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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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GROUPS ASK FOR NATIONWIDE ENVIRONMENTAL IMPACT STUDY ON WIND ENERGY

By John McFerrin

A coalition of more than seventy conservation organizations has requested that the U.S. Department of the Interior develop a National Programmatic Wind Environmental Impact Statement to identify areas for wind energy development as well as areas where new projects should be avoided to conserve wildlife and sensitive habitats.

This effort was spearheaded by the American Bird Conservancy; seventy one other organizations joined in as signatories.

The letter points out threats to birds and wildlife if there is no change in present policy:

Recent peer-reviewed articles have documented significant losses of birds and bats, including threatened, endangered and other protected species (an estimated 573,000 birds and 888,000 bats annually at 2012 build-out levels). The number of birds taken annually by wind energy facilities could exceed 1.4 million by 2030 if there is no change in US policy towards wind energy development. There are also significant habitat impacts to Endangered Species Act candidate species such as the Greater Sage-Grouse. Combined with other major human impacts on bird populations, including feral cats, pesticides

and collisions, this could continue the downward trend we are currently seeing in even our most common species.

The letter takes care to support "renewable energy" as a way to address climate change. It limits its support, however, to such renewable energy projects which "address wildlife and habitat impacts."



Golden Eagle

Photo by Larry Lynch

The letter assumes the importance of siting: "When it comes to wind energy, siting is everything." It advocates for the programmatic Environmental Impact Statement as a way of guiding siting decisions. It assumes that such a document could provide guidance on, in the words of the letter, "where wind energy should be developed and where it should not." As examples of places where wind energy should not be developed, it lists "in major bird migration routes, in or near critical breeding habitat, and in or near other sensitive areas, such as wetlands, wildlife refuges and parks, and priority Greater Sage-Grouse habitat."

The letter is in the noble tradition of the National Environmental Policy Act (NEPA). While the letter does not specifically mention NEPA, it assumes that as a society we would only do environmental

(More on p. 3)

What's inside:

Thoughts from President Cindy	2	How to join	7	West Virginia lowku	12
Roster of officers	2	Get a history book	7	Matters legislative	13
A dissenting opinion	3	Earth Day in Fayetteville	7	Tygart Lake threat	14
Lawn care tip	3	Board highlights	8	Kudos to DEP (really, not a typo)	15
Cass Scenic Railway	4	Garlic Mustard	9	Letter from reader	15
Falls of Hills Creek	5	Raffle goes on line	9	Climate change conference	15
Marcellus Academy	5	Matters legislative	10	Buy stuff	16
Planting trees	6	Get a Hiking Guide	11	Field trip to MTR site	16
Renewable energy conference	6	Enforcing the law on selenium	12		

Ramblin' the Ridges

By Cynthia D. Ellis

ON TOP---A SONG

[note: our esteemed editor requested that contributors try to incorporate levity into this month's pieces]

~sung, with gusto, to the tune of "On Top of Ol' Smokey"

On top of Spaghetti

All covered with Cheese

I lost my poor Meatball

When somebody Sneezed

It rolled in the Garden

And under a Bush

And then my poor Meatball

It turned into Moosh

Oh, the Moosh was as Tasty

As tasty could Be

And early next Summer

It grew into a Tree

Oh, the tree was all Covered

With beautiful Moss

It grew lovely Meatballs

And To-ma-to Sauce

So if you eat Spaghetti

All covered with Cheese

Hold onto your Meatball

And don't ever Sneeze!!!



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A LITTLE MORE ABOUT WIND (Continued from page 1)

damage out of ignorance. If we adequately study an issue, we will have the knowledge to make the wise decisions necessary to protect environmental values. It asks the Department of the Interior to do the study necessary to give us the knowledge which will make these wise decisions possible.

But on the other hand...

WEST VIRGINIA HIGHLANDS CONSERVANCY NOT SO SURE A NATIONWIDE ENVIRONMENTAL IMPACT ASSESSMENT SUCH A GOOD IDEA

There is no doubt that a nationwide environmental impact assessment of the impact of industrial wind farms on wildlife would give us information we do not have now. At a bare minimum, it would pull together the already published research and information on the topic. The West Virginia Highlands Conservancy agrees with the major premise of the letter: importance of siting and has begun an initiative on that issue. (*The Highlands Voice, February, 2014, p. 1*).

In spite of general agreement with the need for better information and the importance of siting, the West Virginia Highlands Conservancy did not seek to join in with the American Bird Conservancy and the seventy one other groups that have asked for a nationwide environmental assessment.

A nationwide study would, by definition, be nationwide. By necessity, it would be general. Possible sites for wind development are so widespread and so varied that a general study could not address each local issue.

A nationwide study has the potential to pre-empt any efforts for a study of local sites and the addressing of local issues when the time comes. There would be an assumption that the environmental impact of any project had already been considered as part of the nationwide study. This leaves local impacts—those too site specific to have been part of any national study—unstudied.

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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.

LAWN CARE TIP—OR NOT

By John McFerrin

I have personally always liked dandelions. They give a splash of color to lawns, providing a striking contrast to the green of the grass. Although I have only tried it a couple of times, when my mother slipped some in with the turnip greens, the leaves are edible. Supposedly they have medicinal properties although I have no first hand experience with that.

My theory is that, were they rare and hard to grow, we would have dandelion clubs, just as we have orchid societies, rose fairs, etc. People would compete for the most striking bloom, the biggest leaves, etc. Because they are common and almost impossible not to grow, they are reviled as a weed to be pulled, poisoned, ripped out by the roots.

Just yesterday I watched a groundhog grazing in our yard. He went from dandelion to dandelion, eating the flowers while passing by equally luscious grass. He did not manage to clear the entire yard (the mailman drove up and spooked him back into his hole) but he did make a dent in the dandelion population.

So here's the tip: if you want to control dandelions, get a groundhog.



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.

RAIL PLANS RAISE CONCERNS OVER CASS

By Hugh Rogers

A year and a half ago, pedaling down the West Fork Trail, I happened to meet Jack Tribble, District Ranger for the Greenbrier District. We talked about trail conditions, local landmarks, and the old logging town of Wildell, and then he mentioned a possible change in the trail that the Forest Service could be asked to consider.

John Smith, who runs the scenic railroads along the Greenbrier and Shavers Fork Rivers, had a vision of a 90-mile loop that would connect those two lines, one at the foot of Cheat Mountain and the other on top. To accomplish that, his West Virginia Central RR would have to deal with three main obstacles. On the north end, the old tunnel between Bemis and Glady must be restored. Between Glady and Durbin, tracks would be rebuilt along the West Fork line, making it rail-with-trail. And on the south end, Smith's company would need an operating agreement with Cass Scenic Railroad, a state park, for the climb to the ghost town of Spruce at the head of the Shavers Fork.

