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# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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## GROUPS ASK OFFICE OF SURFACE MINING TO TAKE OVER MINING PROGRAM

By John McFerrin

The West Virginia Highlands Conservancy and its allies (Appalachian Catholic Worker; Appalachian Voices; Catholic Committee Of Appalachia; Center For Biological Diversity; Center For Health, Environment & Justice; Christians For The Mountains; Coal River Mountain Watch; Earthjustice; Keeper Of The Mountains Foundation; League Of Women Voters; Mountain Heritage And Health Association; National Wildlife Federation; Ohio Valley Environmental Coalition; Sierra Club; West Virginia Citizen Action; West Virginia Environmental Council; And West Virginia Rivers Coalition) have filed a petition requesting that the federal Office of Surface Mining take over responsibility for regulation of surface mining in West Virginia.

The regulation of strip mining is supposed to be a joint state-federal responsibility. The federal Surface Mining Control and Reclamation Act sets out standards both for performance (how mining may be conducted, reclamation standards, etc.) and for enforcement (inspections, penalties, etc.) The Act also sets up a program for the federal Office of Surface Mining to enforce the Act.

States may enact a state program that is just as effective as the federal program. If they do this, then the state assumes primary

responsibility for regulating mining. The Office of Surface Mining's role is limited to oversight. It is supposed to oversee states to make sure that they are effectively regulating mining.

West Virginia chose to enact its own state program. In 1981, the West Virginia program was approved by the Office of Surface Mining. Ever since then, the state has had primary responsibility for regulating strip mining.

In the view of the petitioners, West Virginia has done a poor job of carrying out its program and effectively regulating strip mining. The petitioners ask that the Office of Surface Mining revoke its approval of West Virginia's program and take over enforcement in West Virginia.

According to the Petition, West Virginia is deficient in most, if not all, of the parts that make up the regulation of mining. Here are details of some of the allegations:

**Issuing permits to companies which are**

**already in violation.**

The Act requires that no additional permits be issued to companies if they have outstanding violations. The Petition alleges

**(More on p. 3)**



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## Ramblin' the Ridges

By Cynthia D. Ellis

### WHAT THE BOY SCOUTS LEARN

Scouts, scouts, scouts...50,000 members of the Boy Scouts of America have begun their visit to West Virginia. On June 23, several buses were seen unloading at a rest stop on the Turnpike, and also a large truck, with cargo labeled "tents," was noted attempting to navigate a sharp turn near Glen Jean.

Everything is big about the new Boy Scout center here. It is on 10,000 acres in Summers County, some of which is reclaimed mine land, with 1,600 acres designated as a nature preserve. It is adjacent to 70,000 acres in New River Gorge National River park boundaries.

It was funded in part by a donation by the S.D. Bechtel Jr. Foundation of \$50,000,000 and will be called The Summit at the Bechtel Family National Scout Reserve. The Summit will be the location for the national Jamboree this month and the site may be chosen to host the International Jamboree in 2019.

The activities of this year's jamboree will include:

- Swimming in four above-ground Olympic-size swimming pools
- Skateboarding in a 100,000-square-foot skate park, believed to be the largest in the world
- BMX tracks and mountain biking trails
- Rock climbing on man-made concrete structures modeled after the cliffs above the New River Gorge
- Rope rappelling towers and 10 zip lines
- The largest fireworks show on the East Coast

This is an undeniable opportunity for young people and their parents from across the United States to visit and learn about West Virginia. We could hope that they might learn about some things not yet mentioned by press releases.

They could learn about Blair Mountain...about the factors leading to the mine wars in the 1920's and about the battle here termed "the largest civil insurrection in US history since the Civil War."

They could learn about Kayford Mountain. They could learn about Larry Gibson and his unceasing efforts to protect his family's land, cemeteries, and history from mountaintop removal mining.

They could learn about water quality issues in Fayette County, Summers County, the Wolf Creek and New River watersheds, and all of southern West Virginia and across the state.

They could learn about bird studies near The Summit, and how the mining activities that shaped that site also changes bird populations.

They could learn about ecotourism, and see a successful example through the New River Birding and Nature Festival in Fayette County.

They could learn about the Dark-sky Movement and experience nighttime horizons not possible in other places.

Many people have come to camps in West Virginia before. Some treasure the experience and have gone on to choose careers that have a positive impact. Examples are Bryan Watts, Director of the Center for Conservation Biology of The College of William and Mary. He enjoyed the mentoring and camps of Brooks Bird Club [headquartered in Wheeling]. Another is Bill Hilton Jr. who attended

(More on p. 6)

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## GROUPS PETITION OSM (Continued from p. 1)

that West Virginia routinely grants permits to companies who, at the time the permit is granted, have outstanding violations of the Surface Mining Control and Reclamation Act or the Clean Water Act.

### Chronic understaffing.

The West Virginia regulatory program is chronically understaffed. The Petition cites Office of Surface Mining reports which annually evaluate West Virginia's program. Since at least 2007 the Office of Surface Mining has been pointing out that West Virginia does not have enough inspectors and permit reviewers to regulate mining. In spite of these warnings, the chronic understaffing has



continued and continued to get worse. The Petition contains a chart demonstrating that, since 2005, the number of staff has steadily decreased while the number of acres under permit has increased.

### Inadequate inspections.

Both the federal Surface Mining Control and Reclamation Act and West Virginia law require that each surface mine be inspected at least once per month. West Virginia Department of Environmental Protection is not keeping up.

### Failure to use enforcement tools.

State law provides enforcement tools which, if used, would discourage illegal mining practices. West Virginia is not effectively using its power to fine, issue cease and

desist orders, or revoke permits of chronic violators.

### Failure to protect water quality and control water quantity.

Much of the state and federal law regulating surface mining is focused on protection of water. This includes protecting both the quality of water and in preventing the mining from causing flooding. The Petition alleges that West Virginia is failing in both respects. The Petition refers to several studies showing a relationship between large scale mining and flooding as well as the failure by West Virginia to do anything to adequately prevent flooding in the future.

The Petition also points to several water quality issues which West Virginia has failed to address. These include failure to address selenium pollution and conductivity problems.

The Petition points out that, even when West Virginia knows of water quality violations it does not do anything. All mines are required to test water that leaves the mine site and submit the results of those tests to the West Virginia Department of Environmental Protection. The Petition lists dozens of times that companies have reported violations and DEP has done nothing.

### Failure to require adequate and timely reclamation.

The general idea of the Surface Mining Control and

Reclamation Act is that mining is to be a temporary use of the land. After the coal is gone the land is supposed to be restored as quickly as possible to something like its pre-mining condition. Operators are supposed to segregate topsoil before mining, mine, and then restore the topsoil and revegetate as contemporaneously as possible. The Petition alleges that West Virginia is not requiring any of this. West Virginia DEP is giving exemptions to the requirement that reclamation be contemporaneous with the mining and is not requiring adequate revegetation.

