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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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Federal Court Makes a Decision

CORPS OF ENGINEERS DOESN'T HAVE TO CONSIDER HEALTH EFFECTS OF BIG STRIP MINES

By John McFerrin

The front page of the November, 2012, issue of *The Highlands Voice* had the headline SHOULD CORPS OF ENGINEERS CONSIDER HEALTH EFFECTS OF MINING? GROUPS SAY "YES!". Now the United States District Court for the Southern District of West Virginia (Copenhaver, J) has weighed in on the question. Its answer is "no." Since the judge's vote is the only one that counts, the answer, in these circumstances at least, is no.

The controversy is over a proposal by Raven Crest to conduct surface coal mining activities at the proposed Boone North No. 5 Surface Mine, a 725-acre site in Boone County, West Virginia, near the communities of Peytona and Racine.

Before it could mine—including mining through streams and placing fill material in streams—Raven Crest was required to get a permit from the United States Army Corps of Engineers. The Corps issued that permit in August, 2012.

The controversy is over what the Corps should have considered before deciding to issue the permit. Over the past few years more and more health studies have begun to confirm the existence of health problems that disproportionately affect people living near large surface mines. More specifically, this growing body of research and studies relate an increased occurrence of serious health impacts in communities near mountain top removal coal mining to the mining

itself. Of the peer reviewed research and studies that continue to be done about the health impacts of coal and coal mining in general, at least six indicate mountaintop removal and large scale surface mining to be particularly troublesome. References to some of these health effects and the studies themselves can be found in the adjacent box.

The Plaintiffs in the case (West Virginia Highlands Conservancy, Coal River Mountain Watch, the Sierra Club, and the Ohio Valley Environmental Coalition) had submitted to the Corps the studies linking large scale strip mining to adverse health effects. They contended that the Corps should have considered them as part of the evaluation of the permit application.

The Plaintiffs' legal theory was that the Corps violated the National Environmental Policy Act (NEPA). The National Environmental Policy Act is based upon the assumption that we should avoid causing environmental damage out of ignorance. Instead, federal agencies should carefully consider the environmental impacts of their actions before making decisions.

As NEPA has developed in the courts, it has turned out that it does not prohibit anything. NEPA litigation is not about whether or

(More on p. 3)

What's inside:

Thoughts from President Cindy	2	Plans for a new hiking guide	10	Next senator kicks off campaign	17
Roster of officers	2	Get a Hiking Guide	11	Reading in action	17
Health studies on MTR	3	Facts about the big gas line	12	New alliance formed	17
Blair Mountain	4	More gas line facts	13	Solicitation of proposals	18
Water and Wellness conference	6	Friends of Shenandoah		Last chance for a sculpture	19
How to join	7	Mountain Oppose gas line	13	Annual meeting coming up	19
Get a history book	7	Birthplace of Rivers	14	Cindy gets an award	19
Field trip possibility	7	Honoring the wild	15	An incomplete haberdashery	20
History of the Wilderness Act	8	Conference registration	16		

Ramblin' the Ridges

By Cynthia D. Ellis

Pick a Winner

They did not become activists with the notion of winning a prize. But two speakers featured at our upcoming Wellness & Water Conference [October 3] are winners.

Both Helen Slottje and Maria Gunnoe have been awarded the Goldman Prize for grassroots environmentalism.

Since 1990, The Goldman Prize has been awarded annually to six people who have each made a difference with an issue of concern to their own community. Regions from around the world are represented; of the 210 individuals recognized, just 14 have been from the United States. Slottje and Gunnoe are in renowned company, national and international, with Lois Gibbs, who fought for justice regarding Love Canal, Kenya's Nobel Peace Prize winner Wangari Maathai, who fought for democracy, reforestation, and improving the lives of women; and Julia "Judy" Bonds, another West Virginian seeking relief from pollution in areas ravaged by coal extraction.



Helen Slottje

The Goldman Environmental Prize was established by philanthropists Richard and Rhoda Goldman. Their children continue to oversee the endeavor and, like their parents, are proud that they are able to honor "ordinary people doing extraordinary things".

And these two recipients were ordinary people who had not foreseen activism for themselves any more than they could have predicted they might win a prize for that work. One was a lawyer who moved with her husband to a quieter part of her state. One worked small jobs, mostly waitressing, enjoying raising her children in the mountain community where she grew up. But things changed.

They changed.

Family connections were part of the beginnings of activism for these two women. Slottje was helping her brother-in-law look for country property when she noticed the proliferation of disruptive gas operations in upstate New York. For Gunnoe, unprecedented flooding of her family lands...flooding itself accelerated by mountaintop removal mining... moved her to action.