Ultimately, one could catch the train in Elkins and beginning at High Falls ride a loop through the tunnel, down the West Fork, back up the mountain from Cass, down the Shavers Fork to High Falls, and return to Elkins. For a cyclist, hiker, or fisherman, the train would provide an option to get off and on at many points. On the full loop, the train would probably run only once or twice a day. The well-established (fifty years) schedule of steam trains out of Cass could continue.

That's the vision, as John Smith has presented it to civic groups and the state Tourism Commission. The first sign it might be approaching reality is a fuss over the status of Cass.

Rumors about privatization of the park began circulating in Pocahontas County and Charleston in early April. A "Save the Cass Railroad" Facebook page has drawn well over 8,000 "likes".

James Newhouse wrote, "I have first hand knowledge that the current Cass engineers and firemen among others will not be retained and/or will not stay if this [private takeover] comes to fruition. All those years of knowledge will go down the drain. You just don't put someone in a geared locomotive with passengers and send him/her up and down the steep grades of Cass Hill. It takes years upon years to know what it takes. These aren't toys."

After weeks of increasingly shrill comments on Facebook, state Commerce Commissioner Keith Burdette told the Charleston Gazette, "I'm trying to reassure people that what we're discussing is not about closing the park — it's about finding a way to keep the park operating. Maybe there's a partnership out there that will be good for the state and good for the area. If that's a possibility, it makes sense that we'd talk to these folks."

Delegate Denise Campbell, who represents Pocahontas and Randolph Counties, told the Pocahontas Times she had received a lot of calls. "From what I understand, the thought process is the Rail Authority would have more knowledge of all the procedures and regulations and issues that would go along with a railroad . . . than

the DNR." She added that the railroad operation is all that would be transferred. The rest of Cass Scenic Railroad State Park will remain under the umbrella of the DNR.

Besides the rail excursion line, which operates steam-powered rolling stock from the early 1900s, and a locomotive repair shop, the park maintains twenty two-story former lumber company homes as year-round vacation rental units. The park is also the northern terminus of the 80-mile Greenbrier River Rail Trail.

The West Virginia Central and Cass Scenic Railroad have shared track access in the past to operate rail excursions from Cass to the site of Spruce, once the highest elevation town east of the Mississippi.

John Smith told the Pocahontas Times, "The only thing we've discussed with anybody is working on this project [the loop route], and we are just talking about how that's going to interface with Cass and up at old Spruce when our train comes down the valley and meets the Cass train. Beyond that, there's no other decision."

Smith said the speculation on social media was illogical. "I think they've got themselves worked up about nothing." He said that even if the Rail Authority took over the Cass rail operation, "it would still be the Cass Scenic Railroad State Park and

it would still be the people who are there running the train. The state Rail Authority runs a railroad itself [the South Branch excursion train], and they seem to do quite well with it."

Back at the "Save the Cass RR" Facebook page, James Newhouse wrote, "We would like to offer our sincere thanks to everyone for their help. IT'S BEGINNING TO WORKING!"

"The Charleston Gazette and Pocahontas Times articles make it clear that everyone's letters, emails, and phone calls are not being ignored. Please read statements by West Virginia officials critically, and do not easily accept them as truth. Also, do not assume a decision on this issue is as distant as they would have us believe!"

Stay tuned.



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.

HILLS CREEK ADVENTURES

By Beth Little

Hills Creek is a remarkable body of water. It flows very near my home, so I visit it frequently and take friends. However, I vary the approach and the destination depending on how I estimate their fitness and endurance.

There are the Falls of Hills Creek, a high value tourist attraction, and worth every brag of it. It is a series of three falls, the bottom of which, at 65 feet, is the highest waterfall in the state. Although I could walk to the creek from my house, the standard way to get to the Falls is to drive about 25 miles around to the parking area and take the trail from above the Falls provided by the Forest Service.

It is very easy going down, unless you have knee problems or acrophobia. There is a boardwalk and a set of steel steps like a fire escape off the rock face of the canyon wall (that's where acrophobia is a problem). A young friend once counted the steps, but I forget how many there were. Let's just say enough that it seems endless going back up. The canyon is spectacular, especially in winter when almost nobody visits; and there are strategically placed viewing platforms for taking pictures.

Another way to reach the Falls is from the bottom. Though it would be possible to walk from my house, the last half mile is so strenuous that I have always driven to the last possible spot to get a vehicle without ruining it - about 2 and a half miles. The hike from there starts out on a trail, but the trail turns up Spruce Run, and the rest of the way up the canyon to the Falls is a daring bushwhack.

When the water is low, it is possible to walk along the edge, sort of in and out of the creek bed, clambering over boulders and

only occasionally getting your feet wet. When the water is high, well, suffice it to say, it is a thrilling adventure challenging every muscle in your body to avoid slipping into the torrent, from which there would be no survival (I have been proven wrong before about the extremes that some sports achieve, but I do not believe that any whitewater craft could navigate the continuous tumble of huge boulders and rocks). It is a gorgeous invigorating accomplishment to reach the

Falls this way, and fun to see the surprise on the faces of the tourists who have obediently taken the boardwalk down.

Another destination of interest is the place where Hills Creek disappears into the side of Droop Mountain. This is also a possible walk from my house, or a short drive of about 2 miles to the bottom of the valley where several neighborhood creeks flow into sinks, followed by a hike of a mile or so along an old logging road. As with the canyon below the Falls, the experience is quite different depending on the level of the water. If it is low, you can walk into the mouth of the cave where the water slides into the rocks. If the water is high, you view a small lake that looks deceptively calm from above the cave. It is somewhat spooky to contemplate what is going on under the water.

Finally, it is pleasant to just hike or fish along the creek, which hosts a profusion of wild flowers and other flora of West Virginia and sports native brook trout. This takes no extraordinary effort and threatens no mishap unless you attempt to swing over a small bend in the creek by grabbing a branch, which promptly breaks and dumps you on your backside in the water. The friend who happened to be with me on this occasion nearly fell in the creek too from laughing.



MARCELLUS ACADEMY 2014

A Weekend of Presentations and Workshops on Marcellus Shale Gas Drilling

June 21-22, 2014 at WV Wesleyan College in Buckhannon, WV

You are invited to attend this special weekend workshop on Marcellus shale drilling. This year's emphasis will be on working to solve and overcome the problems suffered by families and communities around West Virginia when they are challenged by the onslaught of unwanted noxious incursions into their lives.

