines

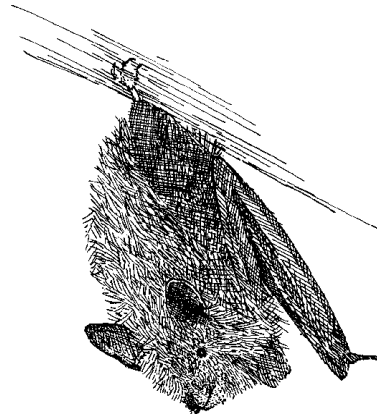
By Dan Boone and Rick Webb, www.VaWind.org

We thank Mr. Hathaway for providing his analysis, and we certainly share his concern about the destruction associated with mountaintop removal mining. However, we find that his analysis doesn't stand-up to close examination.

Our first objection concerns Mr. Hathaway's basic premise that wind-powered generation will reduce the need for coal-fueled generation. The recent National Academies report on Environmental Impacts of Wind-Energy Projects compared U.S. Department of Energy projections for growth in electricity demand with projections for growth in wind generation. Between 2005 and 2020, annual U.S. electricity demand is projected to increase by more than a trillion kilowatt-hours (kWh). The projected increase in wind generation is expected to account for only 3.5% to 19% of this increase in total demand. In other words wind development may somewhat slow the growth in demand for electricity from traditional sources – but it will not reduce the demand for electricity from traditional sources.

Our second objection concerns Mr. Hathaway's estimation of "18 acres of saved mountain top" per turbine. His calculations depend on a string of questionable data and assumptions.

- He relies on data published in *Grist* magazine and the *Appalachian Voices* newsletter as the basis for calculating that an acre of strip mining/mountaintop removal yields 6,200 tons of coal. In contrast, EPA's 2003 Draft Environmental Impact Statement on Mountaintop Mining/Valley Fill indicates that an average acre of mountaintop removal in West Virginia yields 10,000 tons of coal.¹
- He assumes that 100 MWh of wind generated electricity will displace 88 MWh of coal generated electricity –based on a report he submitted to the Virginia State Corporation Commission. We previously responded to this report, noting that it relies extensively on confidential and summary data that are not available or provided for independent review and evaluation. As we argued in our response, this lack of transparency is well outside the norm for either scientific assessment or public policy deliberation.²
- He assumes that wind-generated electricity will only displace generation associated with coal that is mined through strip mining/mountaintop removal. According to the U.S. Energy Information Agency, more than 60% of coal mined in the Appalachian region is extracted from underground mines.
- His estimate of per-turbine electricity generation is based on 2.5 MW wind turbines, operating at a 35% capacity factor, with a lifespan of 30 years. There are no 2.5 MW turbines installed on central Appalachian ridges, most are 1.5 MW, and the largest are 2.0 MW. For turbines installed in the U.S. since 2000, the cumulative annual capacity factor



(Continued on the next page)

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!

MINES v. WINDMILLS (Continued from p. 6)

(CF) in 2004 was 30% - and the average capacity factor (CF) of all the windplants in the eastern U.S. is less than 30%.³ The rated operational lifetime for turbines installed to date in West Virginia is 20 years.⁴

The combined effect of these questionable data and assumptions is an unrealistically high estimate of potential mountaintop removal offset. We have used original data sources and more-realistic assumptions to obtain a more-credible estimate.

- We rely on the above cited EPA estimate for West Virginia of 10,000 tons of coal per acre of area mined by mountaintop removal.
- We have less-optimistic expectations for turbine performance, based on current technology and actual observation. That is, our calculations are based on 2.0 MW turbines, with a capacity factor of 30% and an operational lifespan of 20 years.
- We calculate a mountaintop removal offset (MRO) of 22.8%, which is the product of and accounts for:
 - o Potential coal displacement, based on the percentage of Appalachian region electricity generated with coal (65.3%)⁵
 - o Potential surface mine displacement, based on the percentage of Appalachian region coal extracted by surface mining (34.9%)⁶
- Consistent with the Hathaway analysis and EIA statistics, we further assume that 1 ton of coal is equivalent to 2 MWh of electricity generation.⁷

