



# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 47

No. 6

June, 2014

## CITIZENS SPEAK ON THREAT TO TYGART LAKE

The West Virginia Department of Environmental Protection (WVDEP) has asked ICG Tygart Valley LLC, a subsidiary of Arch Coal Inc., to slow down and reconsider its decision to locate an air shaft near Tygart Lake in Taylor County. The proposed air shaft would help ventilate the company's Leer Mining Complex.

At issue is the location of the ventilation/bleeder shaft #7. A ventilation shaft works by blowing or sucking air out of the mine. These shafts are strategically located to exhaust dangerous gases like methane out of the mine and maintain safe levels of fresh air for the workers. Fans are used at the entrance of the Leer mine to blow fresh air into the mine, but the extensive underground tunnels also require ventilation shafts – with or without fans – to provide exit points for the poor air that builds up in the mine, thus keeping the mine ventilated and making it safer.

While several years ago the West Virginia Highlands Conservancy member organization T.E.A.M. (Taylor Environmental Advocacy Membership) opposed permitting the entire 6,000 acre longwall project for a myriad of reasons, it doesn't question the need for ventilation shafts somewhere. The question about shaft #7 is whether next to the

park and a private campground was the best location. T.E.A.M. and the West Virginia Highlands Conservancy had emphasized the light and noise coming from the proposed shaft. They also questioned the methane being drawn from the mine and discharged into the park and its surroundings as well as whatever else (fumes from equipment, etc.) that might come along with the air exhausted from the underground workings.

Approval of the project was originally sought through what is known as an insignificant incidental boundary revision. Such a revision procedure is used when a company wants to disturb an area not covered by its initial permit but the revision was considered trivial. Such an application would be considered and approved with no public notice, no public hearing, etc.

Citizen advocacy (including that of T.E.A.M.) resulted in a change of this quick and easy process. Even though (if the boundary revision truly were "insignificant") no public hearing was required, the West Virginia Department of Environmental Protection responded to widespread public concern by granting a limited public comment period and holding a public hearing.



(More on p. 5)

**What's inside:**

Thoughts from President Cindy	2	Big pipeline in the works	8	Get a Hiking Guide	15
Roster of officers	2	Dealing with surveyors	9	Field trip possibility	15
An old/new face at DEP	3	Small business favors		Stuff for sale	16
Advocate for National Forests	4	Birthplace of Rivers	10		
Update on Tygart Lake	5	Be part of the new Hiking Guide	10		
What the Legislature is up to	6	A founder passes	11		
How to join	7	An EIS for wind turbines?	12		
Get a history book	7	Another friend gone	13		
Win a sculpture	7	Poetry	14		

## Ramblin' the Ridges

By Cynthia D. Ellis

### GET A WHIFF

"This place has no smells." So complained a friend who spent time at a rehabilitation center after a debilitating illness. He was not complimenting the facility on its tidiness; rather he was lamenting a sterile atmosphere devoid of any odors...pleasant, pungent, tantalizing, or even sharp.

The friend was veteran Charleston newspaper reporter and writer Adrian Gwin. Lively, curious, and outdoorsy from a long Boy Scout background, he spent his life finding out about, and writing about, the places and people of West Virginia. He used all his senses and could not let a lack of stimulus go unmentioned.

Smells are vital but sometimes overlooked in accounts of life, mountain or otherwise. In E.B. White's "Stuart Little," the main character, a mouse, at one pointed acting as a substitute teacher, asked an elementary student what is important. The swift, beautiful reply, "A shaft of sunlight at the end of a dark afternoon, a note in music, and the way the back of a baby's neck smells if its mother keeps it tidy..."



In the mountains, and surrounding areas, we do not lack for smells. Although infrequently lauded, they are an integral part of our memories and experiences here. The good ones remind us of our reasons to protect what we have, and the bad ones remind us why we work to make things better.

And they are memorable. Recently Charleston newspapers featured the obituary of a native girl who'd gone on to some measure of fame as a singer in the 1950's. The singer's daughter said that Janice Gillen took her own family back to West Virginia each year and said, "Mom and Dad would take turns driving and sleeping when we drove our station wagon from California to West Virginia... The smells of West Virginia---canning fruits and vegetables in my grandma's kitchen---are definitely on my mind..."

It might be difficult to choose our favorite mountain and state fragrances. We love the smell of spruce and pine, the scent of wildflowers and blooming vines, and the aroma of a wood fire.

We like the smell of sun-warmed rocks and cool green mosses. And water! There must be a million memories that can be conjured up around the smell of water---rushing runs, meandering streamlets,

**(More on p. 3)**

### Roster of Officers, Board Members and Committee Chairs and Board of Directors

PRESIDENT: Cynthia D. Ellis, 3114 Steel Ridge Road Red House, WV 25168-7724 (304) 586-4135; cdellis@wildblue.net  
SENIOR VICE PRESIDENT: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602, larryvthomas@aol.com  
VICE PRESIDENT FOR STATE AFFAIRS: Frank Young, 33 Carnian Ford Road, Ripley, WV 25271, (304)372-3945, fyoung@mountain.net  
VICE PRESIDENT FOR FEDERAL AFFAIRS: Marilyn Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484, marilyn.shoenfeld@gmail.com  
SECRETARY: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304)291-8305, johnmcferrin@aol.com  
TREASURER: Bob Marshall, 2108 Emma Road. Kenna WV 25248; (304)545-6817, woodhavenwva@aim.com  
PAST PRESIDENT: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, hugh.rogers@gmail.com

DIRECTORS-AT-LARGE (Terms expire October 2014)  
Sara Bird127 East Main St., Buckhannon, WV 26201, (304) 545-5695; sarapearlbird@hotmail.com  
Jackie Burns jackie.burns@frontier.com .  
George Beetham, 2819 Mt. Carmel Avenue, Glenside, PA 19038, (267) 252-3748, geobeet@hotmail.com  
Bill McNeel, 1234 Jerico Road, Marlinton, WV 24954, (304)799-4369; wpmcneel@gmail.com  
Peter Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com

DIRECTORS-AT-LARGE (Terms expire October 2015)  
Bob Henry Baber, 207 Howard St., Glenville, WV 26351, (304) 462-0320, mayorbobhenrybaber@yahoo.com  
Dave Fouts, HC 80, Box 993, Maysville, WV 26833, (304) 749-8172, foutsberg@citlink.net  
LeJay Graffious, P. O. Box 69, Bruceton Mills, WV 26525; lejay@oldhemlock.org.  
Mike Withers, Rt 2, Box 328, Grafton WV 26354, 304-265-3750, 1nastynash@frontier.net

ORGANIZATIONAL DIRECTORS  
NATIONAL SPELEOLOGICAL SOCIETY:  
PITTSBURGH CLIMBERS: Buff Rodman, 32 Crystal Dr., Oakmont, PA 15139; (412) 828-8983; buffrodman@hotmail.com  
BROOKS BIRD CLUB: Cindy Ellis, 3114 Steel Ridge Road, Red House, WV 25168-7724 (304) 586-4135; cdellis@wildblue.net  
MOUNTAINEER CHAPTER TROUT UNLIMITED: Chris Byrd, 292 Magnolia Ave., Clarksburg, WV 26301 Tel. (304) 622-3023 <cbyrd@ma.rr.com>  
WEST VIRGINIA RIVERS COALITION: Don Garvin, P.O. Box 666, Buckhannon, WV 26201; (304) 472-8716; DSGJR@aol.com  
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304)924-5802; clrank2@gmail.com  
TEAM (Taylor Environmental Advocacy Membership): Beth Baldwin, 2594 Knottsville road Grafton, WV 26354, 304-265-3029, elbrn6e21@msn.com  
ALLEGHENY HIGHLANDS ALLIANCE: Wayne C. Spiggle, RR 2 Box 97, Keyser WV 26726, 304-726-4868, wspiggle@mac.com  
SHAVERS FORK COALITION: Jim Van Gundy, 240 Boundary Avenue, Elkins, WV 26241; (304) 636-4736; jjvg01@gmail.com

