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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 46

No. 5

May, 2013

COURT UPHOLDS EPA VETO OF PERMIT FOR SPRUCE MINE

By Ken Ward, Jr.

A federal appeals court has concluded that the U.S. Environmental Protection Agency clearly acted within its legal authority when it rejected a permit for one of the largest mountaintop removal mines in West Virginia history.

The U.S. Court of Appeals for the District of Columbia reversed a lower court ruling that had thrown out EPA's veto of the Clean Water Act permit for Arch Coal Inc.'s Spruce Mine in Logan County.

Writing for a unanimous three-judge panel, Judge Karen LeCraft Henderson said that federal law gives EPA authority to veto permits that agency officials believe the U.S. Army Corps of Engineers was wrong to issue.

"The Congress made plain its intent to grant the [EPA] administrator authority to prohibit/deny/restrict/withdraw a specification at any time," Henderson wrote in a much-anticipated 15-page decision.

Coal industry officials and coalfield politicians have argued that EPA did not have the legal power to veto the Spruce Mine permit after it was issued. Their complaints about EPA's veto have been at the heart of their campaign to paint EPA as a rogue agency carrying out an illegal effort to destroy the Appalachian coal industry.

"Today's decision is a total vindication of the Clean Water Act and EPA's vital authority to protect all American communities from all kinds of environmental harm," said Emma Cheuse, an Earthjustice

lawyer who filed a legal brief for citizen groups supporting EPA's veto. "At bottom, it is a recognition that EPA and the Obama administration are on the right track in trying to deal with the devastating impacts of mountaintop removal."

Officials from Arch Coal and EPA did not immediately respond to a request for comment.

Jason Bostic, a vice president for the West Virginia Coal Association, said the ruling could increase industry efforts in Congress aimed at stripping EPA of its broad permit veto authority.

"I can't imagine Congress intended things to work this way," Bostic said. "To restore some sort of stability back into the permit process, some legislation might be required."

At issue in the Spruce case was an Army Corps-issued permit for the Spruce No. 1 Mine, an operation that environmentalist groups have been trying to stop since 1998, when it was first proposed as a 3,113-acre extension of Arch's Dal-Tex Mine that would have buried more than 10 miles of streams.

Read the ruling: <http://blogs.wvgazette.com/coalattoo/>

Then-U.S. District Judge Charles H. Haden II blocked the permit in 1999, putting more than 300 United Mine Workers union members at Dal-Tex out of work. Since then, Arch has transferred the site to its non-union operations and the Spruce Mine has undergone

(More on p. 3)

What's inside:

Thoughts from President Cindy	2	How to join	11	Women stand up	18
Roster of officers	2	Get a history book	11	Would you buy a used power	
Mining comes to Taylor County	4	End of a good thing	12	plant from this man?	19
Mining and sickness	5	Outings	13	Board highlights	20
Matters legislative	6	New way to trace frac fluids	14		
Birthplace of Rivers	8	Get a Hiking Guide	15		
Water and Wellness	8	Earth Day in Fayetteville	15		
Planting of the Spruce	9	History of Canaan Valley	16		
Oil and gas regulations	10	Lemonade from lemons	17		

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Ramblin' the Ridges

By Cynthia D. Ellis

MOTHERS' TEARS

We are doing it again. Once more the West Virginia Highlands Conservancy is co-hosting a Water & Wellness conference. On June 29-30, in Buckhannon, we will meet for the second time to hear experts and to share testimony on the problems of polluted water in Appalachia.

At the conference, not long after Mother's Day, a good number of parents---moms and dads---will be among those present.

Mothers of all ages will be there. Some will be inspired to consider continuing or beginning new activism toward safe water. Others will tell gripping stories about water sources that are no longer clean.

We know the basics---the facts that now are quoted more and more often as assaults mount on water sources everywhere. Our earth is 2/3 water but 98% of that is salt water. Our own bodies are about 60 % water and, without access to water, humans can only live for a few days. The presenters and affected persons will remind us of the importance of easily obtainable clean water and of the hardships that arise when access is denied. How does it feel, when affected by mining or gas drilling, to no longer be able to open the tap? How does it feel to be forced to continue to make the extra effort to help keep those around you clean and healthy... children, pets, livestock? What can individuals and communities do?

Those of us not directly affected by water loss at present can be very helpful in efforts for those who are struggling. To start, we may need to think beyond our every day experiences. Here in West Virginia, despite much evidence to the contrary, we tend to think of water as plentiful and safe. We are not the American West, grappling with multiple water use issues that include prohibitions in some states from collecting rain water. We are not African areas where some women and children may trudge 8 hours each day to get to a water source. We do not have water rationing, nor do we depend upon desalinization processes.

We tend to think of our long list of rivers in the Highlands and nearby as mostly scenic and as sources of happy outdoor experiences. We may even have been drawn to WVHC through contact with the South Branch, New, Gauley, Kanawha, Little Kanawha, Cranberry, Elk, Guyandotte, Tug Fork, Monongahela, Shavers Fork, Cheat, West Fork, Tygart Valley, Greenbrier, or Bluestone Rivers. It is easy to be alarmed about threats to the beautiful and bigger streams. But it should also be noted that the dangers to children, families, and communities in the watersheds of these rivers include impacts to the tiny tributaries and underground water sources too. Threats may not be visible on the rivers, but may be documented upstream. Every component must be considered. It all fits. We can each contribute to, and learn from information about effects from extractive industries and other human activities. The Water & Wellness Conference is a good opportunity to do that.

Afterward, in *The Highlands Voice*, we will want to share reports and associated links for more information online. But, experience the conference first hand, if possible. We look forward to seeing you there!

And a last note---as this is being written Mother's Day has not quite arrived. I'm remembering my own mother, Helen McCoy Dunlap---a mother, grandmother, and registered nurse---who was born near the banks of Salt Lick in Braxton County. Along with concern for wellness, she was especially tender hearted concerning babies and toddlers. She would be pleased to know that several in her family---as members of WVHC--- are contributing through their memberships toward improving health for other families. That's likely true for your mother too.

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COURT APPROVES VETO OF SPRUCE MINE PERMIT (Continued from p. 1)

one of the most detailed environmental studies ever in the coal industry.

Under Section 404 of the Clean Water Act, the corps generally reviews and approves these permits, which allow mining operators to bury streams with millions of tons of waste rock and dirt. The Spruce case focused on exactly how much authority EPA has to step in and block such waste dumping if it believes the damage is too great or could have been avoided.

Corps officials in January 2007 issued a permit for a scaled-back version, a 2,300-acre operation that would bury more than seven miles of streams. The mine eventually would employ 250 workers and mine about 44 million tons of coal over about 15 years.

EPA officials have questioned the Spruce Mine from the beginning and, in a comment letter submitted to the corps under President George W. Bush in 2006, complained about the potential impacts and said more changes in the operation were needed.

In January 2011, the EPA rescinded the corps' approval for Arch to dump waste rock and dirt into 6.6 miles of Pigeonroost Branch, Oldhouse Branch and their tributaries. The agency said it would allow mining to continue on another portion of the site, burying nearly a mile of streams in the Seng Camp Creek watershed, because work there already had begun.

EPA cited the growing scientific evidence that mountaintop removal significantly damages water quality downstream, and noted an independent engineering study that found Arch Coal could have greatly reduced the Spruce Mine's impacts.

The Clean Water Act section at issue in the case gives the EPA authority to prohibit the dumping of waste into streams and grants the agency authority for the "withdrawal" of streams or stream segments as waste-dumping sites. The law says the EPA can use that authority "whenever" the agency determines a permit "will have an unacceptable adverse effect on municipal water supplies, shellfish beds, and fishery areas . . . wildlife or recreational areas."

Arch Coal's Mingo Logan subsidiary appealed the EPA veto. In a March 2012 ruling, U.S. District Judge Amy Berman Jackson sided with the company, saying the veto was "a stunning power for an agency to arrogate to itself when there is absolutely no mention of it in the statute."

In its Tuesday decision, the appeals court said the Clean Water Act contains "unambiguous language" that "manifests the

Congress's intent to confer on EPA a broad veto power extending beyond the permit issuance."

"Section 404 imposes no temporal limit on the administrator's authority to withdraw the corps' specification, but instead expressly empowers him to prohibit, restrict, or withdraw the specification 'whenever' he makes a determination that the statutory 'unacceptable adverse effect' will result," the appeals court said.

Henderson, who wrote the appeals court decision, was appointed by President George H.W. Bush. The other two judges who heard the case -- Thomas B. Griffith and Brett M. Kavanaugh -- were appointed by President George W. Bush.

This story originally appeared in *The Charleston Gazette*.

WHAT HAPPENS NEXT?

Mingo-Logan had originally challenged the Environmental Protection Agency's decision on two grounds. First, it contended that the EPA did not have the authority to veto the permit issuance by the Corps of Engineers. Second, it contended that, even if EPA had the authority, it exercised it arbitrarily and capriciously.