We apply the above assumptions to estimate a potential per-turbine coalfield offset:

$(2.0 \text{ MW} \times 30\% \text{ CF} \times 20 \text{ yr} \times 8760 \text{ hr/yr} \times 22.8\% \text{ MRO}) / (10,000 \text{ tons-coal/acre} \times 2 \text{ Mwh/ton-coal}) = 1.2 \text{ acres}$

This 1.2 acre estimate is substantially less than the 40 to 50-acre estimate reported in the Wind Chill article or the 18-acre estimate subsequently provided by Mr. Hathaway.⁸ Consider that modern turbines are installed on ridgelines at approximately 8 turbines per mile and that each wind energy project may clear an average of 3-5 acres of forest per turbine. The impact on wildlife and habitat due to forest fragmentation is an even larger issue when turbines and connecting roads are constructed on forested ridges, with a per turbine loss of 15 to 20 acres of interior forest habitat.⁹

It is not our intention to compare the ecological impact of mountaintop removal coal mining and ridgeline wind energy development. It is our intention to provide some perspective. We should all be concerned about the environmental and human costs of mountaintop removal and other forms of coal mining. We suggest, however, that it is not in anyone's interest to exaggerate the potential role of wind development in addressing this problem.

¹ U.S. EPA. 2003. Draft Programmatic Environmental Impact Statement for Mid-Atlantic Mountaintop Mining - Chapter 3, page III.J-17 (see: <http://www.epa.gov/region3/mtntop/eis.htm>)

² Mr. Hathaway's submission to the Virginia State Corporation Commission and our submission in response are posted on the Virginia Wind website. (see www.vawind.org/Assets/Docs/Comments/Hathaway_and_Jacobsen_070506.pdf and www.vawind.org/Assets/Docs/Comments/Response_To_HNWD_Backdown_Study_080906.pdf)

³ Energy Information Administration. 2004. Form EIA-860, Form EIA-906, and Form EIA-920 Databases.

⁴ Det Norske Veritas. 2004. Type Approval of NM72C - Approval number A-642052-5 [NM72C is the model number of the 1.5-MW NEG Micon wind turbines installed at Mountaineer windplant in WV; Appendix 1 on p. 3 of the Approval indicates this turbine's "Design life time" is "20 years". See also: <http://www.wt-certification.dk/UK/Approved.htm>]

⁵ U.S. Environmental Protection Agency. 2006. eGRID2006: Emissions and Generation Resource Integrated Database (containing 2004 information) - available via: <http://www.epa.gov/solar/egrid/index.htm> (Region defined as MD, PA, VA, and WV.)

⁶ <http://www.eia.doe.gov/cneaf/coal/page/acr/table7.pdf> (Region defined as MD, PA, VA, and WV.)

⁷ <http://www.eia.doe.gov/neic/infosheets/coaldemand.html>

⁸ Use of Mr. Hathaway's 88% coal-displacement factor, instead of the 65.3% factor we apply, results in a 1.6 acre per turbine offset, as opposed to the 1.2 acre per turbine offset we calculate.

⁹ www.kutztown.edu/acad/geography/wildlife&windconf/Speaker_Presentations/Boone_GIS.pdf

UNHAPPY TrAILS TO YOU**TRANS-ALLEGHENY POWER LINE CHALLENGE GEARING UP**

By Frank Young

(This article developed from sources including WV Sierra Club, WV Public Service Commission web site, and e-mail communications among interested parties.) Contact: fyoung@wvhighlands.org

Background

On March 30, 2007, the Trans-Allegheny Interstate Line Company (AKA TrAILCo, aka Allegheny Energy) filed an application with the West Virginia Public Service Commission (PSC) for approval to construct a 500 kV transmission line through 114 miles of West Virginia, crossing Monongalia, Preston, Tucker, Grant, Hardy and Hampshire Counties. The new line originates in Pennsylvania, and would terminate in northern Virginia. The line is intended to provide additional transmission capacity to allow Allegheny Energy to transmit power from its plants in WV, PA and OH, to East Coast customers.