### Bonding

Operators are supposed to post a performance bond. Should the company go out of business or for some other reason fail to reclaim the mine area, the state can forfeit the bond and do the necessary reclamation.



The problem is that the bonds which West Virginia requires are chronically too small to pay for the necessary reclamation. There is another fund, called the Special Reclamation Fund, which is supposed to pay for reclamation which the bonds cannot cover but it is chronically underfunded as well.

The West Virginia Highlands Conservancy, as well as others, has been pounding on the Office of Surface Mining (including litigation) for so long on this issue that OSM knows what the problem is. The Petition does not describe it again but instead refers to past communication and litigation.

## WHAT HAPPENS NEXT?

The Office of Surface Mining has sixty days review the allegations of the Petition and determine whether it will evaluate the West Virginia program. If, after review of the Petition, the Office of Surface Mining has reason to believe that West Virginia is not effectively regulating mining, then it has to notify the West Virginia Department of Environmental Protection. It has to tell DEP what it is doing wrong. DEP has fifteen days to request an informal conference with the Office of Surface Mining. If the informal conference does not resolve things, then there are public hearings.

Once we make it through these procedures, if the Office of Surface Mining is still not satisfied that West Virginia is effectively implementing, administering, maintaining or enforcing any part of its program for regulating mining, the Office of Surface Mining can take over the part or parts where the state is deficient. The result would be that the Office of Surface Mining, not the West Virginia Department of Environmental Protection, would be regulating all or part of the mining in West Virginia.

# REHEARING REQUESTED IN SPRUCE MINE APPEAL

By John McFerrin

Mingo-Logan Coal Company has petitioned the United States Court of Appeals for the District of Columbia Circuit for a rehearing of the Court's decision affirming the authority of the United States Environmental Protection Agency to veto Clean Water Act permits whenever "the agency determines a permit "will have an unacceptable adverse effect on municipal water supplies, shellfish beds, and fishery areas . . . wildlife or recreational areas."

As reported in the May, 2013, issue of *The Highlands Voice*, the United States Army Corps of Engineers had granted a permit under section 404 of the Clean Water Act to bury seven miles of streams. The Environmental Protection Agency vetoed the permit, asserting that the activities it allowed would have unacceptable water quality impacts. Mingo-Logan Coal Company appealed that decision to the United States District Court which held that the Environmental Protection Agency had exceeded its authority. The Court of Appeals reversed that decision, holding that the EPA did have authority under the Clean Water Act to veto permits in this situation.

There are currently thirteen judges on the Court of Appeals for the District of Columbia. Each case is not heard by all thirteen. Instead, cases are assigned to groups of three judges for decision. The panel that decided this case was made up of three Bush appointees, one by Bush I and two by Bush II. If a party does not like the result reached by the three judge panel to which its case was assigned, it may request that the decision be reviewed by the entire Court, a process known as review en banc.

According to the Rules of Appellate Procedure, "An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless: (1) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or (2) the proceeding involves a question of exceptional importance." In its Petition, Mingo-Logan relies upon the second ground, asserting that the sky is indeed teetering and, if the decision is allowed to stand, will surely fall.

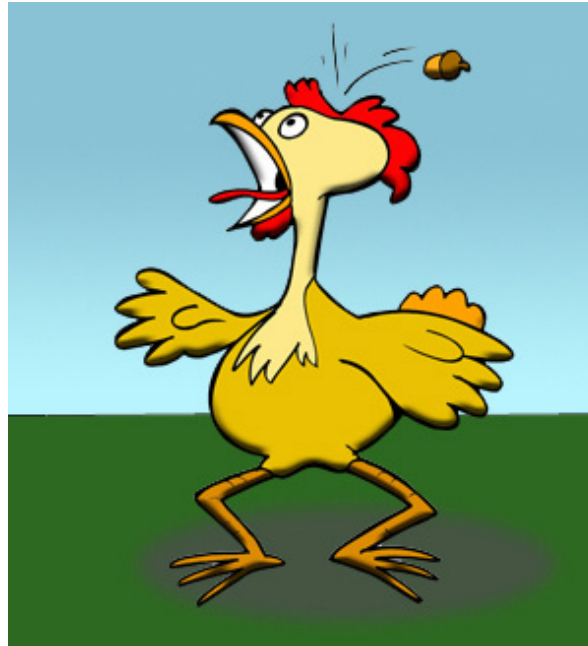
In addition to its general assertion that the sky will fall, Mingo-Logan asserts that Environmental Protection Agency changed its mind in vetoing the permit. In its fifteen page petition it says three times that Mingo-Logan finds itself in its current situation because EPA "changed its mind" or had a "change of heart." While this is the public talking point of, among others, the West Virginia Coal Association, the history of the permit does not support this assertion. As pointed out in the May, 2013, story and more extensively in the April, 2013, April, 2012, and February, 2012, issues of *The Highlands Voice*, EPA did not stand idly by while the Corps of Engineers went ahead. It raised concerns from the beginning and continued to object. There was no change of heart.

There is no automatic right to respond to a petition such as this one at this stage. The Petition only asks for a new hearing before the entire Court. If the Petition is granted, the entire Court will schedule a new hearing date and the EPA would have a right to respond.

In this case, the Court gave EPA fifteen days to respond, a right not granted in most cases. In its response, EPA said that there was no "question of exceptional importance" that would justify an en banc rehearing. It said that, although it rarely used its veto power, it had vetoed permits before and its actions had been upheld.

In comparison with the brief filed by Mingo-Logan, the one filed by the Environmental Protection Agency was more grounded in the law. It discussed the case, legal arguments, statutes, and why the Court of Appeals' decision was correct. It did not waste time, as did Mingo-Logan, accusing its litigation opponent of "self-aggrandizement", parroting the Coal Association's talking points, and predicting the falling of the sky.

There is no indication when the Petition will be acted upon.



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

The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.



Legislative Update**HOUSE OF DELEGATES ELECTS NEW SPEAKER**

By Donald S. Garvin, Jr., West Virginia Environmental Council Legislative Coordinator

Since the end of the 2013 regular legislative session in April, statehouse politics have been dominated by the announcement that Speaker of the House of Delegates Richard Thompson (D-Wayne) would resign, and that Governor Earl Ray Tomblin would appoint Thompson to replace Keith Gwinn as Cabinet Secretary of the Department of Veterans Assistance, when Gwinn retired.

Well, it finally happened. .

Thompson officially resigned on Saturday, June 15, and the House of Delegates went into Special Session at noon on Tuesday, June 18, to elect a new Speaker.