Marcellus Academy 2014 will train a new cadre of emerging activists who can proactively work on Marcellus gas drilling issues in their communities. With ever increasing industrial-scale drilling sites causing major problems with our water, our land, our air and our health, this workshop will focus on giving you the tools to effectively organize others, build grassroots networks of 'reporters' who can monitor industry practices, and help guide local leaders toward environmentally sound Marcellus

All of your expenses for the workshop (lodging, meals, and mileage) will be covered by WV Sierra Club. Only a limited number of registrations will be accepted.

People living in counties heavily affected by gas drilling are especially encouraged to attend. We do hope to see more than one person from a community attending, so they can work as a team. Applicants are not required to be affiliated with any particular environmental organization, but you must be a West Virginia resident.

Space is limited, so **please apply as soon as possible** listing your name, address, county, phone number and email. Contact information is below.

David Sturm, Campaign Committee Chairman
davidsturm@gmail.com
 304 363 7160

Chuck Wyrstok, Outreach Organizer
outreach@marcellus-wv.com
 877 252 0257

For in the true nature of things, if we rightly consider, every green tree is far more glorious than if it were made of gold and silver. Martin Luther

Numerous red spruce ecosystem restoration projects took place in the West Virginia highlands this Spring. The US Forest Service continues its work to restore old strip mines on Cheat Mountain. Following the success of the Barton's Bench project over the past few years, this year work began at the Lambert Run site. The Canaan Valley National Wildlife Refuge continued its work to implement its Comprehensive Conservation Plan by working to restore red spruce forests on appropriate areas of the Refuge. The Nature Conservancy continues its work on the Gandy Ranch project on the slopes of Pharis Knob.

Countless volunteers have been engaged in these projects, including these folks working in Canaan Valley. Visit the CASRI website at www.restoreredspruce.org for more information about these projects and more.



RENEWABLE ENERGY CONFERENCE

Join the Marshall University Center for Business and Economic Research for a **free**, one-day conference highlighting renewable energy.

The Renewable Energy in West Virginia conference will bring together organizations and individuals with experience implementing and managing renewable energy projects in West Virginia. While fossil fuels dominate West Virginia's energy resources, renewable energy also employs many West Virginians and generates significant tax revenues.

The conference will include presentations on solar, wind, hydropower, biomass and passive geothermal systems. Attendees will learn firsthand about what it's like to own and operate commercial and residential solar arrays, small and large wind turbines, micro- and commercial-scale hydroelectric systems and about biomass utilization in West Virginia.

When: Thursday June 5, 2014; 8:30 AM to 4:00 PM

Where: Days Inn Conference Center
2000 Sutton Lane
Sutton, WV 26601

Register: <http://www.marshall.edu/cber/>

Join Now !!!

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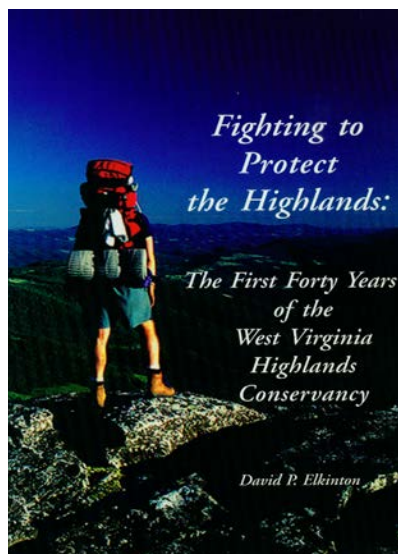
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West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful!

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.



Cindy Ellis manned a booth at the Earth Day celebration in Fayetteville. We offered Red Spruce Seedlings and Ramp seed packets; both were eagerly snapped up. Kids were invited to help complete our poster showing helping hands. We enjoyed many conversations with a wide range of topics including clean water, the demise of small farms, and the importance of individual conservation. Visitors were generous with funds too...with purchase of raffle tickets and with many donations. A great day!

BOARD MEETING HIGHLIGHTS

By John McFerrin

This was a meeting with the usual business stuff enlivened with a get acquainted exercise, offering a greatest door, and featuring a spontaneous musical interlude. In more mundane matters, we heard about West Virginia Highlands Conservancy efforts in various areas and some plans for the future.

The meeting began with an exercise designed to help us learn more about each other. We found which among us had touched a snake, seen three oceans, visited the Library of Congress, seen a turtle laying eggs, etc. The exercise ended with John McFerrin and Buff Rodman singing the Preamble to the Constitution of the United States. Forget searching on youtube; there was no recording.

We heard about plans for the fall review, now set for October 19. It will be a joint meeting with the West Virginia Environmental Council and will focus on the 50th Anniversary of the Wilderness Act.

We will have activities on Saturday and then have the Board meeting on Sunday, as will the West Virginia Environmental Council. We will have our meeting starting at 9:00 a.m. and will tolerate no dilly dallying or shilly-shallying so as to finish by 1:00 p.m. when WVEC begins its meeting.

Location and lodging are still up in the air. Some of the combined group prefer camp style lodging with bunk beds and such. Others of us have not scaled a bunk bed in twenty years and have no interest in starting now. Frank is looking at some options, including the Ambassador for Christ Retreat Center and a second option near Richwood.

Activities may include a field trip to the site of the proposed Birthplace of Rivers National Monument. Beth Little and Buff Rodman have volunteered to lead hikes; Cindy Ellis will lead a bird walk.

We got an update on the professor at Virginia Tech who is teaching a course using Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy as a text. The professor reports that the students are making good progress and she is pleased.

President Cynthia Ellis also reported on the New River Birding and Nature Festival, a weeklong birding festival which started the same day as our meeting. It has participants from 44 states and several foreign countries. Part of the proceeds goes to support education and leadership training programs in Fayette County. It is an example of eco-tourism happening right here in West Virginia.

She also reported generally about the divestment campaigns going on around the country. Some (mostly college students) are advocating that their institutions withdraw investment in either mountain top removal mining or fossil fuels. One that we have had considerable contact with is a group in Gainesville, Florida, which seeks to have the city eliminate its use of electricity from coal from a mountaintop removal mine.

We plan to come out with a new edition of the hiking guide in 2015. We have done a reprinting and have an adequate inventory to last until then. We talked about some options on how we would go about selecting a picture for the cover and how we would do the editing. Alan DeHart has largely completed the textual revisions.

In the treasurer's report, we learned that our financial situation was about what we expected.