Hampshire, Hardy and Monongalia County Commissions, several watershed organizations, and various individuals and homeowners have expressed opposition. Reportedly, intense opposition is also developing in Pennsylvania and Virginia.

And some West Virginia Highlands Conservancy members are affected parties, and are suggesting that the Highlands Conservancy become a party in official opposition to the power line.

The Process

The Public Service Commission is made up of three Commissioners and a Staff that includes engineers and lawyers. The Commission will soon issue a schedule with deadlines to intervene, dates for public hearings, and dates for evi-

dentiary hearings. Parties who "intervene" may represent themselves or may be represented by an attorney. Organizations must be represented by an attorney. But any interested party may file a public comment, or Letter of Protest with the PSC at any time before a final decision is issued.

WV PSC web site: www.psc.state.wv.us Search for case number 07-0508-E-CN

The Commission will hold public hearings, and will also take formal "evidence" (studies and testimony filed by expert witnesses). The application and evidence will be reviewed by PSC Staff, and Staff may file their own evidence, or retain outside experts. Ultimately, this evidence will be presented to the Commissioners, and there will be an opportunity to file legal briefs or cross-examine witnesses. Ultimately, the PSC will issue a decision to grant or deny a certificate of need. **

Impacts:

Direct adverse impacts from the proposed transmission line include, but are not limited to, the following:

- .. permanent compromise of an extended swath of mostly natural landscape across the state
- .. loss of use of private property along the path of the line,
- .. noise and disturbance during construction,
- .. cultural and aesthetic impacts and loss of scenic values forever,
- .. water quality impacts,
- .. electrical interference with electronic devices near the line,
- .. loss of wildlife habitat and threat to biodiversity

Indirect adverse effects of the line will stem from increased demand for coal to generate power, including:

- .. increased mountaintop removal leading to increased flooding and cultural debilitation or other coal mining leading to mine subsidence, acid mine drainage
- .. increased air pollution, including acid rain, ozone, mercury and particulate pollution, especially as power from old dirty coal plants displaces cleaner natural gas plants,
- .. increased emissions of greenhouse gases for the life of the line (30-50 years+),
- .. increased electricity costs to local customers who will pay a portion of the construction and operation costs.

Alternatives

1. Invest in energy conservation and "demand-side management" to reduce the need for new capacity. This would be the cheapest for consumers, avoid adverse environmental impacts, and would occur more quickly than any construction option. The only adverse effect is that Allegheny Energy does not currently make any money by investing in conservation.

2. Improve existing transmission networks. This would avoid many costs, certainly more than the temporary cost associated with any shut down of the existing corridor during construction.

3. Build additional transmission lines on existing rights-of-way. This would avoid the direct impacts on new lands- even though indirect environmental impacts would remain. Allegheny and FERC oppose this option due to purported "security concerns", arguing that an incident that takes out an existing line might also take out the new line. The corresponding security offset is that no new land owners would be placed in the target of a potential terrorist.

4. Locate the proposed line to other locations where necessary to preserve unique pristine areas.

Top Seven Reasons to Deny the Certificate of Need for the TrAILCo Allegheny Power Line

1. Significant Environmental Impacts Exist!

Allegheny's application states that no significant environmental impacts are expected. This statement is ludicrous! No competent environmental assessor would make such a claim. The PSC should reject the application and require that an accurate and truthful review of the environmental impacts be submitted.

2. The Transmission line offers no benefit to West Virginia customers!

The transmission line is intended to deliver power to East Coast urban centers. No West Virginia citizens will benefit.

3. The Transmission line could be costly to West Virginia ratepayers.

Allegheny has told the PSC that a portion of the costs of this new power line would be borne by West Virginia ratepayers.

4. Better alternatives exist to relieve transmission



(Continued on the next page)

BACK ON THE TRAIL (Continued from p. 9)

congestion.

Allegheny wants us to believe that new transmission capacity is the best way to relieve projected transmission congestion. However, numerous independent experts have concluded that energy conservation could reduce demand more quickly, more cheaply, and more safely than construction of new capacity.