It was a race in the Democratic caucus between Delegate Tim Miley (D-Harrison), chairman of the House Judiciary Committee, and Delegate Harry Keith White (D-Mingo), chairman of the House Finance Committee.

Miley represents the more liberal wing of the Democratic Party, and White represents the more conservative wing. Miley represents a northern county, and White represents a southern coal field county.

After the usual behind the scenes political intrigue, Delegate White pulled out of the race at the last minute, and Tim Miley was elected Speaker of the House of

Delegates.

The Harrison County attorney became the 53rd speaker in state history after defeating House Minority Chairman Tim Armstead (R-Kanawha) by a vote of 53-44.

Then, two days later on June 20, the real fireworks began. Actually three straight nights of real fireworks at the Capitol to celebrate West Virginia's 150th birthday.

But legislators had all gone to Wheeling for three days of Interim Committee meetings and to celebrate in the city that was the first West Virginia state capital.

Most of the Wheeling legislative Interim meetings were simply organizational.

However, the Joint Standing Committee on the Judiciary had a presentation from representatives of Consol Energy Inc. and the Rand Corporation urging the use of treated acid mine drainage water for hydraulic fracturing of natural gas wells, and other "beneficial" uses.

But the industry representatives told the committee that many industries don't want to purchase treated mine water because of long-term liability concerns – that they could be held responsible for discharging mine drainage into the environment.

So what these industries are really seeking from lawmakers is exemption from liability for the use of the treated water.

One other June Interim Committee meeting is worth mentioning here. The Select Committee on Infrastructure had a presentation from Division of Highways staff about the oil and gas industry's effects on the state's secondary roads.

"Unless you are from the area, it's really hard to imagine the major impact this is having," DOH Regional Maintenance engineer Gary Clayton told legislators.

Clayton used a "power-point" presentation to show legislators the problems in and around the north-central and Northern Panhandle areas. The presentation showed wrecks – collisions, truck flips and smashes through bridges and guardrails – and wrecked roads, dust, mud and torn up asphalt.

DOH is attempting to deal with the issue through its "Oil and Gas Road Policy."

I suspect we will be hearing more about both these issues in upcoming Interim Committee meetings.

So all in all, June at the Legislature was an exciting month for me. But, then, I am the ultimate political junkie.

## **MARCELLUS ACADEMY III IS JULY 13-14. IF YOU HAVEN'T REGISTERED YET, WHAT ARE YOU WAITING FOR?**

This jam packed weekend is an educational opportunity for activists who will proactively work on Marcellus gas drilling issues in their communities. Because the surge in industrial scale drilling sites is causing such major problems with our water, our land, our air and our health, it has become crucial to quickly build citizen awareness of the inherent dangers. This program will focus on giving you the tools to effectively organize others, build grassroots networks of reporters who can monitor industry practices, and help guide local leaders toward environmentally sound Marcellus policies.

This is *not* an introductory course on how Marcellus drilling works. Emphasis will be on education, outreach and activism. Participants will be limited to those who can clearly commit to organizing people on their home turf by having meetings, giving presentations, organizing house parties and speaking out to build public awareness. The goal? Empower more everyday citizens to take the initiative in protecting their communities.

**Marcellus Academy III is cost-free, user-friendly, informal and friendly.** *Previous Marcellus Academy graduates are encouraged to attend.* There's plenty of new information out there. Applicants are not required to be affiliated with any particular environmental organization.

**Only a limited number of registrations will be accepted.** Applicants will be considered based primarily on geographical region, resulting in new organizers in as many regions as possible. We do hope to see more than one person from a community, so they can work as a team, but the number will depend on applications from the rest of the state. **All of your expenses for the workshop (lodging, meals, and mileage) will be covered by WV Sierra Club.** Our program will run from 9:30AM Saturday until 3:30PM Sunday.

Space is limited, so please apply as soon as possible by sending your name, address, county, and phone number to [outreach@marcellus-wv.com](mailto:outreach@marcellus-wv.com). If you can't come, but know somebody in your community who fits our guidelines, please let us know. Again, they should be folks who can make a clear commitment to do what it takes to build local grassroots action on their home turf.

## CYNTHIA D. AND THE BOY SCOUTS

(Continued from p. 2)

the National Youth Science Camp and is now director of the Hilton Pond Center for Piedmont Natural History in South Carolina. He returns to the West Virginia often to teach.

Perhaps promotion of the learning ideas listed above could similarly spark some who will visit here in July, or in future years. Meanwhile, one tradition at these large scout events is to trade embroidered patches from different troops and locations. The patch for this event is ready. But, if the experience here is short on showcasing our complete history and culture, some threads will be missing from that patch.



**A West Virginia Highland Conservancy Board member and a Board member *emeritus* in their Boy Scout years.**

### 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](mailto:blittle@citynet.net). Electronic copies arrive as e-mail attachments a few days before the paper copy would have arrived

### 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.

## PS

Here is a post script to last month's column. Regarding state songs, WVHC member April Keating sent word that one had been overlooked. She said, "There are actually three [official] state songs and only two are mentioned in the article. My mother, Iris Bell, wrote "This is My West Virginia" in 1961. In 1962 it was adopted as the Centennial song and in 1963, it was included with the others as the third state song." Several sources note that Bell awoke in the night thinking of the lyrics and melody. The artist's daughter added, "My mom was a musician and a single mom, who supported us all her life on her salary as a musician and nothing else; [she] believed in the beauty and nobility of our state and its people."

Goldenseal magazine called the song "melodic and heartfelt." Iris Bell was a Charleston native, an accomplished jazz musician, and toured with Lionel Hampton. A clip of Bell singing "This is My West Virginia" can be found on YouTube.

Here are the lyrics:

### THIS IS MY WEST VIRGINIA

by Iris Bell

This is my West Virginia, the home of all my family.  
And the faces of her people ever glow with loyalty;  
The honest sweat born of honest toil is the only way they know  
Here is my West Virginia, the home that I love so.  
Here is my West Virginia; her beauty makes my spirit whole.  
In the times of dread and anguish it calms my fevered soul:  
I lift mine eyes unto these hills and they give me power to go on.  
Here is my West Virginia, where I was born.  
This is my West Virginia, and free her sons will always be  
We will stand behind our principles as in 1863.  
Her pride will live and her strength will grow  
'Til her mountains turn to dust:  
This is my West Virginia, these hills that guard my liberty.  
And her flag proclaims the legend  
"Mountaineers are always free."  
Where-e're I go she will call to me through the world in which I  
roam,  
This is my West Virginia, my land, my home.

