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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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SPRING REVIEW COMING TO TYGART LAKE

Bill Reed, former *Highlands Voice* editor and current member and curmudgeon, used to say that the great thing about the Highlands Conservancy was that it was not just meetings and issues. It was fun.

The last couple of issues of *The Voice* have talked a lot about litigation and a little about meetings. Now it is time to talk about the fun.

No doubt the winter snowshoe and cross country ski hikes in Canaan Valley have been great, but for those unable to break free from the piles of snow in our driveways and local roads, the Spring Review is coming up.

This year it will be at Tygart Lake State Park just outside of Grafton West Virginia on Mothers Day weekend, May 7-9.

Of course there will be serious and sobering discussions of longwall mining and problems facing the Tygart and Monongahela Rivers, but the lakeside cabins and our friendly Taylor County hosts promise a great time in delightful surroundings.

We hope folks will come early enough for a more formal – but still fun-filled Friday night reunion and meet and greet. Frank Jernejcic (DNR fisheries biologist) will be on hand to regale us with fun as well as frustrating stories about the Tygart/Monongahela watershed.

For the early birds Saturday, there will be a morning bird walk (catching worms optional). After a leisurely morning on your own the

TEAM folks from Grafton, and Evan Hansen will join us with maps and stories about ICG's plans for the area.

From there choose from afternoon outings that will include a tour of lake and dam, a chance to visit local attractions including the Mothers Day Shrine, Anna Jarvis home. Don Gasper will be on hand to talk trout, or take in a Marcellus shale presentation, or just kick back to do some lakeside lounging on the porch or walk the lakeside trail.

On Saturday evening there will be a program. It will be about longwall mining so it will not be as much fun as the outings but you will learn important stuff.

Then we revert to pure, unadulterated fun with live music by T. Mitchel Bell and the Wandering Coalition. As American philosopher and musician Briscoe Darling says, "If you can make time for breathing you can make time for music."

There will, of course, be a Board meeting on Sunday. Everyone is welcome and there are always some interesting things that happen but only the Board members have to come. Non-Board members who want to skip it can continue enjoying the park.



For a more detailed schedule and other information, see page 3.

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"Spring is on the way. I absolutely, positively, guarantee it!"

Leave No Trace

The new Spice Run Wilderness isn't hard to see. Follow the Brownstown Road east of US 219, and near the Greenbrier-Pocahontas county line you'll come to cliffs above the Greenbrier River. A short trail leads to an overlook that has been leased to the Greenbrier Land Trust. Or you can walk, bike, or horseback ride along the Greenbrier River Trail below the cliffs and watch for the mouths of Spice Run and Davy Run.

Setting foot in the wilderness is another matter. In times of very low flow, you can rock-hop or wade across the river; or, if you have a canoe or kayak, you can paddle. It doesn't matter where you land because there are no trails.

That's right: no trails. On that score, Spice Run's 6,000 acres make up the purest wilderness in the Monongahela National Forest.

Eric Sandeno, the wilderness programs manager for the Mon, points out that an old road passes along the area's eastern edge, but it "has been chewed up by trucks and is not in the best condition." You could go that way in a high-clearance vehicle with four-wheel-drive (and feel as if you had crawled there on all fours). And there you'd find the only man-made feature in the area, a former Division of Natural Resources-maintained wildlife clearing called Spice Fields.

Since Spice Run's designation as wilderness in the 2009 Wild Monongahela Act, the clearing has been allowed to grow and the half-mile-long Forest Service road from the county road to the meadow has been gated; eventually it will be ripped and seeded. Some people are angry about the changes. Charleston Gazette reporter Rick Steelhammer spoke to members of a hunt club who had camped at Spice Fields for a week every fall since 1965.

They said, "We feel like a camping area has been stolen from us."

That makes the same kind of sense as the Tea Party's cry, Keep the government's hands off our Medicare! But we ought to understand the feeling and hope to find some common ground.

We can sympathize with a community that has been compelled to alter a long tradition. Though they're still able to camp nearby, they have less room to spread out; and now they can't drive into the area. That appeared to be their main complaint.

It's important to note that the road might have been gated even without wilderness designation. Highlands Conservancy/Wilderness Coalition volunteers who did inventories there saw how the forest road had become a series of ponds; how it crossed Spice Run, and filled it with sediment; and how the meadow had been gouged by joy-riders. In the past, the Forest Service has closed similar informal camping areas. Access to wildlife clearings is usually gated.

As Eric Sandeno put it, too many users lacked "good ethics." Perhaps they came on the fifty-one weeks when the hunt club wasn't there to keep order. I'd like to think the club members subscribed to the ethics Sandeno was referring to, generally known by the shorthand, Leave No Trace.

When the club began coming to Spice Fields more than forty years ago, it was part of a nationwide upsurge in use of public land. That was also when Congress passed the first Wilderness Act. The

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SPRING REVIEW AT TYGART LAKE STATE PARK

May 7-9, 2010

COMFORTABLE FULLY EQUIPPED LAKESIDE CABINS
OR CAMPING
OR LODGE ACCOMODATIONS
-- YOU CHOOSE --
\$25.00/person/night plus food

Schedule to date:

Friday (May 7th):

- Sign in at lodge mid afternoon
- Dinner on your own at the lodge
 - Or in the fully equipped kitchen in your cabin
- 6:30 – gather, get acquainted, enjoy hearty snacks
hear about the Tygart Lake and watershed
- Fish biologist Frank Jernejcic and others

Saturday (May 8th):

- early: bird walk
- enjoy morning coffee on porches overlooking the lake
- breakfast on your own in your cabin or at the lodge
- 11 a.m.: meet and greet WVHC's newest Organizational members
 - TEAM... hear their stories about ICG longwall plans. At the campground pavillion or lodge depending on weather
- 12:30 – pick up bag lunch and head out for afternoon trips
 - tour of lake and dam, visit to local attractions including, Mothers Day Shrine, Anna Jarvis home, trout fishing, Marcellus shale presentation, enjoy the afternoon lakeside
- 6:00 p.m. – gather at Grafton 1,2,3, Restaurant & community room
 - eats and evening program about longwall mining:
 - documentary: *Subsided Ground...Fallen Futures*
 - panel discussion
- end the evening with lively music by
 - T Mitchel Bell and the Wandering Coalition

Sunday (May 9th):

- coffee on your porch, breakfast on your own in lodge or cabins
- Board meeting in the lodge – lunch available at break
- non-Board members: travel home or stay and enjoy the lake

Contact Cindy Rank for more details and/or to make a reservation

email clrank@hughes.net or call 304-924-5802

GAS IN THE MON UP FOR SALE

By Rick Steelhammer

Two tracts totaling 4,397 acres in the Monongahela National Forest are up for oil and gas leasing bids next month at an auction authorized by the U.S. Bureau of Land Management.

One of the Mon Forest tracts, a 2,480 acre parcel in Randolph County, straddles Gandy Creek in the vicinity of the Swallow Rocks Campground. Part of that property lies within the proposed Seneca Creek Wilderness Area, a remote tract on the slopes of Allegheny Mountain that failed to gain federal wilderness status during 2008 congressional action.

The other West Virginia tract lies along the Virginia border in Pendleton County. That 1,917-acre parcel includes parts of Bee Tree Mountain and Teeter Camp Run.

The Mon Forest oil and gas lease sites are among 81 parcels in six eastern states scheduled for auction March 18 at the BLM's Eastern States Office in Springfield, Va.

Last year, the BLM delayed plans to auction an oil and gas lease involving 2,317 acres of Mon Forest land in the Seneca Rocks-Spruce Knob National Recreation Area near Onego, after conservation groups expressed concerns over water protection and rare bat habitat loss.