5. The transmission line is a bad investment, and would increase emission of greenhouse gases indefinitely.

Virtually all of Allegheny's electricity generation is from coal-fired power plants. The primary purpose of this line is to enhance transmission of this electricity to East Coast markets. This electricity would displace generation of new and cleaner but more expensive plants in those areas. When coupled with the inefficiencies of electricity transmission, this would significantly increase the emissions of greenhouse gases such as carbon dioxide. While slowing global warming is not going to be cheap or easy, making bad investments in fossil-fuel capacity now is a major step in the wrong direction, and is an expensive approach to reducing the emissions of greenhouse gases.

6. The transmission line would take private property solely for the benefit of another private company.

Many landowners along the route, those directly crossed by the line and those nearby, would suffer a loss of property value. In many cases, the compensation offered would not fully offset the perceived loss of value to the local property owners.

7. The transmission line would support increased emissions of air pollution, resulting in adverse direct health effects on West Virginia residents.

Allegheny's power plants are among the largest emitters of sulfur dioxides, nitrogen oxides, particulates, and mercury in West Virginia. Our air already exceeds EPA pollution limits in many areas. Increased generation resulting from this line would make air quality worse.

** On April 26, the US Dept. of Energy announced a 60-day comment period on their intent to designate a "National Interest Electric Transmission Corridor" under the authority of the Energy Policy Act of 2005. The corridor cuts across northern West Virginia. This would allow the Federal Energy Regulatory Commission (FERC) to authorize a transmission corridor if the state PSC does not approve one within one year of the application. However, the US DOE designation also encourages consideration of a full range of alternatives, including local generation and energy conservation measures, to meet electricity demands.

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.

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. 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 Julian Martin, P.O. Box 306, Charleston, WV 25321-0306



West Virginia Mountain Odyssey



Outings, Education and Beyond

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 or Larry Gibson (304) 586-3287; (304) 549-3287

July 13 - 15 (Fri -Sun) BACKPACK, Seneca Creek in the Spruce Knob/Seneca Rocks NRA, WV: This 22.5 mile moderate backpack will take us along a beautiful stream in the Seneca Creek Backcountry. We will hike in 5 miles past the Judy Springs campground to the Upper Falls of Seneca Creek for basecamp. Saturday will involve "stream whacking" along Seneca Creek to explore the sights and sounds of this seldom seen area. INFO: Susan Bly (sbly@shepherd.edu) 304/258-3319 7pm - 9pm.

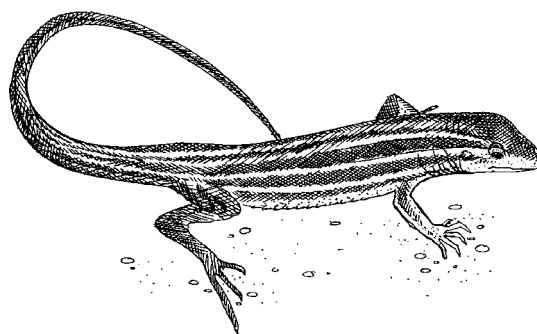
July 28-30 (Sat - Mon): MNF, WV, Dolly Sods Backpacking Trip: An approximately twenty mile moderate trek through portions of beautiful Dolly Sods North and Dolly Sods Wilderness. Visit Raven Ridge, Rock Ridge, the Lions Head, the Forks and more. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or at mjuskelis@cablespeed.com.

July 28 Cranberry Wilderness expansion: Hike into the Little Fork area of the proposed Cranberry Wilderness. Mountain streams, big trees. About 4.5 miles along old logging roads and railroad grades. Bring lunch. Meet at Three Forks of the Williams River Campground at 11:00 a.m. Leader Beth Little, 653-4277, blittle@citynet.net

September 1-3 (Sat - Mon Labor Day): MNF, WV, Laurel Fork Wilderness /Allegheny Trail Backpacking Trip: Approximately 28 miles. Main trails are old railroad grades that parallel beautiful streams. Cross-connectors are a mixture of footpaths and old woods roads with modest elevation gains. Approximately 5 miles of road walking and rail trails required to close the loop. Some potentially challenging stream crossings. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