Larry Thomas reported on a program called Amazon Smile. Buyers on Amazon can create an Amazon Smile account. When buyers do so, they may pick from one of many, many listed organizations. West Virginia Highlands Conservancy can open an organizational account, putting itself on the list of organizations.

Once all this is in place, Amazon will send .005% of the purchases to WVHC. At the time of the meeting we had not yet gotten everything in place but expect to have it in place shortly.

In the Voice Editor's report, John reported that he would always like to have more stories.

Cindy Ellis made a second hand webmaster report. Our web czars are burdened by some difficult personal health-related circumstances right now. As a result, the web site is not getting the expert attention that it needs. As a result, there are several updating issues that need to be attended to. Cindy Ellis has made a list and will be communicating with the web czars.

We learned that over at Corridor H it is the same old, same old. They are in final design stage on one relatively non-controversial segment but on the hotly contested Parsons to Davis segment there is no action.

In mining/extractive industries, Beth Little reported that the National Resources Defense Council had assisted in filing an appeal of the renewal of the permit for the underground injection well at Lochgelly in Fayette County. The Highlands Conservancy had previously made comments on the permit renewal application.

Cindy Rank listed various areas where the mining committee is active: Department of Environmental Protection permitting, companies violating permit terms, companies impairing streams, failure to address selenium in permits, and the ongoing controversy over the Export-Import bank. She also mentioned that the United States Environmental Protection Agency has issued a new rule defining the "waters of the United States." This is important because the Clean Water Act only protects waters of the United States, not all places where water might be found.

Cindy Rank reported on the ongoing long wall mine located near Tygart Lake, the same mine that organizational member T.E.A.M. has been concerned about. The current controversy is over a proposed air shaft that would be right beside the lake and close to some campgrounds. We don't deny that, if the mining is to continue, an air shaft somewhere would be necessary to properly ventilate the mine. The question is where to put it. There is a hearing scheduled for Tuesday, April 29. We think the proposed site is too close to the lake and will entail unacceptable levels of light and noise. There is also some confusion about a required wildlife inventory for the site.

In matters of wind, Larry Thomas presented a previously prepared report. It included data on how much electricity the wind turbines were producing compared with their rated capacity. In West Virginia the wind turbines actually produce about a quarter of the electricity that they would produce if the wind blew at optimum speed all the time.

He also talked about the efforts at the legislature. We had hoped to have a statute enacted requiring the Public Service Commission to write better siting rules for industrial wind facilities. The Public Service Commission has rules now, just not effective ones. We succeeded in having a bill drafted and had a sponsor but in the hurly burly that is the Legislature it was never introduced. There is still a possibility that the Legislature will commission a study of the issue.

Larry also reported that the Production Tax Credit for wind energy production upon which the industry relies expired December 31, 2013. There are substantial efforts to revive it going on.

(A little more on the next page)

AND THE HIGHLIGHTS JUST KEEP ON COMING (Continued from previous page)

We talked about a nationwide, programmatic Environmental Impact Study of the industrial wind industry. The American Bird Conservancy and several other groups have called upon the Department of the Interior to initiate such a study. We declined to support such a nationwide study. It would necessarily be general and not address local issues. Such a study, while not addressing local issues, would effectively pre-empt any later study which would address local issues.

Cindy Ellis reported that we continue to have a presence on Facebook and on Twitter. We have 1380 likes on Facebook. We had a table at E-Day at the Legislature on February 17 and for Earth Day in Fayetteville. Dave Saville was a presenter at the United States Fish and Wildlife Service's Leadership Academy. We now have a display at Bob Henry Baber's store in Richwood.

The Door Prize was a cornucopia of agricultural aids. It had a mortgage lifter tomato plant (short, dark green, and bushy—just as baby tomato plants are supposed to be); a bag of compost that President Ellis made, with the help of some roly-polys and a bazillion (give or take a few) bacteria; a story on how the mortgage lifter tomato was developed (There are apparently two people who lay claim to its development.); a basket for gathering the produce; and a can of tomatoes (plan B in case the tomato production anticipated from the cornucopia didn't work out.)

GET YOUR RAFFLE TICKETS NOW!!!

We are having a raffle of the sculpture by Mark Blumenstein entitled "Mountain Melody: Phoenix Duet." (Picture on this page). Tickets are \$3 each; 2 for \$5. The drawing will be held on Sunday, October 19, 2014. The piece is 31" tall, 21" wide, and is on a base that is 12 1/2" in diameter. Tickets are available from any Board member and **NOW, FOR THE FIRST TIME, ON LINE!** www.wvhighlands.org



EAT IT TO BEAT IT – 2014 GARLIC MUSTARD CHALLENGE

Spring is here! While many people are starting to think about ramps and other wild edible plants, there is another plant growing in our forest that is tasty, but this plant doesn't belong. Garlic mustard was introduced to North America in the 1800s by European settlers as a garden herb. They enjoyed eating it because of its zesty garlic-like flavor.

The young tender leaves of garlic mustard can be torn up and added to salads, sauces, or even used as a garnish. This spring, the Monongahela National Forest in West Virginia along with the Potomac Highlands Cooperative Weed and Pest Management Area would like to challenge you to help get rid of garlic mustard by removing it from our forests and adding it to your dinner table.

"Garlic Mustard is a particularly nasty, non-native invasive species that thrives in partial shade and has no trouble growing in forest understories," says Ecologist Cynthia Sandeno. "This species can quickly take over an area crowding out our native plants including trillium, orchids, jack-in-the-pulpit, and even tree seedlings."

Garlic mustard also produces chemicals that can keep native plants from being able to grow. The plant is also harmful to some of our butterflies. The rare West Virginia white butterfly sometimes mistakenly lays its eggs on garlic mustard instead of their native host plants. And, the results are disastrous! The eggs hatch, but the caterpillars die.

"Only an army of volunteers can help get rid of this invasive species and help keep our forests healthy," said Sandeno. "Volunteers are essential to the work that we accomplish in the Forest Service both locally and nationally."

Please join us for the 2014 Garlic Mustard Challenge and together we can stop the spread of one of the most invasive species found in the eastern United States. Get a group of friends together and join one of our scheduled pulls. All events begin at 10:00 am.

Garlic Mustard Events:

- 5/10 Thunderstruck Property, WV
- 5/10 Nelson Rocks Outdoor Center, WV
- 5/17 Pocahontas 4-H Camp, WV
- 5/31 Blue Bend Recreational Area, WV*

*This event will offer free camping in exchange for your hard work!