The leases being offered this year include a number of stipulations dealing with environmental concerns, including provisions that surface disturbances won't be allowed in areas managed for non-motorized recreation, such as the Spruce Knob-Seneca Rocks National Recreation Area.

Other stipulations prohibit disturbances in wetlands, in areas with unique soils or rare plants, or within 300 feet of developed recreation sites. Construction and drilling would be banned during grouse season, and earth-disturbing activities along trout streams would be banned from October through June without first consulting a fishery biologist.

Oil and gas companies identified and nominated the Mon Forest lease parcels. The BLM is the agency charged with administering the leasing of oil, gas and mineral resources owned by the federal government.

Forest Service officials examine the nominated tracts, and in consultation with the forest's management plan, identify any stipulations to be attached to lease agreements to protect habitat, wildlife and recreation.

After a lease is sold at auction, the Forest Service must then approve the drilling company's operating plan, following an environmental review.

"Most leases have no activity during their 10-year term," said Linda Tracy, geologist for the Mon.

The most recent drilling activity in the Monongahela took place in 2008, when a gas well tapped into the Sycamore Grid formation beneath the Mon's Fernow Experimental Forest. A five-year gap in drilling activity preceded the Fernow well.

The gas-rich Marcellus shale formation that underlies most of West Virginia is not expected to draw many drillers to the Monongahela National Forest, according to Tracy.

"The formation is interrupted by faults and folds under much of the forest," Tracy said. For drillers looking to tap into the Marcellus, "We may be one of the last places they look."

The Wayne National Forest accounts for the largest chunk of oil and gas lease land to be auctioned by the BLM on March 18. A total of 9,507 acres are up for bid on the southern Ohio forest.

Editor's Note: This article originally appeared in The Charleston Gazette.

CONSOL MINE DISCHARGES ILLEGAL

By Cindy Rank

On Thursday, February 25, 2010, the West Virginia Highlands Conservancy and the West Virginia Sierra Club, represented by the public interest law and policy groups Public Justice and the Appalachian Center for the Economy and the Environment, issued a 60 day notice of our intent to sue Consolidation Coal Company (CONSOL) for discharging illegally high levels of chlorides into Dunkard Creek of the Monongahela River.

WHAT HAPPENED

In September 2009 forty some forty miles of Dunkard Creek died. A month-long fish kill that wiped out almost all aquatic life in 43 miles of the creek. Killed were between 15,000 and 22,000 large game fish, plus large salamanders and 14 species of freshwater mussels, some already ecologically threatened.

Meandering back and forth over the Mason-Dixon line (the border between Monongalia County, West Virginia and Greene County, Pennsylvania), Dunkard has for decades been a valued and valuable resource for local communities and the states of Pennsylvania and West Virginia.

Near drought conditions in the fall of 2009 left Dunkard with less water than normal for that time of the year – water that often masked the high chloride levels in some portions of the stream. The combination of low flow and high chloride levels created one of those perfect storms that proved deadly. The high concentrations of chlorides contributed to conditions conducive for a lethal 'bloom' of non-native golden-brown algae that devastated the thriving fish population, mussels and other aquatic life.

HOW THE ALGAE GOT THERE IN THE FIRST PLACE REMAINS A MYSTERY.

Normally found in brackish (salty) waters in places like Texas, this lethal form of algae is not common and in fact had not been known to be present in fresh water streams of the mid-Atlantic region. Theories about how it came to northern West Virginia range from it being transported here on drilling equipment previously used in the gas fields of Texas, to the possibility that the algae can be carried far distances by the air. Whatever the reason for its presence in this part of the country, stream sampling done by the Office of Water of the WV Department of Environmental Protection (WVDEP) has shown that golden-brown algae now lurk in several other streams in West Virginia as well.

HOW THE STREAM ITSELF BECAME BRACKISH ENOUGH TO FUEL THE LETHAL ALGAE BLOOM IS LESS OF A MYSTERY.

So, was it one of those notorious acts of god? ... An unfortunate accident?

Well, not exactly----

CONSOL deep mine operations in the area have been discharging illegally high levels of chlorides into Dunkard since at least 2002.

Other sources of chlorides – including suspected brine waste from gas drilling (dumped illegally into the stream or injected legally into the flooded underground mines) may have caused an additional spike in the already dangerous levels of chlorides being discharged from underground mines in the area.

But CONSOL has been violating water discharge permit (NPDES) limits for chloride at its Loveridge and Blackville #2 mines

for nearly ten years and causing violations of in-stream water quality standards in Dunkard.

Though the impact of these violations on aquatic life was not as noticeable when normal stream flows were sufficient to dilute the concentration of solids and salts from the mines, it appears that during the low flow of September the mine discharges overwhelmed the stream and contributed big time to the brackish conditions that spurred the fatal algal bloom.

Was the event unexpected? ... Unanticipated ????
Well, not exactly ---

For one thing, seasonal low flows present certain sets of circumstances that can be problematic on their own – with or without additional pollution. Incidents of mine discharges overwhelming stream quality are not unheard of. Problems created by discharges from the deep mine pools of northern WV have long been recognized and even the particular circumstances in the Mon River itself and Dunkard specifically have been spoken and written about.

-- Readers of the *Highlands Voice* might remember 1988 when low flow conditions in the Buckhannon River allowed normally good water quality to be overwhelmed by discharges from mines some ten miles upstream. Due to low natural flows in the river the continuous mine discharges contributed a major portion of the flow in the river downstream. The effect was felt by residents of the city of Buckhannon and surrounding areas, users of the water supplied by the Buckhannon water system that draws its water from the river. People experienced offensive taste and color in drinking and wash water and cream curdling in their coffee for no apparent reason.

-- A 1996 *Highlands Voice* article by Richard diPretoro described the existence of metal laden mine pools that were forming as the mined out deep mines in northern West Virginia began to fill with water. As the pools rise the water threatens to push out into nearby wells and streams and to flood active mining operations in coal seams above or below the mined out and flooded areas. Both situations require pumping and treating the water to protect miners, nearby residents and streams. Federal and private sources continue to fund research to track the advance, impact, and possible future problems associated with these expanding mine pools.

-- In October of 2008 low flow conditions in the Monongahela River between Morgantown WV downstream into Greene County Pennsylvania combined with high levels of total dissolved solids ("TDS" or salts, sulfates, etc) resulted in problems for commercial, industrial and private water users. Corroded and clogged equipment, appliances and foul smelling and tasting water prompted many to sit up and take notice. Focused first on brine discharges from new Marcellus gas well drilling in the area, concerns have expanded and a broad based group of agency, industry and university personnel as well as interested citizens concerned about the Mon River watershed began to examine more closely the levels of TDS present in the watershed and the potential problems associated with those solids. The Upper Monongahela River Association (UMRA - a determined group of recreationists, retired chemists, engineers

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MORE ON DUNKARD CREEK (Continued from p. 4)

and local folk dedicated “to promoting the general development of the Upper Monongahela River, primarily in West Virginia”) now sponsors monthly water quality forums that keep the conversations going. State legislators from the area have proposed legislation to establish much needed water quality standards for TDS. [WV Environmental Council lobbyists follow and have reported on this effort in other issues of *the Highlands Voice*.] And similar efforts are being pursued in PA.