The United States District Court ruled that EPA did not have the authority to veto the permit. If, as the District Court held, EPA did not have the authority to veto under any circumstances; it is irrelevant whether or not it acted arbitrarily and capriciously in this case. The District Court never addressed the question of whether EPA acted arbitrarily or capriciously.

Now that the Court of appeals has held that EPA did have the authority, the District Court must determine whether it exercised that authority in an arbitrary and capricious manner.

The case must now go back to the District Court. There, the District Court will determine whether EPA exercised its veto authority in an arbitrary or capricious way.

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.

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.

TAYLOR COUNTY WEST VIRGINIA EXPERIENCES

THE BLIGHT OF COAL

By Beth Baldwin

Taylor county West Virginia is the home to the beautiful majestic Tygart Lake State Park and dam. The history of this West Virginia County includes historic railroads, rural forests for hunting and one of WV's largest lakes for boating, fishing and fun.

In the past year Taylor County has also been infected by the blight of coal that threatens to devastate the health and destroy the waters and lands. The once pristine forests now harbor deep shafts of the first of many long wall mining operation brought to the lands courtesy of Arch coal. With this descent come the putrefy ponds of sludge and slurry lanced deep within the valleys, hidden from the public eye.

Taylor Environmental Advocacy Membership (TEAM) has witnessed the festering works of this Arch production and probable plans that will turn this once quiet Bedroom County into yet another environmental cesspool of coal waste.

The Taylor Environmental Advocacy Membership was created in 2005 by a coalition of concerned citizens of Taylor county in response to the International Coal Group's (ICG) first of four mines planned for Taylor county. What were then known as International Coal Group or ICG holdings were subsequently sold to the current owners, Arch Coal. Although the permits and plans remain as originally processed by ICG, the moving target of owner ship and permitted responsibilities has subsequently changed the name of Tygart #1 to the now Leer mine.

Coal mining is not entirely new to Taylor County. The county has been haunted by its much distant past mining operation dubbed the old Cecil mine. No mining had been permitted to this vast extent ever in Taylor County until the recent applications. Thus Taylor's former designation as one of the few counties in WV not considered a coal county. The permitting of ICG Tygart #1 changed this distinction. The decision to mine the notoriously high iron, aluminum, manganese and possibly selenium Kittanning coal seam was now made profitable by the over seas market in China. The environmental pollution known to accompany this coal prevented the coal from being burned in the US coal fired power production plants. But ironically China pollution and demand have risen unchecked to the world. Therefore profitable sale of highly polluting coal will be allowed to suffocate the earth through China's trade.

The Leer mine will be a vast long wall mine that would undermine approximately 6,000 acres. Furthermore it would be the first of 4 mines that would encompass at a minimum 14,000 acres in Taylor County. It was also permitted that the mining operation would include the disposal of waste rock in an in-stream fill and also fill streams to construct a sediment pond. [Note that this activity will impact 5,567 linear feet or just over 1 mile of stream.] The permits show the entire planned slurry refuse impoundment will impact another 11,302 feet or over 2 miles of stream.

A preparation plant would occupy the site to process all of the coal mined by Arch throughout the county. The company would extend a haul road(s) directly to the plant to truck coal from the various other planned mines as well.

The approved slurry cell will hold 42, 867,109 tons of refuse total over the period of mining. This will encompass 259 acres upon completion of the stream fill dam in Rocky Branch and the overflow will be received in 3 Forks creek. The Leer mine will also be allowed

to mine under the slurry cell according to the permit, a practice that has proven devastating in prior environmental disasters.

In June of 2008 West Virginia Highlands Conservancy and local watershed groups joined with TEAM in challenging permits of the originally proposed mine. The challenges were heard and tried by the WV Environmental Quality Board, the Office of Surface Mining and the Corp of Engineers. The groups joined to assure the permitting process was legally vetted in every way and by every avenue allowed by the legal limitations of state and federal law. The group's goal and mission have been to protect the waterways and lakes that bless Taylor County in abundance. The group has worked to assure appropriate water monitoring and to educate the local citizen in their rights and minimum protections afforded by West Virginia law. The group currently hopes that through joint efforts they



may bring maximum benefit to the county and its residents and visitors while attempting to minimize and monitor for damages and restitution.

In June of 2010 the final order to allow the Leer mine to proceed with a few added monitoring sites was granted. Arch Coal began the slope of the Taylor County mine by 2011. The groups were successful in obtaining a few small concessions in the company's permits: room and pillar mining will replace longwall panels next to the Tygart Lake, extra space will be allowed between the active mining and the location of the uncharted old water-filled Cecil Mine, and a little more room was allowed as a buffer to the Tygart lake dam.

Currently Leer mine has created the processing plant, haul roads; slurry cells and is pulling coal from the initial permit area. In January, 2013, Shelby Run Mining Co. LLC (another related Arch subsidiary) received a permit from DEP for the second deep mine. The water permits are in process. There will be two years of construction prior to coal production of this mine. The current permits are for less than 2500 acres. Because this is a small portion of coal

(Continued on the next page)

MORE ABOUT MINING IN TAYLOR COUNTY (Continued from previous page)

reserves owned, it is expected this acreage will expand greatly. This second mine is initially planned as a room and pillar mine and will produce 700 thousand to 1 million tons per /year. The coal will be trucked to another Arch coal facility for processing. The third mine being planned for the County is the Tucker Run mine. Land has been purchased in the location of the planned portal entrance but as of yet the permit applications have not been filed. The company claims this mine will be a room and pillar mine with a production annually of estimated 500- 700 thousand tons. The coal will also be trucked off site to nearby Arch prep plant.

The three active and proposed mines only cover 20 % of Arch Coal's 68,500 acres of Kittanning coal holdings in Taylor County. TEAM expects an extension of all 3 permitted areas during mining process, with additions of an additional mine in the Valley Falls area across from the Martinka mine and another in the Rosemont area of Taylor County, yet to come.

TEAM knows that the **water and future of Taylor County relies on each of us. We vow to keep up the persistence, monitoring and fight to protect our families, future and our lands. Wish us luck!!!!!!**

MINING MAKING PEOPLE SICK

By John McFerrin

For the evening program during the Highlands Conservancy Spring Review, we heard a presentation from Dr. Michael Hendryx. Dr. Hendryx is Professor and Interim Chair in the Department of Health Policy, Management and Leadership in the School of Public Health at West Virginia University.

For the last several years, Dr. Hendryx has been studying the relationship between coal mining and public health. His findings are dramatic. He has now published or jointly published twenty five articles in peer reviewed academic journals. In the studies, he and the researchers with whom he cooperates have compared rates of various diseases in counties where coal mining is present with rates where there is no mining. The comparisons consistently show markedly greater incidents of a wide variety of diseases in the coal mining counties.

The diseases include heart, cardiovascular, respiratory, and kidney diseases. Even after controlling for such factors as smoking, access to health care, poverty, age, obesity, etc. the effect still appeared. His studies determined that people in Appalachian mining areas report more days of poor health and limitations upon their activities as well as cancer, hypertension, asthma, and family illness. The effects were concentrated in mountaintop mining areas.

The studies also found higher rates of birth defects in mining counties. These birth defects included circulatory/respiratory, urogenital, musculoskeletal, gastrointestinal defects. The discrepancies between mining and non-mining counties appeared even after researchers accounted for factors other than mining which might explain the differences

between mining and non-mining counties.

Dr. Hendryx discussed what is sometimes known as the Appalachian effect. It is well established that counties in Appalachia have poorer health outcomes than the nation as a whole. What his studies have revealed, however, is that the poor health outcomes are concentrated in coal mining counties. If those coal mining counties are not considered, the health outcomes in Appalachia are about the same as in the rest of the country. The "Appalachian effect" disappears.

Dr. Hendryx summarized the findings of the epidemiological studies this way:

- Effects become stronger as mining levels increase
- Present for women, men, and children
- Present across multiple data sources and health outcomes
- Become stronger in closer proximity to mining activity
- Concentrated in MTM areas
- Pattern of disease effects

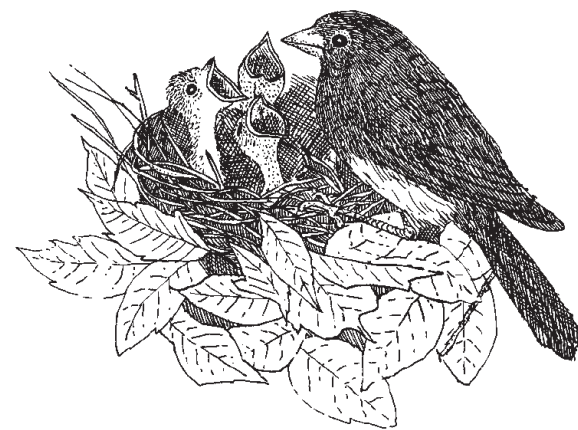
The studies do not answer the question of the exact mechanism by which the mining causes the health effects. They don't say whether the disease is a result of bad water, bad air, noise, all of these, or something else. They just say that people who live near mining are less healthy than similar people living in similar communities where mining is not present.