Or, you can organize your own pull. Every bag counts. Once you have pulled some garlic mustard, don't forget to use it in your cooking. First year leaves are the tastiest and are sure to spice up your lasagna, spaghetti, or pizza. There are hundreds of ways to cook with garlic mustard and we have selected a few of our favorite recipes. You can learn more about these events at <http://www.phcwpma.org/GarlicMustard.cfm> or contact Beth Simon, AmeriCorps Team Member at bethasimon@fs.fed.us.

LEGISLATURE APPROVES BILL ALLOWING DUMPING OF DRILLING WASTE IN PUBLIC LANDFILLS

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

In a one-day Special Session on March 14, the WV Legislature passed legislation that allows the dumping of drill cuttings and drilling mud in every commercial public landfill in the state, as proposed by the WV Department of Environmental Protection.

The bill allows the seven landfills already approved by DEP (5 Class A and 2 Class B) to receive **unlimited** amounts of drill cuttings and drilling waste generated from horizontal drilling well sites, disregarding the legally established tonnage caps for those landfills.

Even facilities located in a county that is, in whole or in part, within a karst region (as determined by the West Virginia Geologic and Economic Survey) can accept this waste under the bill's provisions, but NOT above their monthly tonnage caps. Drill cuttings and drilling waste received at those facilities will be counted and applied toward the facility's established tonnage cap.

Commercial solid waste facilities that are NOT located within a karst region may lawfully receive drill cuttings and drilling waste generated from horizontal well sites **ABOVE** the monthly tonnage limits of the commercial solid waste facility under the following conditions and limitations:

- The drill cuttings and associated drilling wastes are placed in a separate cell dedicated solely to the disposal of drill cuttings and drilling waste;
- The separate cell dedicated to drill cuttings and associated drilling waste is constructed and maintained pursuant to the standards set out in the bill and legislative rules to be promulgated by DEP;
- On or before **March 8, 2014**, the facility has either obtained or applied for a certificate of need, or amended certificate of need, authorizing such separate cell as may be required by the Public Service Commission;
- The DEP Secretary may only allow those solid waste facilities that applied by **December 31, 2013** for a permit modification to construct the separate cell to accept drill cuttings and associated drilling waste **WITHOUT** counting the deposited drill cuttings and associated drilling waste toward the landfill's permitted monthly tonnage limits;
- No solid waste facility may exclude or refuse to take municipal solid waste in the quantity up to and including its permitted tonnage limit while the facility is allowed to lawfully receive drill cuttings or drilling waste above its permitted tonnage limits.
- Any solid waste facility taking drill cuttings and drilling waste must install radiation monitors by **January 1, 2015**.

The bill provides that DEP will promulgate emergency and legislative rules to establish limits "for unique toxins associated with drill cuttings and drilling waste including, but not limited to heavy metals, petroleum-related chemicals, (benzene, toluene, xylene, barium, chlorides, radium and radon) and establish the procedures the facility must follow if that limit is exceeded."

The bill requires that DEP rules "shall establish and set forth a procedure to provide that any detected radiation readings above any established radiation limits will require that the solid waste landfill immediately cease accepting all affected drill cuttings and drilling waste" until the DEP has inspected the landfill and "certified pursuant to established rules and regulations that radiation levels have returned to below the established radiation limits."

The bill further provides that truckloads of drill cuttings or drilling waste that exceed the radiation reading limits will not be allowed to enter the landfill until inspected and approved by the DEP.

The bill also provides that "on or before **July 1, 2015**," the DEP will submit an investigation and report to the Joint Legislative Oversight Commission on Water Resources and the Legislature's Joint Committee on Government and Finance, examining:

- The hazardous characteristics of leachate collected from solid waste facilities receiving drill cuttings and drilling waste, including, but not limited to, the presence of heavy metals, petroleum related chemicals (benzene, toluene, xylene, etc.) barium, chlorides, radium and radon;
- The potential negative impacts on the surface water or groundwater resources of this state associated with the collection, treatment and disposal of leachate from these landfills;
- The technical and economic feasibility and benefits of establishing additional and/or separate disposal locations which are funded, constructed, owned and/or operated by the oil and gas industry;
- And viable alternatives for the handling, treatment and disposal of drill cuttings, including the potential for processing, reusing and reapplying a portion of the collected drill cuttings as suitable fill material for roads, brownfield development or other projects, instead of disposing of all collected material into landfills.

Under the bill, the Legislature must approve any contracts for conducting these studies.

The bill also creates an additional solid waste assessment fee imposed upon the disposal of drill cuttings and drilling waste in the amount of \$1 per ton. That money will go into a "Gas Field Highway Repair and Horizontal Drilling Waste Study Fund" to pay for the DEP studies mandated in the bill, as well as "to fund the improvement, maintenance, and repair of public roads of three lanes or less located in the watershed from which the revenue was received that are identified by the Commissioner of Highways as having been damaged by trucks and other traffic associated with horizontal well drilling sites or the disposal of waste generated by such sites, and that experience congestion caused, in whole or in part, by such trucks and traffic that interferes with the use of said roads by residents in the vicinity of such roads."

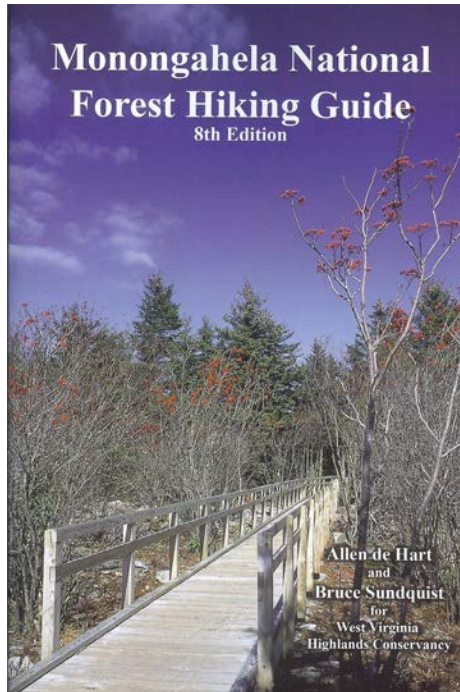
West Virginia Environmental Council lobbyists and our allies argued strongly that this drilling waste was not appropriate for the state's solid waste landfills, that separate landfills should be established which are funded, constructed, and operated by the oil and gas industry, and that the legally established tonnage caps at our landfills should be respected.

Unfortunately, no one seemed to be listening to us and we lost the argument.

(The original bill number was H.B. 4411, but it was passed in the Special Session as H.B. 107).

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.

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.