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

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



## Join Now !!!

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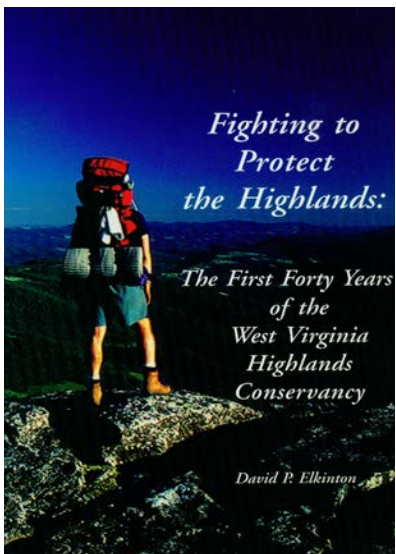
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| Other        | \$ 15      |        |         |
| Regular      | \$ 25      | \$ 35  | \$ 50   |
| Associate    | \$ 50      | \$ 75  | \$ 100  |
| Sustaining   | \$100      | \$ 150 | \$ 200  |
| Patron       | \$ 250     | \$ 500 | \$ 500  |
| Mountaineer  | \$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!**

### 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](http://wvhighlands.org), where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

### SUCH A DEAL!

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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.

### MOUNTAINTOP REMOVAL—UP CLOSE AND PERSONAL

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





# PUBLIC LANDS COMMITTEE TOURS SPRUCE RESTORATION PROJECT

By Cynthia D. Ellis

The first activity of the "This Land is Your Land" effort by the West Virginia Highlands Conservancy Public Lands committee started at Bartow in Pocahontas County on June 2 under cloudy skies. We met at the Greenbrier Ranger District office, where a Pollinator Garden hugs the edge of the parking area.

District Ranger Jack Tribble spoke to introduce us to this part of the Mon Forest and to the Mower Tract in particular. We examined maps showing the larger 330,000 acres and the local 44,000 acres; in this case largely contiguous, with few inholdings. Tribble explained the importance of on-site watershed restoration.

He noted that decommissioning old mining and logging roads, changing culverts, making multiple miniature wetlands are all actions



which will increase unsedimented flow of surface water into tributaries of Shavers Fork. He further detailed how past reclamation activities have caused "Arrested Succession" in the ecosystem--- that is growth and regeneration are stalled. In addition

to cleaner streams, benefits will be better trout habitat and increased carbon capture, due to a deeper and more varied organic layer under spruce forests and also through mycorrhizal communities associations.

One method, discovered elsewhere, is the use of wood chips as mulch; a layer that rapidly decomposes. Hurricane Sandy and the Derecho had both provided a tremendous resource for surplus wood. Chips are spread wherever "ripping" of the soil is attempted. Ripping is necessary because old reclamation methods left thickly compacted areas of germination-preventing soil. A large sharp implement is pulled through the soil so it is left furrowed and disturbed. The layers of wood chips help jump start re-formation of organic soil. At this location, ripping and layering of chips has helped young trees grow better. The percent of success with Spruce seedlings has risen dramatically.

A post-mining and timbering landscape which featured non-native Norway Spruce and Fescue Grass may now begin to host swaths of Red Spruce and more diversity after ripping and re-planting. Our host fielded questions about whether the wood chips would need to be inoculated before use, and about the potential for gas drilling with fracking or large scale wind development here. Later we would discuss the merits of maintaining any good elements of the site versus remediating its problems.

He indicated that, in his view, the Environmental Impact Study process would be daunting any proposed wind projects. He also commented that there is not much interest right now in gas drilling on the forest due to the complexity of the geology, the low price of

gas and the relative ease of extracting gas in the western part of the state. That does not mean that there will never be interest but not now.

Tribble listed the multiple groups that have been enlisted as partners in the restoration effort. He credited them with allowing him an efficient use of grant funds, maximizing of staffing, and the minimizing of paper work.

A few drops of rain spattered as we drove to begin our tour of the Mower Tract. We wanted to see "Barton's Bench" and "Lambert North," where much of the work has been concentrated. We pulled onto a graveled Forest Service road and, at the first stop---interpretive signs---the rain got more serious, let up, and then began again. Undeterred, leader and troops traveled on, rain gear alternately donned and shucked, as we saw spruce seedlings and a number of stands of taller trees. Rain water gushed and poured, and droplets collected on greenery. We were in a wounded, but appealing place; one that many are working to repair and to try to recover some measure of its original beauty.

It did not escape our notice that this spot cannot be compared to

reclamation efforts in the southern mountain counties. What occurred here was strip mining--- not mountain top removal. The elevation is intact.

There is no acid mine drainage here. A number of us on the WVHC board have yet to see a reclaimed mountaintop removal site for which effective remedies have been devised. Too many good parts are gone and bad situations remain.

As to this tour of the Mower Tract, Dave Saville, chair of the WVHC Public Lands committee, noted that one goal of the This Land is Your Land schedule was to introduce Highlands Conservancy members to those who work every day on and in the Public Lands. He wanted us to see, in person, those who are charged with implementing plans and policy. In this case, we saw the energy and dedication of an individual, and came away both impressed with the potential for positive change and with regret that so many hours and funds must be spent this way. Jack Tribble and his staff have hopes and plans...for projects with foot trails, bike trails, and enhancement of habitat for bats and Cheat Mountain Salamanders. We look forward to meeting with him again and to seeing positive actions continue.







## The West Virginia Highlands Conservancy Initiates a New Public Lands Outing Program

By David W. Saville, Chair, Public Lands Committee

A new Highlands Conservancy program, *This Land is Your Land*, will be spending a day or more each month in 2013 to explore, and learn more about our public lands.

The West Virginia Highlands Conservancy has a long and rich history of advocating for the protection and wise management of our public lands. That history is equally as rich in giving back to these lands through service projects to protect and restore them. West Virginia is not particularly rich in public lands, but it does have a good diversity and distribution.

Who manages these lands that belong to all of us? What agencies are responsible? What is the difference between the Park Service and the Forest Service? What laws provide guidance to these agencies? How did we acquire these various lands and how can we acquire more of them? What are the current management issues and are they facing any threats? How can the public become involved and engaged in their management? How can we work to benefit them and ascertain a long and healthy future for them?

These are just a few of the questions that the Public Lands Committee's new program can help Highlands Conservancy members, and the public, discover the answers to. The Program will assemble a dynamic calendar of events, published in the Highlands Voice each month and at [www.wvhighlands.org](http://www.wvhighlands.org), where we will visit, explore, and discuss the issues facing our various public lands. The events will generally include informational meetings with the area's managers, and they will also include an outing to explore or restore some of the wonders of that particular area of our land. Some events will include discussions of public lands issues and activities of the Highlands Conservancy's Public Lands Committee.

Below is the current calendar of events, and more will be added as the year progresses.