In the last five years, lawyer Helen Slottje, of Ithaca, has helped 172 communities in New York State enact fracking bans. "By bringing decision-making power back to the municipal level, Slottje enabled small towns to effectively respond to advances by powerful, moneyed energy companies," prize administrators said in a statement. In addition, her efforts in New York have inspired and invigorated similar work in Texas, California, Colorado, Pennsylvania, and Ohio.

Maria Gunnoe has worked to end mountaintop removal mining since 1997. As a volunteer and then staff worker for the

(More on p. 10)

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HEALTH EFFECTS OF BIG STRIP MINES

(Continued from p. 1)

not a decision is the right one. It is all about deciding whether the agency seriously considered the environmental effects of its action and considered all relevant information in making that decision.

In this case, the Court decided that the Corps did not have to consider the health impacts in communities near big strip mines. It reached this conclusion by determining that the Corps of Engineers did not issue a permit for the entire mine. It only issued its permit allowing the company to “mine through” streams (“mine through” means that the company obliterates the streams and then “reconstructs” them after mining is over).

It is the West Virginia Department of Environmental Protection that grants the permit for the entire mine. Its rules control blasting, revegetation, prevention of offsite damage, etc. The Court reasoned that the health studies did not connect the adverse health outcomes with mining through streams. The studies connect the health outcomes with the entire mine. They only say that people who live near big strip mines get sick more often than those who do not. The studies do not identify the exact mechanism by which the mines cause illness or point the finger at any specific part of the mining. Since the Corps only controls a part of the whole permit (the stream obliterating part) then it did not have to consider the health studies.

The Corps also benefitted from the general court rule that close calls go to the agency. Here, the Corps had rules saying what it should consider. The Court found that it was plausible, under those rules, to consider health impacts. At the same time, it was plausible to decline to consider the health impacts. If the Corps plausibly could have decided either way, then the Court would not interfere with the agency decision.

Like much litigation, this decision does not answer the ultimate question: should we continue to allow big strip mines when there is evidence that such mines make people who live nearby sick? Instead, the decision is about who gets to decide, what evidence they have to consider, etc. In one way or another, we will continue to inch toward the answer to this ultimate question.

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. With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived. The electronic Voice is in color rather than in black and white as the paper version is.

HEALTH EFFECTS OF MOUNTAINTOP REMOVAL MINING: THE STUDIES

The key health effects and studies that relate most directly to persons living near mountaintop removal mining operations are as follows and listed on the Ohio Valley Environmental Coalition website: http://www.ohvec.org/issues/mountaintop_removal/articles/health/index.html

1. Babies born to mothers who smoke during pregnancy HAVE AN 18% HIGHER RISK OF BIRTH DEFECTS; however, babies born to mothers who live in areas with mountain top removal mining HAVE A 26 % HIGHER RATE OF BIRTH DEFECTS. Additionally, it was found that this risk is 42% HIGHER OVER THE COURSE OF THE STUDY PERIOD FROM YEARS 2000-2003 and 181% higher during more recent years, specifically for a heart or lung defect.* (Ahern, MM, et al, Environ. Res., (2011), DOI: 10.1016/j.envres.2011.05.19)
2. Babies born to mothers who live in areas with high levels of coal mining HAVE A 16% HIGHER CHANCE OF BEING BORN UNDER WEIGHT.* (Ahern, et al, Maternal and Child Health J, DOI: 10.1007/s10995-009-0555-1)
3. People who live in areas with mountain top removal mining HAVE HIGHER DEATH RATES compared to people who do not live near MTR mining.* (Hendryx, Journal of Health Disparities Research and Practice Volume 4, Number 3, Spring 2011, pp. 44-53)
4. People who live in areas where there is mountain top removal mining HAVE HIGHER RATES OF DEATH FROM CARDIOVASCULAR DISEASE, (HEART DISEASE).* (Esch & Hendryx; The Journal of Rural Health; 00; 2011; 1-8)
5. People who live in areas with high rates of coal production HAVE HIGHER RATES OF DEATH FROM CERTAIN CANCERS, (BREAST, LUNG, DIGESTIVE, URINARY).* (Hendryx & Hitt; Ecohealth; 2011, DOI: 10.1007/ s10393-101-0297-y)
6. People who live in counties with mountain top removal mining report significantly MORE DAYS OF POOR PHYSICAL AND MENTAL HEALTH AND LIMITATIONS OF THEIR ACTIVITY.* (Am J Public Health. 2011;101:848–853. DOI: 10. 2105/ AJPH.2010.300073)

*These risks increase even after accounting for race, gender, poverty, smoking and other risk factors.

Thanks also to Coal River Mountain Watch for their compilation and summaries of these health studies on that organization's website: <http://www.crmw.net/resources/health-impacts.php>

BATTLES FOR BLAIR MOUNTAIN

By Cindy Rank

If one wanted to find a story to represent West Virginia's bitter-sweet relationship with coal, the happy-sad-tragic history of Blair Mountain in Logan County epitomizes the long and difficult struggles to preserve the culture and heritage of the West Virginia hills.