-- The Clean Water Act requires states to survey watersheds, evaluate the quality of those waters and determine how best to clean up the pollution that impairs the uses of those waters by establishing limits known as Total Maximum Daily Loads (TMDLs). Regulatory agencies are then required to consider those assessments when approving water discharge permits and set limits in the permits based on the Total Maximum Daily Load established for the receiving streams. Margaret Janes with the Appalachian Center for the Economy and the Environment and Evan Hansen (Downstream Strategies & West Virginia Rivers Coalition) have been particularly helpful in following the implementation of TMDLs in West Virginia. In commenting on the TMDL for Dunkard Creek (April 3 & 9, 2009) their groups insisted that the TMDL should be revised based on the presence of and problems due to high concentrations of TDS in the watershed.

LOOKING AHEAD

Representatives of federal and state agencies, academia and industry as well as local citizen groups are grappling with the issues at Dunkard and the potential for similar events to occur in other watersheds where TDS levels are high and golden-brown algae have been found. WVDEP continues to sample streams throughout the state and groups such as UMRA continue to draw together a broad cross-section of interested parties to share information and discuss options for charting a course forward.

To its credit, EPA in its January 2010 Annual Report* on the status of the TMDL program in West Virginia recognized that “... WVDEP has identified ionic toxicity [i.e. lots of total dissolved solids, too much stuff like salts, chlorides, sulfates, etc. in the water] as a stressor in some waters ... [and] ...believes that it is important for WVDEP to more fully implement a methodology for identifying ionic toxicity as a stressor and to begin TMDL development for waters identified as impaired by this toxicity.”

[*West Virginia, like many other states, was slow to establish TMDLs for our waters. In 1995 WV Highlands Conservancy and the Ohio Valley Environmental Coalition (OVEC) sued EPA to take over the process and to force the state to pick up the ball. As a result West Virginia has established an active TMDL program and EPA continues to oversee the process and report back to us plaintiffs on an annual basis. This 2010 report is the most recent of the annual reports required as part of a 1997 Consent Decree in the litigation filed by WVHC and OVEC.]

Proposed legislation meant to establish an enforceable state water quality standard for Total Dissolved Solids may not be passed this session of the state legislature. The West Virginia Department of Environmental Protection will, however, be doing a required triennial review of water quality standards. It should surely address these issues – especially with the prompting and support of EPA.

NOW

In the short term, while the potential problems with TDS, golden algae, etc. are being studied and discussed and debated, one thing remains clear: Illegal discharges from the CONSOL operations constituted a major contribution to the problems in Dunkard Creek.

We’ve sent CONSOL a Notice of Intent to sue because permit conditions and water quality standards are being violated - and have been for years, and CONSOL has dragged its feet long enough. Extending compliance orders is not acceptable nor is lessening the water quality standard for chloride in Dunkard Creek merely to accommodate the current levels of pollutants in discharges from these operations. Treatment to meet legal discharge limits and in-stream water quality standards will no doubt mean more expense for the company, but treatment options are both possible and available.

CONSOL may deserve a pat on the back for making the extra investment to incorporate energy conserving measures in its new headquarters just south of Pittsburgh (not many miles to the north of Dunkard Creek), but there is no reason the company should be allowed to continue to do it on the cheap when it comes to protecting water resources near its mine operations.

[A link to the actual Notice of Intent can be found with the WV Highlands Conservancy blog entry for this article. http://wvhighlands.org/wv_voice/]



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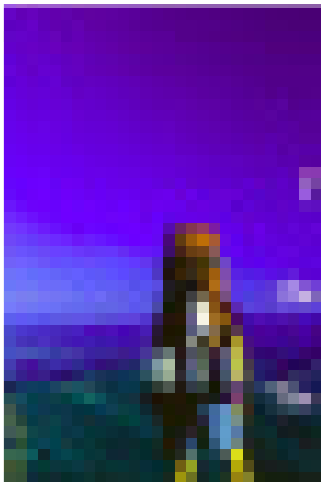
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Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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 \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.
 Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

SUCH A DEAL!

Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$24.95, we are offering it as a premium to our members. Anyone who adds \$10 to the membership dues listed on the How to Join membership form (right up there) will receive the history book for free. Just note on the membership form that you wish to take advantage of this offer.

This offer is available to current members as well as new members. Current members may add \$10.00 to the amount they pay when they renew their memberships and receive a book as well.

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.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CREATES OIL AND GAS TIPLINE

The U.S. Environmental Protection Agency has created what it calls its "Eyes on Drilling" tipline for citizens to report non-emergency suspicious activity related to oil and natural gas development.

The agency is asking citizens to call 1-877-919-4EPA (toll free) if they see what appears to be illegal disposal of wastes or other suspicious activity. Anyone may also send reports by email to eyesondrilling@epa.gov. Citizens may provide tips anonymously if they don't want to identify themselves.

In the event of an emergency, such as a spill or release of hazardous material, including oil, to the environment, citizens are advised to call the National Response Center at 1-800-424-8802.

Public concern about the environmental impacts of oil and natural gas drilling has increased in recent months, particularly regarding development of the Marcellus Shale formation where a significant amount of activity is occurring. While permits for oil and gas drilling are issued by state regulators such as the West Virginia Department of Environmental Protection, there are EPA regulations which may apply to the storage of petroleum products and drilling fluids.

Part of the reason that the Environmental Protection Agency says it established this tipline is to get a better understanding of what people are experiencing and observing as a result of these drilling activities. The information collected may also be useful in investigating industry practices.

So far, West Virginians who have used the tipline report that EPA's response is to contact the West Virginia Department of Environmental Protection for action on the tip. Over time, the tipline does have the potential of making EPA better aware of the problems that exist in the field and may ultimately lead to EPA taking a more active role.

EPA is asking citizens to report the location, time and date of such activity, as well as the materials, equipment and vehicles involved and any observable environmental impacts.

The tipline is, at least in part, a response to increased Marcellus Shale drilling. The Marcellus Shale geologic formation contains one of the largest mostly untapped reserves of natural gas in the United States. It underlies significant portions of Pennsylvania, West Virginia, Ohio, and New York, and smaller portions of Tennessee, Virginia, Maryland, and Kentucky.

Interest in developing Marcellus Shale has increased because recent improvements in natural gas extraction technology and higher energy prices now make recovering the gas more profitable.

Operators produce this gas through a process called hydraulic fracturing (fracing). Fracing requires drilling a well thousands of feet below the land's surface and pumping down the well under pressure millions of gallons of water, sand, and chemicals to fracture the shale.

The process allows the gas trapped in the formation to flow to the well bore. Approximately 20 to 30 percent of the fluid flows back to the surface. This "flowback" fluid consists of fracing fluid and brines which contain dissolved minerals from the formation.

Operators recycle some of their flowback water for reuse in the fracing process, but some of the flowback is taken offsite for disposal. Chemicals used in the process are often stored on-site. Spills can occur when utilizing these chemicals or when transporting or storing wastewater, which can result in the contamination of surface water or ground water, which is used for many purposes including drinking water.

Instructions for the tipline can be found at: http://www.epa.gov/region03/marcellus_shale/tipline.html

HATS FOR SALE

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

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

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

Pictures of both appear on our website www.wvhighlands.org. Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$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



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 total 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.



West Virginia Mountain Odyssey



Outings, Education and Beyond

Saturday, March 13: Winter Bird Walk, 8 am at the Wildlife Refuge Visitor Center. Led by Volunteer Casey Rucker. Contact the Refuge at (304) 866-3858 for more information.

Saturday, March 20: Valley Vibes - Woodcock and Constellations, 7 pm at the Wildlife Refuge Visitor Center. At dusk, check out the mating ritual of this inland shorebird with no neck. Then when darkness falls, learn the legends of, and find some of, our spring time constellations. Led by Refuge Naturalist Jackie Burns. Contact the Refuge at (304) 866-3858 for more information.