COMMITTEE CHAIRS  
MINING COMMITTEE: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net  
PUBLIC LANDS MANAGEMENT COMMITTEE: Marilyn Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484, (304) 704-9067 (301) 642-2820; Marilyn.Shoenfeld@gmail.com  
LEGISLATIVE COMMITTEE: Frank Young, 33 Carnian Ford Road, Ripley, WV 25271, (304)372-3945; fyoung@mountain.net  
WIND ENERGY COMMITTEE: Peter Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484, (304) 704-9067pshoenfeld@gmail.com  
ENDOWMENT FUND COMMITTEE: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304)291-8305, johnmcferrin@aol.com  
RIVERS COMMITTEE: vacant  
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662; hugh.rogers@gmail.com  
OUTINGS COMMITTEE: Dave Saville, PO Box 569, Morgantown, WV 26507, (304)284-9548; daves@labyrinth.net  
MISCELLANEOUS OFFICES  
SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989; martinjul@aol.com  
WEB PAGE: Jim Solley, 51 Wanshop Road, Reading, PA 19606, jamesolley@comcast.net  
ADMINISTRATIVE ASSISTANT: Beth Little, 214 Black Gum Lane, Hillsboro, WV 24946 (304) 653-4277; blittle@citynet.net  
HIGHLANDS VOICE EDITOR: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304)291-8305, johnmcferrin@aol.com



## CYNTHIA D. STILL ON THE SCENT (Continued from page 2)

serene ponds, and mysterious marshes---each has a distinctive and, to devotees, an inviting air. Caves smell of time standing still.

We also like wild mint and spicebush, and beds made with sheets dried in the sun. We can be fond of the hard-to-prevent slightly musty smell of tents; a smell that announces that a mountain vacation is really here.

Impending rain and the different smell after the storm passes... ahhh...

We even like the almond smell of some high elevation millipedes, the musky smell of bears, and the nippy smell of ramps.

Some smells tell of warning or drama...like the aroma of skunk...or road kill. "Avoid planting buckeye trees near patios or recreational areas. The pungent smell is offensive," advises one native plant source.

On a different note, there is plastic...not something usually thought of as a great natural smell. But in Fayette County, a community is starting its own Solar Co-op and may soon have plastic and metal components of solar systems newly installed, with a peripheral goal of sidestepping the obnoxious odors from conventional energy sources. <http://www.wvsun.org/solar-coops/fayette-county-solar-coop>

Also nowadays West Virginians know something about some previously unknown odors. They know about waiting in line behind a row of trucks in communities that are part of the Marcellus shale gas drilling boom and they know the diesel fumes of the idling engines and more. Some know that a licorice smell in tap water can have deep and wide implications. They know the warm smell of humanity packed into a community meeting room to try to get information on troubling or dangerous odors.

Now summer approaches. With good luck, nasally-sterile scenes may be avoided. Actually, some folks will be spending much time over off-gassing plastic keyboards and screens, working on issues important to conservation. That is vital to the mountains too. But it is to be hoped that everyone snatches at least some moments of olfactory joy---breathing in the essence and blends that shape and define our West Virginia Highlands!

*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 uses 100% post consumer recycled paper when available.

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

## DEP RECYCLES FIRST ENVIRONMENTAL ADVOCATE

By Cindy Rank

As many of our readers know, Pam Nixon recently retired from her position as Environmental Advocate with the WV Department of Environmental Protection (WV DEP). Pam served in the position since 1998 and saw the office grow to include two additional staff positions in 2010. We send our best wishes for a full and happy life beyond her many years of public service -- both during these last 16 years with WVDEP and for those many years as a community activist long before she was hired as Environmental Advocate.

With Pam's retirement many wondered who might step in to the position. With the official announcement at the beginning of June we now know that nearly twenty years to the day when she was hired as the first person to serve as Environmental Advocate Wendy Radcliff will return to the office.

Wendy worked for four Directors (Dave Callaghan, Eli McCoy, Jack Caffrey and Mike Miano) during her four years in the position (1994-1998). She left to attend law school and after law school worked for the Appalachian Center (aka Appalachian Mountain Advocates) on air quality issues. She later was hired by Attorney General Darrell McGraw to work as legal counsel to the environmental appeal boards for the last ten years.

Upon hearing the news Don Garvin, Legislative Coordinator for the WV Environmental Council, commented "Wendy has always been a strong 'environmental advocate' and her previous experiences within DEP will help her navigate those oftentimes choppy waters."

Wendy said one of her proudest accomplishments was organizing the well attended Citizens Mining Tour in 1997. Those of us who have watched her work with federal and state agency personnel and citizens across the state on a variety of issues know that her first four short years were packed with other achievements of equal import and are happy to hear her enthusiasm as she returns.

"I am excited to return to the Advocate Office. I'm ready for the challenge and anxious to hear from folks about the direction the Office should take.

"In terms of returning to the Office 20 years after first accepting the position, I like to think that DEP is demonstrating its commitment to Reduce, Reuse, and Recycle by Recycling its former Advocate."



# GET INVOLVED WITH WILDERNESS STEWARDSHIP IN THE MON!

By Kirk Johnson

The National Wilderness Stewardship Alliance (NWSA) has in recent years begun to build a nationwide network of volunteer organizations that provide stewardship for America's enduring resource of wilderness. NWSA's vision is to see each wilderness area within the National Wilderness Preservation System adopted by a stewardship organization dedicated to protecting, restoring, and stewarding the wilderness into the future.

Through partnerships between community-based non-profit groups, and government agencies charged with the management of our designated wilderness areas (in the case of the Monongahela National Forest the U.S. Forest Service), we can ensure a healthy, resilient and lasting wilderness resource for future generations. The NWSA effort should especially resonate in this, the 50<sup>th</sup> anniversary year of the passage of the Wilderness Act of 1964. A primary example of stewardship that NWSA affiliates concern themselves with is wilderness trail maintenance – there are no power tools such as chainsaws allowed in wilderness, in order to perpetuate the wilderness character of these special areas.

The West Virginia Highlands Conservancy (WVHC) is uniquely positioned to become involved with this effort because of its long established commitment to environmental excellence throughout West Virginia, particularly including permanently protecting wilderness in the Mon. Ideally, there would be no need for a "start up" wilderness stewardship organization from scratch in West Virginia per se, because your base of support already exists.

*"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."* – The Wilderness Act

The goal of NWSA is to improve wilderness stewardship and create an allied constituency for wilderness by connecting stewardship organizations from around the country with each other, linking our efforts and experiences, directing groups to resources, and fostering new organizations where needed. Our objectives include:

- Identifying wilderness stewardship groups nationwide, determining the present level of support, and filling gaps.
- Sharing knowledge through our website, e-newsletter, social media, and conferences.
- Creating opportunities for networking among local, regional,

and national groups; and federal lands agencies.