The Battles of and for Blair began long before we moved here in 1973 but my first introduction was a series of articles in the Charleston Gazette about the United Mine Workers (UMWA)'s less than successful efforts to prevent mining of the historic mountain above the town of Blair.

It wasn't until the late nineties that Blair became more widely known. Anyone who remembers Penny Loeb's 1997 US News and Report article titled SHEER MADNESS may also recall the section of the article that relates how one day James Weekley walked into Joe Lovett's law office, pointed to the two page spread picture of mountaintop mining in Penny's article and said "This is my home. This is where I live. What can you do to help ?!?"

The saga of Blair is not unlike others of the long winding tangled paths inherent in so many of the mining stories that have appeared in *the Highlands Voice* over the years, and we've written often about Blair specifically. But several things have happened recently that makes it worth taking time to look at what's happening in and around Blair Mountain and tying together what may otherwise seem to be unrelated events.

THE WEEKLEYS

The sad news first.

Among the people of Blair – those who left and those that stayed – the Vicki and Tommy Moores, Carlos Gore, Kenny King, Chuck Keeney and so many others – perhaps the name likely to be most familiar is "Weekley", the family front and center during the highly charged *Bragg v. Robertson* litigation begun in 1997.

Long time residents of Pigeonroost hollow Jim and Sibby Weekley battled to save their home and homeplace from the ravages of encroaching mountaintop removal mining. Pigeonroost Branch of the Little Coal River

and the hollow that rises up around it held the Weekley family for generations. Together they played and fished and explored the waters and wonders of the valley – much like many families who live and grow in the rain-forest like mountain hollows of West Virginia.

It was a sad day when we paid tribute to Sibby when she died in January, 2007. With his mother and wife gone and children living elsewhere, Jimmy was the last remaining resident in Pigeonroost hollow. And if Sibby was the heart of the effort to



Sibby and Jimmy Weekley on their porch in 1999

Photo by Janet Keating

preserve Pigeonroost, Jimmy has been the anchor, especially these past seven years.

Sadly Jimmy too has now left us. He died August 22, 2014. But his fight for and his devotion to his homeplace, hollow and the history of the area remain, hopefully carried forward by those who have been infected with his resolve and dedication and love for the land that was his home for 74 years.

THE MINES

The mining around Blair and Pigeonroost hollow continues to be challenged even though it expands incrementally as it has been doing for the past couple of decades.

The Dal-Tex mine complex above the town of Blair was a keystone in Penny's US News and Report story and the mine pretty much decimated the town due to the constant noise, blasting, dust and general shenanigans of the company. Much of that mining had spurred UMWA's 1980's fight to preserve the history of the mountain and the Battle of Blair Mountain, and it was also

the view that Jimmy Weekley had from his beloved meditation rock, a view that caused Jim and Sibby to be concerned about the planned expansion that would bring the huge mines onto their side of the road and into Pigeonroost hollow.

Arch Coal's Spruce #1 mine on the Weekley's side of Route 17 has been the subject of debate and studies and litigation since 1997 and though the EPA veto of a Clean Water 404 'fill permit' continues to thwart mining in the main hollow formed by Pigeonroost Branch, mining continues on portions of the original Spruce #1 permit -- at least on the other side of the mountain in Seng Camp Run watershed and is inching ever more closely along the very ridge top above the Weekley home.

Meanwhile on the Dal-Tex side of Route 17 mining permits on the mountain and the historic Blair Mountain Battlefield continue to face challenges.

THE MARCHES

For five days at the end of August 1921 the original March to Blair Mountain was undertaken by a band of some 5-10,000 coal miners in an effort to unionize miners from Boone through Logan and Mingo

counties in southwestern West Virginia. The thousands of armed union miners were met along Blair Mountain by thousands of law enforcement officers and security guards hired to defeat them – and finally federal troops. The Battle that took place was the largest armed confrontation in United States labor history and though the miners were defeated, the action itself helped pave the way for better federal labor laws such as the 1935 National Labor Relations Act.

Two similar marches have taken place in later years, though without the armed combat or the historic significance. These marches were both to honor those who marched in 1921 and to draw attention to the mining that has slowly been eating away at the mountain where this important history was made.

The March on Blair Mountain in 1999 took place during the height of tension over

(More on the next page)

BATTLES OF BLAIR MOUNTAIN (Continued from previous page)

the Bragg litigation and encounters along the way were none too pleasant - one with a gang of angry people who surprised us at a blind bend the first day even included the unfortunate and ironic incident where Ken Hechler (turning one hundred this month, by the way) was pelted with eggs and spat upon by miners for whom he spent years fighting in Congress to achieve fairness in the mines and strong Black Lung legislation.