Saturday-Monday, April 24 to 26, 2010. Triple Crown of VA (modified). 24 mile strenuous shuttle backpack on the AT with great views from McAfee Knob, Tinker Cliffs and Hay Rock Overlook. Average daily mileage approximately 8.0 miles. contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Sunday, May 08-09, 2010. Ramsey's Draft, GWNF, VA. 17 mile circuit with several stream crossings and 3100 feet of elevation gain. Beautiful stream and still some magnificent old Hemlocks left to see. Suitable for experienced hikers who want to try backpacking. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Monday, May 29 to 31, 2010 (Memorial Day Weekend). Cranberry Backcountry Backpack, MNF, WV. 26 mile moderate circuit in this under-utilized hiking venue featuring a circumnavigation of Cranberry Glades. Daily mileage: 8/12/6. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Wednesday, June 26 to 30, 2010. Mount Rogers N.R.A., VA. Car Camping and Day Hiking. Camp at Grindstone Campground. Hike the Iron Mountains. The first hike will be The Iron Mountain Loop. It is a strenuous 14 mile circuit with 3400 feet of elevation gain starting at Beartree Lake and features vistas, streams and Rhododendron tunnels. The second hike will be the 12 mile Rowlands Creek Loop with 2430 feet elevation gain featuring several waterfalls, a couple over 100 feet in height, and some views. The third hike is another waterfall hike, 9.0 mile Comers Creek Loop, with 1850 feet of elevation gain. (The leader reserves the right to substitute any of the above with a shorter, easier hike starting from camp.) Sign up for all or part of the trip. Pre-registration and campsite reservation required. Contact Mike Juskelis at 410-439-

4964 or mjuskelis@cablespeed.com.

Saturday-Monday, July 10 to 12, 2010. Cranberry Wilderness Backpack, MNF, WV. 18 miles total. Hike in 5 miles and set up camp at Big Beechy Falls. On the second day we'll climb steeply up to the plateau, hiking about 10 miles. Extra water will be required for that day. The final day will be an easy 3 miles back to the cars. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Monday, September 04 to 06, 2010 (Labor Day Weekend). Roaring Plains Base Camp Backpack and Day Hike, MNF, WV. Backpack in 2.5 miles and set up a base camp at the Hidden Passage. Day 2, strenuous 12-14 mile day hike along the canyon rim. Lots of boulder fields and fantastic views. Day 3, Backpack back out the way we came in. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Tuesday, September 18 to 21, 2010. Lake Sherwood, MNF, WV. Car Camping and Day Hiking. The first hike (11 miles/moderate) will start at the campground and will follow the eastern shore of the lake and the western ridge of the valley. A short drive will be required to set up an 11 mile, moderate shuttle hike through the newly proclaimed Big Draft Wilderness Area featuring the beautiful Anthony Creek. Pre-registration required. Campsites are first come, first served. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

Saturday-Monday (or Tuesday), October 09 to 11 (or 13), 2010. Cooper's Rock State Forest, WV. Car Camping and Day Hiking. As of now this is a three day trip with an 8 mile circuit hike within the park to visit the Cheat River and a vista. It is possible this will be extended an extra day if more good hiking is close by. Pre-registration and campsite reservation is required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

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

NEW LAW GIVES STRONGER REGULATION OF GAS DRILLING, OR IT DOESN'T

Just as *The Highlands Voice* went to print the Judiciary Committee of the West Virginia House of Delegates passed HB 4513 and sent it to the entire House for consideration and, we hope, passage. This bill had the support of the West Virginia Environmental Council lobby team as well as support from labor, the Surface Owners Rights Organization, WV Citizen Action Group, and the faith community. Delegate Tim Manchin sponsored the bill.

The protections included in the bill include requiring reporting on water withdrawals and contents of frac water and on disposal of the water used in the process. While it is not all it could have been, it is much more than is currently required. DEP also favored the bill, so we hope it will make it into law. The bill must now be passed by the full House and then by the Senate.

Under current law, West Virginia has no real requirements for drilling Marcellus shale wells. The threat to our waters is very real, either from potential dewatering of streams or from contamination from brine and other contents of frac fluids.

To express an opinion on this bill, contact your delegate: The best way to reach your Delegate(s):

1) Call the capitol toll free: (877)-565-3447 – leave a voice mail message for your particular delegate.

2) Capitol website: <http://www.legis.state.wv.us>

You can locate your Delegate(s) easily, and leave your e-mail message for them.

This was the situation when the *Voice* went to print. So what happened, or is happening? We are now into the last few days of the legislative session. The situation has probably changed at least six times between the time the *Voice* went to print and the time you read this. To find out what happened or what is happening right now, go to the legislative update of the West Virginia Environmental Council, <http://www.wvecouncil.org/legisupdate>. Things happen so quickly during the final days that no website could be up to date all the time but the Environmental Council site does its best. You can also check the capitol website listed above.

By the time *The Highlands Voice* comes out next month the session will be over and we will have a full report of what happened.

Should You See Spring

By John Lynch

Should you see spring,
the liver-leafed hepatica
burst blue where winter's grass
has slowly fed the earth,
or the fern's green coil unwind
from out the whorl of last year's fronds...
O tell me now!

For summer died before I saw it go,
breaking up along the shore like
brittle cattail reeds, and fall's
first frost came one night I slept
and woke to find the gentian leaves
burned brown by cold.

Long winter held the fields in ice and snow,
stirring winds that snapped the fragile
spike of sumac, bending down the branches
of the trees, and when, first thaw,
I walked the roads and watched the stones
break loose, the river swell and quicken in
its course, I looked but saw no green thing yet.

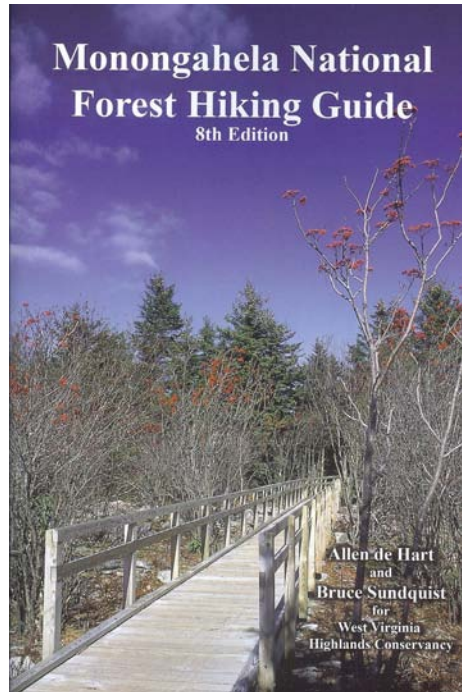
The leaves lay dead and damp upon the ground,
a year's old thimbleweed lay broken-stemmed...
but nothing green, or blue, at white or fire
of spring shone out, but winter waiting yet,
waiting for its time held on.

And so each day I walk the road and watch,
and cross the field, sinking in the
freshening sod, and wait. I hear the river
breaking on its way, I see the circling hawk
upon the wind, the swollen hickory buds,
the strings of clouds. . . it shall be soon
for all the signs are here...

The hidden petals press within the earth,
the earth rounds out, rounds out ready
to uncoil, burst blue, burst green, flame white...
O tell me now,
should you see spring!

STOP THE PRESSES—MORE TREES TO PLANT

Just as *The Highlands Voice* was about to go to press, we got news of another outing. Saturday & Sunday April 10 & 11: Red Spruce Ecosystem Restoration Volunteer opportunity, 10 am at Canaan Valley National Wildlife Refuge Visitor Center both days. Help us plant red spruce and balsam fir trees on the Wildlife Refuge, Blackwater Falls State Park and Monongahela National Forest. Contact Dave Saville at (304) 284-9548 or daves@labyrinth.net for more information.