Dr. Hendryx characterized as overwhelming the epidemiological evidence that people in mining areas are less healthy than people living in areas where there is no mining. What is not known is how

mining is making people sick. Researchers are currently working to determine the mechanism.

One possible mechanism is the ultrafine particles that are present in mining areas. These are dust particles that are small enough to penetrate deep into lungs and even reach the bloodstream. It is known that these particles are more prevalent in mining areas. What is as yet unknown is how exposure to these particles affects human health.

So far as policy is concerned, Dr. Hendryx advocated following the precautionary principle. We know that people are sicker in areas where there is mining. Even if we don't know the mechanism by which mines are making people sicker, this ignorance should not deter us from acting. Those who wish to continue mining should be required to justify continuing to mine in the face of this evidence. Application of the precautionary principle would eliminate mountaintop removal mining.



WRAPPING UP THE 2013 LEGISLATIVE SESSION

By Donald S. Garvin, Jr. and Denise Poole, West Virginia Environmental Council Lobbyists

The 2013 Regular Session of the West Virginia Legislature ended at midnight on Saturday, April 13. The session was shaped by an influx of new delegates, primarily from the southern coalfields, who were committed to pushing the legislative agenda of the WV Coal Association. As John McFerrin, editor of *The Highlands Voice* likes to put it, there was a lot of “sausage” being made, and it was definitely ugly to watch.

Here is the outcome of a list of environmental bills the Legislature dealt with this session.

Selenium – The Legislature passed **HB 2579**, which will delay efforts to force the coal industry to clean up its toxic selenium pollution. The bill eliminates the compliance schedules for coal companies to meet the current federal EPA water quality standard for selenium, and mandates that the WV Department of Environmental Protection (DEP) issue new “state specific” selenium standards that could be weaker than the current EPA standards. To accomplish this, the bill requires DEP to establish a new “threshold” for selenium discharges, and to implement a plan to monitor and conduct fish surveys of selenium discharges. The legislation gives DEP two years to propose new site specific criteria to the legislature. While EPA would have to approve any change to the current selenium standards, this legislation itself is an attempt to push EPA to weaken the standard. Particularly galling is this note at the end of the bill language: “The purpose of this bill is to **protect state waters** by creating an implementation plan to establish state specific selenium criteria.” (For a discussion of the bill when it was still just pending, what it is intended to do, who it helps, etc. see the story on p. 6 of the March, 2013, issue of *The Highlands Voice*.)

“The West Virginia Coal Employment Enhancement Act” – **HB 3072** would have provided coal companies an additional \$3 per ton credit against severance taxes on coal sold to WV power plants and other industries who increase their consumption of West Virginia coal above 2012 production. In responding to a question in Senate Energy, Industry & Mining Committee (EIM) about how much help this would really give the industry, WV Coal Association President Bill Raney replied, “Senator, we’ll take all the help you can give us.” Talk about

corporate welfare! The Senate Committee on Energy, Industry, and Mining passed the bill unanimously. The bill next went straight to Senate Finance. After significant lobbying by groups such as the *Center on Budget and Policy* and the *WV Education Association* (and WVEC), Senate Finance Committee Chairman Roman Prezioso (D-Marion) did not place it on the agenda. So there, it died.

Environmental Quality Board – The Legislature passed **HB 2571**, which makes



West Virginia State Food

members of state agencies (other than DEP) eligible to serve as members of the state Environmental Quality Board. This is a blatant attempt to stack EQB with state employees from the Department of Agriculture and the Division of Forestry, agencies that exist primarily to promote industry, not to regulate it.

WV Land Stewardship Corporation – The Legislature passed **HB 2590**, which creates a private non-profit corporation that could by-pass current brownfields law. The purpose is supposedly to work in conjunction with brownfields law, but to stimulate the clean up and reuse of “idled and underutilized commercial, industrial and mining properties.” Our biggest concern is the tax burden that could be placed on counties where these sites are located, as the new owner can be exempted from county property taxation. Our other concern is that this seems to be a way to allow DEP to avoid its current legal obligations for clean up of these sites. The only positive thing we see in this legislation is that the Governor has to appoint someone representing the West

Virginia Environmental Council to serve on the corporation’s board of directors. At least we will know what’s going on.

Jurisdiction Over Mining Operations – The Legislature passed **HB 2352**, “Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator’s obligations or liabilities under the Water Pollution Control Act.” However, the final version of this legislation stripped the language terminating the DEP’s jurisdiction of mine sites, and left only tax credits for a coal company that volunteered to reclaim an abandoned site. Two other bills supported by DEP – **SB 424** and **HB 2826** – would also have “relieved” the DEP of its reclamation responsibilities under the Clean Water Act, but neither of these bills were taken up by committee. Count this one as a victory!

“The Intrastate Coal and Use Act” – Early in the session the House Energy, Industry & Labor/ Economic Development & Small Business Committee passed **HB 2597**, a coal industry bill which would eliminate federal oversight of coal mined and burned within the state. The measure was blatantly unconstitutional. Thankfully, the bill died a fitting death when the House Judiciary Committee did not take it up for consideration.

Making Protesting a Felony – In its original version, **SB 488** could have resulted in protestors arrested at mine sites being charged with a felony, simply for exercising their constitutional rights. Fortunately, the bill was amended with far weaker language in Senate Energy, Industry and Mining Committee. The bill passed the Senate, but died in the House when the House Judiciary Committee did not take it up for consideration.

Other Bad Legislation that Died in Committee:

- **SB 629**, Limiting liability of landowners, operators and contractors in water pollution abatement projects.
- **SB 98**, Creating the Shale Research, Education, Policy and Economic Development Center at WVU.

(More on the next page)

MATTERS LEGISLATIVE (Continued from previous page)

- **SB 449**, Removing the ban on disposal of electronic devices in landfills.

- **HB 3148**, the “ATV and UTV Recreation Act”, the bill would have allowed ATV use on all public lands, including the Monongahela National Forest.

Energy Bills Also Took a Beating:

- **HB 2803**, Requiring electric utilities to implement integrated resource plans (EEWV bill). On March 29, 2013, House Judiciary amended this bill with a strike and insert amendment into HB 2176. The bill died on an 11 – 11 committee vote.

- **HB 2210**, Relating to energy efficiency for utilities and their customers (EEWV bill). This bill was never considered in committee.

- **SB 551** and **HB 2875**, Continuing the residential solar energy tax credit which expires this year. Both bills died in committee.

- **SB 185**, Tax Credits for Alternately Fueled Vehicles. This was the Governor’s bill that removed electric and hybrid-electric vehicles from eligibility for the alternately fueled vehicle tax credit. The Legislature passed the bill.

A Couple of Positive Things:

- **HB 2805** – In a real victory, the Legislature passed this legislation, **making the Supreme Court Public Campaign Financing Act permanent**. Congratulations to all our friends who have worked so

hard for years on making this happen!

- **SB 158** – The Legislature passed this bill, known as the “**Complete Streets Act**”. The purpose of the bill is to “insure that streets are safe, efficient and convenient for travel by all users, including pedestrians, bicyclists, motorists and transit riders, in the policies, design guidance, planning, development, construction and maintenance of roads in this state.”

Finally, “Be It Resolved . . .”:

In addition to legislation changing state law, both the House and Senate routinely pass “resolutions”. Resolutions are non-binding and generally express the feelings of legislators on a variety of different issues, ranging from the sublime to the ridiculous.

For example, this year there was House Concurrent Resolution 84, declaring the “pepperoni roll” to be the official State Food of West Virginia.

Then there was House Concurrent Resolution 80, “urging the US Congress to move West Virginia from the Environmental Protection Agency’s Region 3 office to the Region 4 office in Atlanta”, an obvious slap at “EPA’s War on Coal.” This resolution actually passed the House, but died in the Senate.

But of particular significance to the WV Highlands Conservancy Board of Directors, both the House and Senate passed resolutions “Calling upon the United States Congress to propose a constitutional amendment overturning the Supreme Court’s United v. Federal Election Commission ruling” on “corporate personhood”. The House resolution passed by a recorded vote of 60 to 39, with one not voting. The Senate resolution passed by voice vote. Chalk one up for the good guys!

► Our newest online store items are shirts for the entire family. 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



GROUPS PUSH FOR DESIGNATION OF THE BIRTHPLACE OF RIVERS NATIONAL MONUMENT

Designation would stay under Forest Service management, provide strong protections to one of the Monongahela's most special wild landscapes

High in the mountains of the southern Monongahela National Forest lies a celebrated Appalachian landscape home to dense forests, tundra-like wetlands, scenic vistas, unique geologic features and extensive aquatic resources. The proposed Birthplace of Rivers National Monument would provide an opportunity to preserve and restore some of the Mid-Atlantic's most significant native trout streams and rare spruce forests, as well as honor the rich history and cultural legacy connected to one of the eastern United States' largest remaining tracts of wild territory. Once-important grounds for the sustenance of early indigenous people, the landscape remains cherished for the time-honored traditions of hunting, fishing and gathering. The monument would safeguard the special area surrounding the Cranberry Wilderness while ensuring continued access, exploration and enjoyment for future generations.