Because, from West Virginia's highest Point, at Spruce Knob, to its lowest, at Harper's Ferry, *This Land was Made for You and Me!*

### This Land is Your Land - Events Calendar

Please RSVP if you are planning to attend an outing! For more information, visit [www.wvhighlands.org](http://www.wvhighlands.org), or contact Dave Saville at [daves@labyrinth.net](mailto:daves@labyrinth.net).

**Sunday, July 14, 2013, *This Land is Your Land* - Canaan Valley State Park, 1 pm.** At this event, we will visit with Park Superintendent, Rob Gilligan, at the Canaan Valley State Park Nature Center. Rob will discuss the management of the State "Resort" Parks as well as the new Lodge and Conference facilities. We will then take a car tour, and a few short hikes, to visit some of the Park's most outstanding features.

**Saturday, August 10, 2013, *This Land is Your Land* - Ohio River Islands National Wildlife Refuge, Williamstown, WV, 1 pm.** Meet Refuge Manager Glenn Klingler and Assistant Manager, Sara Siekierski, of West Virginia's first National Wildlife Refuge, established in 1990. Scattered along 362 miles of the Ohio River, the refuge restores and protects habitat for wildlife in one of our Nation's busiest inland waterways. It includes 22 islands and 4 mainland properties for a total of 3,440 acres. Half of the refuge acreage is underwater, providing crucial habitat to support over 40 species of freshwater mussels. Hear from refuge leadership about the challenges the refuge faces and what their team is doing to help safeguard a future for wildlife. Afterwards we'll go for a hike around Middle Island.

**September 8, 2013, *This Land is Your Land* - Kanawha State Forest, Charleston, WV, 1 pm.** Meet Assistant Superintendent, Kevin Dials at one of West Virginia's most popular State Forests. Unique among State Forests, Kanawha is managed more like a State Park because of an action of the State Legislature. The 9,300 acre forest is noted among naturalists for its diverse wildflower and bird populations. Rich cove forest sites provide nesting habitat for 19 species of wood warblers. We'll join with members of the Kanawha State Forest Foundation, a citizens group acting on the forest's behalf, for an afternoon visit.

**Sunday, October 6, 2013, *This Land is Your Land* - Greenbrier Ranger District, Monongahela National Forest, Bartow, WV 1 pm.** For the second of our visits to the Greenbrier Ranger District, we will once again meet with District Ranger, Jack Tribble and District Wildlife Biologist, Shane Jones. The discussion of current activities will focus on the upper Greenbrier North project. This large and diverse project involves numerous management activities including spruce restoration and stream habitat improvement. We'll take a car tour and some short hikes into the upper Greenbrier north project area to learn more about the activities and proposed activities associated with that project.

## STREAM LOSS FROM LONGWALL MINING

By Cindy Rank

We often report about mining impacted streams, streams polluted by individual contaminants such as iron, aluminum or selenium, or biologically impaired by increased amounts of a toxic soup of dissolved solids, or just plain buried under tons of rubble called valley fills.

Of equal or greater importance - especially to our members and friends who live on land being undermined - is the potential for losing water – their wells, farm ponds and streams running through their property.

Of particular concern are areas being undermined by the longwall mining method that carves out giant blocks of coal many times as large as the conventional room and pillar deep mines that extract some 60% or so of the coal but leave behind pillars of coal that support the ground above.

When the geology is conducive to longwall mining and companies can afford the original investment for the expensive machinery needed, the accompanying environmental claim is that subsidence is inevitable and this more complete removal of the coal seam allows for 'planned' subsidence, subsidence that is predictable, occurs relatively quickly as mining proceeds, and can be compensated for immediately rather than waiting for decades or more for the unexpected but inevitable to occur when the pillars of coal left by conventional room and pillar mining crumble allowing the earth to cave.

Residents in northern West Virginia and southwestern Pennsylvania can produce arguments and evidence aplenty to contradict those claims. But the immediate focus of this article is the growing recognition of the severe damage to our water resources that can and does occur from longwall mining.

Similar instances of stream loss can be found throughout West Virginia as well, but of particular note right now is what is occurring in neighboring Pennsylvania where state regulators have officially declared six streams in southwestern PA permanently lost due to longwall mining.

Representatives of Pennsylvania based Center for Coalfield Justice and the national coalition Citizens Coal Council visited with WV Highlands Conservancy members at our 2010 Spring Review in Taylor County and outlined the history and problems created by a Consol Energy longwall mine at Ryerson State Park not far over the state line.

In 2005 the Park's 62-acre Duke Lake was drained when the dam cracked and was declared unsafe after the longwall machine had moved beneath the park.

Pennsylvania state officials later filed an unprecedented lawsuit against Consol over the alleged damages. In April of this year (2013), they announced a multi-million-dollar settlement with the company to repair the dam and re-open the lake.

That same Consol mine has now been cited for causing the permanent loss of six Greene County, Pennsylvania, streams.

Reporting for the investigative news organization Center for Public Integrity Kristen Lombardi writes:

*"The brutally efficient coal-extraction method known as "longwall mining" has permanently damaged a half dozen streams in Pennsylvania, state regulators have found — a finding that could trigger deeper waves for such operations in the state.*

*In December [2012], the state's Department of Environmental Protection, or DEP, sent a little-noticed letter relaying its unusual decision to the coal company that has tried to repair one such stream for five years, Consol Energy. Regulators determined the unnamed tributary "has not been restored to conditions that existed prior to undermining." They called further remediation attempts "futile," and demanded the company compensate "for the loss of Commonwealth resources."*

*The same day, the DEP sent another notice to Consol conveying a similar conclusion about five other streams "not recovered from the effects of underground mining." The agency said it "now requires Consol to perform compensatory mitigation or enhancement measures."*

*Traditional underground mines use a technique known as "room-and-pillar," which leaves blocks of coal behind to support the earth. By contrast, longwall mines involve hulking steel shearers that slice off entire coal seams hundreds of feet below ground, and leave in their wake caverns up to five feet tall. The consequent shock waves [as they cave in behind the longwall machines] cause severe damage to structures, disrupt wildlife and deplete water resources."*

...

...

*All six of the irreparably damaged streams have suffered "flow loss" from Consol's Bailey Mine, which snakes beneath 144 square miles of rural terrain in Greene County. Here, Bailey's longwall machine has caused such hydrologic chaos that Consol has had to conduct state-required remediation on miles of creek, the Center for Public Integrity reported in 2009. Four of the broken streams run above Bailey's 1-1 to 4-1 longwall panels, the same panels underlying Ryerson Station State Park."*

*(<http://www.publicintegrity.org/2013/06/21/12877/new-scrutiny-longwall-mining-finds-damage-pennsylvania-streams>)*

Apparently this is the first time the state agency has made this type of legal determination, but some believe it is only the first in a whole string of similar situations involving streams that could and should be declared permanently lost.