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

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

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

New 8TH Edition Now Available on CD

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

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

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

Price: \$20.00 from the same address.

THE EXPLORATION OF ORGAN CAVE

By Bob Handley

Organ Cave is big but not in the same class of "BIG" as Kentucky's Mammoth Cave or Carlsbad. Mammoth for length (346+ miles) and Carlsbad for its immense volume - void.. But Organ in the 1950's was big for any cave east of Mammoth – and still is today.

One weekend when Bob Flack wasn't available, those who tried to scoop us (Mac McGriff, Sara McFarland (later McGriff), and Don Engle) accompanied me to check one of the leads off of the Discovery Trail (the small passage we had taken from Hedricks to Organ). The four of us scrambled up a wide open crawlway (3' X 4' wide by about the same height) which soon leveled out and intersected an upper level stream (about 50 feet above the Organ Stream. Down stream was larger so we followed the water down stream in a walking passage (boulder hopping) to an intersection with a very large, dry passage that went up at a steep angle.

About half way from where we had come onto this stream (now called The Upper Stream) and the intersection with the big dry side passage we found some very old inscriptions – names and dates. These were scratched on the wall of a small alcove on one side of the main passage in a beautiful, flowing, calligraphic script. One name "HENRY CADIZ 1810" stood out (unfortunately a few other names were smudged and unreadable). I've exhausted local sources (Court House, and the Historical Society) but no luck - no H.

Cadiz. This was back in Thomas Jefferson's time,

Organ Cave had no developed walkways, no steps going down into the main entrance but there was salt petre mining in part of the cave. These workings, we surmise, were Pioneer and Revolutionary War efforts to obtain one of the ingredients for making gun powder. Any way, Cadiz may have gotten some help from the miners. In any event their ability to get into the cave as far as they did (over a half mile from the Organ entrance and on a second level that required crawling with probably an oil lamp) was a spectacular achievement for that time

There is a Cadiz, Kentucky, and a Cadiz Ohio that I've found. I've talked a fellow caver who lives in Cadiz, KY. He pronounces Cadiz – K-dees. He is researching the origin of the town name for me – I would sure like to wrap this mystery up!

Obviously this part of the cave wasn't virgin for us. Most times, though, explorers leave some evidence of their exploits at their turn around point. I don't think anyone had ever been as deep into the cave as the big dry passage though.

Returning to our explorations – since we were following water we continued on down the Upper Stream Passage whose floor was

(Continued on p. 11)

CITIZENS PREVAIL IN CLEAN WATER ACT ENFORCEMENT ACTION

By John McFerrin

United States District Court Judge John T. Copenhaver, Jr. has decided in favor of the Sierra Club and the Anstead Historic Preservation Council, Inc. in a citizen suit enforcement action against Powellton Coal (a CONSOL Energy Inc. subsidiary). This ruling paves the way for an injunction against further violations and the imposition of penalties.

One common violation of both the Clean Water Act and the Surface Mining Act is a failure to meet what are known as effluent limits. All mines (as well as other facilities) that discharge water to the rivers and streams of the United States must have discharge permits. Such permits contain limits upon the amount of pollutants that can be in the water that is discharged. Failure to meet those limits is a violation of the federal and state Clean Water Acts as well as, for mines, the Surface Mining Act.

A violator of those Acts is subject to enforcement action by the West Virginia Department of Environmental Protection or the federal Office of Surface Mining or Environmental Protection Agency. If these agencies do not act, citizens may file a civil action to enforce compliance with the Acts.

In this case, Powellton Coal had discharged suspended solids, iron, aluminum and manganese into the waters of the United States. Between March 1, 2006, and March 31, 2009, Powellton accrued thousands of violations of the effluent limitations imposed by its WV/NPDES permits. The Plaintiffs asked that these violations be corrected and future violations prevented.

At the time the Plaintiffs filed suit, Powellton had already been negotiating with the West Virginia Department of Environmental

Protection over these violations. Powellton Coal had previously asked the Court to dismiss the lawsuit because of these negotiations. It argued that the federal Clean Water Act only allowed citizens to bring actions to compel compliance when the state agency is not taking action. In August, 2009, the Court rejected this argument (See story in the September, 2009, issue of *The Highlands Voice*).

In the latest decision, the Court again rejected the argument that Powellton should be protected from suit by its agreement with the West Virginia Department of Environmental Protection. It did indicate, however, that it would consider the penalties already imposed when deciding what penalties it would impose in this case.

The Clean Water Act only allows a citizen suit when the violations are ongoing. Powellton argued that it had corrected the condition that was causing the violations. It contended that, because it had made this correction, the violations were no longer ongoing and could not be the subject of a citizen suit under the Clean Water Act.

The Court rejected this argument. From the information before it, it did not see sufficient indication that the conditions had been corrected and the ongoing violations halted.

The Court did not decide on a final remedy. There were a few violations which might have been corrected and, as a result, were not ongoing violations. The Court will make a later determination of whether or not these are ongoing violations. Once it has done that, it will issue an injunction against further violations and impose appropriate penalties.

MORE CAVING (Continued from p 10)

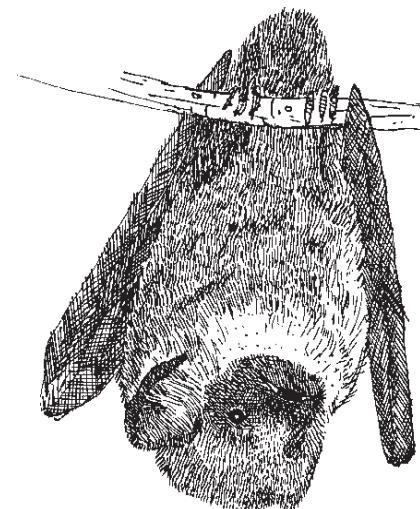
all big breakdown. We passed two dry, walking size, side passages and the stream passage started quickly losing height. Finally the stream disappeared at the base of breakdown that almost blocked our way on. I worked my way over the boulders and stood up – and WOW! I thought for a moment that I had come up in the bottom of a big sink hole – at night. But it was 3:00 PM and no green vegetation – of course it was a cave room with a small waterfall coming down the wall where we had come in. The Waterfall Room is 120 feet wide by 150 feet long by 50 feet high – the largest known room in Organ Cave.

The discovery of the Upper Stream provided new leads to check. The next one investigated was of course, up stream. We (meaning the three Bob's – Barnes, Flack, and Handley and my cousin Glen Musser) followed the stream for several hundred feet and picked a passage on the left that was bigger than the Upper Stream Passage.. We checked out a number of branches that were all dead ends and eventually sat down to rest.

While sitting there I noticed a breeze that seemed to be blowing into the wall behind me. Glen noticed it too so we investigated and found a well hidden opening back under a ledge – going up. We crawled through the hole and found ourselves in a small room (6' x 6' x 8') standing on broken rocks. We were able to climb up through three more small vertical rooms separated by breakdown. We topped

out 40' to 50' above where we started, standing in the floor of a very large room with a very large passage leading out of it.

The room was 300 feet long, 75 feet wide (in places) and 25 feet high. Very soon it became known as the "Handley Room". It seemed like every where we looked there were new (virgin) passages to follow- but we had had another great day and over a mile of cave to negotiate before exiting the cave and heading home.



HOW MANY PLACES HAVE THEIR OWN HENRY DAVID THOREAU?

By Paul Salstrom

When you think of “place,” where do your thoughts go? For me the word “place” brings back memories of the Lower Farm at the head of Panther Branch in central Lincoln County, W. Va. Its boundary ran along the top of McComas Ridge which divides the Guyandotte River watershed from Mud River’s, but the farmstead itself lay tucked down under the east side of that ridge, the Mud River side.