- Providing new groups with start-up models of different structures, helping them anticipate issues that typically arise as groups form, and connecting them with people who have built successful organizations.
- Sponsoring national and regional gatherings of stewardship groups.
- Helping foster a culture within public lands agencies that values volunteer-based wilderness stewardship organizations, and has the means to give them effective support.

During a recent conversation I had with Dave Saville of WVHC, who I've known for more than a decade, he thought the Mon's wilderness areas that have the highest potential for stewardship volunteers to get energized around would be the Roaring Plains Wilderness and Dolly Sods Wilderness, as they are two of the most accessible wilderness areas in the forest. The Cranberry Wilderness might be a bit tougher, he thought, just because it takes longer to get there from significant population areas than Roaring Plains or Dolly Sods. Would anyone from WVHC like to tackle the challenge of citizen stewardship of the wild and wonderful 47,741-acre Cranberry Wilderness, or any of the Mon's other designated wilderness areas?

If anyone from WVHC would like to take up the charge on involvement by the NWSA for the Mon, please contact me at [kjohnson@pawild.org](mailto:kjohnson@pawild.org) or 814-730-3629. I would be happy to discuss the possibilities with you. Hope to hear from you!

*Kirk Johnson is a member of the Programs Committee for the National Wilderness Stewardship Alliance ([www.wildernessalliance.org](http://www.wildernessalliance.org)), as well as executive director for Friends of Allegheny Wilderness in Pennsylvania ([www.pawild.org](http://www.pawild.org)).*



**NATIONAL WILDERNESS  
STEWARDSHIP  
ALLIANCE**



## CITIZENS SPEAK UP FOR TYGART LAKE

(Continued from p. 1)

The room was packed, most of the seats occupied, with standing room only in the back of the hall and along the walls. About thirty people spoke against the ventilation shaft. One, the manager of the mine, spoke in favor. A show of hands revealed that about 95% of the overflow crowd opposed it. One of the opponents was the acting Park Superintendent for Tygart Lake State Park who made an impassioned plea to deny the current application. Speaking for himself and a number of other State Parks and Recreation officials he read from their mission statement to explain reasons why they object to the proposed location of the shaft and described what harm it would do to the use, enjoyment and ongoing development of the park and its ability to serve the community and the state.

Reflecting the sentiment of many in the room TEAM spokesperson Beth Baldwin agreed with Mr. Browning emphasizing □ it is hard enough to stomach that your own personal land and property that individuals have worked endlessly to beautify will be devastated by the long wall processes, as the Leer mine official have informed us. But to devastate a state park that is everyone's back yard to enjoy and protect is just too much of a blow. The shaft needs moved back away from the park and lake to assure the pristine, wild wonderful WV we all have known, enjoy and love is preserved for generations to come. TEAM looks forward to working with LEER mine and the DEP for a plausible solution to the ventilation of the Taylor county long wall mine to assure mine and community safety. □

In response to the public outcry expressed before and during this meeting, the Department of Environmental Protection decided that this boundary revision wasn't as "insignificant" as they had assumed. It sent ICG back to the drawing board and will require any new application be reconsidered as a "significant" boundary revision. This requires that the application be advertised once a week for four weeks and that there be an additional thirty day comment period beyond that.

In addition, the Department of Environmental Protection asked the company to address several issues. First, it asked that the company address how it would minimize noise at the site. Plans for this ventilation shaft included a huge, noisy fan. The Department of Environmental Protection wants to know how the company will minimize the impact of that noise both on the people and on wildlife.

Second, the WVDEP wants the company to address the methane that is expelled from the mine. The WVDEP and the company have both said the methane in the air coming from the mine is in low concentrations. They anticipate that it will be diluted when it reaches the outside air and will not be a problem.

The people are not so sure about that. There were multiple comments at the public hearing about the potential dangers of methane, the offensive odors that often accompany the methane and air as it draws with it fumes and other gases from the mine workings, and the "methane fog" that is expected to settle in the valley and over the lake with the inversions that are known to occur in that area of the Park. In response, the DEP plans to request more data from the company about concentrations and plans to manage the methane.

Finally, the WVDEP asked the company to find someplace else to put the ventilation shaft. While exactly what the WVDEP said to the company is unknown, its public statement on the matter does talk about "alternate locations." It is hoped that WVDEP is talking about something more serious than a mere token search for someplace else to put this shaft.

## UPDATE

As the June issue of the Highlands Voice goes to press, ICG has submitted a new permit application for the Air/Methane Bleeder Shaft at its Leer Mine near Tygart Lake State Park in Taylor County. The following is the announcement DEP public relations issued. May 29<sup>th</sup>.

*After hearing concerns from area residents and park visitors about its initial application, a mine owner requesting approval to construct a ventilation shaft near Tygart Lake State Park in Grafton has proposed an alternate location.*

*The new site proposed by ICG Tygart Valley LLC is farther away from the park boundary – more than 2,600 feet versus just over 300 feet between the original site and the park. It's also located on the top of a densely forested ridge rather than in a valley, which will significantly reduce visual effects compared to the initial location and alleviate concerns about the view. A viewshed assessment submitted with the new request, which was filed with the state Department of Environmental Protection (DEP) as a Significant Incidental Boundary Revision (IBR), indicates very little visibility at all, and the company plans to construct a berm around the shaft and plant trees to further obscure it from view.*

*Lighting will be directed downward, will include a diffuser and will be "utilized only to the extent necessary to provide necessary security, and employee safety," according to the IBR.*

*In an effort to address concerns about noise from the shaft, which will include a fan, the Arch Coal subsidiary plans to encase the fan motor in a cinderblock structure insulated with noise dampening foam. The fan housing will be covered with sound-proofing material and additional noise-dampening foam. The application also includes plans for a fan silencer and an upcast exhaust tube that will direct the fan noise upward. The exhaust air from the fan will have methane concentrations averaging less than 2 percent. This ventilation air will also be directed upward and isn't projected to have any adverse public health or environmental effects.*

*The bulk of the construction is expected to be done in the fall and winter when there are fewer visitors to the park, the work does not include blasting and the plans do not include a pond or point source discharge. Instead, surface runoff is to be captured by temporary drainage controls and directed away from the lake.*

*Staff with the DEP's Division of Mining and Reclamation will review the new IBR and will consider all input received during a public comment period ending 30 days after the final of four advertisements is published.*

## 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.

# RULES, RULES, RULES . . .

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

In the coming weeks and months you are going to hear a lot about “rules” that the WV Department of Environmental Protection and the WV Legislature will be working on.

In fact, the Department of Environmental Protection just released to the DEP Advisory Council a list of ten rule changes it intends to propose to the Legislature in 2015. These are in addition to the major set of new rules it will propose for implementing S.B. 373, the Above Ground Storage Tank Act.

All of these proposed rules will go out to public notice in the month of June, and the public comment periods will end with public hearings in the month of July.

The Legislature passes laws (or statutes), and then they pass “rules” (or regulations) to implement the laws. The rulemaking process is possibly even more important than the lawmaking process, because it’s where all the details of industry regulation are spelled out. It’s where the rubber meets the road. And it’s a highly political process.