September 15-17 (Sat - Mon):MNF, WV, Roaring Plains Backpack/Base Camp: Day 1 - Backpack in 2.5 miles on the east segment of the South Prong Tr visiting several vistas along the way and set up a base camp in a pretty hollow next to a stream. Explore a seldom-visited vista of the South Prong drainage. Day 2 - 11 mile day hike over some of the most rugged and beautiful terrain on the east coast. Day 3 - Backpack out from whence we came. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

October 6 - 8 (Sat-Mon) BACKPACK, Otter Creek Wilderness, WV: Enjoy the fall colors at their max in a justly famous Wilderness. Count yourself among the lucky ones to see brilliant golds, russet reds and rustling rusts as we backpack 20.6 moderate miles in the Wilderness. INFO: Susan Bly (sbly@shepherd.edu) 304/258-3319 7pm - 9pm.



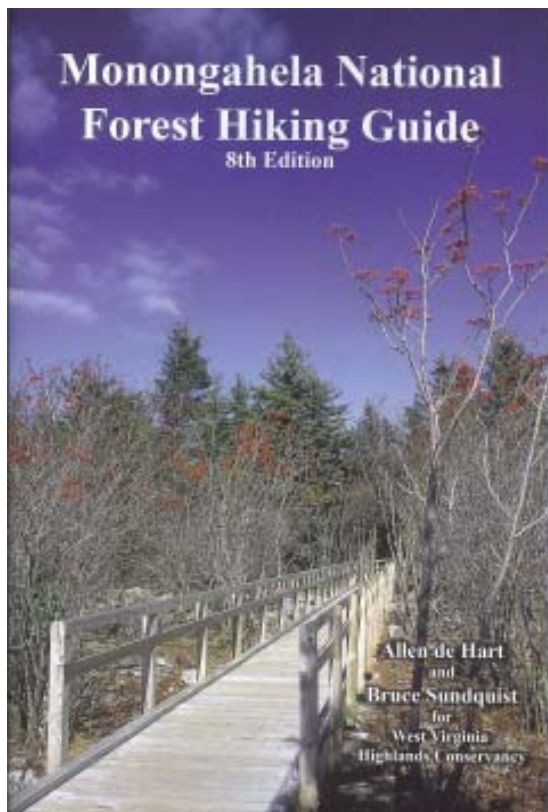
October 6-8 (Sat - Mon Columbus Day): MNF, WV, Cranberry Backcountry Backpacking trip: 31 mile strenuous trek with 4500 ft elevation change utilizing the beautiful Pocahontas and Fork Mt trails. Several vistas. Three miles of road walking required to close the loop. Tentatively, the trek starts at Summit Lake near Richwood. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

October 13 Lake Sherwood: Day trip to 165 acre lake, particularly beautiful in the fall. Meet in White Sulfur Springs at the intersection of Highway 92 and 60 at 11:00 a.m. We will tour and then drive up Highway 92 to Neola and out 14/1 to the lake for lunch. We will also hike about a mile up a native brook trout stream. Most of us would leave at 5:00 p.m. although there are facilities for those who want to extend their visit. Leader Don Gasper, (304) 472-3704

***October 20-22 (Sat - Mon): GWNF, VA, Cole Mt, Mount Pleasant Backpacking Trip:** Day one - Backpack approximately 4 miles and set up base camp at Cow Camp AT Shelter. Day 2 - day hike approximately 12 moderate miles visiting 3 magnificent vistas: Cole Mt, Mount Pleasant and Pompey Mountain. Day 3 - backpack back down the mountain. Note: Elevation Gain on day one is approximately 2400 feet over 3 miles. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

***November 3-4 (Sat - Sun): GWNF, VA, Big Schloss Overnight Backpack:** 12 mile moderate backpacking trip. This may be suitable for novices if you are experienced hikers. The hardest part is a 1400 foot climb over 4 miles on the first day. The short out and back to the primary vista will be packless. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

Items with an (*) are VA trips.



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.

FOREST SERVICE CRIES "UNCLE" ON ANILCA!!

By Judy Rodd, Director, Friends of Blackwater

Since 2002 (!) the U.S. Forest Service has been claiming it has to give Allegheny Wood Products access to the Blackwater Canyon Trail — because of "ANILCA" - the Alaska National Interest Land Conservation Act.