We've all heard of National Monuments before, but what are they exactly? Historic homes, archeological sites, multi-million acre wild landscapes? The correct answer would be "all of the above". National Monuments, broadly defined, are special designations which preserve public lands possessing unique values, whether scenic, cultural, historic, geologic or scientific. Monuments are managed by a variety of federal agencies, including the U.S. Forest Service, National Park Service, Bureau of Land Management and the U.S. Fish and Wildlife Service. They may be designated either by an act of Congress, or by presidential proclamation. Thus far, President Obama has designated eight National Monuments all across the country including historic sites, large landscapes with significant conservation value, and everything in between.

The potential Birthplace of Rivers National Monument contains some of the most iconic natural features in the East, including Cranberry Glades and Falls of Hills Creek, as well as the Cranberry and Tea Creek Backcountry Areas. The area under consideration contains headwaters or tributaries of the Cranberry, Cherry, Gauley, Greenbrier, Elk and Williams Rivers. In recovering from the scars of an industrial past, this culturally-celebrated landscape

has become one of the most storied outdoor destinations in the east.

In 2009, when the West Virginia Highlands Conservancy joined other conservation organizations, businesses and individuals to celebrate the successful Wild Monongahela wilderness campaign, we knew there would eventually be a next step to further preserve threatened wild areas on the Mon. Immediately after the passage of the Wild Monongahela Act, special places such as Roaring Plains, Seneca Creek and the Cranberry Backcountry were suddenly threatened by potential leasing and exploration for natural gas. Areas not protected as Wilderness are always subject to future administrative changes which could drastically change the management emphasis and open the door to a variety of industrial threats. A broad coalition has joined forces to seek more permanent protection for one of West Virginia's most iconic landscapes by advocating for the establishment of the Birthplace of Rivers National Monument.

Unlike Wilderness designation, there is no defining statute (i.e. The Wilderness Act) dictating how a National Monument must be managed. Therefore, a broad coalition of supporters, local elected officials and members of local communities have been engaged in a collaborative process to determine what a monument on the Monongahela National Forest would look like. Though each group brings a certain set of priorities to the table, there is consistent overlap in our shared desires to see this area preserved and enjoyed by future generations. Through an ongoing collaborative process, several key provisions have been identified, helping to define an agreed-upon designation.

Some of these provisions identified by local leader or stakeholder groups include:

- The monument shall remain part of the Monongahela National Forest and be managed by the U.S. Forest Service
- Restoration of trout streams and red spruce communities shall be promoted values of the monument
- The monument shall not limit access to activities such as hunting, fishing or foraging for wild foods
- Fish and wildlife management responsibilities shall continue under the jurisdiction of the West Virginia Division of Natural Resources

Proposed management of the monument, as well as final proposed boundaries, are being determined through a collaborative stakeholder process, as well as a series of local proposal workshops, designed to generate constructive input and increase community buy-in in the proposal process. The next public proposal workshop will be held on Monday, May 20 at 6 p.m. at the Opera House in downtown Marlinton. For more information about the public workshops or the Birthplace of Rivers National Monument initiative, contact info@birthplaceofrivers.org.

Save the Date!

Wellness and Water II:
Health Impacts of Fossil Fuel Extraction
Forum
June 29th-30th 2013.
West Virginia Wesleyan College, in
Buckhannon, WV
www.wvwc.edu/

Due to the positive response to our September 2012 Forum, we are expanding this event beyond the half day format. Keynote and community speakers and workshops related to both coal and gas impacts.

Overnight housing and meals will be available.

Fee: \$40 for the event including meals but not lodging

Keynote Speakers so far:
Tom Darrah, Duke University
Leslie Fields, National Sierra Environment
Justice Projects
Grant Smith, Civil Society Institute

More detailed information to come
Or contact Cindy Rank at crank2@gmail.com
or 304-924-5802
Co-sponsors include OVEC, WVHC, WV
Sierra, WVSORO

The Planting of the Spruce



Along with about 100 or so others, Cub Pack 81 from Kingwood planted 5,000 Red Spruce on the Canaan Valley National Wildlife Refuge over the Earth Day weekend.

After attending a presentation about the Highlands Conservancy's work to protect and restore the High Elevation Red Spruce Ecosystem at the Alpine Lakes Boathouse in Terra Alta, the ladies from the Cranberry Mountain Garden Club went to Cranesville Swamp and planted 100 red spruce seedlings beneath a declining red pine plantation adjacent to the swamp.



BROAD SUPPORT FOR A GROWING INITIATIVE

Whether organizations join the Birthplace of Rivers initiative because they wish to establish stronger protections for fragile headwaters, or they want to preserve and promote resources important to an outdoor recreation economy, support for the initiative is rich, diverse and ever expanding. The following organizations have been involved in the Birthplace of Rivers initiative, providing strong support and input to collaboratively define a vision for West Virginia's only National Monument.

- West Virginia Wilderness Coalition and its partner organizations, including the West Virginia Highlands Conservancy
- West Virginia Rivers Coalition
- Eight Rivers Council
- West Virginia Trout Unlimited

- Greenbrier River Watershed Association
- West Virginia Council of Churches
- Christians for the Mountains
- Greenbrier County Convention and Visitors Bureau
- Pocahontas County Convention and Visitors Bureau
- Greenbrier Valley Land Trust
- Hillsboro Library Friends
- Greenbrier County Historical Society
- International Mountain Biking Association
- City of Lewisburg
- Pocahontas County Free Libraries

Help the initiative grow: Are you involved in an organization or business that hopes to see the southern Mon's wild territory, iconic features and vast water resources better

preserved? Visit birthplaceofrivers.org or contact info@birthplaceofrivers.org for more information.

EXPLORE, CONNECT, GET INVOLVED!

Visit birthplaceofrivers.org to find out more information about this historic initiative and sign up to get involved. Learn what you can do to help the initiatives many partner groups advance stronger protections for a threatened landscape on the Monongahela National Forest.

Also, be sure to visit the Birthplace of Rivers National Monument Initiative on the following social media sites:

- Facebook.com/BirthplaceOfRivers
- Instagram.com/BirthplaceOfRivers
- Twitter.com/BORMonumentWV
- Youtube.com/BirthplaceOfRivers

LEGISLATURE PASSES WEAKENED OIL AND GAS RULE

By Don Garvin, Jr., West Virginia Environmental Council Legislative Coordinator

Almost a year ago, the WV Department of Environmental Protection (DEP) proposed a new rule (35CSR8) to implement the Horizontal Well Control Act (*think Marcellus shale*) which the Legislature adopted in Special Session in December of 2011.

The proposed rule went through the normal rule-making process, including public comment and consideration and approval by the Joint Legislative Rule-Making Review Committee. It was a pretty good rule, limited only by the limitations of the overriding statute, the Horizontal Well Control Act.

However, when the rule was taken up for consideration by the Senate Energy, Industry and Mining Committee (EIM) this session, the committee adopted an amendment weakening the “trade secrets” provisions for fracturing fluid contents contained in the proposed rule, along with a “gag order” to prevent medical personnel from revealing that information to the public. Senate EIM committee chairman Doug Facemire (D-Braxton) said that the amendment “had been agreed to by Halliburton and DEP”.

Halliburton is an oil field service company that has been operating in West Virginia for decades. The company provides chemicals, equipment and technology for cementing well casing and hydraulically fracturing oil and gas wells. The company holds numerous patents and trademarks on its products, which compete with other oil field service companies in the marketplace.

Until now, Halliburton has been competing successfully for business in West Virginia drilling operations with just the “trade secrets” provisions provided by state law. But this year Halliburton lobbyists told legislators that the company needed additional protections.

They said that Halliburton had developed a new “CleanStim® Hydraulic Fracturing Fluid System” that “provides exceptional fracturing and environmental performance as compared to traditional formulations.”

They claimed that CleanStim® “uses a new fracturing fluid formulation made with ingredients sourced from the food industry,” and that, “Acquiring the ingredients from the food industry provides an extra margin of safety to people, animals and the environment in the unlikely occurrence of an incident at the wellsite.”

Oh, but before I forget it, the information on their website also includes the following disclaimer: “Intended Use - The CleanStim formulation is designed for use in hydraulic fracturing. Even though all the ingredients are acquired from food suppliers, **the CleanStim fluid system should not be considered edible.**”

At any rate, Halliburton lobbyists convinced the DEP and enough legislators to accept an amendment to the new Horizontal Drilling Control Act rule that would allow the company not only to protect the CleanStim formula, but also to hide the **specific ingredients** as trade secrets.

They accomplished this by threatening **NOT** to use CleanStim in West Virginia unless the amendment was adopted, even though the process is not yet in widespread use, and has never been used here.

Well, the full Senate passed the rule as amended.

When the House Judiciary committee took up the rule, they first adopted an amendment by Del. Barbara Fleischauer (D-Monongalia) that would have removed the “Halliburton Loophole” amendment on trade secrets and confidentiality agreements for physicians that was passed by the Senate.