Although the DEP has not yet provided the full text of the proposed rules, it is obvious that some of the rule changes will be controversial. As the rulemaking process proceeds, the WV Environmental Council will provide action alerts to keep everyone updated.

Here is the list of the proposed 2015 DEP rules, along with a brief description.

## **Division of Air Quality Rules:**

45CSR14 – Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality - Promulgated last in 2014 Session. Updates the WV rule to comply with the federal rule regarding fine particulate matter.

45CSR16 – Standards of Performance for New Stationary Sources - Promulgated last in 2014 Session. Updates the WV rule to comply with the federal rule regarding Standards of Performance for: Oil and Natural Gas Sector; Petroleum Refineries; Test Methods; and Kraft Pulp Mills.

45CSR25 – Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities - Promulgated last in 2014 Session. Updates the WV rule to comply with federal rules encouraging carbon sequestration (carbon capture and storage).

45CSR30 – Requirements for Operating Permits - Promulgated last in 2013 Session. Increases fees for Title V Operating Permit Program in accordance with the federal Clean Air Act.

45CSR34 – Emission Standards for Hazardous Air Pollutants - Promulgated last in 2014 Session. Updates the WV rule to comply with the federal rule regarding Secondary Lead Smelting; Group IV Polymers and Resins; Pesticide Active Ingredient Production; Polyether Polyols Production; and Test Methods.

## **Division Of Water & Waste Management Rules:**

33CSR1 – Solid Waste Management Rule – Promulgated last in 2012 Session. This is the rule implementing the landfill/drill cuttings bill (H.B. 107) passed in the first special legislative session this year. The amendments to this rule – which must be introduced as an emergency rule – establish limits for the unique toxins associated with drill cuttings and drilling waste (i.e. radiation); establish the procedures the landfill must follow if those limits are exceeded; and establish a procedure for the handling of such waste if those limits are exceeded.

33CSR20 – The Hazardous Waste Rule – Promulgated last in the 2012 Session. Updates the WV rule to comply with federal rules regarding solvent-contaminated “wipes” and EPA’s new e-Manifest system.

47CSR2 – Water Quality Standards Rule – Promulgated last in 2014 session. DEP is proposing two changes to the rule. The first changes the use designation of the Kanawha River main stem, Zone 1, to Category A, suitable for drinking water. The second adds “a copper water effect ratio” for the Charleston Sanitary Board’s wastewater treatment plant discharge into the Kanawha River.

47CSR30 – Mining NPDES Rule – Promulgated last during 2013 Session. This rule implements the provisions of S.B. 615 passed by the Legislature in 2012. The title of the bill was “Conforming WV Water Pollution Control Act with Federal Clean Water Act”. This was a terrible bill drafted by the WV Coal Association with the sole aim of limiting citizen lawsuits when it pollutes. The bill removed a provision in mining water pollution discharge permits that required compliance with all state water quality standards, no matter if those standards were specifically spelled out in the mining permit. The bill inserted new language into the Water Pollution Control Act stating, essentially, that compliance with effluent limits in the permit is compliance with the law, even if the operation is violating other water quality standards. This is a bad rule, implementing bad legislation.

60CSR4 – Awarding of West Virginia Stream Partners Program Grants – Promulgated last during the 2002 Session. This rule change alters the way “in-kind match and volunteer labor” is valued for these projects.

## **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.

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

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



## Join Now !!!

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

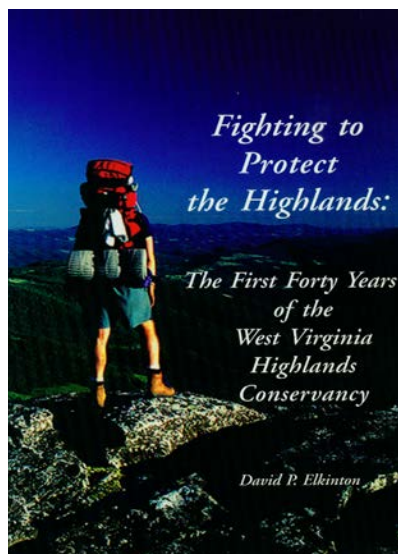
**Membership categories (circle one)**

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

#### Book Premium With Membership

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

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

### GET YOUR SCULPTURE TICKETS NOW!!!

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





# NATURAL GAS PIPELINE TO CROSS NATIONAL FORESTS?

Dominion Resources is planning a \$4 billion interstate natural gas pipeline that would run from central West Virginia to power plants in North Carolina. On the way it would pass through parts of the George Washington National Forest and the Monongahela National Forest. According to a spokesman for Dominion Resources, the project is still preliminary and Dominion has not yet decided whether it will build anything.

If Dominion decides to go ahead with the project, it anticipates building the pipeline during 2017-18 and putting it into service as early as the end of 2018.

This would be a big change for Dominion in this aspect of its business. Historically it has supplied power plants with natural gas from the Gulf of Mexico. With this pipeline, it will begin supplying gas from the Marcellus and Utica shales in Pennsylvania and Central West Virginia.

Dominion has not selected an exact route. It has prepared a map which shows a wide corridor. The proposed pipeline would be somewhere within that corridor. It has begun sending letters to landowners within that corridor, announcing that its surveyors will be on the property this summer to begin

evaluating possible routes. As of the time this issue of *The Highlands Voice* was being prepared, it did not appear that Dominion had made any formal contact with either the Monongahela National Forest or the George Washington National Forest. At least the George Washington had received the generic letter which Dominion has sent to landowners along the route to inform those landowners of its intention to survey.

Dominion has not yet filed with the Federal Energy Regulatory Commission (FERC) which must approve the project. Should Dominion decide to go ahead with the project, it would file with the Federal Energy Regulatory Commission. It would make the filings available for public inspection.

## What happens on the ground

The pipeline itself will be 42 inches in diameter. It will be buried between 36 and 48 inches deep. Along the way there will be compressor stations. They are necessary to boost the pressure so the gas will flow. Right of way width may be as much as 100 feet, which the company will clear for construction and then mow and/or spray with weed killers using helicopters. Construction will require clearing timber and brush, then trenching, then actually installing the pipe, and finally, covering it all up and seeding it. The pipe construction requires welding of joints by welders with their welds being inspected regularly via X-ray and other means.

## Why Dominion says this is a good idea:

Dominion's public statements have named several benefits that would result from the pipeline:

- As this winter demonstrated, pipeline constraints in several regions of the United States are a key energy policy and economic development challenge. Natural gas is a low-carbon, low-emissions fuel that is increasingly used in power generation, home heating and manufacturing. An adequate supply of natural gas is a key driver in a community's ability to attract economic development. It is the energy equivalent of broadband infrastructure."
- This project will improve gas supply for Mid-Atlantic markets, "thereby promoting price stability and enhancing economic opportunity.
- This much needed natural gas infrastructure will better serve existing customer demand, improve service reliability and allow for customer growth and economic development along the

route.

- The project "will produce substantial economic benefits, including a substantial number of well-paying construction jobs and additional tax base in communities along the route."