Because there have been no credible sightings of caribou and polar bears in the Canyon, the Alaska connection has always seemed a bit far-fetched. Now, in a letter dated October 24, 2006, the Forest Service has renounced its previous references to ANILCA. They admit that Allegheny Wood Products is not landlocked, and therefore, ANILCA can't apply (it never did).

Moreover, it admits that Allegheny Wood Products can log by helicopter, can thin and manage fire problems using hand crews, and can cost-share with the Forest Service to replace culverts. Yes, that's right, the Forest Service has admitted that Allegheny Wood Products does not need access to the Canyon Trail!

But — they still want to let Allegheny Wood Products turn the Canyon Trail into a logging road — on OUR PUBLIC LAND!!

Why say access isn't needed and still give access? Apparently, under a little known Administration policy from 2005, if access to private land through public land harms endangered species and the access is not essential for the activity, then the potential species impacts from say ... logging, road building, condo development... that follow from granting access... don't have to be analyzed by the agency charged with protecting these species...the US Fish and Wildlife Service..

The Fish and Wildlife Service is a partner to this convoluted and dangerous policy. The policy letter was signed by Fish and Wildlife Service's Matt Hogan — who helped Allegheny Wood Products out in their logging plans for the Cheat Canyon. What a coincidence!?

Meanwhile, the Forest Service opened

another(!) comment period on the Allegheny Wood Products Easement proposal. THE COMMENT DEADLINE IS JULY 23.

New information from the Forest Service shows the logging road proposal will change the Trail to a 30-foot-wide logging haul road in perpetuity. This will damage historic resources, endangered species, the wild and scenic Blackwater River, and recreational use of the Trail.

Tell the Forest Service to rewrite the DEIS and withdraw the easement proposal!! Write to Clyde Thompson, Monongahela National Forest, 200 Sycamore St, Elkins, WV 26241. Fax,: 304-636-1875 e-mail: comments-eastern-monongahela-potomac@fs.fed.us Subject line: Allegheny Wood Products Easement EIS

The Poetry Page

I am from

By Trevor Donaldson

a woman who once was a girl
who traveled along the now forgotten hills
who bathed in a now contaminated creek
a man who was once a boy
who drove his old truck on those old dirt roads
who went to church every Sunday
who met the woman of his dreams
in a backwoods get-together

I am from

an old forgotten state that is seldom known,
with its destroyed mountain tops
and it's "uneducated hillbillies"

But where am I truly from?

A state that was once full of wonder
a state that the animals ran free
and the people knew everyone

I guess where I'm from is gone now
just a part of history like the
dinosaurs or the Kennedys

I am from West Virginia
the "mountain" state

I am from

By Rachel James

I am from the boonies,
I grew up secluded in the woods.
I know by heart the sound of water,
Glooshing in my boots
I know the feeling of joy,
When my wish comes true.
Because I had just wished that wish,
When I'd find a "puffer" or two.
The sound of rain on a tin roof,
Used to be my lullaby
And I still awake amazed,
When everything is greener after the storm.
I grew up playing with white snow,
Not the black kind you find in cities.
Sleigh riding, snowball fights, snow angels,
and homemade ice cream,
Are all parts of my memories.
I know the feeling of amazement,
When you see an animal bring a baby into the world.
I also know the sense of sorrow,
When a family member in the form of a pet must go.
I know the warmth of the fire,
When roasting marshmallows late at night.
And the use of lightning bugs in a jar,
As your main source of light
I am from West Virginia,
Not a hillbilly home.

Editorial Note: Julian Martin took two teachers from Lewis County High School to Kayford Mountain. One, an English teacher, gave him some poems her tenth grade students wrote about where they are from. Here two samples.