COURT ENFORCES SELENIUM POLLUTION STANDARDS

By John McFerrin

The United States District Court for the Southern District of West Virginia (Chambers, J) has ruled that several subsidiaries of Alpha Natural Resources are violating the Clean Water Act and the Surface Mining and Reclamation Act at numerous mines by polluting streams with selenium--a toxic pollutant. The ruling in the citizen enforcement action involves multiple mountaintop removal sites in West Virginia operated by Alpha subsidiaries Alex Energy; Aracoma; Bandmill; Highland; Independence; Jacks Branch; and Kanawha Energy. The plaintiffs in the case were the West Virginia Highlands Conservancy, the Ohio Valley Environmental Coalition, and Sierra Club.

Background

The federal Clean Water Act and corresponding West Virginia statute prohibit discharge of any pollutant in any amount unless certain conditions are met. The most prominent of these conditions which allow limited pollution is the discharge permit, known as the National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit protects streams by limiting the concentration of pollutants that are allowed in water that leaves the mine. The permit allows no more than certain concentrations of pollution such as iron, manganese, and aluminum. The permit is supposed to set these discharge limits low enough that the water coming from the mine may contain small amounts of pollution but not enough to impair the waters that it flows into.

The whole point of the Clean Water Act is to keep streams fishable, swimmable, drinkable, etc. The NPDES is supposed to protect these uses by keeping the amount of pollution that goes into them small enough that the streams remain fishable, etc. Sometimes the NPDES system is not sufficient. West Virginia (along with all other states) has adopted what are known as water quality standards. These standards are supposed to protect the public health or welfare, and enhance the quality of water. The water quality standards are supposed to be established taking into consideration the use of water for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation.

For example, if the scientific evidence showed that fish could thrive in water with X parts per million of some pollutant, West Virginia would set the water quality standard at X parts per million. It would do this with multiple pollutants, resulting in water that is suitable for various uses.

To remain in compliance with the Clean Water Act, companies must both (1) limit their discharge of pollution to what is allowed by their permits and (2) comply with water quality standards in the stream. Even if their discharges of pollutants comply with their discharge limits set by the NPDES permit, they must still not cause a violation of water quality standards in the stream they discharge into.

What about selenium

Selenium is a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life. It is discharged from many surface coal-mining operations across Appalachia. At very high levels, selenium can pose a risk to human health, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems.

While West Virginia has had water quality standards for such pollutants as iron and aluminum for decades, selenium is a relative

newcomer to regulatory attention. Only within recent years has the West Virginia Department of Environmental Protection begun to place discharge limits on selenium, etc. West Virginia also has a water quality standard for selenium.

As a result of the gradual regulation of selenium, the specific situations at the mines involved in this litigation differ. At some companies, permits require that the companies measure how much they discharge but don't have to meet any certain standard. At some mines companies' permits require that they meet water quality standards eventually but not right now. Some don't ever require that the company meet water quality standards. One has selenium limits in its discharge permit.

What the Court held

The Court held that all companies must prevent violations of water quality standards. Whether they have permits that impose specific limits on selenium in the discharge or not, companies still have to meet water quality standards. The West Virginia Department of Environmental Protection did not have the authority to permanently exempt companies from water quality standards. In situations where permits allow delay in compliance with water quality standards to a fixed date, the company may wait to meet water quality standards until that date.

It's a long decision and, as reading material goes, not particularly riveting. The bottom line, however, is this: West Virginia has water quality standards for selenium. These are supposed to keep the water swimmable, fishable, etc. No matter what the Department of Environmental Protection does or how it tries to phase in complete regulation of selenium, companies still have to meet these standards.

What about the settlement?

Last month *The Highlands Voice* reported on a settlement with Alpha Natural Resources in which it agreed to pay \$27.5 million to settle complaints of Clean Water Act violations at many of its mine. While that settlement resolved charges of violations of discharge limits at many of its mines, it didn't resolve all of Alpha's water quality violations. The District Court decision found that Alpha is also liable at some of their mines for discharging selenium at levels that are harmful to the receiving streams. These are violations of in-stream water quality standards and as such violate both the Clean Water and Surface Mine Acts.

A lowku, by Bob Henry Baber:

Proposed new WV State Bird; Hairpin Tern

[Editor's note: A haiku is a form of Japanese verse, written in 17 syllables divided into 3 lines of 5, 7, and 5 syllables. Bob Henry Baber has adapted the form into what he calls the West Virginia lowku. He has written thousands, some funny, some thought provoking, etc. The Voice is going to try publishing one now and again, just to provoke a thought, a smile, etc.]

S.B. 373 – ABOVE GROUND STORAGE TANK ACT: WHAT DID WE GET?

By Vickie Wolfe, West Virginia Environmental Council Lobbyist

When about 52 days' worth of dust settled . . . we got a really good bill! While not perfect, it is the product of countless hours of diligent, hard work by so many legislators, legislative staff members, "do-gooders" (that's one delegate's name for us – members of the environmental/progressive lobby), and regular citizens that it would be impossible to name them all.

Here are some of the good things in the bill:

1. Creation of an inventory and registration program for aboveground storage tanks (ASTs). All aboveground storage tanks must be registered with the Department of Environmental Protection, which is authorized to charge owners a fee to defray the costs of the program.
2. Creation of a regulatory program for aboveground storage tanks that incorporates nationally recognized tanks standards; requires annual inspections by a qualified registered professional engineer; creates a procedure for identifying aboveground storage tanks that are located within the "zone of critical concern" (ZCC) for a public water system's intake; requires submission of spill prevention response plan for all ASTs; requires owner/operators of ASTs located near public water systems to provide notice to those systems of the types of materials contained in those ASTs, as well as material safety data sheets; and authorizes the Department of Environmental Protection to assess permit application and registration fees.
3. The bill requires an inventory of all potential sources of significant contamination within a public water system's zone of critical concern. The DEP must inspect these sites at least annually.
4. It also requires individual NPDES permits for ASTs located within a public water system's zone of critical concern. (This was a compromise; we wanted individual permits to be required for all potentially significant contaminant sources within the zone of critical concern (ZCC). However, the DEP secretary still has discretion to require individual permits for potential contaminant sources that are not ASTs.)
5. Public water utilities are required to submit source water protection plans by July 1, 2016. The bill specifies the minimum content of these plans.
6. Public water systems serving more than 100,000 customers are required to install a system that monitors the facility's source water for the three categories of contaminants it deems most likely to contaminate that water, or to explain to the Legislature by January 1, 2015 why such monitoring is not feasible, and to suggest alternatives.
7. The Bureau of Public Health is required to implement a medical study to assess any long-term health effects resulting from the January 9 chemical spill.
8. Creation of the "Public Water System Supply Study Commission." Among other things, the Commission is to study the recommendations made by the U. S. Chemical Safety Board after its investigation of the 2008 explosion at Bayer CropScience.