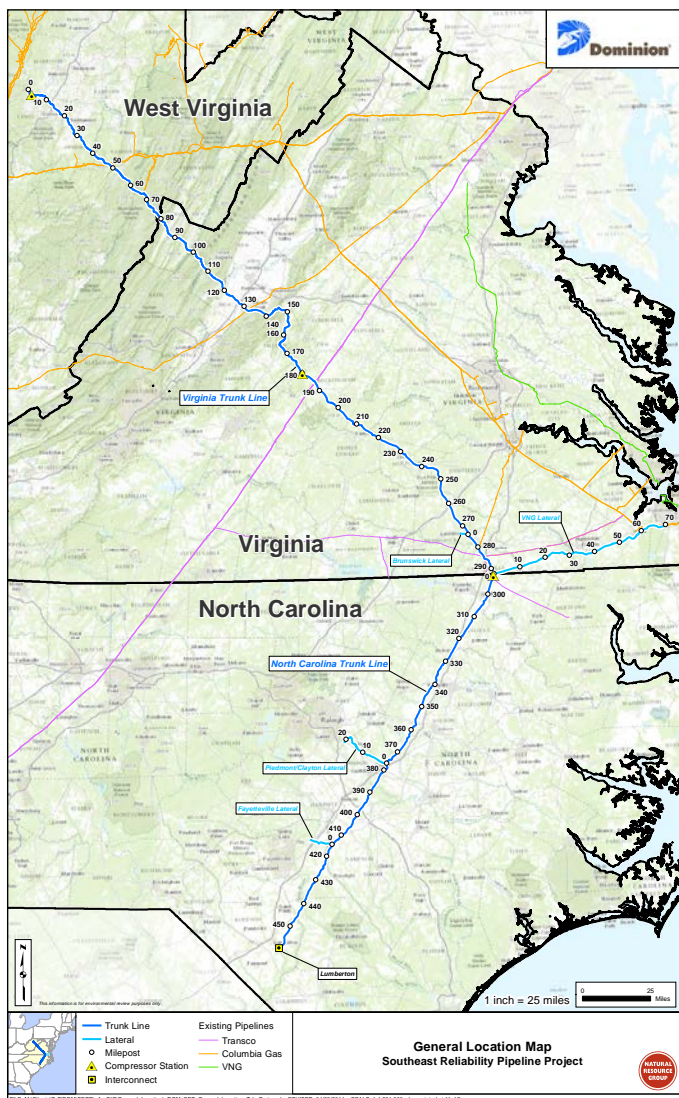
## Another point of view

Rick Webb, an environmental scientist most recently associated with the University of Virginia, has a different point of view. He feels the pipeline would be detrimental to the area. "It's good to hear that Dominion is not absolutely committed to this. It's not going to be popular; certainly not among the regional conservation community and Highland County citizens and landowners who want to protect some of the best of what remains of our natural landscape and high-quality streams. The proposed pipeline corridor would be another increment of degradation where too much has been damaged already, and it would be another intrusion into our national forests and other areas that have been set aside for preservation," he said. "It seems that Dominion's decision makers did not consult with state and federal natural resource managers when they plotted this pipeline route. The Forest Service in Virginia, for example, only learned of this proposal when I asked them what they had heard about it.

"Although the resolution of the map provided by Dominion is too poor to allow a detailed assessment, it's clear that the pipeline corridor would cross multiple areas of national forest, the Highland Wildlife Management Area, and one high-quality stream after another, as well as carefully managed and highly valued private lands. It's difficult to imagine a more-damaging route. This is going to be a real problem," he added.

"A major question I have concerns Dominion's approach to this. Does the company simply seek to overcome public opposition by whatever means it can? At this point, based on the confusing and sketchy information they have released, it's an unanswered, but troubling question. As we have seen in Highland, some developers will do what they can to game the system and avoid actual accountability. Dominion, of course, is a public utility, and it has both privileges and responsibilities beyond that of a private business. Dominion should be

**(More on the next page)**





## BIG PIPELINE PROPOSED

(Continued from previous page)

willing, at this early point, to share project details with local governments and the public. It should provide a detailed outline of the environmental review and regulatory process that will be involved. It should identify the issues that will be addressed. If Dominion wants to maintain public trust, it will need to be completely transparent about all this. And it needs to be forthcoming now, not later," Webb said.

### Getting the right of way

Dominion plans to begin surveys of possible routes this summer. Doyle Land Services Inc. would assist with that part of the overall project. Surveying possible routes involves going onto people's land for purpose of the survey. Dominion has already sent letters to landowners requesting permission to come on the land and survey. It has included a document for the landowner to sign and return, indicating that permission. Please see the accompanying story for information about a landowner's options should he or she receive one of those letters. If Dominion does not already have a right of way then it would have to acquire the right of way for the land along the route.

One possible way to acquire the right of way would be to simply buy it from landowners who are willing to sell. If landowners are not willing to sell, then Dominion would take the land through eminent domain. If the pipeline is determined to be for a public purpose, then there would be a legal proceeding to determine the value of the right of way across a particular piece of property. Dominion would then pay the property owner that value.

## THE SURVEYORS ARE COMING! WHAT SHOULD I DO?

From all that is publicly known now, the decision by Dominion on whether to build the pipeline is in the future. The decision by the Federal Energy Regulatory Commission (FERC) on whether to approve the pipeline is well in the future. If it comes to that, so are decisions by the United States Forest Service on whether it will oppose building the pipeline across the George Washington or Monongahela National Forests.

What is going on this summer is surveying. Dominion has already sent letters to landowners notifying them that it intends to send surveyors this summer. The letters contain a form that the landowner is asked to sign and return granting permission to come on the land. This presents landowners with an immediate question: do they have to allow surveyors on the land to conduct surveys?

One of the rights that landowners have is to exclude from their property people they don't want on the land. Unless there has been some transfer of a right of way, etc. then landowners should assume that they have the right to exclude people, including surveyors or, for that matter, the King of all England. West Virginia law has the wrinkle that the right to exclude other people cannot be exercised unless the other people know that they are not welcome. Many people do this by fences, no trespassing signs, etc. The result of this is that intruders may wander onto unfenced, unposted land but must leave if asked to.

This sounds simple: if surveyors are not welcome, ask them to leave and that is that. The complicating factor is the possibility that there is some document somewhere that gives the surveyor the right to be there. Land is sold all the time with the seller retaining the minerals, a right of way, or some other interest that would include the right to conduct surveys.

If a landowner receives a letter asking for permission to come onto the land and survey, a sensible approach that a landowner might choose is to request the document which the company thinks gives it the right to come on the land to survey. Rights to enter land, etc. are not oral. They are contained in deeds, leases, rights of way, etc. If there is no document, a landowner should be able to safely assume that the right to come onto the land does not exist. The company may produce a deed, lease, right of way, etc. If it does, most landowners will be in over their heads and should consult a lawyer.

The West Virginia Surface Owners Rights Organization has some information on its website that might prove helpful. <http://wvsoro.org/resources>.

### What you would have learned had you gone to law school and had you been paying attention

## LANDOWNERS' RIGHTS

In law school, the metaphor for land ownership is that the ownership of land does not involve a single right but rather a bundle of rights, often referred to as like a bundle of sticks.

It is possible for one person to own all of the rights that are part of land ownership. It is common, however, for different people to own the different rights. One person might own the surface while another owns the minerals. One person might own the surface while several others each own individual minerals—coal, gas, clay, etc. Someone else might own the timber. Easements and rights of way are separate rights that someone other than the owner of the surface might own. Rights to transport minerals across land from which they are extracted may be different from rights to transport minerals from adjoining lands. Surface owners have the right to have their land supported by the owner of the minerals. It is also possible that the surface owner could have conveyed away that right.