The cabin’s old logs were squared and snugly notched. By now that cabin would be over a hundred and twenty years old if it still existed (--which it doesn’t). Inside, a stone fireplace dominated the living room. Out front beyond the yard stood a log tobacco barn. Out back, two long narrow meadows of fescue grass undulated back a quarter mile on two parallel benches that leaned slightly east. Below the cabin a ways, under some shade trees, a never-failing spring had been boxed in cement to give water to animals, and just off the back porch was a drilled shaft-well with water for humans.

Now the place has changed. About fifteen years ago its absentee owners let it be timbered and the work crew tore it up with heavy equipment. (I sort of wish my brother had never told me.) Then about ten years ago arsonists burned down the cabin. What’s left is the barn.

A mile south along McComas Ridge is the Upper Farm, where two years ago a huge natural-gas compression station was built. But the devastation thereabouts is not complete since it hasn’t been stripmined. And if mountaintop removal is stopped in West Virginia soon enough, maybe it *won’t* be stripmined.

Once, during the worst year in my life to date, circumstances or a kindly Providence led me back to the Lower Farm for a summer of solitude. That was ten years after I thought I’d never see the place again, but thankfully before it was trashed to take out timber. Although I’ve now been away quite awhile, it’s where my thoughts still gravitate when I hear the word “place.”

But what a mystery “place” is! Where does any place actually start or stop? A place is countless interconnections. No one can say where someplace starts, stops, or even fully what it is. The eons when proto-humans evolved as successful hunters and gatherers apparently turned our minds ‘spatial.’ Like other beings who hunt and gather, our minds held detailed maps of our environment -- of its layout, including its sounds and smells all interwoven with its topography. Nowadays of course most of us including myself no longer need a mental map of our ‘range’ except at the supermarket.

Or do we? Do we still need a mental map of some place for our emotional and spiritual well-being? That idea goes back to Henry David Thoreau. ‘Middle Earth’ and its Tolkeinesque offshoots likely fit the bill for some folks. And now mental maps are sprouting all over place-based ecology.

Whatever ‘place’ may fundamentally be, what creates *places* is countless creatures over eons and eons adapting to what’s around them, and what’s around them simultaneously adapting to those creatures. Does something inside us need to participate?

Where would we start? Surely not by studying ecological models, but maybe by studying some *place*?

Which brings me to a small, ninety-page book that just showed up in my mailbox. It’s a place-based book and has me wondering if similar “biographies of a place” are also being published about places around West Virginia. If so, I’m out of the loop. The new

little book I’ve received isn’t from West Virginia or any place else Appalachian. It’s from Kansas, but it’s a good model for place-based books because it is four-dimensional. (From years of reading Carl Jung, I think of people – and am now thinking of places -- as four-dimensional.)

One dimension of a place, I think, is what it *ultimately means* to someone, human or otherwise. But of course that’s not where to start unless Arch Coal or A.T. Massey is already bearing down on your place. Rather, one could start with *lore*. In north-central Kansas some of the oldest surviving lore is Pawnee Indian and it exists most comprehensively in a five-day ceremony called the *Hako*.

The *Hako*’s twenty embedded rituals include many active roles for children and one of its purposes is to transmit Pawnee lore to Pawnee children. At first contact with whites, the Pawnee numbered about twenty thousand.

After their expulsion to Oklahoma and decades of disease and starvation they were down to 700, whereupon in 1898 one of their elders began four years of transmitting and explaining the entire *Hako* to an anthropologist named Alice Fletcher, whose book-length account of it was re-published as recently as 1996.

Lore in north-central Kansas also includes the arrival and local lives of traders and pioneer settlers. And the passage westward of approximately two million people along the Overland Trail in the mid-1800s – wayfarers bound for Oregon, Utah, and California.

Third, every place has a natural history and this too is prominent in the Kansas book, especially when it comes to *owls*. The book’s author grows very interested in *barred owls*, the ones out there in the night asking “Who-cooks-for-you? Who-cooks-for-you-too?” – the hoot owls. The book describes and discusses their eyesight, hearing, weight, hunting habits, diet, digestive processes, and mental maps.

Fourth and finally there’s the dimension of *empathy*, which apparently was what Native American vision quests were about. In his own way the Kansas author embarked on a mini-quest of his own. Last winter he took two months off from his job and basically spent them outdoors trying to spot barred owls. His carpenter father helped him build three humongous plywood owl boxes and a lumberjack friend helped him hoist and fasten them high on the trunks of three trees he could watch from his house through binoculars. Sure enough, in February 2009 a pair of barred owls scouted one of the boxes and in March they nested there.

Up to that point, the author’s wife had shown no empathy for her husband’s owl thing – she’d even made a few snippy comments – but now she’s hoarding the binoculars and talking about “our” owls. When finally in early May two younguns emerge from the owl box and start trying to fly she christens them “Flapper” and “Puff.”

Thinking back to my own years at the Lower Farm in West Virginia’s Lincoln County in the early 1970s, I don’t think I could write a full “biography” of that place. I certainly don’t recall any one species I particularly came to know.

I do recall that at dawn in the springtime the volume of birdsong coming from the surrounding trees was almost deafening. Then too, the place came with an old retired mine pony named Bob who’d gone blind during his coal-hauling years. Old Bob gladly plowed the garden and gave rides to visiting children. He liked the fescue grass

MORE ABOUT PLACE (Continued from p. 12)

and I didn't worry about him unless a lot of snow fell. Then I'd hike up there (--the cabin had yet to be re-chinked, it wasn't winterized yet) and would open the garbage can that held the sack of field corn. I'd pour some corn into the metal lid and shake it loudly and pretty soon Bob would show up. I guess I did empathize with Bob. Come to think of it, his mental map of the Lower Farm was surely a lot more detailed than mine. Whether he felt empathy with the place I don't know. Myself, I still do.

Paul Salstrom teaches history, Appalachia, and Master's level Earth Literacy at St. Mary-of-the-Woods College near Terre Haute, Indiana. The "biography of a place" in Kansas he mentions here is by an Earth Literacy graduate. It's Night Vision: Owls and Other Voices from Place: Essays toward Ecological Identity -- and costs \$12 plus \$3 postage and handling from its author: Doug Hitt, 1982 East 100 Road, Le Compton, KS 66050.

Speakers Available !!!!!

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

MORE FROM HUGH (Continued from p. 2)

Forest Service responded to these developments by conceiving the Leave No Trace guidelines. Along with the other federal land agencies, it spread the word through publications and training materials; since 1994, the effort has been carried on by a nonprofit organization, now called Leave No Trace Center for Outdoor Ethics. It's supported by outdoor recreation companies, environmental groups, and the like, including—here we get back to the hunt club—sporting trade associations.

Essentially, Leave No Trace rests on the assumption that recreation and protection are mutually dependent. Its principles address preparation and knowledge of the area, hiking and camping on "durable surfaces," packing out what you packed in, leaving what you find, respecting wildlife and other visitors, disposal of waste, and care with fire. Specific applications are directed to hunting, fishing, "frontcountry" and "backcountry" use, and young campers.

Some outdoor equipment companies attach Leave No Trace hanger cards to their products; for hunting supplies, these are colored blaze orange. They customize the general principles: "waste" includes "gut piles" as well as spent brass and shotgun shells; "respect for wildlife" covers advice to take only "clean, killing shots;" and "leaving what you find" adds that hunters should sight-in firearms at home, not in the woods, where target practice is damaging.