Here are some problematic aspects of the bill (although it was not because our heroes/heroines in the legislature, like Delegates Mike Manypenny, Barbara Fleischauer, Stephen Skinner, Meshea Poore, and Senator John Unger didn't try to rectify them):

- The legislation applies only to aboveground storage tanks whose volume is 1320 gallons or more. Presumably this number was

taken from the federal spill prevention, control and countermeasure (SPCC) regulations, but those regulations apply the 1320-gallon figure to the cumulative storage capacity at a site. In S.B. 373, the 1320-gallon figure applies to individual tanks. *This creates many exemptions and constitutes a loophole.*

- The House approved a floor amendment by Delegates Skaff and Cooper that exempts commercial establishments that use "an above ground storage tank for public sale of gasoline, diesel fuel, off road/heating oil or kerosene" providing certain conditions are met, and requires only that these facilities pay a one-time registration fee.
- The bill provides for too much secrecy. Although West Virginia's Freedom of Information Act contains adequate exemptions to keep sensitive information from terrorists, S. B. 373 specifies that the public may be denied access to information submitted to the DEP if "good cause is found to grant the request, for reasons of security or other legitimate public interest concern."
- There is no provision for citizen lawsuits should the new aboveground storage tanks provisions fail to be enforced. However, we do have built-in citizen enforcement provisions for every site that holds an NPDES permit.

Finally: the January 9 spill prompted a number of local citizens to become politically active for the first time. They are too numerous to mention here without leaving someone out. But they spent many hours at the Capitol pushing and pulling for a good bill.

And special thanks must be given to Evan Hansen of Downstream Strategies, whose expertise and hard work were instrumental in crafting much of what is positive in S.B. 373.

UPDATE: S.B. 373 requires that DEP propose to the Legislature rules for this bill for the 2015 legislative session. In order to meet that deadline DEP will file its proposal as an emergency rule this fall. On April 10 DEP announced that it is establishing an expanded rulemaking process for this bill and that it will accept comments on what should be included in the rule until May 15, before the agency begins to draft the rule. You can submit comments by email to Scott.G.Mandirola@wv.gov or in writing to Scott Mandirola, Director, DEP Division of Water and Waste Management, 601 57th Street, SE, Charleston, WV 25304.

DEP will use this information to prepare the first draft of the rule. When DEP finishes the first draft of the rule, around mid-July, they will distribute it for further review and comment. They will then schedule a "stakeholder" meeting to further review and "debate" the draft. DEP says it will accept written comments at any time during the process. DEP will then finalize the draft and file it with the Secretary of State's office no later than December 2014. At that time DEP will also put the emergency rule out for public comment, including a public hearing. The emergency rule will then be subject to the full legislative process during the 2015 legislative session.

TYGART TAKES ON DEPARTMENT OF ENVIRONMENTAL PROTECTION AND INTERNATIONAL COAL GROUP

By Cindy Rank

It was standing room only for the public hearing about the air and methane bleeder shaft proposed for the ARCH Coal/ICG Leer Mine at the edge of the Tygart Lake and State Park and near Shaffer's Lakeside Resort and campground.

Approximately 175 full time and seasonal residents as well as visitors to the Tygart Lake State Park flooded the Paradise Cove Community Building for the April 29th public hearing. People filled about all of the 130 or so seats and others stood single file along the side walls and three or four deep in the back of the room and out the entrance way.

Stalwart members of WV Highlands Conservancy organizational member T.E.A.M. (Taylor Environmental Advocacy Membership) were in attendance as were members of the Watershed group Save the Tygart – groups that have maintained an active interest in and have carefully watched the Leer Mine since it was first proposed.

Presenting expert testimony about what is feared will be the long term impairment of local streams and Tygart Lake by the 6,000 acre Leer longwall deep mine, and fully aware that subsidence damage from the mine will disrupt and in some cases destroy their lives and property, members of T.E.A.M. spearheaded only partially successful challenges to the mine some eight years ago. Since then and with the help of a joint project of T.E.A.M., WVHC and Downstream Strategies they now continue their vigilance by monitoring key streams and water wells in advance of the longwall panels and strive to inform and assist residents to prepare for what is to come as mining approaches their homes.

The watershed group Save the Tygart has monitored streams around the Lake for umpteen years and continue their tireless water testing along Three Forks Creek as well as other streams that flow into the Tygart River at the Lake itself and elsewhere.

When attendees at the hearing were asked who opposed the proposed location of the bleeder shaft probably 95% or more of those at the hearing raised their hands.

Thirty of us spoke of our concerns and objections to the proposed location of the shaft, only one person seemed to defend the current location, and speaking nearly last the general manager of the mine tried to assure everyone that the company had listened to the concerns and would be taking them into consideration.

One particular highlight was a lengthy and eloquent statement presented by the acting Park Superintendent for Tygart Lake State Park. Speaking for himself and a number of other State Parks and Recreation officials he read from their mission statement to explain reasons why they object to the proposed location of the shaft and described what harm it would do to the use, enjoyment and ongoing development of the park and its ability to serve the community and the state.

Others who spoke emphasized how the noise and light would disrupt the quiet days and nights they and other residents and visitors to the area value and enjoy. – Now no one is naïve enough to think loud noises are unknown to those who frequent the area - whether it be noise from boats on the lake or at the nearby boat dock or the occasional loud party - but those are temporary occurrences, not a bleeder shaft fan running constantly 24/7 and for some 10 years or more to come according to a DEP representative at the hearing. The company claims it will buffer the noise and

direct it up and away from the lake, Lodge and resort area, but local folks who had visited a similar fan site said it was noisy and smelled.

Ah yes, the smell – and the perceived danger of methane gas being vented from the mine. Many speakers referred to the 'methane fog' that will settle into the valley and over the lake at times of weather inversions known to occur at the lake and encouraged the use of equipment to capture the methane for disposal or use elsewhere.

Despite the dismissal by DEP and company that methane doesn't smell, and at an average concentration of 1% that it's not dangerous either, other folks are quick to point to their own experiences that tell them differently and to the fact that methane will pull with it out of the ground other odors from the mine whether it be fumes from the mine equipment or from the rock being mined.

As for the danger, no one wants to allow methane to build up in the mine and endanger the workers, but that 1% figure only represents an average and likely includes higher percentages at some times. The need for continuous monitoring of methane levels was stressed over and over again.