The larger march in 2011--also along the same 50 mile route from Marmet to Blair--was a bit less confrontational. It included hundreds of folks young and old, and ended with some of the participants hiking up the mountain.

THE HISTORIC BATTLEFIELD

If memory serves me the earlier effort to preserve Blair by the UMWA won only small concession to retain a memorial to the Battle either near the fire tower on Blair Mountain or the historic marker that stands along Route 17.

More recently three major efforts are being undertaken to challenge proposed mining operations that would (and do already in some reaches) encroach on the narrow ridge of Blair Mountain where archeological remnants of the deadly Battle of Blair Mountain have been documented.

1) A Lands Unsuitable for Mining Petition was filed pursuant to the federal (and state) surface mine law on June 2, 2011 on behalf of a broad coalition of community, environmental, historic preservation, and labor history groups (Sierra Club, National Trust for Historic Preservation, Friends of Blair Mountain, the Ohio Valley Environmental Coalition, the West Virginia Labor History Association, and the West Virginia Highlands Conservancy). Despite the historic significance, natural beauty and the important archeological sites discovered along the Battlefield, the West Virginia Department of Environmental Protection (WVDEP) declared the petition "frivolous". The organizations then sued in state court.

The case has languished for the past two years. About a year ago - after the case had already been pending for over a year - the judge asked for supplemental briefing, which both plaintiffs and the state submitted. However, nothing has happened since then and so on August 25, 2014 we filed a request for oral argument in hopes that the request will prompt the court into issuing a ruling.

2) The attempt to list Blair Mountain

Battlefield on the National Register of Historic Places has been ongoing for years as well. A well-defined narrow 1,600 acre strip along the ridge of the mountain has been the focus of this listing.

Named by the National Trust for Historic Preservation as one of America's 11 Most Endangered Historic Places in 2006, Blair Mountain was listed by the National Park Service in the National Register on March 30, 2009. The Park Service, responding to pressure from coal companies eager to strip mine the site, altered the list of property owners based on one-sided "corrections" presented by the coal companies, and decided that a small majority objected to listing the site. On this basis, the Park Service de-listed Blair Mountain Battlefield from the National Register. Sierra Club, OVEC, and the National Trust for Historic Preservation asked the Park Service to reconsider its decision because it did not follow applicable regulations in removing the site, but the agency declined to do so.

Litigation followed in 2010 when plaintiff groups Friends of Blair Mountain, the West Virginia Labor History Association, Sierra Club, Ohio Valley Environmental Coalition and WV Highlands Conservancy (- joined by the UMWA via their own amicus -"friend of the court" - brief) filed a legal challenge in the District Court in Washington DC to reverse the decision by the National Park Service.

In October 2012 the Federal District Court in Washington DC ruled that the plaintiffs had no standing based on the court's belief plaintiffs had no specific interests that would be harmed, that mining was not imminent and that a favorable ruling would not provide remedy. Most recently however, on August 26, 2014, the Circuit Court of Appeals in DC reversed the lower court's decision, ruled plaintiffs do have standing, and sent the case back to district court for further consideration of the merits.

3) Numerous appeals to the Army Corps of Engineers to deny Clean Water Act Section 404 fill permits for areas that overlap the proposed Blair Mountain Battlefield National Register of Historic Places Nomination Area (BMBNA) resulted in a call July 2013 by the Corps for all interested parties to meet and discuss a "Blair Mountain Programmatic Agreement" that would govern the implementation of the Corps' responsibilities under Section 106

of the National Historic Preservation Act for undertakings that may affect the BMBNA. (i.e. 404 authorizations requested by Aracoma Coal, Mingo Logan Coal, and WPP, LLC).

A year later (July of 2014) a draft Programmatic Agreement (PA) was released for a 30 day comment period. Several groups commented by the August 21st deadline, but as of the publication date for this issue of *the Highlands Voice* there is no indication of how the Corps will respond or what the final Agreement might look like.

For now it appears that the draft PA falls FAR short of expectations of West Virginia Highlands Conservancy and allies such as Friends of Blair Mountain, the National Trust for Historic Preservation and a multitude of other participants deeply involved in the conversations and meetings this past year.

PS) WVDEP — a final note is in order about recent actions taken by the WVDEP after citizen complaints and inspections pointed to incursions by one mine company into the Battlefield area. The West Virginia Department of Environmental Protection issued an order on April 29, 2014 prohibiting Alpha Natural Resources from mining within 1,000 feet of the historic site – until at least 2018.

THE FUTURE ?

Who knows ?

But one thing is certain. Whether it be Pigeonroost Hollow or the ridge of Blair Mountain Battlefield on the other side of the road, Blair - and the people who for generations have lived and toiled in on and under the surrounding hills and hollows – reflect the tenacity and love West Virginians have for their state and heritage.