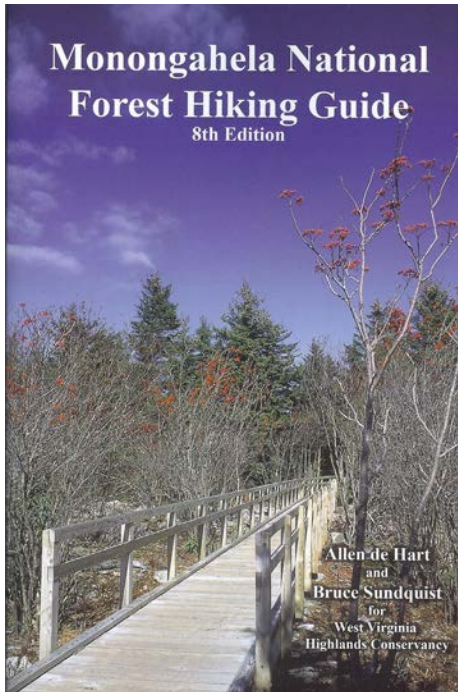
The current case hinges on PADEP's revised stream protection policy of 2005 which came about after DEP went to court over another dewatered stream in Washington County PA. Like Consol, that now-defunct company tried unsuccessfully to repair the stream using epoxy grout and plastic liners and even tapped a fire hydrant to augment the flow. In that instance the PADEP required a modification to the company's permit that prohibited longwall mining underneath the stream.

As Consol looks to expand the offending Bailey longwall mine by an additional 3,135 acres (and undermining more than a dozen additional streams which the company predicts will endure "temporary" damage, including the loss of stream flow) it will be interesting to see if PADEP's current actions result in a revision of the company's method of mining under these area streams.



## The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist



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

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

### New 8TH Edition Now Available on CD

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

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

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
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### 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.



Great Field Trip

# DODDRIDGE COUNTY FRACKING LIVE AND IN PERSON

By April Keating, new member of WVHC

On June 5, a group of roughly fifteen people came together in Doddridge County to visit some Marcellus well sites. The trip was arranged by our gracious hosts, Diane Pitcock, founder of WV Host Farms, and a member of the Doddridge County Watershed Association. The WVHC was well represented; we came from seven counties, and several professions were represented. We would be escorted to public or private property (with permission, of course) close to or directly on four different sites, seeing different steps in the process of horizontal, slick-water, hydraulic fracturing for natural shale gas.

Our trip began at the city park in West Union, on Middle Island Creek, the longest creek in the state at 77 miles, and a tributary of the Ohio River. We noticed the water looked muddy, or “turbid,” and a Doddridge County resident told us the water had not run clear there for about a year, coinciding with the onset of shale drilling and pipe laying activity. After an informative

lecture on subjects from drilling activity to legal action, we moved on by vehicle to the Mark West plant and Antero drill pad site on Route 50 East off the Morgan’s Run Rd exit.

This site is very large and situated on what was once a beautiful farm. It has an idyllic stream running through it, Buckeye Creek, where a spill happened 2 or 3 years ago and not reported for six months. Buckeye creek is upstream from West Union’s municipal water supply.

The well site’s service road is situated right beside the North Bend rail trail, which we used to walk along the well site’s front border. Here were signs there that said, “WARNING: NO TRESPASSING,” atop the guard rail that separated the walkway from the road, making it look as if a person from the general public could not use the rail trail. Trucks were in line, sitting idling, apparently waiting to load or unload. Most of them were water trucks. Some said Fresh Water, some said Brine, a few said Residual Waste. Some read different things on each side. The well pad was behind these, and we could see trucks and people coming and going to and from the well. With the pad and roads and surrounding truck yards, etc., it appeared that about 25 acres were being used for

drilling and processing, from what we could see.

To the right of the pad, about 100 yards over, was an old-style vertical well that must have taken all of about 1/8 acre. The contrast to the Marcellus well pad was striking. Horizontal drilling began in its current form sometime in the early 1990s. The old, vertical wells took up a fraction of the land



the new horizontal wells take up, did not go as deep, did not use as many chemicals or consume as much water, and had much less of a footprint on the land and water system. “Not your grandfather’s gas well,” as they say.

To the left of the pad, in a cleft between two hills, was the Mark West Plant. This plant consists of an extraction plant, cryogenic plant and a compressor station. We could see the flaring going on. Gas must be cooled to below freezing temperatures to be shipped, often out of the country, at which time it is called LNG, or liquid natural gas. Liquefied natural gas or LNG is natural gas (predominantly methane, CH<sub>4</sub>) that has been converted to liquid form for ease of storage or transport by .The process to create LNG involves freezing methane to -260 °F. A few of us talked with some of the drivers, and then we moved on. As we were leaving, a truck went by us spraying something on the road, which we hoped was fresh water. Many of us have heard and seen some companies using drilling wastewater for “dust control,” etc.

Our next stop was downstream at Middle Island Creek to a water withdrawal site. We saw the sign that the gas company

had put up, indicating the well(s) this water would be used for. We noted how low and still the water was, hardly moving at all. The rock bed was showing. The industry is supposedly regulated as to when it can remove water according to the water level, but there is no limit as to how much they can take. Enforcement is also lacking, dependent on someone (a resident, perhaps, who has

the time to hang around and monitor the creek without pay) who knows the level requirement and notices that the company is removing too much. Many people may not realize that the water that is taken from our streams is not recoverable. In other words, it is gone from the

system now, forever.

We drove briefly off Rt. 50, where we saw a “tank farm.” The tanks are used to store water used in the drilling process. Allegedly, these tanks are sitting in a floodplain area without a permit. This tank farm is situated at Morgan’s Run, a tributary of Buckeye Creek, and upstream from the municipal water supply for the town of West Union. Flooding has occurred in this area recently. One wonders what kind of waste may have been released from this and other low-lying sites.

Moving on, we arrived at the home of an avid gardener who is renovating a beautiful older home in the midst of beautiful gardens. This resident of Doddridge County had a conventional gas well across the road from her house, which had worked fine for 32 years. After the gas company coming in, putting in a new well, and fracking in the area, this well now leaks constantly and no one seems to be able to stop it. We could hear the hissing sound of methane being released. Due to fracking in the area, the resident believes that a process called “communication between wells,” an industry

**(Keep going, more on the next page)**



## THE FRACKING FIELD TRIP--THE REST OF THE STORY (Continued from previous page)

term, may be responsible for contaminating her well.