This is what you learn the first day. The rest of the year long course is spent studying how these rights are conveyed, what language is required to convey what rights, etc. Many rights are not conveyed but retained; a landowner could sell the surface but keep the minerals and possibly a right of way to reach the minerals.

These multiple rights to different interests in the same land can quickly turn into a legal thicket. Figuring out who has a right of way may require consultation of dusty old deeds, review of obscure language, etc. and often requires the assistance of a lawyer.

# WEST VIRGINIA SMALL BUSINESSES ENCOURAGE SUPPORT OF BIRTHPLACE OF RIVERS

In recognition of Small Business Week (May 12-16), more than 100 small business from across West Virginia have shown their support for an effort to create the Birthplace of Rivers National Monument, in a unique area of the Monongahela National Forest. The national monument, which would be managed by the U.S. Forest Service, would honor West Virginia's spectacular scenery, iconic rivers and rich cultural heritage on a national scale.

"Business owners always want to show how proud they are of their products, so if we're in the business of selling a quality outdoor experience, we can't pass up the opportunity to put ourselves on the map," according to Merrick Tracy, owner of Hill and Holler Bicycle Works in Lewisburg. "No other place in the eastern United States has a national monument like this, so that alone should make visitors want to visit the Birthplace of Rivers.

West Virginia's woods, waters and scenic beauty already contribute to a strong outdoor tourism economy, which would benefit from additional recognition of national monument status. Throughout the state, natural resource based recreation currently supports \$7.6 billion and 82,000 jobs, according to the Outdoor Industry Association. "Following the water crisis of early 2014, many small businesses expressed concerned about the image of "Wild and Wonderful" and how visitation for outdoor recreation might be affected," said Angie Rosser, executive director of the West Virginia Rivers Coalition. "Birthplace of Rivers sends a message that we value our rivers and streams."

As the name implies, the proposed Birthplace of Rivers National Monument would preserve the headwaters and tributaries of six rivers, including the Gauley, Greenbrier and Elk. It would also ensure continued access for the diverse range of recreational activities – including hunting, fishing, camping, mountain biking and hiking – which visitors and local residents have always enjoyed in the area.

As a result of bringing national attention to the area, a national monument designation could generate an estimated 42% increase in visitation-related spending. According to an [independent economic report](#), the Birthplace of Rivers National Monument would increase visitation by 50,000 people and could bring a total of \$5.2 million in economic activity to the region annually.

In addition to job growth and land conservation, the national monument designation would give West Virginians and visitors an opportunity to highlight and discover what this landscape has contributed to our shared culture, from fiddle tunes and literary works, to the time-honored traditions of hunting and fishing.

"After 30 years in Pocahontas County's tourism industry, I can't overstate how much our economy relies on visitation to our unique outdoors destinations," said Mary Willis, owner of Elk River Inn and Restaurant in Pocahontas County. "People want to experience spectacular places, clean rivers and an authentic cultural heritage, the kind of resources a national monument is designed to celebrate. Birthplace of Rivers National Monument will be good for my business, and it will help create jobs and maintain a steady local tourism industry year-round."

A national monument designation is a special status bestowed upon federal lands that allows for site-specific management plans to be developed with local input. The Birthplace of Rivers National Monument proposal has been specifically designed to fit the access and management needs of the Monongahela National Forest. The

designation would continue current management practices while protecting current recreational activities and land use traditions.

"People come here and support our economies because of what we have in these mountains, so it's up to us to make sure people know we're still wild and we're still wonderful, just like we always were," said Bobby Bower, owner of PRO RiverOutfitters, a fishing guide service based in Fayette County. "A national monument has great potential to do just that. If there ever was a monument to the very best of West Virginia, this would be it."

For information, see [birthplaceofrivers.org](http://birthplaceofrivers.org).

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

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

Readers of *The Highlands Voice* can be of assistance in the new edition by submitting photographs made in the past two years. Of particular need is a professional color photo for the front cover. It should be a photo not used in any past editions and should be either of outstanding scenery or hiking action. A stipend will be available.

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

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

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

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

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

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



## A CONSERVANCY FOUNDER PASSES ON

The Highlands Conservancy notes the passing of our first president, Tom King. He passed away on January 8, 2012, at the age of 91. He had not been active in the Conservancy in several years. Somehow, none of us saw his obituary, nor therefore did the Voice mark his passing. Many of us last saw him at the Conservancy's 40<sup>th</sup> anniversary celebration at Cheat Mountain in October, 2007.

He was born in Pocahontas County, and eventually became a dentist in Bridgeport, West Virginia. He led the Conservancy at a critical time in establishing itself as a voice for the conservation of West Virginia. Our first legal battle was protecting Otter Creek from core drilling; his personal relationship with a local prominent attorney, Willis Shay, proved critical.

Tom was an avid canoeist and hiker. With his family, especially his son Edwin, he canoed many of the branches of the Cheat River system and upper Potomac system. As any paddler will testify, there is no better motivation to become an advocate of river preservation.

Hikers similarly become wilderness advocates. In a series first of conversations, followed later by informal meetings, a group of canoe enthusiasts, hikers, rock climbers and others formed a coalition of groups, and ultimately the West Virginia Highlands

Conservancy, in 1967 at a meeting at Blackwater Falls State Park. Tom King was elected its first President.

One of the highlights of his career as a Conservancy leader was the protecting Otter Creek, an area that later became a Wilderness area. He was on one hike, at the Fall Review of 1969 led by Sayre Rodman, when a young Jay Rockefeller and his wife Sharon, joined by 119 others, hiked into Otter Creek. Jay was then West Virginia's Secretary of State, but most people thought he'd be a future governor. Tom wrote in the October 1969 Voice: "I was almost overwhelmed by the wilderness beauty of the Otter Creek valley, it is an area to which I will return many times in the coming years... Everyone I talked to including the two leaders just mentioned [Jay Rockefeller and Angus Peyton, former Commissioner of Commerce] agreed that Otter Creek was easily the most beautiful natural area in the State."

Otter Creek was to become the first of many, many issues the Conservancy took to court. To briefly summarize, the Forest Service

owned the surface, which the Conservancy wanted to be designated as capital-W Wilderness by Congress, but the Island Creek Coal Company owned the mineral rights. They began to exercise their rights and announced a core-drilling project to determine the feasibility of mining. Particularly disturbing was their plan to build some 27 miles of roads to access their drilling sites. Two young Conservancy members, both lawyers from Washington, Jim Moorman and Fred Anderson, believed a case could be made for an injunction to stop the destruction of the surface until Otter Creek's potential Wilderness designation was determined.

Tom King played a crucial role by soliciting the involvement of a prominent Clarksburg attorney, Willis Shay, to act as local counsel. Willis Shay was confident that the court would stop Island Creek. Others were less confident. At that time Island Creek was as powerful politically as any company in the state. US Federal District Judge Robert Maxwell made front-page news across the state when he agreed with the Conservancy, and issued an injunction.

As some will remember, a settlement was reached, whereby Island Creek performed its core-drilling by mule train, thus minimizing the surface disturbance, found coal economically unfeasible to mine, ultimately sold the mineral rights to the Forest Service, and Otter Creek was among the first sixteen areas included in the Eastern Wilderness Act of 1975.