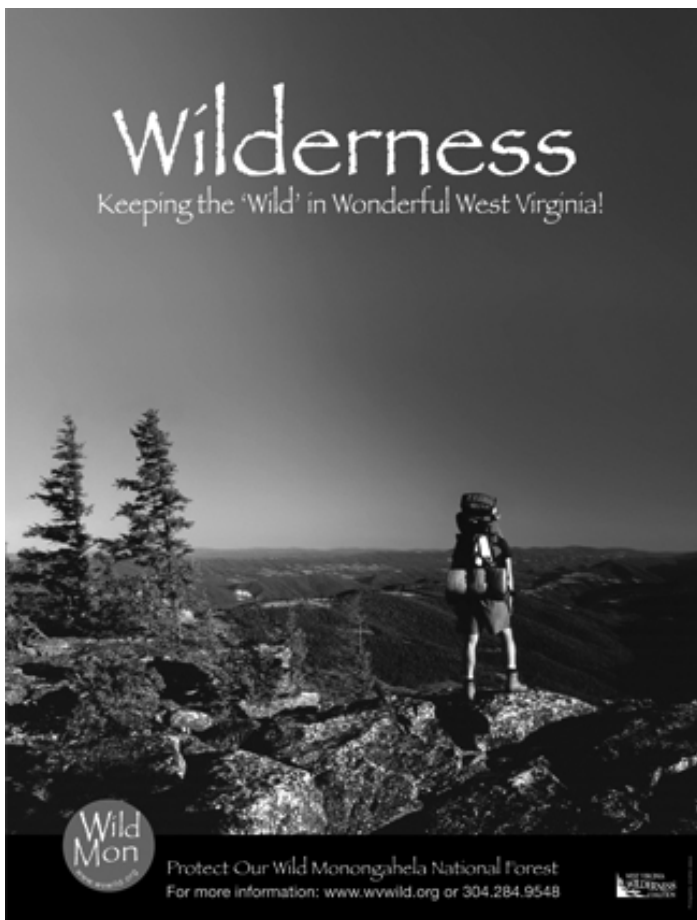
Debating the president of the coal association

By Julian Martin

He actually says it
No significant life forms
Minimal environmental damage
Better than it was
I say it ain't so
That it is madness
The children cheer, for to such belongs the kingdom of heaven
They understand the absurdity
Of decapitating mountains
In the mountain state
Ye must be as a little child

Drop Us a Line!

Your comments and opinions are important to us. Please email any poems, letters, commentaries to the VOICE editor at johnmcferrin@aol.com or send real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.



Now Available!

18" x 24" Wilderness Poster

This full color poster features the West Virginia Wilderness Coalition's signature photograph of the proposed Roaring Plains Wilderness Area, taken by Jonathan Jessup (www.jonathanjessup.com).

To cover the cost of shipping and handling, we'll ship up to 5 posters for \$10.00.

Order online at www.wvwild.org or send a check payable to "WVHC," P.O. Box 6 Masontown, WV 26542

Ordering Questions?
Contact Dave Saville at (304) 284-9548 or dave.saville@wvwild.org

SUMMER BOARD MEETING

The summer meeting of the West Virginia Highlands Conservancy board will be on Saturday, July 28, at the New River Gorge Sandstone Visitor Center. The center will be open by 9 a.m. and we'll begin promptly at 9:30.

The center is 15 miles east of the I-64/I-77 split just south of Beckley. Take I-64 Exit 139, marked "WV Rt 20—Hinton," and turn north at the end of the ramp. There is a sign. You can check it out at www.nps.gov/neri/planyourvisit/sandstone.

All members are welcome both to come and to participate in the discussion. Members who are not on the Board cannot vote or make motions, although gestures are permitted.

Also Available!

"Wild Mon" T-Shirts

The back of this black shirt reads "Keeping the 'Wild' in Wonderful West Virginia," and is available in S, M, L, and XL.

For only \$12, you can order online at www.wvwild.org or send a check payable to "WVHC," P.O. Box 6 Masontown, WV 26542



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.

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. 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: Julian Martin, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



LIFE BEGINS AT 40!

The West Virginia Highlands Conservancy's big 40th birthday bash will be at the Fall Review. Join us **October 26-28th** at Cheat Mountain Lodge. Tons of fun for everyone. Watch this space for more details!



Garden Party at Walnut Farm

Join us once again for a fun afternoon of live music, food, hot-air balloon rides, special guests and speakers, an auction, and a lot of FUN. All to benefit the West Virginia Wilderness Coalition's efforts to protect special roadless areas on the Monongahela National Forest.