However, when it was pointed out that adopting Fleischauer’s amendment would prevent consideration of other amendments that had been filed, Del. Fleischauer withdrew her amendment.

Then the committee adopted three other amendments to the rule. One required Water Management Plans to be posted or available at the location of water withdrawals. A second required that Material Safety Data Sheets required by OSHA be available at the well site. And the third changed the physician confidentiality agreements provision to read as follows:

10.1.e. In the event of a medical emergency or for purposes of diagnosis of a patient who has been exposed, or may have been exposed, to a chemical used at a well drilling operation, the operator or service provider shall provide the contents of the chemicals used at the well site. A health care professional shall only use the information provided by the operator or service provider for diagnosis or treatment of an individual, and the operator or service provider may provide notice to the health care professional at the time of release of information, that the information provided is solely for diagnosis or treatment of the individual, that the information may be a trade secret, and that disclosure to others for any other purpose may subject that health care professional or the other persons so disclosed, to legal action by the operator or service provider for violation the operator or service provider’s trade secret.

Then the committee went back and reconsidered Del. Fleischauer’s amendment to remove the entire Senate EIM amendment. Her amendment was defeated by a vote of 5 to 20.

So, the Senate amendment was improved somewhat by the House, particularly the section dealing with physician confidentiality. But the trade secrets provisions in the amendment were unchanged. And that’s basically the final version that passed both chambers.

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 ATTEN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



Join Now !!!

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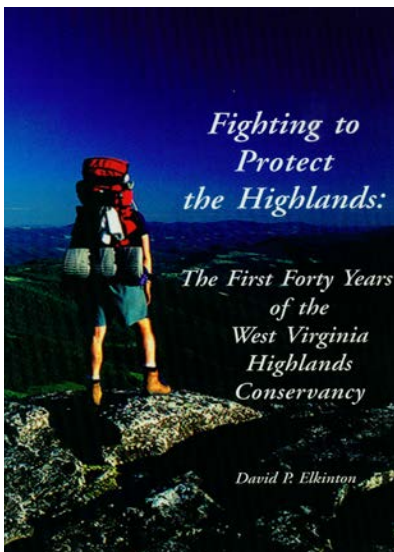
Membership categories (circle one)

	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, 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.

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



MOUNTAINTOP REMOVAL ROAD SHOW COMES TO AN END

By Dave Cooper

After 9 years of travelling across America on the Mountaintop Removal Road Show, and after giving over 875 slide show presentations in 26 states to student, church and community groups about the destruction of the Appalachian Mountains in Kentucky, West Virginia and Virginia caused by mountaintop removal coal mining, I have decided to stop.

I was able to speak to tens of thousands of people over the past nine years - mostly college students - and I distributed nearly 4,000 free copies of my mountaintop removal DVD to students, teachers, public libraries and elected officials. I tabled at countless fairs and festivals, and distributed thousands of pamphlets and brochures about mountaintop removal. I mailed a monthly newsletter to over 25,000 people to keep them informed about important news and upcoming events. On the Mountain Justice You Tube channel that I created, I have gotten over 600,000 views. And images from my website have been featured in dozens of books, including several textbooks for school children.

I was fortunate to have many wonderful travelling companions with me on the road, but I will always remember fondly the time that I spent travelling with the late Larry Gibson and Judy Bonds. To all of the other folks who ever travelled with me, or helped set up speaking engagements, or hosted me in your home or fed me over the past nine years, I offer my sincere gratitude. It's been a blast.

Doing the road show for nine years as an unpaid volunteer has had many rewards and I have made so many good friends, but it has also been mentally, physically and financially taxing. I have slept in cars, tents, parking lots, spare bedrooms, and way too many cheap motels. There have also been a few bedbugs. But your kindness and generosity over the years has kept me going.

I believe that we have successfully made mountaintop removal coal mining a well-known national issue. There have been countless books, magazine articles and films - and a really cool poster - made about the topic, and the state of the campaign against mountaintop removal is healthy. National environmental groups such as the Sierra Club and Rainforest Action Network have pumped major energy, resources, legal expertise and funding into the campaign. The use of direct action that was the hallmark of Mountain Justice in the early days has now spread to the anti-fracking and the tar sands

campaigns. And students across America continue to organize and pressure their administrations to shut down their coal plants and switch to clean energy on their campuses.

We haven't stopped MTR yet, but the tide has turned: The percentage of America's electricity generated by burning coal has now dropped from 50 percent to well below 40 percent. We have gone from a time when Vice President Cheney proposed building "one new power plant per week, every week, for the next twenty years" to a time when coal fired power plants are shutting down all over America. I hope it isn't too late.

Other folks are still travelling and speaking - most notably Eric Blevins and the good folks at Mountain Keepers. If you would like to have a speaker from Appalachia come and speak to your student group, on your campus or at your church or community group, contact the Keepers of the Mountains by going to their website. This is Larry Gibson's organization and I encourage you to support it with a donation. Eric Blevins was my stalwart travel partner for many years and he can be reached at ericblev@hotmail.com

I am still staying involved with the mountaintop removal issue by hosting students on Alternative Spring Breaks in eastern Kentucky. We have put together a great program that teaches students about coal and mountaintop removal, respect for the music, history, people and culture of Appalachia, and appreciation for the beauty of the mountains. We also do community service projects - planting trees on an abandoned strip mine site and weatherizing the homes of low-income residents to help reduce their electricity consumption.

In March we hosted three weeks of student groups from Northeastern University, St' John Fisher College, Nazareth College, Drew University, University of Connecticut, University of Baltimore, UNC-Greensboro, and Harvard. We were fortunate to have some really great students this year. In May we will host Xavier University, then later in the year we will host the Gap Semester program for incoming students at Elon University, and also a group from Brandeis University.

You can read more and see some pics from our alternative spring break program here. We provide safe, clean indoor lodging, with all meals and a full week of activities. Trips are available year-round.

BUMPER STICKERS

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

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



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

By David W. Saville, Chair, Public Lands Committee

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

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

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

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

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

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

This Land is Your Land - Events Calendar

Please RSVP if you are planning to attend an outing! For more information, visit www.wvhighlands.org, or contact Dave Saville at daves@labyrinth.net.

Sunday, June 2, 2013, *This Land is Your Land* - Greenbrier Ranger District, Monongahela National Forest, Bartow, WV, 1 pm. Management of our National Forest happens at the District level. At this outing we will meet with District Ranger, Jack Tribble, and Wildlife Biologist, Shane Jones who will give us a tour of the District offices, and briefly describe the Forest's decision making process and management from a District level perspective. This is the first of two visits to the District this year. This trip we will learn about the restoration and reclamation of the aquatic and terrestrial ecosystems on old strip mines. As part of the "Mower Tract," an area of 60,000 acres purchased from the Mower Lumber Company in 1989, numerous formerly strip mined areas are being restored. We'll visit the Lambert Run and Barton's Bench project areas to see some of the highly acclaimed restoration work the Forest Service is accomplishing through creative partnerships and leveraged funding.

Sunday, July 13, 2013, *This Land is Your Land* - Canaan Valley State Park, 1 pm. At this event, we will visit with Park Superintendent, Rob Gilligan, at the Canaan Valley State Park Nature Center. Rob will discuss the management of the State "Resort" Parks as well as the new Lodge and Conference facilities. We will then take a car tour, and a few short hikes, to visit some of the Park's most outstanding features.

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

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

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

GROUPS ASK FOR BETTER TRACKING OF FRACKING FLUIDS

By John McFerrin

The West Virginia Highlands Conservancy has joined with the Sierra Club West Virginia Chapter, the Forest Service Employees for Environmental Ethics, the Eight Rivers Council, Greenbrier Watershed Association, Allegheny Highlands Alliance, Friends of Beautiful Pendleton County and the Allegheny Front Alliance in asking the United States Department of Agriculture to adopt a better method of detecting fracking fluids used in drilling and completing natural gas wells. The United States Forest Service, which manages all national forests, including the Monongahela, is a part of the Department of Agriculture.

The method involves using tracers. Tracers are substances added to hydraulic fracturing fluids in tiny amounts that make them easier to track. This makes detection of leaks anywhere in the process easier and makes it easier to determine the source of any pollutant that may be found.

In their letter, the groups refer to their long histories of interest in the management of National Forests, particularly the Monongahela National Forest. They point to the unfortunate experience in the most recent drilling in the Fernow Experimental Forest. (See *The Highlands Voice*, September, 2011, for details. For even more details see the report that the Forest Service did on the incident. Adams, Mary Beth et al. 2011. Effects of Development of a Natural Gas Well and Associated Pipeline on the Natural and Scientific Resources of the Fernow Experimental Forest. U.S. Department of Agriculture, Forest Service, General Technical Report NRS-76). http://www.nrs.fs.fed.us/pubs/gtr/gtr_nrs76.pdf).

While that problem was not a direct of the fracking itself, and nobody needed any tracers to know where that contamination came from, it does illustrate the general need for constant diligence in protecting the Forest and its water.

The Monongahela National Forest is, after all, the source of many streams. Historically, one of its reasons for existing is to protect the watershed of those streams and the people and natural systems that depend upon them. Tracers are one of the possible technologies for doing that.