From the simplest forms of paying attention, Leave No Trace educational materials move to more subtle concerns: endangered plants, invasive species, and an array of unintended consequences. If you go to the Center's web site, you'll find the assertion that Leave No Trace is "a way of life." That's a long way from advice about campfires; we don't have to go that far to get hunters to see the point of wilderness. Wilderness is the epitome of land where we leave no trace and allow Nature its fullest expression. It should be a joy to hunt there.

Spice Run, where there are no trails, is the epitome of "backcountry" in Leave No Trace parlance. In so-called "frontcountry," visitors are encouraged to stay on existing trails and not to widen or short-cut them. But in pristine areas, it's better to disperse use and avoid visible impacts. Once you've made the effort to get there, ethics and impulse will encourage you to wander.

BUMPER STICKERS

I ♥ MOUNTAINS
WEST VIRGINIA HIGHLANDS CONSERVANCY, PO BOX 306, CHARLESTON, WV 25321-0306 - www.wvhighlands.org



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.

...ABOUT BACK CREEK

By Sherry Evasic, President Blue Heron Environmental Network Inc.

For an estimated 109 nautical miles Back Creek flows through Berkeley County West Virginia, to its confluence with the Potomac River. This outlet across from the historical McCoy's Ferry /C&O Canal Path; on the Maryland side of the Potomac River. Back Creek's headwaters begin at Farmer's Gap in the Great North Mountain and Frederick County VA. Larger notable tributaries most referred to as "the head water location" are in Gore VA.

This segment of Back Creek is very small, until it joins with many spring fed, and trout stocked tributaries flowing in a Northern direction across Berkeley County WV. The Tilhance Branch and Elk Lick Branch are two of the largest coldwater, sub-watershed, tributaries to Back Creek. Both tributaries being Trout stocked.

Once the creek enters West Virginia, it flows through a wide, beautiful valley between two mountain chains called Sleepy Creek Mt., as well the North Mt. The creek in this segment is bordered on both sides by individual farms and small businesses. For the most part the farms are smaller individualized, with a focus on organics, and natural food processing, while eco-tourism businesses are scattered throughout the watershed. The watershed itself is rich in pre-civil war, to civil war history, numerous landmarks and historical areas of significance.

The creek is "classed" by the West Virginia Department of Natural Resources as a "High Quality Recreational Stream" for fishing, swimming, canoeing and kayaking. The American Whitewater Association deemed a segment from the Rt. 9 Bridge/ Hedgesville district to the confluence with the Potomac as a "Class II Whitewater". As well as early as 1982 this particular segment was deemed a viable candidate by the same organization for Wild and Scenic River Designation. The Blue Heron Environmental Network Inc., has been attempting to have the segment formally nominated.

By the time the creek is just out of the Back Creek Valley it becomes a small river, both in depth and in physical characteristics. The complex mix of geophysical considerations, water flow, and semi-pristine habitat may be the reason why Back Creek is host to a myriad of rare and endangered species of wildlife and plants. Back Creek is also the last clean flowing stream left in Berkeley County West Virginia that has not been 303d listed as impaired by fecal coliform by the US EPA. Of most notable considerations for endangered species listings of plants is the Harperella. The watershed itself is the last semi-pristine green space left in Berkeley County. One has only to drive a short distance through the North Mt. Chain into beautiful mountainous areas where one can see Bald Eagles, Osprey, and or be able to catch a good meal of fresh fish without the worry of severe contamination.

Since 1991, Blue Heron Environmental

Network Inc. has maintained a watershed/water quality program for Back Creek entitled "Back Creek Water Quality Initiative". The original goal was to set up a complete biological monitoring system for the creek and watershed to keep tabs on the creek's and watershed's health and land use activities. In the 19 years that followed, the organization has surpassed its goals. The organization within the past decade however, has been faced with the onslaught of problems occurring from over development, which at times has created notable impacts on Back Creek's tributaries, and the creek itself. Severe sedimentation, sometimes well over the state's recommended turbidity levels, poor usage of best management practices and over sized proposed discharges have been a constant problem and concern.

In 2006, and after 18 years of work, the organization managed to have installed a new bridge, The Allensville Memorial Bridge, to replaced a low water crossing. The crossing had acted as a dam, restricting flow and fish migration. It was also the site of numerous deaths from drowning, as vehicles would slide off the crossing into the creek's waters. The Bridge was declared by West Virginia Department of Highways as the second deadliest in the state in fatalities alongside the Silver Bridge Collapse.

In 2008 the West Virginia DNR asked the United States Geological Survey to begin a Mussel Study for Back Creek. The study began in May of 2008 and finished in December of 2008. Findings included 8 native species that included one of concern, the Green Floater. Biologists for the study team also found a species of fresh water sponge that is yet to be studied or identified. This types of sponge needs very clean water to exist and the right habitat.

Amid the good news of the study, Blue Heron Environmental Network Inc, and Back Creek Valley residents were faced with the disturbing news of a new discharger for a "Fly-In" Development in the creeks' floodplain of the Valley. The Development, known as 'Sandpiper' proposed a 50,000 gallon per day discharge directly to Back Creek. This for 63 individual housing units, with individual wells, and maintain an airstrip and lodge.

Blue Heron Environmental Network Inc., along with Valley residents and the Chesapeake Bay Foundation rallied together to appeal the NPDES permit. The groups cited the permit requirements of nutrients, the location of the facility, and the impacts of the size of the discharge to Back Creek, and its sensitive life forms as well the issue of flow rate in this segment during the summer months. During summer months during the past 8 years portions of this segment become extremely shallow to dry. Concerns of "open cesspools" were discussed as well as the safety of the area for the many private planes, and air

currents between the two mountain chains. A hearing before the Environmental Quality Board was held in June of 2009. Even though the developer is currently advertising for sale the lots on the property, and sewer, the organizations and residents have yet to hear a decision on the discharge permit,. As well in 2009 it was discovered that the original permit for the facility had expired.

For now Blue Heron Environmental Network Inc., a non-profit, (501c 3) non-political Environmental /Conservation education organization, will be gearing up for their annual spring activities of water quality monitoring, clean-ups, and studies. It will also place Tributary ID name signs close to roadway bridges over the major tributaries. The idea behind the project is not just formally recognizing the names of the streams for historical identification purposes and education, but to assist local rescue and haz-mat teams if an accidental spill would occur.

Blue Heron Environmental Network Inc., is not a watershed association, formed by the WV DEP's Watershed Association programming and funding. Nor does their work for Back Creek come under West Virginia DEP standards. Instead, the programming has been the result of cooperation from Federal, (US EPA) and other state agencies, along with National River and conservation organizations and educational institutions. Each subject within the watershed serves to educate the general public and Blue Heron Environmental Network Inc. members to promote caring for our rivers and streams. Funding for the program and the organization has come from the generous donations of time, and money from residents, members, agency small grants and National Organization Grants and considerations. Our sincere thanks to them all.

There are many other wondrous attributes that Back Creek has to offer. To list them all would be to publish a complete volume of the creeks' history. As it seems the state of West Virginia and Berkeley County continues to ignore this jewel in the Eastern Panhandle, not demonstrating their concern with protective conservation efforts, or responsible land use planning and decision making for the creek and watershed.. However, it is our hope that citizens and residents of the watershed will continue on until Back Creek and its watershed get the proper recognition is so rightly deserves among all our "crown jewels" or special wild places in our state, for now and for future generations.

GLOBAL WARMING IN WEST VIRGINIA

By Don Gasper

The National Wildlife Federation had made a study of how global warming could affect West Virginia. It furnishes most of the data used in this brief by Don Gasper.