This well is right next to a waterway. The resident noticed several worrisome things going on during the process of pipeline construction, including a possible



leak into the creek, but calls to the DEP were not fruitful. There is a good deal of fracking going on, and the resident believes that migration from Marcellus wells is stimulating her old well. Considering the great distances that horizontal wells travel underground, it is not unthinkable that the pressure from these wells could disturb other wells that were drilled years ago. The resident has been in touch with the industry and DEP, but the well is still not capped after nine months of effort. If well communication is the cause of this gas leak, it would be easy to tell using tracers (chemicals that identify the well source), but the industry is fighting this approach.

Next, we viewed an EQT extraction plant. This was a large industrial site, surrounded by fencing and signs, settled in the midst of a poor, rural community. It was situated across a county road from an older home that was being renovated. There are no zoning regulations to say how close one can put an industrial site next to a dwelling. The noise from this site is constant. The noise pollution is certainly not limited to the plant, as there are many heavy trucks going in and out over narrow, rural roads on a daily basis, roads that school buses must travel. One of the problems with the industry boom is the heavy load that WV roads must take on from these large trucks, carrying millions of gallons of water back and forth, as well as sand, chemicals, and gravel for their service roads. There has been discussion lately about increasing taxes on the people to offset

these costs. It seems unfair that we should all have to pay for the destructive activities of one industry, one whose activities many of us disagree with.

Our last stop was to visit an active drilling site under construction. The site consisted of three main areas and the roads leading to them. It was situated on beautiful, rolling farmland. At the highest level was a flowback water pit under construction. I was happy to see the lining was very thick plastic and that two men were going over it with a water-spraying tool to identify holes, though there were some wrinkles in the fabric and the technique looked less than perfect. I was also happy to see that they were preparing to put up fence to keep out animals and children, but I wonder if all pits are so equipped.

Down below was the actual well pad and a collection of water trucks. Looking over about ½ mile to another ridge, one could just make out through the trees another area, which I learned was set aside for freshwater storage. This water is trucked over to the well pad for fracturing, quite a distance. The roads leading up to and around the property were very long and all gravel covered. Trees had been cut and laid aside in piles. It seemed a shame for all this lumber to go to waste.

All told, the land taken for this project was about 37 acres of an 80-acre tract of land. I felt for the landowner, whose land is now effectively ruined but for this purpose. Since, in West Virginia, mineral rights trump surface rights, many landowners find that their land is all but taken from them, losing the use and husbandry of it, yet they are still required to pay taxes on it. If they have a homestead, they often have to put up with loud, fast-moving truck traffic, noise and light pollution, and damage to air and water quality for weeks or months. There is always the possibility (and actuality) of spills and leakage, or overflow from holding pits when it floods. I did not see a dwelling anywhere near, but it would have been a wonderful homestead site. No longer.

This was a great experience for me. I have been active in the Marcellus protest movement for over two years. I use what spare time I have to educate myself and others about the process and its dangers. This trip was very eye-opening. I got to see

steps in the process first-hand, narrated by people who have been learning and seeing the movements of the industry since it began in Doddridge County. I hope to go on another such trip very soon, and to take as many of my friends as I can gather. We all need to see this, especially our legislators.

Here in West Virginia, it is difficult to see beyond the hills to know what is going on just out of sight. As we know, horizontal drilling can affect the land, air, and water for miles around. We are in a grave situation right now. The combination of climate change, which has upset the balance of nature, causing droughts and storms, and the enormous use and abuse of our natural water supply by energy companies, has put us all in a bad position, whether we know it or not. The massive, consumptive use of water for company profit has got to be curtailed, or in a few years we will have no fresh water left.

“Fracking” uses an average of 5 million gallons of water every time a well is “fracked”, which can happen many times. According to one news source, Ohio.com, 150,000 wells are planned for the Marcellus formation. Each “frack” job (that’s one fracking of one well) uses more water than 50 four-person households use in one year! For decades, we have seen problems in the



western states and in poorer countries with water shortages, and those problems will soon be in all our backyards.

West Virginia’s rolling land and pristine waters must be protected from the gigantic industry that threatens to ruin our heritage and take away our state’s beauty. This land could be a refuge, or it could be a wasteland. The choice is ours. Education is the first step in making the right decisions. Thanks to West Virginia Highlands Conservancy, that part of the job is a little easier.

**Note: All photos by April Keating.**

# MOUNTAINEERS ARE ALWAYS FREE, BUT THE GAS WILL EVENTUALLY COST YOU

By Hugh Rogers

Free gas was a good deal, once. When readers of *Mother Earth News* began finding land in Doddridge County, the small farms didn't have mineral rights but often had the right to gas for household use from producing wells. Some newcomers found jobs with the local oil and gas companies that had been drilling there since the 19<sup>th</sup> Century. Those Mom and Pop operations were part of the community; they cared about its health, its schools and farms and other businesses. When they drilled new wells, they—most of them—worked out arrangements that would do the least damage to the surface of their neighbors' properties.

Now Doddridge County is the center of "wet gas" (or "rich gas") extraction from the Marcellus shale. More than three hundred drilling permits have been granted. New compressor stations are going up every seven miles along the new pipelines. A huge extraction plant is drawing off the higher-value liquids: propane, butane, ethane. The air is heavy with hydrocarbons.

Mom and Pop outfits couldn't put together the \$4 or \$5 million required for just one high pressure fracked well turning horizontal into the shale layer 7000 feet down. Instead, the county has become subject to the money, muscle, and indifference of national corporations.

Permits are still written one by one and stage by stage, as if there couldn't be any cumulative impact. In the entire state, there are seventeen inspectors for more than 58,000 active and 13,000 inactive oil and gas wells, plus an unknown number of abandoned ones—and new wells come on line every day. "The playing field has changed but the rules haven't." That's the conclusion of our guides on an early June tour, Mirijana Beram of the Doddridge County Watershed Association, and Diane Pitcock, who leads the WV Host Farms Program. Their groups are concentrating on education of the broader public, and establishing baseline data so impacts can be proven and compensated for.

Later, I followed up one encounter by email. The story (below) began with free gas. (The interview has been edited for publication.)

\*\*\*\*\*

When I purchased my home 32 years ago it came with unlimited free gas from a well on the property. That well had been drilled in 1960. About five years ago, Key Gas put in another standard vertical well right beside it. If they had affected the existing well, they would have been required by West Virginia law to provide me the same amount of gas I'd been getting. They actually did not affect my gas, but they offered to put us on their well to simplify things. That was fine with me because it can be a real hassle to maintain a well with all the little problems that can occur. We figured if it didn't work out we could always fall back on our old well.

Two years ago, EQT buried the first pipeline alongside my garden and across the county road. While they were excavating they cut the gas lines on both wells, and reburied them, still leaking, without informing the gas company or me.