West Virginia Highlands Conservancy former board member and stalwart supporter Julian Martin said it well: "Blair Mountain is an important part of my family's history. My grandfather and great uncle fought at Blair Mountain in 1921 on the side of the United Mine Workers of America. It would be a huge loss for Blair Mountain to be unprotected from mountain top removal strip mining."



Wellness and Water 2014

3rd Annual Conference

Keynote Speakers



Rahul Gupta MD, MPH, FACP

Serving as Health Officer and Executive Director at Kanawha-Charleston Health Department, WV resident Dr. Gupta has authored numerous publications in medicine and public health. He is an adjunct clinical Assistant Professor of Medicine at WVU's School of Medicine and adjunct Associate Professor at the Univ. of Charleston's School of Pharmacy. He also serves as medical consultant and teaching staff member at Charleston Area Medical Center hospital and is a volunteer physician at the West Virginia Health Right Clinic in Charleston.



Helen Slottje, 2014 North America Goldman Prize winner

Using a clause in the state constitution that gives municipalities the right to make local land use decisions, Helen Slottje provided pro-bono legal assistance, helping towns across New York (her home state) defend themselves from oil and gas companies by passing local bans on fracking.



Maria Gunnoe, 2009 North America Goldman Prize winner

Maria Gunnoe, Community Organizer and Media Spokesperson: Maria is an OVEC organizer in Boone County, WV – where she and her family have lived for generations – but her work extends far beyond the county's borders. In 2009, Maria received the Goldman Environmental Prize for North America, the Nobel of environmental awards. In 2012, she won the Wallenberg Medal.

Agenda and Overview

■ **Friday, October 3, 2014**
7:00 - 10:00 PM (registration starts 6:00 PM)
 Reception and Fundraiser Concert

■ **Saturday, October 4, 2014**
9:00 AM - 6:30 PM (registration starts 8:00 AM)

We're all in this together. Come ... be a part of the solution.

Wellness and Water 2014 will feature a Friday evening concert/fundraiser headlined by Andrew McKnight, plus Colleen Anderson and George Castelle. The full program on Saturday is packed with informational presentations addressing drinking water impacts and health problems associated with mountaintop removal coal mining, unconventional gas drilling, and chemical storage facilities.

Concerned citizens, educators, health professionals, and elected officials are all invited to attend as allies to achieving a common goal—the recognition that clean water is a basic human need and right.

Wellness and Water

Where:

Village Chapel Presbyterian Church
 3818 Venable Avenue
 Charleston, WV 25304
<http://www.vcpresby.com/>

Contact:

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 or e-mail: info@ovec.org

Register Online:

<https://donation.towercare.com/ovec-registration>

Pre-registration Fees:

Friday night only: \$15 (reception included)
 Saturday events only: \$40 (includes lunch)
 Fri. & Sat.: \$50 (includes lunch)

Please pre-register; day of event fees will increase and meals not guaranteed.

Sponsored by: Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, WV Citizens' Action Group, WV Surface Owners' Rights Organization, Doddridge County Watershed Association, People Concerned About Chemical Safety, WV FREE, Sierra Club—WV Chapter, WV Sustainable Business Association

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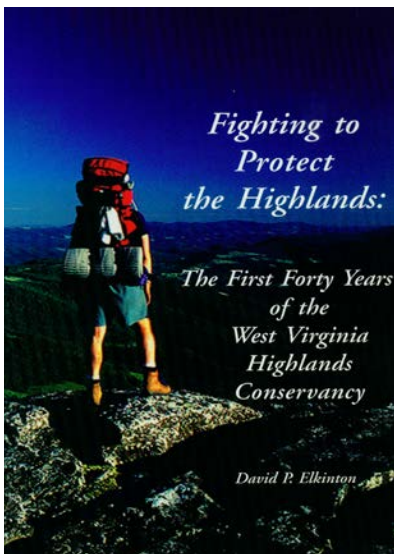
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Student	\$ 15		
Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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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.

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A HISTORY OF THE WILDERNESS ACT

By Ed Zahniser

This year marks the 50th Anniversary of the 1964 Wilderness Act. The Act created the National Wilderness Preservation System that now protects some 110 million acres of federal public lands. West Virginia boasts nine federally designated wilderness areas on the Monongahela National Forest.

Individuals; state, regional, and national advocacy groups; and federal and state land-managing agencies nationwide will celebrate wilderness and the Wilderness Act throughout 2014. Ed Zahniser, author of this first article, is a son of Howard Zahniser (1906–1964), who is considered the primary author of and chief lobbyist for the Wilderness Act.

Passage of the 1964 Wilderness Act is commonly taken to be an eight-year legislative struggle. The first wilderness bills were introduced in Congress in summer 1956—in the House of Representatives by John P. Saylor of Pennsylvania and in the Senate by Hubert H. Humphrey of Minnesota. President Lyndon B. Johnson signed the Wilderness Act into law on September 3, 1964. Howard Zahniser had drafted the first legislation in early 1956, but died in May 1964 as the legislation was about to become law. His widow Alice Zahniser represented him at the White House for the signing in the Rose Garden on September 3.