The new tracers are being developed in conjunction with two universities. At Rice University, researchers are developing a new tracer technology for hydraulic fracturing fluids. Unlike the current fluid tracing methods sometimes used by the oil and gas industry (radioactive isotope tracers and chemical tracers), this technology uses specially designed nanoparticles that exhibit a unique profile, or "signature," that can be detected at low concentrations. This new tracer technology is a stable, non-invasive, non-toxic tracer that can be used for long term fluid identification. The current schedule is to start field testing in the first quarter of 2013.

Researches connected with Duke University are developing another approach. It uses inert DNA sequences as a tag. It is being refined and tested by BaseTrace, a startup company created last year by a group of former Duke University graduate students (its name has changed from SafeTNA). The project won initial financial backing through a Duke University program incubating promising startups launched by students and also won \$20,000 in seed funding through a competition for promising environmental technologies run by the investment company Cherokee Investment Partners.

To read more about the desirability and feasibility of fracking fluid tracers try a New York Times article: <http://dotearth.blogs.nytimes.com/2013/01/08/ideas-to-watch-in-2013-traceable-frackin-fluids/>. The same article has a few links and references to other technologies that have the potential for diminishing the impact of fracking.

The groups who signed the letter have not endorsed hydraulic fracturing in the Monongahela National Forest; some are actively working to prevent it in all National Forests. Were there ever a specific proposal, they would probably oppose it.

At the same time, the Marcellus Shale drilling is widely promoted as an economic boon for West Virginia and the nation. If the gas is present in the Monongahela it is probable that someone will try to exploit it. If that happens, and drilling is allowed in spite of the efforts of those who oppose it, the groups would like the Monongahela National Forest to be ready. That includes all possible control technologies, including the tracers specifically addressed in the letter.

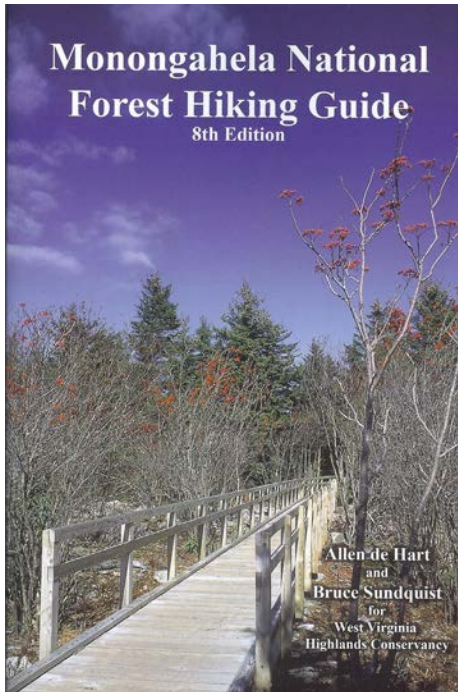


In color, this photograph is striking. Everything the company sprayed is brown; everything it didn't is green. Because the Voice is printed in black and white, the whole thing is grey. If you want to see what it looks like in color, you can see the on-line version of the Voice at www.wvhighlands.org.

The "unforeseen consequences" of land application at the Fernow Experimental Forest in 2011.

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.

WEST VIRGINIA HIGHLANDS CONSERVANCY at FAYETTEVILLE EARTH DAY

By Cindy Ellis



Kids, young moms and dads, and more kids populated a few blocks of Court Street as Fayetteville commenced its annual Earth Day celebration. West Virginia Highlands Conservancy participated with an information table and free Red Spruce seedlings.

We'd been urged to include an activity for kids, so our booth invited them to draw what they love about the mountains. With a cold wind at everyone's back, but warming sun on their faces, the children gamely hunkered down with crayons and markers. They drew scenes of hiking and rolling hills and favorite critters. Before and after the kids came by, there had been chats with adults about longwall mining, the ACHE act, and a nearby homeplace threatened by encroaching mountaintop removal. But the cheerful



simple drawings made the day warmer and sunnier. And even one grown-up, when seeing our sign, "Draw why you love the WV mountains," said quietly but firmly, "Because it's home."

HISTORY OF CANAAN VALLEY AVAILABLE

By Dave Leshner

Many West Virginia Highlands Conservancy members are probably acquainted with the Canaan Valley National Wildlife Refuge and its volunteer organization, the Friends of the 500th. Over the past fifteen years the Friends has grown from a handful of local citizens to a robust organization of more than 200 paid-up members, active in environmental education, community outreach and a variety of initiatives supporting the refuge's mission. Among those initiatives is a Friends committee called the Tucker County Highlands History and Education Project. Or just TCHHEP.

TCHHEP was born of an idea by Elliott Ours who was president of the Friends from 2001 to 2006. In 2004, Elliott proposed to the board of directors that the Friends gather oral histories with some of the senior citizens in Canaan Valley and publish excerpts in the Friends' newsletter, *Timberdoodle*. Elliott believed the Valley had a fascinating history and he thought these topics might spark interest in the refuge and help boost Friends membership. To get started, Elliott turned to Cindy Phillips who had prior experience in collecting oral histories as part of an AmeriCorps project. In the summer of 2004, Cindy led a day-long oral history training session for a half-dozen interested Friends members, facilitating the group in crafting a mission statement and choosing the name TCHHEP.

In the years since that time, TCHHEP has recorded oral histories from more than fifty local citizens, some of whom have consented to multiple sessions for recalling their memories of life in Canaan Valley. TCHHEP has also championed a number of projects that highlight the Valley's history including erection of a plaque to commemorate the Fairfax Line survey, conducting a detailed historic site survey of the Valley in support of the refuge's Comprehensive Conservation Plan and production of photo exhibits highlighting the history of Canaan Valley and the town of Davis. But TCHHEP's most notable accomplishment over the past eight years has been writing local history articles that have appeared in each issue of *Timberdoodle*. Authored by members of the Friends, topics chosen for the *Chronicles* were sometimes inspired by what had been learned from the oral histories or sometimes the oral histories spawned ideas that led to new directions in researching for articles.

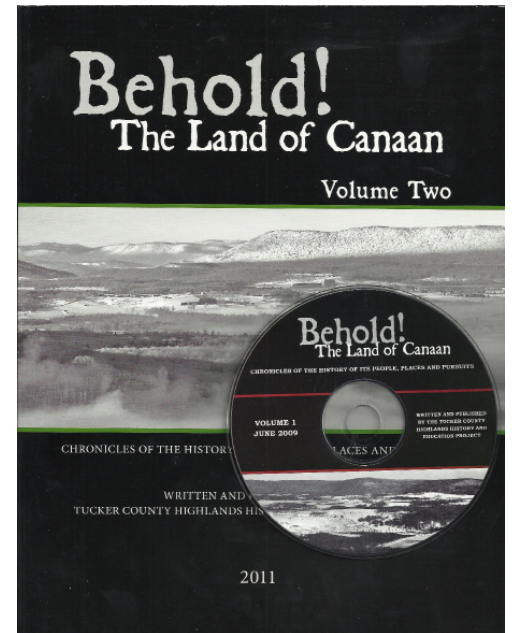
In 2009, the Friends received a grant from the West Virginia Humanities Council to publish a collection of *Chronicles* in a book entitled, *Behold! The Land of Canaan*. The book consisted of the first eighteen history articles that appeared in *Timberdoodle* plus another six specially written for the book. Augmented by TCHHEP fund-raising, the grant was enough for a print run of 750 copies of the 128-page book. After donating more than 200 copies to libraries, schools and other civic organizations in Tucker and surrounding counties, the remaining 500 or so copies sold out within a few months. Today, none are available except for one that pops up on eBay now and then.

As another few years rolled by and new history articles continued to appear in *Timberdoodle*, plans got underway for publishing a Volume 2 of *Behold! The Land of Canaan*. This 128-page book was completed and published in 2011 with a print run of 2000 copies and contained thirteen editions of the *Chronicles* plus two additional special history features. With the experience that writers had gained from their early work, the articles in volume 2 grew in length and detail over what had appeared in volume 1.

Both volumes 1 and 2 of *Behold! The Land of Canaan* are heavily illustrated with many photos, maps and charts. Both have a detailed index, making them ideally suited for finding names of people and places of interest to readers. A particularly attractive additional feature found in volume 2 is a CD inside the back cover that holds a pdf file of the entire volume 1. Articles in both volumes 1 and 2 are shown in the accompanying list.

Thanks to the ample print run of volume 2, more than a thousand copies are still available. Visitors to the refuge will find them at the Friends of the 500th bookstore and gift shop at the refuge visitor center. The bookstore is open Wednesday to Saturday 10AM to 4PM until Memorial Day and every day of the week 10AM to 4PM from Memorial Day to Labor Day. Volume 2 is also available by mail order for \$18 which includes tax and shipping. Make check payable to Friends of the 500th Bookstore and mail to PO Box 422, Davis, WV 26260.