Walnut Farm is the country home of Wilderness Coalition Coordinator Dave Saville. It is a working farm raising cut flowers and produce sold at the Morgantown Farmer's Market. Look for an invitation in the mail in early August, and more details in the August issue of the Highlands Voice.

West Virginia Wilderness Coalition: Keeping the 'Wild' in Wonderful West Virginia

Christians for the Mountains Releases New Wilderness DVD

Christians for the Mountains is pleased to announce a new DVD, "God's Gift of a Wild and Wonderful Land," the story of West Virginia's Monongahela National Forest told from a Christian perspective.

Help spread the word about the values of West Virginia's Monongahela forest. Request a copy of the DVD to share with your friends, church, or organization by sending an e-mail to godsgift@christiansforthemountains.org. Please include your name, mailing address, and phone number.

The Monongahela National Forest contains some of the wildest remaining forestlands in the eastern United States. Its native ecosystem gives life to plants and animals and its rugged terrain embraces the headwaters of five major river systems. For decades this forest has provided a fragile oasis for calm, peace, and solitude in a world where these values are increasingly hard to find.

"God's Gift of a Wild and Wonderful Land" uses stunning photography, moving hymnal music, and personal testimonies to articulate the way we feel touched by God in our wilderness experience. Scriptures show that the insights discussed are elaborations of Biblical themes. Abraham, Moses, David, Elijah, John the Baptist, and others had powerful, life-forming experiences in the wilderness. And Jesus also turned to the wilderness.

The film highlights proposed Wilderness areas in West Virginia and shares with viewers the need for permanent protection of wild places in the Monongahela National Forest through congressional Wilderness designation. Viewers will learn more about what makes these areas special and why their advocacy can protect them for current and future generations.

This film is now available free of charge for West Virginians who want to help safeguard our forest wilderness. Christians for the Mountains is looking for people who will be inspired to share this wonderful resource with their church, organization, or Bible study group, or a group of friends and neighbors. Information to guide discussion and action will be included with the DVD.

Request your copy of "God's Gift of a Wild and Wonderful Land" by sending an e-mail to godsgift@christiansforthemountains.org, and including your name, mailing address, and phone number. For more information, please visit www.ChristiansForTheMountains.org, or contact Jason Keeling at (304) 989-3262, godsgift@christiansforthemountains.org.

Christians for the Mountains is a nonprofit, grassroots organization that encourages the preservation of God's Earth and its human communities. Learn more at www.ChristiansForTheMountains.org.

A BIG THUMBS UP FOR WILDERNESS

Dear Editor:

I am writing on behalf of the members of the Mountaineer Chapter of Trout Unlimited (MCTU) to inform you of our chapter's unconditional support of the effort of the West Virginia Wilderness Coalition to seek additional Wilderness Designation for areas in the Monongahela National Forest (Mon). We believe this is consistent with Trout Unlimited's mission "to conserve, protect, and restore our coldwater fisheries and their watersheds."

Fully 80% of West Virginia's trout streams and 90% of remaining native brook trout streams are found on the Mon. Native brook trout are found primarily in our coldest, purest, streams; and they are becoming increasingly rare outside the boundaries of the Mon. Although a hardy species, we are concerned about its future. Sedimentation, soil nutrient loss, stream warming and flooding are all problems facing these trout waters. Recovery of these streams will require many years, beginning in the most remote headwater streams.

National Forest Wilderness Areas are the tap-roots into the landscape of our beginnings - the original forest. The U.S. Forest Service calls them "ecological anchors in a fragile landscape." This is in every sense a watershed moment - Wilderness designation will set this fragile forest on the path to recovery.

After careful consideration, the Mountaineer Chapter of Trout Unlimited believes the West Virginia Wilderness Coalition's proposal for Wilderness on the Mon is the best path to recovery for the Eastern Brook Trout in West Virginia. It is with that hope and in that spirit that we support additional wilderness areas in the Monongahela National Forest.

Respectfully,
Randy Kesling, President
Mountaineer Chapter Trout Unlimited