Seeds of a wilderness law were sown with the organization of The Wilderness Society in the mid-1930s. Millionaire bureaucrat Robert Marshall spearheaded forming the organization. In his travels to wild areas in Alaska and the Lower 48 states, he sought out advocates for preserving such areas. Marshall and his recruits were the organizers and charter members of The Wilderness Society.

In 1947 the Society's governing council voted to seek some form of permanent protection for areas of wilderness. Marshall and others had succeeded in getting federal agencies that managed roadless wild areas—chiefly the Forest Service of the US Department of Agriculture (USFS)—to protect a few areas administratively. But administrative protection was not permanent protection. Future administrators could sign away such protection with the stroke of a pen. After World War II ended in 1945, the USFS indeed began “reclassifying” such areas or shrinking their boundaries. The post-war economic boom and its pent-up

demand for housing required lumber. Large tracts of roadless forest on federal public lands rapidly shrank—or disappeared—as roads were driven into them.

That was the situation of wilderness in the mid-1900s, but the 1964 Wilderness Act has a history deeper than its eight-year struggle. A few touchstones will illuminate the roots of the American wilderness imagination. Wilderness advocates were and are projected onto the land by the wild imagination of a great cloud of witnesses. The thrust of the 1964 Wilderness Act would be to take decision-making regarding wilderness out of the hands of federal agencies and to put the decision in the hands of Congress and its elected officials.

The history of the realization of the Wilderness Act can be seen as a 100-year struggle, from 1864 to 1964. Two events in 1864 launched this history. First, President Abraham Lincoln took time from prosecuting the Civil War to sign an act that ceded federal public-domain lands of Yosemite Valley and the Mariposa Grove of Big Trees—Giant Sequoias—to the state of California for public parklands.

Also in 1864 George Perkins Marsh (1801–1882) published *Man and Nature*. Historian Lewis Mumford, in the mid-1900s, deemed Marsh's book “the fountainhead” of the American conservation movement. Marsh subtitled his book “The Earth as Modified by Human Action.” That the verb form of modified—to modify—appears in the opening of the Wilderness Act is no coincidence.

Vermont-born George Perkins Marsh's *Man and Nature* achieved a remarkable historical synthesis of global assaults on forests by humankind. Since its initial printing, the book has never been out of print. It saw some seven printings by 1873. Marsh wrote the book in Italy, where President Lincoln had posted him as a diplomat. Marsh had witnessed the destruction of Vermont's forests in his own lifetime. However, Marsh's travels in the Mediterranean Basin enabled him—gradually—to see potential disaster in America's wanton destruction of our forests.

In 1856, Marsh and his wife had traveled in North Africa, on the southern side of the Mediterranean Basin. Jefferson Davis, then US Secretary of War, sent Marsh to North Africa to study the camel. The US Army thought it might be useful in fighting American

Indians in the Southwest. In North Africa, Marsh realized that many desert areas that he and his wife traversed were former sites of great civilizations. They were founded on great forests that harbored elephants back then, not camels.

The significance of this forest destruction did not immediately sound Marsh's inner alarm. In fact, Marsh's 1856 book *The Camel* opens with the prevailing notion of that time: that humans were not capable of significant impacts on God's creation. When President Lincoln posted Marsh to Italy, however, travels there convinced him that the formerly great civilizations of the northern Mediterranean Basin, like Greece, had also declined when their forests were cut down. This was what Marsh had witnessed in his home state of Vermont. The subtitle of *Man and Nature*, “The Earth as Modified by Human Action,” marked—actually and metaphorically—a watershed event for Marsh's thinking. Forests were the keepers of healthy watersheds.

The text of the Wilderness Act begins: “An Act / To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.”

The text then moves to the statement of policy, Section 2 (a) “In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness” [emphasis added].

The work of George Perkins Marsh in 1864 shows that to preserve wild forests was not a new idea in the 1950s. Wildlands as a future for some federal public lands had been around for a long time.

Directly across Lake Champlain from the Vermont of George Perkins Marsh, the Adirondack Mountains region of New York State also testifies to Americans' long-standing concern for wildlands. In 1872, the people of New York State began to move

(Continued on the next page)

A HISTORY OF THE WILDERNESS ACT

(Continued from previous page)

to create an Adirondack State Park. Their motivation was simple: In 1871, New Yorkers suddenly found themselves net importers of wood fiber for the first time ever. The next year, heeding Marsh's warnings in *Man and Nature*, New Yorkers moved to protect their remaining forests that helped supply the Erie Canal, completed in 1825, with water.