Briefly global warming, hardly debated any longer, occurs where coal, gas, and oil are burned. The burning produces carbon dioxide gas that builds up in the earth's atmosphere, trapping the sun's heat and cause a greenhouse effect. This has raised the global temperature about 1° F in the last 100 years. The earth has not experienced such a rapid change in thousands of years. It would reshape our landscapes, our ocean levels, water resources and wildlife. The knowledge of global warming has been suppressed so long by selfish "business as usual" interests, that being ignored, action now is urgent and of course very costly.

We may see some of our West Virginia "wild and wonderful" heritage slip away as our landscape covering forests change and as outdoor recreation and tourism changes. Trout opportunity is diminished; duck hunting is diminished as breeding grounds such a prairie potholes dry up in other states. How much longer can we tout our ski slopes? Our agriculture in 1999, a drought year, experienced an 80 million dollar loss. Presently, West Virginia wildlife contributes 500 million dollars to the West Virginia economy annually, having 843,000 participants and almost 10,000 jobs depending on it.

The warming climate will shift some more southern undesirables northward: ticks mosquitoes, ants, etc., and give a new meaning to "invasive plants".

West Virginia could warm over five degrees fahrenheit by the year 2100, if we continue our business as usual approach to emission controls and global warming. This would force animals and plants to shift ranges as more extreme weather events are created and health problems in wildlife increase. We humans would be similarly affected.

West Virginia being 97% forested would see most of the changes in our forest. Already pests have spread; beetles, bugs and moths, attack our trees. The red spruce located on our highest mountain tops have no place to go as the planet warms and these sites are taken over by species adapted to warmer climates.

The flying squirrel, imbedded in the red spruce ecosystem, is truly endangered. It is only found above an elevation of 2860 feet now in West Virginia. Our native brook trout, the state fish, is presently found only in West Virginia's high elevation coldest streams. When streams are warmed at all creek chubs overwhelm them.

West Virginia is a home to 237 species of birds, 68 mammals, 39 reptiles, 18 fish, 47 amphibians, all in a great variety, interrelating and populating varied ecosystems. There will be shifts. Some will adopt, some will not. Some 38 birds nesting now in West Virginia may not survive. Our dear little black capped chickadee, the purple finch, the tree swallow and 12 warblers may not.

We must support the president's efforts at the international meeting to reduce the greenhouse gases responsible for global warming. In the last 25 years CO2 has increased 40% and there can be little doubt that the United States is responsible for most of the world's CO2 problems. We should lead in the cleanup. We should also encourage Congress too pass the Climate Stewardship Act. We should though ask for a direct carbon tax as suggested by Al Gore and Jim Hansen without all this unworkable non-transparent trading nonsense. This bill would create 650 West Virginia jobs in new energy technology by 2025, fund 4.8 million dollars for West Virginia wildlife conservation yearly and of course protect the nation's farmers.

I think that in West Virginia some of us can use our new \$2000 tax break for solar panel installation. Similarly, a new federal tax break could cover as much as 1/3 of the cost. The U.S. Dept of energy says West Virginia could generate 61% of its residential electricity, enough for 543,000 homes, by using Bio-fuel (plant fuel). Additionally, we can plant trees that in some cases can reduce air conditioning costs by half. We can switch to compact fluorescent light bulbs. We can conserve energy and use energy efficient appliances, insulate our homes, closing off unused rooms, wear a sweater, etc.

Keep Informed and support efforts to save our planet for us all. The loss of the magnificent polar bear to the predicted sea change is awesome to contemplate. We must act now for the sake of people everywhere and for future generations. A habitable planet is the gift most treasured by our children.



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

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

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TOO MANY OF US?

By Julian Martin

“Overpopulated?” Yes, you heard me right. West Virginia is overpopulated. Overpopulation exists when there are not enough jobs for the number of people who need them—or at least not enough jobs without destroying the very environment the people live in.

But even destroying the environment doesn't seem to bring more jobs, as is plainly demonstrated in coal industry employment statistics. There were over one hundred thousand coal miners in West Virginia in 1950 and about seventeen thousand in 2010. And this decrease in jobs was during near-record coal production and its requisite destruction of the mountains, trees, water, wildlife, people, and culture. So, even if we agree to let the land be raped, we still won't have high employment. They will just rape with bigger machines.

Around the year 1900 people were brought into West Virginia from the south and from Europe to mine coal. They stayed and reproduced, and the jobs declined as the population increased. With the cooperation of the union, the mines were mechanized and then mechanized again, accounting for a huge job loss. The population that was in West Virginia in 1880, when the horrendous scale of environmental destruction started, is about all this state can handle without eating the mountains like tent caterpillars on a wild cherry tree.

My people came here long before the coal companies recruited immigrants off the boats in New York and ex-slaves from the south to work the terribly dangerous mines. On my mother's side of our family, only three of us are left in West Virginia. In response to overpopulation, which combined with technology resulted in high unemployment, my mother's siblings fled to Ohio and Florida and mine to the Carolinas. I tried California but only lasted three years and had to come back, job or no job.

However, the overpopulation isn't confined to West Virginia. You can't escape it by leaving; it is worldwide, and the environment is being torn to pieces worldwide to feed, clothe, shelter and pamper some of this swarm of people. The rainforests of South America are being destroyed as are the Appalachians, waters of the world are being polluted, 5,000-year-old redwoods have been cut down, highways are “opening up” and “developing” pristine areas with strip malls, filling stations and fast food joints.

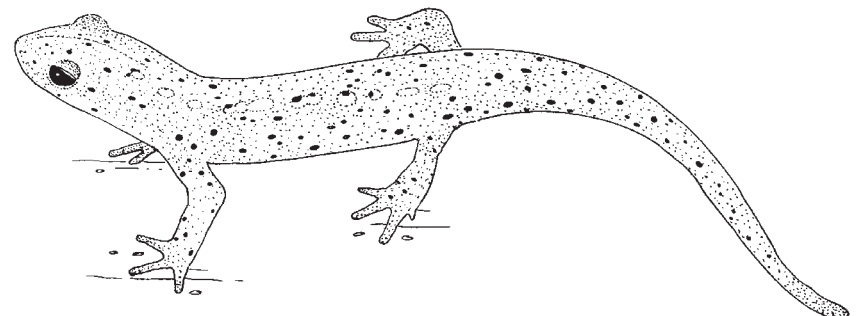
Our wasted West Virginia environment results in the sorry spectacle of people destroying limestone mountains to treat trout streams ruined by acid mine drainage from coal mines that are destroying other mountains. Fishermen following stock trucks in

order to catch trout almost before they hit the water are another sorry result of an abused environment. And there is the shame of profiteers wanting to drill 36 gas wells in Chief Logan State Park and two more in Kanawha State Forest along with the threat of mountain top removal right across the creek.

Humans are devouring the food and habitat of other species. We cannot eat the whole world and live on this planet alone in a junkyard environment. We do need the other living things. We need the salamanders. The salamander is the largest animal biomass in our forests. It is at the bottom of the food chain. Most every other animal species in the forest depends on the salamander being there in large numbers at the base of the pyramid. Salamanders don't survive on a forest floor scrambled by bulldozers. Little creatures in streams buried by mountaintop removal valley fills are vital to the life forms farther down the stream. Everything is indeed connected, including us.

We, too, are part of nature. We have a right to be here and to flourish. But humans have become an infestation on the body of the earth. The worst sores are the huge cities. As you leave the cities, the inflammation decreases and the countryside appears healthier. There is less concrete and asphalt, more green space, less noise, the air is cleaner, the water looks better, and there are fewer people. But to feed the infection in the cities, rural areas are losing their mountaintops, their streams, and their forests. The effects of the infection are spreading.

It is madness.



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