As of this summer, TCHHEP will have published a total of fifty history articles to appear in *Timberdoodle*. And preliminary planning has started for a Volume 3 of *Behold, The Land of Canaan*. Elliott Ours passed away in 2009, just a month after we were able to present him a copy of volume 1. He would be proud of how far TCHHEP has come since he brought his idea to the Friends board nine years ago.



A SAMPLING OF THE TOPICS IN VOLUME 2

- Elliott Ours: A Tribute to a Friend
- Riley Worden: In His Own Words
- Robert Eastham: A Transplanted Virginia
- Ab Crossland: Moonshiner Who Beat City Hall
- Bessie Harr Marries Canaan Valley Farmer
- A Massive Mountain Weathered Away
- Childhood Memories of Canaan Heights
- St. John's Lutheran Church in Davis
- Mallow Family and Maple Grove Lake
- Recalling "Twenty Feet From Glory"
- Heitz Family and Legacy of Skiing
- Hunting Heritage in the Highlands
- Canaan Valley's Historic Sites

Groups make lemonade from Mon Power's lemons

MORGANTOWN FARMERS MARKET GETS NEW SOLAR PANELS

By John McFerrin

Through the cooperation of the West Virginia Highlands Conservancy, West Virginia Rivers Coalition, Sierra Club, the Mountain Institute and the less than entirely voluntary contribution of Monongahela Power Company, Morgantown's Farmers Market now has solar power.

The solar panels project

The Farmers Market Pavilion is a covered parking lot in downtown Morgantown. On weekends, the pavilion provides a shaded, permanent location for the Morgantown Farmers Market. On weekdays, it serves as a covered parking lot operated by the Morgantown Parking Authority. The pavilion was designed by the Mills Group, a Morgantown-based architecture firm, with solar specifically in mind. The solar array will consist of 12 panels with a capacity of over 3 kilowatts and will generate nearly half the electricity used to power the lights, electric vehicle charger, and other electricity demands. It will include an electric vehicle charging station.

The charging station, which will be made available to the public, will be the first of its kind in downtown Morgantown and one of the few places in the region to fuel vehicles with renewable energy.

The new solar panels were dedicated in April, 2013.

The litigation

The litigation that brought us to this result arose from the release by Monongahela Power Company of unlawfully high levels of arsenic into the Cheat River from its Albright power plant in Preston County.

After giving proper notice as required by the federal Clean Water Act, the West Virginia Highlands Conservancy, the West Virginia Rivers Coalition and the West Virginia Chapter of the Sierra Club sued Monongahela Power in federal court for releasing the arsenic.

Much of the notice of intent is based upon what are called Discharge Monitoring Reports. Anyone who discharges water to the waters of the United States must test that water and report the results. In this case, Monongahela Power's showed a pattern of harmful arsenic discharges between July and October of 2010, clear violations of the Clean Water Act.

The arsenic was being discharged into the Cheat River watershed. The Cheat is a major tributary of the Monongahela River, the drinking water source for thousands of people. Arsenic in drinking water can cause a host of health problems from cancer, to nervous system damage, to skin problems.

After some legal wrangling, the parties agreed to settle the matter. In the settlement, Monongahela Power agreed that no later

than September 1, 2012, it would close its Albright Power Station located on Route 26, across the Cheat River from the town of Albright. With the closure of the plant, Mon Power would cease production of fly-ash, bottom-ash and other by-products of coal combustion at the time it ceases plant operation. It agreed to stop disposing of fly-ash, bottom-ash or other by-products of coal combustion at the Albright Ash Disposal Facility within 90 days of cessation of demolition of the



Solar panels atop Morgantown Farmers Market

Photo by Katherine McFerrin

Plant. It also agreed not to let any other company dispose of ash, etc. at the Albright facility.

Mon Power also agreed to seek a modified National Pollutant Discharge Elimination Permit for the facility and to comply with whatever discharge limits were contained in that permit.

It also agreed to pay a civil penalty. While payment of a civil penalty is routine in settlement of such Clean Water Act cases, how the penalty was to be spent was different in this case. Most often, civil penalties go to the federal treasury and are spent for whatever the United States spends money on. Here, Mon Power agreed to pay \$5,000 to the treasury. In addition, it agreed to pay \$45,000 to The Mountain Institute for a Supplemental Environmental Project. With this \$45,000, The Mountain Institute was able to donate money that made it possible for Morgantown to install solar panels for the Farmers Market.

VOICE AVAILABLE ELECTRONICALLY

The Highlands Voice is now available for electronic delivery. You may, of course, continue to receive the paper copy. Unless you request otherwise, you will continue to receive it in paper form. If, however, you would prefer to receive it electronically instead of the paper copy please contact Beth Little at blittle@citynet.net. Electronic copies arrive as e-mail attachments a few days before the paper copy would have arrived.

Standing Our Ground: Women, Environmental Justice, and the Fight to End Mountaintop Removal

by Joyce Berry (Ohio University Press; (September 25, 2012)

Reviewed by Bob Henry Baber

For virtually all of our readers, mountaintop removal is a physical, moral, economic and spiritual sickness. It is a spreading melanoma that is far from being in remission, but that has been identified by an increasingly powerful group of grounded people who, like environmental guerilla warriors, refuse to give in or give up in their fight to save the people, air, and water.

Standing Our Ground charts the lives of women who have astutely turned mountaintop removal into one of the most important national environmental issues of our time. It strategically places another log on the growing fires of the anti-mountaintop removal movement—and Lord knows we need every bit of heat and ray of light we can get to fight the cold and dark combination of lying coal companies and spiritually corrupt politicians who do their bidding. Make no mistake, the evil axis of powers that Barry chronicles is, indeed, a force to be reckoned with.

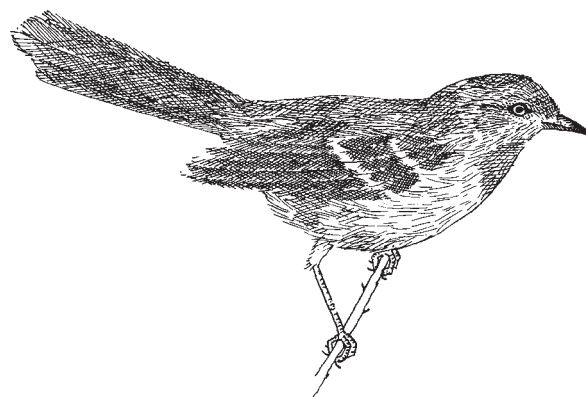
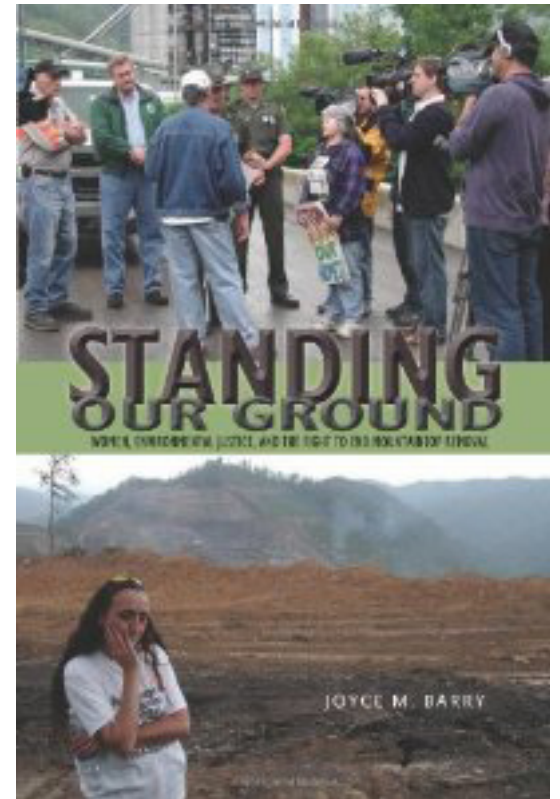
The focus of *Standing Our Ground* is on the courageous women who have and are leading this reckoning. Their names are well known to many of us here in the coalfields, and are becoming better known nationally and internationally everyday: Marie Gunnoe, the late Judy Bonds (both Goldman Environmental Prize recipients!) Lorelei Scarbro, Denise Giardina, Vivian Stockman, Janet Keating, our own Cindy Rank, and many, many others too numerous to name (you know who you are, please forgive me.)

Barry states that in some environmental justice movements around the globe, women have not been given the due they deserve. I have no cause to doubt her assessment (although I hope that that, too, is changing), but my feeling is that this is decidedly not the case here in Appalachia. We love and admire our fighting mothers, daughters, and sisters—just as we love and admire our fighting men (who are also acknowledged in the book.) In my experience, there has never been a gender gap in respect for women in the anti-MTR movement. Really, they've played such a critical role from the beginning, how could there be? Perhaps I'm mistaken, but intuitively I believe we've collectively known from the early years of strip-mining resistance just how few of us have the energy and/or resources to resist what we're up against here in the coalfields. Our consciousness, then, of the hard work we've had to do together as a community against formidable opponents has deeply bonded us as a family, period.