In 1885 New Yorkers created, on state-owned lands in the Adirondack and Catskill mountains state parks, the State Forest Preserve lands. In 1894 New Yorkers inserted into their state Constitution the so-called "forever wild" clause. The clause says that those forest preserve lands will be kept "forever as wild forest lands."

Louis Marshall was a voting member of New York's 1894 Constitutional Convention. Louis Marshall was a lawyer and great champion of Jewish civil liberties, immigrant rights, and the rights of all minorities. At the 1915 New York State Constitutional Convention Louis Marshall led the floor fight that stopped an attempt to gut the "forever wild" clause.

Louis Marshall was the father of Robert Marshall, who was to labor within the US Forest Service to protect roadless wild forests. Robert Marshall, who organized The Wilderness Society, was a second-generation wilderness advocate. Wilderness preservation was not new when President Johnson signed the Wilderness Act in 1964.

The Adirondacks and Catskills and their "forever wild" state forest preserve lands embody the American people's desire to protect wildlands. Forest Reserves had been created on federal public domain lands in 1891. These were true reserves—logging, mining, grazing, and homesteading were prohibited. But in 1905 they were redesignated as national forests, under the then-new US Forest Service, and opened to logging, mining, and grazing.

In a sense, New Yorkers made stick, in their own backyard, the wildlands preservation impulse that failed on federal public lands. In an address to members of the New York State legislature in the 1950s, Howard Zahniser described the Adirondack and Catskill forest preserve as "Where Wilderness Preservation Began."

The Wilderness Act is "for the permanent good of the whole people." That's the Congress of the United States speaking. The final House of Representatives vote on

the Wilderness Act was 373 to 1. A freshman member of Congress from Texas cast the lone dissenting vote. Texas had come into the debate as a former republic with no public lands. In 1964 the state still had no federal public lands. The member likely had little idea what a vote on the legislation might mean.

George Perkins Marsh's *Man and Nature* came out in 1864, two years after Henry David Thoreau, author of *Walden*, died of tuberculosis. Transcendentalist reformers Margaret Sarah Fuller, Ralph Waldo Emerson, and Thoreau were re-valuing nature and wildness as early as the 1830s. With the onset of railroads and industrialization, despoliation of lands—including wildlands—went into high gear. Wilderness advocate Howard Zahniser was a lifelong student of Emerson and Thoreau. Zahniser served a one-year honorary term as president of the Thoreau Society from 1956 to 1957. One of his public school teachers had her students memorize an Emerson quotation every week. Zahniser's interest later shifted more to Thoreau, who has since perhaps eclipsed his friend and mentor Emerson in the popular imagination.

Thoreau's essay on "Walking," published the year of his death, included the rallying cry of conservation that "...in Wildness is the preservation of the World." The essay was drawn from two lyceum lectures Thoreau gave in 1851, titled "Walking" and "The Wild." It is intriguing that Thoreau does not say that we preserve wildness. He instead says wildness preserves the world. For Thoreau, who read French, German, Latin, and Greek, this word world is the Greek word kosmos—as he says in the text. Kosmos means not only world but also beauty, pattern, and order. "...in Wildness is the preservation of the World, Beauty, Pattern, and Order."

Until the recent resurgence in women's studies, Margaret Sarah Fuller was far less known than Emerson and Thoreau. But many now credit Fuller as the greatest of Transcendentalist thinkers. Many consider Fuller's book *Woman in the Nineteenth Century* the best statement on the subject.

She edited the Transcendentalist magazine *The Dial*. She was the first female book reviewer for a New York newspaper. She was a thoroughgoing reformer. She even went to Europe to take part in the Italian revolution. She died in a shipwreck just off the

US East Coast on her way back to America. Emerson asked Thoreau to go search for her body and personal effects, including a book manuscript. Nothing was found.

Margaret Fuller figures in Wilderness Act history because her reformist agenda in the 1840s has an uncanny, nearly one-to-one correspondence with the legislative agenda of Hubert H. Humphrey in the 1950s. Fuller advocated American Indian rights, ending slavery, women's suffrage, women's rights, education reform, rehabilitation of women prisoners, and more. Her Transcendentalist reform agenda and Senator Humphrey's legislative agenda, of which the Wilderness Act was one important element, show that wilderness is not at the periphery of society. Wilderness is a core concern of a truly whole society, holistically seen.

The similarity of reform agendas of Fuller in the 1800s and Humphrey in the 1900s rounds out the truth of Thoreau's rallying cry. The Wilderness Act was part of a large legislative package backed by Senator Humphrey that included the National Defense Education Loan Act, Voting Rights Act, and the landmark Civil Rights Act.

Wilderness and wildness are not at the periphery of a truly great society. They are at its core: Congress declared the 1964 Wilderness Act to be "for the permanent good of the whole people. . ."—by a House vote of 373 to 1 and a Senate vote of 78–12. That was 50 years ago.