About a year later, they brought in another pipeline from across the field and through the creek to connect with the first pipeline. Again, they cut the gas hose at the well connected to my house, and again, the gas company dug up the hose and repaired it.

A condensation tank separates waste from the gas traveling through the pipelines. They set the tank on the creek bank. Both

times the creek flooded, the tank overturned, polluting the water.

Whenever pressure built up in the tank, it blew off through a valve on top. First there was a very loud banging in the tank, and then the venting sounded like a jet engine warming up. This would happen continuously, day and night. Everything in my yard, trees, shrubs, flowers, plants in my garden, the house, the bridge, the deck and everything on the deck, my car and truck, and other outbuildings were covered by black particles. Finally, after more than a year of this, DEP made EQT start collecting most of the waste. They fill two tanker trucks every day and sometimes it still blows off into the air. When they began to collect this waste, the black stuff began to disappear. It is a very common occurrence where gas waste is being blown off or where they are flaring.

It was during the period of connecting the two pipelines that my old well was compromised and began to leak gas. At first, I assumed that they tore up the well while they were doing the construction; however, I finally realized that every time there was fracking going on in this area, the pressure of the gas leak would spike. The well has been leaking gas for about eight months now and when they frack around here it gets worse every time. I have been dealing with the DEP for that long and still don't seem to get any closer to having it capped so we do not have to continually breathe gas.

[Comment: Although drilling companies deny any "communication" between gas wells, this is not the only old well that has been stimulated by nearby fracking. One conventional well that had been dribbling out gas at the rate of \$17 per day jumped to \$800 per day.]

Here is the final twist. If or when they plug the old well and the pressure can no longer be released through it, the well we are using now may blow out. I've been warned that eventually, because of the way the gas is pulled from below in the fractured shale, all of the conventional wells will probably lose their gas. People have already lost a good bit of the value of their properties around here just because of the Marcellus wells being so close by and all of the industrial activity. If there is a well within a mile of your property some mortgage companies will not give you a mortgage so the home would be close to impossible to sell. Of course it is deadly to breathe this gas so I must insist that they plug my well although it will open up more cans of worms. It's a no-win situation. This gas leak could also compromise my water well.



## OTTER CREEK WILDERNESS TRAILS CLEARED OF DOWNED TREES

Crews wielding old-fashioned cross-cut saws and axes for a month have cleared most of the trails in the Otter Creek Wilderness, allowing hikers access to areas previously closed off by trees downed as a result of Superstorm Sandy. The hand tools were required since no mechanized equipment is allowed to be used in areas formally designated under the Wilderness Act. Monongahela sawyers were joined by sawyers from the Bridger-Teton National Forest in Wyoming, the Okanogan-Wenatchee National Forest in Washington, the Green Mountain National Forest in Vermont, and the Hoosier National Forest in Indiana. Using the tools correctly and safely is a specialized skill, and only recently has the Monongahela National Forest had employees certified in cross-cut sawing, or owned a cache of good saws, handles, and other related wilderness hand tools.

Working from the perimeter of the Wilderness to the inside, the crews have cleared all trails except the Green Mountain Trail (TR 130); Possession Camp Trail (TR158), and a 300' section of Otter Creek Trail (TR) covered by a landslide near the junction with Possession Camp Trail. Both Possession Camp and Green Mountain Trails are at elevations where little significant damage is expected, and any needed work on these will be deferred until other areas of the Forest have been cleared. No work was done at the informal camp sites within the area, as these are not maintained sites. The landslide on Otter Creek Trail is located in a rhododendron thicket, which complicates repairs to the trail. At this time no plans have been formalized to work on the landslide.

Although the trails have been cleared, visitors are cautioned that the weight of new leaves along with already damaged limbs will cause additional downfall over months to come. Camp sites should be chosen with attention to overhead and surrounding conditions, and extra caution is recommended when hiking during high winds and storms which might bring down more limbs and trees. If hikers notice new downfall on trails, the specific locations may be reported to Monongahela National Forest recreation staff in Elkins or Petersburg, which will help with planning future trail work.

## CARE to Change West Virginia

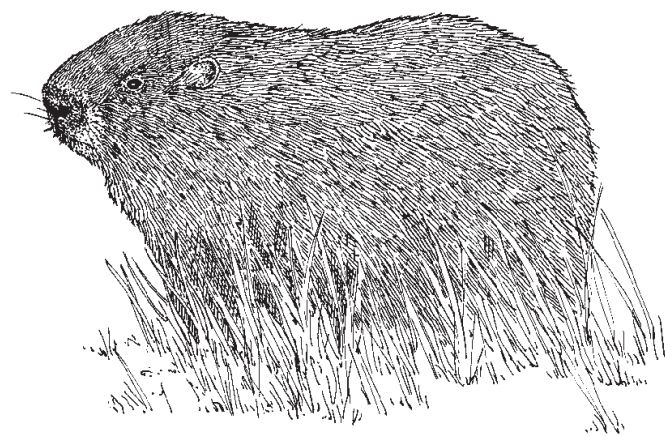
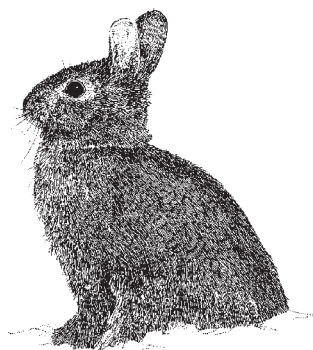
The West Virginia Highlands Conservancy has joined the Ohio Valley Environmental Coalition, Coal River Mountain Watch and a bunch of other groups to launch the CARE campaign -- Citizen Action for Real Enforcement. The goal of the campaign is to hold government agencies accountable for their failure to do their job and protect communities.

Although the groups have been working together for a very long time in preparation, the group's first public action was the filing of a petition to the federal Office of Surface Mining. The Petition asserts that West Virginia's Department of Environmental Protection has not been doing its duty to enforce the Surface Coal Mining Reclamation Act. It asks that the Office of Surface Mining take over enforcement of the law in West Virginia. More about the Petition can be found in the story on page 1 of this issue of *The Highlands Voice*.

The group's second public action was to march to the West Virginia State Capitol to announce the filing of the Petition and to remind West Virginia officials of the importance of protecting its citizens from the damage that can be done by mining.

The filing of the Petition is only the first step in a campaign to improve the enforcement of mining laws in West Virginia. People are urged to contact their elected officials as well as the United States Secretary of the Interior, the agency which oversees the Office of Surface Mining.

### Mammals visible out the window during editing of this issue of *The Highlands Voice*:



# HIGHLANDS CONSERVANCY BOUTIQUE

## NEW STUFF



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

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

► Order now from the website!

Or, by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to 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