Otter Creek's successful protection was a major milestone in the Conservancy's early history. Tom King's leadership was a major factor in that protection. For this and for his crucial leadership during the early days of the Conservancy we remember him.

**Note: Much of the material for this remembrance is from a story by Dave Elkinton about Mr. King which appeared in the April, 2006, issue of *The Highlands Voice*.**



**Tom King at the 2007 celebration of the 40th anniversary of the founding of the Highlands Conservancy.**

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.

# WIND ENERGY ENVIRONMENTAL IMPACT STATEMENT IS ACTUALLY NEEDED TO MITIGATE THE THREAT TO INDUSTRIAL WIND'S LIFE.

Under the banner of the American Bird Conservancy, some seventy organizations joined to request that Department of Interior Secretary Sally Jewell “develop a Programmatic Wind Environmental Impact Statement to identify appropriate areas for wind energy development as well as areas where new projects should be avoided to conserve wildlife and sensitive habitats.”

The letter [1] notes studies which “have documented significant losses of birds and bats, including threatened, endangered and other protected species (an estimated 573,000 birds and 888,000 bats annually at 2012 build-out levels). The number of birds taken annually by wind energy facilities could exceed 1.4 million by 2030 if there is no change in US policy towards wind energy development.”

The signatory groups “are supportive of renewable energy as a way to address anthropogenic climate change, but only if it addresses wildlife and habitat impacts. In particular, this means appropriate pre-construction assessments of risk leading to proper siting, post-construction mitigation and independent monitoring of fatalities, and compensation if and when public trust resources are being taken.”

The letter states that, “when it comes to wind energy, siting is everything” and the groups “believe that much of this conflict could be averted by a National Wind Energy Environmental Impact Statement (EIS), which would determine where wind energy should be developed and where it should not.”

This letter is being distributed widely. My copy arrived via the [Allegheny Highlands Alliance](#) [2], “an alliance of organizations and individuals committed to protecting the mountain resources of the Allegheny Highlands.” I elected to respond to several members of that organization with these comments:

The title of the recent forwarded email is “Wind Energy EIS Needed to Mitigate Threat to Wildlife.” In truth, the title should note that this requested action, as with similar past accommodations, is actually needed to mitigate the threat to industrial wind's life.

In my opinion, this is another failed good intention which only serves to enable wind's march to the sea and while the letter states that the policy is only for public land, the wind buzzards will use the resulting policy as an example of American Bird Conservancy and the other 70 or so groups' support for “well-placed” projects.

The American Bird Conservancy has, in writing this letter, has once again validated the absurd notion that industrial wind is a solution to climate change. Do they not realize, or care, that AWEA will use this acknowledgement to push for legislative and policy accommodations for privately based projects which are equally damaging and, worse, as another sales point for the PTC. In a master stroke, the American Bird Congress also allows for killing and destruction as long as someone is compensated. Really?

The letter states that “When it comes to wind energy, siting is everything.” This is an incredibly stupid statement and hands the keys to industrial wind. We have seen in the past that when the prime wind lands are consumed, the second and third tier wind lanes become targets in order that industrial wind can save us from an overheating planet. There is not enough land in America, let alone “appropriate areas” to place the number of wind turbines required to meet the current arbitrary, politically established goals even if wind actually had a positive impact on emissions. The only goals to be met by the current rate of industrial wind's expansion will be the financial ones which benefit the wind profiteers.

I personally do not support this effort and think it is long past time that environmental groups challenge industrial wind on its merit. Actions like this suggest that there is a benefit to be derived from industrial wind which is worth the sacrifice demanded of our environment.

This is just another diversion taking the focus off the base issue with industrial wind - it will never provide adequate on-demand, reliable and cost competitive electricity - ever!

With each such maneuver, the wind business grows stronger and the environment/habitat/wildlife suffering increases. It's time to stop supporting this nonsense. I'm glad our group did not sign on to the ABC's letter.

I wish the other groups had not.

---

This is not an attack on the American Bird Conservancy or the groups who elected to sign on to this letter. I take exception to the tactic, not the efforts of the individuals.

But I've witnessed first hand the ineffectiveness of “reining in” the wind profiteers by citing noise/health concerns - [lawsuits currently pending](#) [3] and bird/bat protection - [WV Department of Natural Resources](#) [4] and [US Fish and Wildlife concerns ignored](#) [5].

In 2011, the American Bird Conservancy petitioned the same U.S. Department of the Interior to “replace its proposed voluntary guidelines for siting and operating wind farms with [mandatory enforceable](#) [6] standards designed to make the technology safer for wildlife including migrating birds and bats.” And the result of the 100 page petition? “On March 23, 2012, the United States Department of Interior's Fish and Wildlife Service released their [Land-Based Wind Energy Guidelines](#) [7], a [voluntary approach](#) [8] to minimize the impacts on wildlife and their habitat, when siting a wind turbine.”

At the risk of sounding harsh, these gestures seem little more than the war's defeated negotiating terms of surrender when, in reality, the industrial wind profiteers should be made to justify their existence. With tens of thousands of turbines placed in the United States and easily hundreds of thousands more to be placed until the business falls under its own weight, the onus is on industrial wind to prove its



**ENVIRONMENTAL IMPACT STATEMENT FOR INDUSTRIAL WIND** Continued from p. 12)

worth.

Environmental groups must first understand the functional failure of industrial wind and focus on that issue alone. For once it is clear that the sacrifice demanded is not worth the benefit derived, the turbines will come tumbling down and the environment can begin to heal.

Michael Morgan, Keyser, WV

[1] [http://www.abcbirds.org/pdfs/Wind\\_EIS\\_Sign\\_On\\_Letter\\_to\\_Secretary.pdf](http://www.abcbirds.org/pdfs/Wind_EIS_Sign_On_Letter_to_Secretary.pdf)

[2] [http://www.alleghenyhighlandsalliance.org/Our\\_Mission/](http://www.alleghenyhighlandsalliance.org/Our_Mission/)

[3] <http://alleghenytreasures.com/2013/11/10/chalk-up-another-lawsuit-for-wv-wind-plant/>

[4] <http://www.scribd.com/doc/41754228/23903387-Wvpsc-Response-From-Wvdnr>

[5] <http://www.scribd.com/doc/41532593/USFWS-Pinnacle-93009-Letter-USWF>

[6] <http://articles.latimes.com/2011/dec/14/local/la-me-gs-bird-advocates-urge-mandatory-standards-for-wind-energy-projects-20111214>

[7] [http://www.fws.gov/windenergy/docs/WEG\\_final.pdf](http://www.fws.gov/windenergy/docs/WEG_final.pdf)

[8] <http://www.irecusa.org/2012/04/us-fish-and-wildlife-service-voluntary-land-based-wind-energy-guidelines/>

## WEST VIRGINIA'S MOUNTAINS LOSE A TRUE FRIEND

By LeJay Graffious

"It is a Great Day for the Race!" was often a greeting given visitors to the Allegheny Front Migration Observatory by Ralph Bell. After puzzled looks or response of "What race?," Ralph's come back was "The Human Race!" The human race is has benefitted by the life of Ralph Bell. West Virginia's mountains lost a true friend on May 20, 2014.

Larry Schwab, MD wrote, "Ralph Bell was an Appalachian naturalist and citizen scientist. Through his energy, his example, and his humility he contributed much to natural history and especially to ornithology. He shared his knowledge and experience gracefully and freely throughout his long life."