The Wildlife Resources Lands Inquiry required for and included in the application was done for another air shaft permit some two miles to the northeast of the proposed shaft on Scab Run. A new Lands Inquiry should be requested that covers the 2 mile radius emanating from the specific site proposed for the Scab Run Shaft and would reach beyond the lake and include the area of the nesting Bald Eagles that are so popular with residents and visitors alike.

Knowledge that a similar shaft installed at the Sharp farm dewatered two springs and a farm pond gives rise to fears that a shaft in this location might deplete water sources that feed Scab Run which then flows into the lake.

Concerns for the safety of the Army Corps' Tygart Lake Dam peppered debates and discussions early on in the permitting process for the Leer mine some eight years ago and comments Monday night echoed those concerns. Speakers reminded DEP that damage to the dam at Ryerson Park that resulted in the dewatering of Duke Lake was due to a nearby CONSOL longwall mining operation in south western Pennsylvania despite repeated assurances that such damage would not occur.

Whether DEP – or ARCH Coal/ICG Mining -- will seriously consider changing the location or anything else about the proposed shaft that might alleviate the fears of those who attended the hearing is yet to be seen. To date, and possibly due to concerns expressed by the community, the company has indicated to DEP that they will drill using the raised bore method of drilling which will eliminate the need for the originally proposed cuttings and water impoundment on the surface, and furthermore will be accessing the site from another road instead of travelling through the Park and up the gas well road near the Lakeside Resort area.

Arguably DEP has the discretionary authority to do more to alleviate the concerns of the community by insisting on a change in the location of the shaft. However, that might require engineering changes in the mine plan and possibly leaving some coal reserves in the ground. Historically it appears that DEP has resisted taking take

(More on the next page)

TYGART FIGHTS BACK (Continued from previous page)

such strong stands for fear that the agency can only defend actions that abide by the absolute and most limited interpretation of the law if challenged by the industry. (My opinion only of course.)

But one thing for sure is that the impact of the mine itself will be felt for years to come.

It's a fact that much greater devastation can be anticipated as the longwall panels carve out acres of support beneath more and more streams and homes and property within the sprawling nearly 10 square miles of the permitted mining area. But adding insult to injury by imposing this noisy and presumably smelly air and methane bleeder shaft within such close proximity to the Lake, State Park Lodge and privately owned 100 family resort/camping area is neither reasonable or necessary ... and certainly not an action one might expect from the good neighbor that ARCH Coal/ICG claims to be.

As for that devastation to come the following words written by a resident of the area keep ricocheting around in my head:

"I knew personally that it [the mine] would destroy all I have and love in our land and home. ... These things, wildlife, state parks, lakes, family memories of camping cannot be replaced in a lifetime. We are so blessed to have them and to allow them to just be destroyed is a terrible sin."

OUR READERS WRITE

What To Do About Deer

This spring I learned that I no longer have the 416 species of plants I've identified on my forty acres over the years. It looks like more than half the plants are gone, to deer.

How concerned are other readers? Will you consider contacting me and meeting with officials to look for solutions to the problem? If you can't get involved, but can report on the state of the woods near you, I would appreciate hearing about it.

Sally Gagné
Hedgesville, WV
sgagne@erols.com

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

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

PERSONAL COMMENTARY ABOUT THE FORMAT OF THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION PUBLIC HEARING APRIL 29TH AT TYGART LAKE

By Cindy Rank

I would be remiss not to credit WV Department of Environmental Protection (WVDEP) for conducting the hearing on the ICG Leer Mine IBR # 7 a bit differently than many may be used to, and in a way a lot more satisfying to a general public accustomed to the earlier formats where DEP was not at all engaged with the public in attendance.

For years a hearing was just that – DEP personnel would sit silently at a table and record and listen as attendees would speak their piece pro or con about the mine application at issue.

More recently DEP has adjusted that format to allow for individual conversations with permit reviewers at various stations where permit maps could be examined, but any comments have been taken and recorded only individually and off in some corner of the room isolated from the rest of the group so there was no sharing of ideas or concerns or questions among the general public in attendance.

At the April 29th hearing in Paradise Cove at least a dozen helpful WV DEP personnel were available prior to the meeting to speak with people and answer questions about the maps that were on display – many were questions that went beyond the application for the bleeder shaft in Scab Run that was the focus of the hearing. At the scheduled meeting time Permit Supervisor Randy Moore and Engineer and Permit Writer Clarence Wright spoke to the crowd describing the proposal and then, departing from the norm, answered questions for a half hour or so, before proceeding with the formal hearing and recording comments from the 30 people who had signed up to speak.

I realize that the arrangement didn't solve all of the problems I personally see with the previous ways of conducting such a hearing, and it did open DEP personnel to criticism when the answers didn't suit, but I think it went a long way to dissipating some of the anger and disappointment participants often experience when there is no interaction with the DEP and or the attendees as a group.

I would certainly recommend – as I have done several times to WVDEP in the past – conducting all public hearings in a similar manner.

DON'T FORGET

There's still time to register for the conference entitled "Climate Change and the Highlands: What's at Stake -- What's at Risk?" It's coming up the weekend of June 7, 2014, at Blackwater Falls State Park. Join others who love the Highlands, enjoy the beauty of Blackwater Falls State Park, and engage with experts who will present the latest information on the impacts of climate change on the Highlands.

For more information, including how to register and lodging options go to www.wvalleghenyclimate.org.

HIGHLANDS CONSERVANCY BOUTIQUE



► The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is “I ♥ Mountains Save One for Me!” Onesie [18 mo.]---\$17, Infant tee [18 mo.]---\$15, Toddler tee, 2T,3T,4T, 5/6---\$18

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

► Order now from the website!

Or, by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to James Solley, PO Box 306, Charleston, WV 25321-0306

T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. “West Virginia Highlands Conservancy” in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$15 by mail; **long sleeve** is \$18. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps for sale as well as I ♥ Mountains caps.

The WVHC cap is beige with green woven into the twill and the pre-curved visor is light green. The front of the cap has West Virginia Highlands Conservancy logo and the words West Virginia Highlands Conservancy on the front and I (heart) Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I ♥ Mountains The colors are stone, black and red.. The front of the cap has I ♥ MOUNTAINS. The heart is red. The red and black hats are soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. The stone has a stiff front crown with a velcro strap on the back. All hats have West Virginia Highlands Conservancy printed on the back. Cost is \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to James Solley, P.O. Box 306, Charleston, WV 25321-0306

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.