Judy Bonds quotes Marie Gunnoe as saying, “women are the ones who began this movement, and I think it's because we recognized what it was doing to our kids.” No doubt this is true, but I would posit that the men in the movement, the late Larry Gibson, Bill Price, Jim Webb, Bo Webb, Julian Martin, Joe Lovett, and a host of others were and are also cognizant of the negative impacts of MTR on children and those concerns have fueled their resistance, too. So, Ms. Barry faced a bit of a dilemma when authoring her well-researched, if a bit academic, book: how do you point out the stunning contributions of women in the movement, without inadvertently slighting the contributions of men? The fact that she has mightily tried to do so is a testimonial to her solid work.

Barry also effectively points out that environmental justice movements, though often about people of color, are ultimately about class. This is important because mountaintop removal runs parallel to the stereotyping of the Appalachian people—the last safe “minority” to bash (white trash) in this era of organized ethnic groups and political correctness in the U.S. Ultimately, Barry states, class is the most important issue in the environmental justice arena and trumps color. In the United States, MTR is likely the most obvious example of this truth: the extractors don't care who they run over top of, or bury, as long as they can extract products and make profits. That indisputable fact holds equally true for gender, for in the end, when indigenous people and small communities suffer, everyone suffers—woman, man, and child alike. Indeed, except for those temporarily employed by strip mining, mountaintop removal is an equal opportunity exploiter.

Standing Our Ground is a recommended read, particularly for those who are interested in the history of the anti-MTR movement, feminist environmental justice perspectives, and the women of Appalachia who've played an instrumental role in bringing the fight to this critical juncture in history and, most of all, for inspiring us with their strength and perseverance.



FIRSTENERGY PROPOSE SALE OF HARRISON COUNTY PLANT

Mon Power and Potomac Edison want to purchase an 80% share of the Harrison power plant from Allegheny Energy Supply, another subsidiary of their parent company FirstEnergy. The purchase would have to be approved by the West Virginia Public Service Commission. Their proposal will raise residential electric rates by 6% for West Virginians and small businesses served by Mon Power and Potomac Edison.

This is a bad deal for West Virginians.

Why does FirstEnergy want to sell us the Harrison plant? Currently the plant is selling into the regional deregulated electricity market, where it must compete with other power suppliers including other coal plants and natural gas plants, renewables, and energy efficiency. Because natural gas prices are so low right now, FirstEnergy wants to protect the plant from competition. In fact, FirstEnergy's profits fell 20% in the third quarter of 2012, in part due to reduced profits in the competitive electricity market. If the Harrison plant can be sold into WV's regulated electricity system, the plant will be protected from competing with regional market forces and its operating costs plus profit will be paid for – by West Virginia ratepayers – for the remainder of the plant's 27-year life.

The bottom line is that West Virginian rate payers are being sold the power plant for \$1.2 billion to bail out FirstEnergy. Alternatives like acquiring natural gas powered generation, continuing to purchase electricity off of the regional electricity grid, investing in energy efficiency, or any combination thereof were never seriously considered.

Would you buy a used car for one price and then turn around and sell it to your son for double the cost?

When Allegheny Power merged with FirstEnergy in 2011, FirstEnergy re-valued the Harrison plant. What was a \$550 million asset on Allegheny Power's books before the merger is now a \$1.2 billion asset on FirstEnergy's books. Now they are trying to sell it back to West Virginians at the inflated price. If the PSC does allow some portion of the plant to be sold to WV rate payers, the PSC needs to make sure that the sale price of the plant is reduced to its real book value. **FirstEnergy didn't even evaluate the lowest cost option.**

FirstEnergy's proposal doesn't consider an expansion of energy efficiency

and demand-side management, even though energy efficiency is the lowest cost and least risk option out of all the options. Nationally, investments in energy efficiency cost an average of 3 cents per kWh saved, compared to 7.4 cents per kWh for energy generated by the Harrison plant.

Even though energy efficiency can't make up all of the company's electricity needs, FirstEnergy should have considered energy efficiency as part of their plan to reduce the need for a major capital investment. We all know from preparing for storms that it's common sense that you reduce your energy needs before going out and buying the biggest generator available to you on the market. FirstEnergy should do the same to prevent bill increases in the future.

What you can do:

1. Submit a letter of comment to the PSC: mail to:
Sandra Squire, Executive Secretary
Public Service Commission of WV
201 Brooks St
Charleston, WV 25301
Be sure to reference Case No. 12-1571 in your comments for them to be included in Harrison Plant transfer case. Comments must be submitted before May 29th.
2. Submit a letter to the editor of your local paper. Typically these should be 200-300 words.
3. Come to the **public hearing: May 29th** at 9:30am at the Public Service Commission (201 Brooks St., Charleston, WV)

Talking Points:

- The PSC needs to make energy efficiency investment a priority when evaluating these kinds of projects. It's just common sense that we should try to reduce our energy needs first before we require WV rate payers to pay for any new power plant capacity.
- The PSC needs to put WV first. WV rate payers should not be taking on new rate increases so that an Ohio-based company can shift ownership of its power plants from state to state to increase profits.
- This case offers the PSC a real opportunity to move WV's power companies away from the financial risks of being overly dependent on a single fuel source.

- FirstEnergy has inflated the cost of the Harrison Power Station to twice its previous book value. If the PSC does allow some portion of the plant to be sold to WV rate payers, the PSC needs to make sure that the sale price of the plant is reduced to its real book value.

- Mon Power did not seriously evaluate many possible alternatives to this coal plant; instead, they presented a self-serving analysis that justified their decision to purchase this plant to bail out their parent company.

- The PSC should require the power companies to issue a request for proposals to seek out other ways of meeting their capacity shortages, rather than accepting the companies' analysis that purchasing a power plant from an affiliated company is the best option for ratepayers.

- FirstEnergy's proposal did not evaluate expanding energy efficiency and demand-side management. Nationally, investments in energy efficiency cost an average of 3 cents per kWh saved, compared to 7.4 cents per kWh for energy generated by the Harrison plant.

Note: This story comes to us from Energy Efficient West Virginia, is a group of concerned West Virginia residents, businesses and organizations who have come together to promote energy efficiency among residential, commercial, and industrial customers in our state. You may read all about them at www.eewv.org. You may contact them at energyefficientwestvirginia@gmail.com

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

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

BOARD HIGHLIGHTS

By John McFerrin

At its spring meeting, the West Virginia Highlands Conservancy Board handled its routine business, moved along in a transition, welcomed a new Board member, and heard updates on new and ongoing advocacy work.

The new Board member is Sara Bird of Buckhannon. President Cynthia D. Ellis appointed her to fill the unexpired term of Don Gasper.

Ms. Ellis reported on efforts to have Blair Mountain listed on the National Registry of Historic Places. There is litigation in both state and federal court. Other efforts remain in limbo so long as the litigation is unresolved.

We considered, but ultimately did not agree to support, an effort by the Civil Society Institute to promote its American Clean Energy Agenda. The Agenda listed several principles with which we agree such as ending subsidies to old energy and placing an emphasis on renewable. It was the sense of the Board that we agreed with the general thrust of the initiative but that there were too many questions about it to sign on.

The Board did decide to support a proposal by the Fish and Wildlife Service to provide Endangered Species Act protection and critical habitat designation for the diamond darter (*Crystallaria cincotta*).

We dealt with the imminent departure of Jim Solley as the longtime web master and proprietor of our online store. He is easing out of his role as manager of the website. We are now in transition; when the transition is over the website will be managed by Jackie Burns. Administrative Assistant Beth Little will expand her duties to include proprietor of the online store. In line with her expanded duties she will also receive expanded compensation. We also agreed to increase the prices of the T shirts that we sell.

The computer that we bought for Jim (and which he had specially configured so that it does what he wants it to do) is currently broken. We are going to have it fixed and then give it to Jim, in appreciation for his excellent service to the Highlands Conservancy.

Beth Little reported on the status of an underground injection well in Fayette County that we commented on (see story in the April issue of The Highlands Voice). It has been a mess for years and now the operator has applied for a renewal of the permit, something we opposed.

Cindy Rank distributed a report of the ongoing activities of the mining committee, of which there are many.

The door prize was *Attracting Native Pollinators*, a book about bees. The winner was Ann Fouts.

In wind, Wayne reported that the Environmental Council is interested in wind regulations. Wayne intends to participate, concentrating on deforestation and on requiring minimum distances from wind turbines to homes.

Cindy Ellis reported on outreach. She had been to E-day at the Legislature and to the Earth Day celebration in Fayetteville. We had 77 likes on our Facebook page in January and have 921 likes now. She had some pencils printed with our name and web address and is considering having some bookmarks printed. She noted a suggestion from long time member Marion Harless that we advertise in Organic Farming Magazine.

Finally, there was much praise and appreciation for the work of Dave Cooper and the Mountaintop Removal Road Show. For nine years he has been traveling about several states spreading the word about mountaintop removal. Now he is worn out and is giving up that project. The Board noted how much we appreciated his many efforts. We decided to accept Board member Bob Henry Baber's offer to create an original work of art to present Dave in commemoration of his work.



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.

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.