Ralph Bell was born on January 27, 1915, at home on the Bell Family Farm, Clarksville, PA. After graduation from Penn State, he bought the farm and raised chickens, sheep and Christmas trees. Mr. Bell began studying birds around the age of 12 and kept records from that time forward. He obtained a Bird Banding Master Permit in 1954. He has mentored fifteen sub-permittees and I am proud to be one. He has banded 142,255 birds as a part of the The North American Bird Banding Program administered by the United States Geological Survey.

On September 18, 1958, Ralph founded the Allegheny Front Migration Observatory (AFMO) on Dolly Sods. This is the oldest, continuously-running bird banding station in North America. His collaboration with others of like-interest has contributed much to the scientific base of knowledge on the migration in our Appalachian Mountains. His contribution to the natural history data base included not only the banded birds, but also fly-over counts of hawks, hummingbirds, Blue Jays, swallows, Monarch Butterflies and other migrating insects. His smile, his love of a joke and humble personality drew many volunteers to the nature world and spurred many to become birders.

Ralph maintained and monitored bluebird trails in both West Virginia and Pennsylvania. He also did annual Twenty-five Mile Breeding Surveys in both states. He has been honored for his contributions with PA Game Commission of Appreciation for fifty years of "unparalleled service," John and Norah Lane Award for "Outstanding American Bluebird Conservation by an Individual" for the North American Bluebird Society, US Department of Forest Service 2003 Volunteer Award of the Year for forty-six years of outstanding dedication and service, the PA Society of Ornithology Earl Poole Award, the Purple Martin Preservation Alliance Award "For a Lifetime of Dedication to Purple Martin Conservation, and by West Virginia Natural Resources and WV Garden Clubs for forty-six years as a leader at the WV Wildflower Pilgrimage. Mr. Bell has published over 200 articles on nature and birds in a variety of periodicals including a regular column in the Eastern Bird Banding Association's magazine entitled "A Bird Bander's Diary."

I agree with Jean Neely when she writes, "Giants in any field of endeavor come along very seldom in this life and I feel privileged to have encountered one of them, Ralph Bell, along the way." I have known Ralph since the mid-1970s. I will miss my friend, my mentor, my teacher, as will so many others who he has influenced.



## In a Helicopter over Parachute, Colorado

I am not sure what the gods would have thought of this  
or what, if they are still with us, they are thinking now,  
but here above the rocked and ribbed and lovely planet,  
I look down over the bruised elegy of mountains, over  
the hacked landscape and mesmerized pastures of the elk  
who once lived here, and I feel the strange restlessness  
of my sad kind and their passion for dominion over the trees  
and the birds and the relentless flowers. I feel the wide aura  
of some otherworldly eye that looks down on this and wonders  
what possible embellishment the torn and ravaged mesas  
could bring to our lives, whether the blue columbine  
and the magpie and the song of the meadowlark can survive  
the good intentions of enlightened men and their lust for  
improvement. Yesterday, walking beside a mountain stream,  
I watched a single, speckled trout leap from the water,  
flap its gills against the air, and pucker its mouth  
like a child blowing kisses at an uncle he will never see again.  
Alone there, I watched him slither again into the glistening  
stream, then disappear like song among the aspens and  
wildflowers. A huge quiet came over the world then, as if  
the gods themselves were holding their breaths in reverence  
and wonder. And now I, no more or less a god than any man,  
am flying over these streams and flattened peaks, my breath  
held and my lips pressed like a child's face against the sky.  
I see the vast carnage against the trees and the earth by those  
I would like to call: *brother*. I see, or imagine I see,  
that very trout fleeing like a wounded deer over the peaks,  
glistening in the late afternoon light, and wondering if  
its smooth course over the stones and silt and the penumbras  
of flower will be swept to a cold end among the currents of  
desire and progress. It must be wondering, I think,  
how the soft underbelly of the earth can long survive  
the metaled thrusts and pillages of cold steel we call future,  
and why the sun and the earth and the clean undulations  
of water do not suffice for our kind, and whether  
the greatest kindness is not reverence, and whether men  
can long continue to move mountains, or mountains men.

Michael Blumenthal  
from *Days We Would Rather Know*  
Viking-Penguin, 1984

## My Favorite Time

There is a time in the very early spring when the buds on the trees  
swell with coming life and the wooded hillsides show a rosy blush.  
That is my favorite time.

Then when the tiny new leaves first appear, it looks like the forest is  
hung with green lace.  
That is my favorite time.

Soon the leaves fill out in a fresh new green that dances in the  
spring breezes.  
That is my favorite time.

Through the summer heat the lovely shade of the dense canopy  
offers cool refuge.  
That is my favorite time.

Even with the blazing glory of autumn all around, a perfect sugar  
maple can take the breath away.  
That is my favorite time.

As the leaves fall, the air is filled with motion and a spicy fragrance.  
That is my favorite time.

With leaves all gone, the trees in their naked gracile beauty, swing  
and sway together in the wind all the way up to their fingertips.  
Yep, that is my favorite time.

Beth Little

## Juxtapositions

Picking my way through greenbriers,  
meaner than gnawing rats' teeth

I startle a grouse  
lying on her eggs  
in a perfect nook  
at the base of a tree

She flies away  
towards the aching noise of strip-mine machines  
just one ridge over: one billion steps backward—

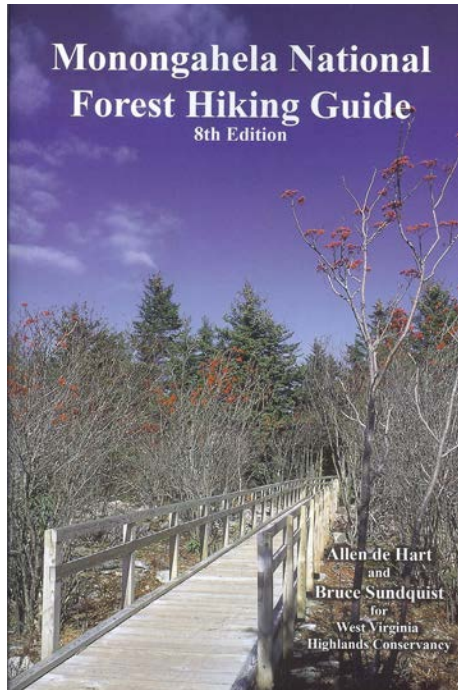
but soon, seven baby steps forward: Thank God!  
She'll be back!

Bob Henry Baber, 2014



## The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist



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

Send \$14.95 plus \$3.00 shipping to:  
West Virginia Highlands Conservancy

P.O. Box 306

Charleston, WV 25321

OR

Order from our website at  
[www.wvhighlands.org](http://www.wvhighlands.org)

### New 8TH Edition Now Available on CD

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

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

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

Price: \$20.00 from the same address.

### BUMPER STICKERS

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

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



### 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.

# HIGHLANDS CONSERVANCY BOUTIQUE



- ▶ The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is "I ♥ Mountains Save One for Me!" Onesie [18 mo.]---\$17, Infant tee [18 mo.]---\$15, Toddler tee, 2T,3T,4T, 5/6---\$18
  - ▶ Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XXL [Shirts run large for stated size.] \$18.50
  - ▶ Order now from the website!
- Or, by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to James Solley, PO Box 306, Charleston, WV 25321-0306

## T- SHIRTS

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