On its passage the Act immediately protected some nine million acres of federal public lands as wilderness. Citizen advocates and citizens group have seen that grow to the present 110 million acres, including in nine areas in West Virginia.

Note: this article previously appeared in *The Jefferson Observer*.

MORE ABOUT WINNERS: CYNTHIA D. FINISHES UP (Continued from p. 2)

Ohio Valley Environmental Coalition, she has spoken out, written, protested, traveled and helped organize others in the battles against that devastating extraction process. Recently, she wrote to President Obama. "Appalachian citizens are the casualties of a silent 'war on people' who live where coal is extracted," Gunnoe wrote the president. "Citizens of all ages are dying for the coal industry's bottom line."

As our home-grown activists know, one measure of success is the reaction of opponents to your efforts and by the poison in their pens as they write against you. Slottje has been criticized, by a pro-natural gas group, for the kind and color of jacket she wears in a video explaining her selection as the prize winner. The words "fawning, thoroughly disreputable, special interests, propagandizing, and blather" all feature in an attempt to discredit her. Slottje is despised by the industry she works to



Maria Gunnoe

limit, as is Gunnoe. One of Maria's own "poison" moments came when she was accused of fostering child pornography by bringing a photo to a Congressional hearing. The picture was obscene only in that it depicted a small girl trying to bathe in orange-tinted water at her home...water ruined by mine drainage.

Both have endured multiple attempts at physical intimidation, but have persevered.

It can be noted that the Goldman Prize itself has been criticized...by Chevron. That corporation complained in 2008 when two of the prize winners were activists who, on behalf of peasants and Indians in Ecuador, sued Chevron for dumping 18 billion gallons of polluted water into the Amazon.

Water...Another past winner was Marina Rikhvanova. She worked to divert a huge pipeline away from Russia's Lake Baikal.

So...we come back to "Water" and "Wellness." And it is especially fitting that Goldman Prize winners are coming to an event in Charleston, home of the 2014 Elk River coal prep chemical spill, to talk to us about both. As we in West Virginia continue to deal with fracking and MTR, we wonder, as did Maria's nephew, after repeated mining blasts, "What's wrong with these people, Aunt Sissy? Don't they know we live down here?"

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

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

Readers of *The Highlands Voice* can be of assistance in the new edition by submitting photographs made in the past two years. **I already have some photos but we could produce a better Guide if I had more photos.** Of particular need is a professional color photo for the front cover. It should be a photo not used in any past editions and should be either of outstanding scenery or hiking action. A stipend will be available.

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

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

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

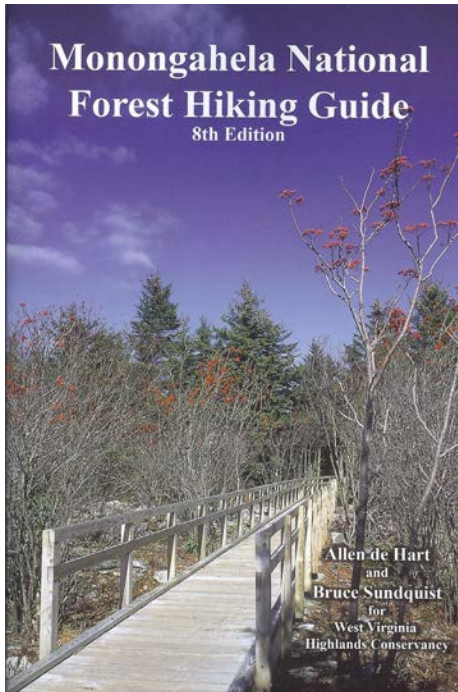
For more information on plans for the 9th Edition and for selection of photos, please use addresses below:

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

Tel: 919-496-4771
email: adh4771@aol.com

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)

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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.

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- 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

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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.



SOUTHEAST RELIABILITY PIPELINE PROJECT FACTS

Dominion Resources has proposed the Southeast Reliability Pipeline Project (SERP), a 550 mile 42" wide natural gas pipeline from Harrison Co, West Virginia to Lumberton, North Carolina in response to a request for proposal (RFP) from Duke Energy. Dominion has published a rough map, but the exact route is unknown and depends on future surveys. A leg to the coast of Virginia has raised speculation that they plan to export gas, but Dominion denies it.

Construction Issues

Dominion has never constructed a 42" pipeline, and there appears to be no precedent for a pipeline of this size across steep forested terrain like the Alleghenies. It would go straight up and down mountainsides which range from 3400 to 4700 feet in West Virginia and from 3000 feet to 4200 feet in Virginia. Some elevation changes from valley floor to mountain top would exceed 2000 feet.

Waterways

The pipeline will cross numerous watersheds, rivers, streams, springs, wetlands and riparian areas. Stream crossing is one of the most significant impacts of pipeline construction. Small streams are diverted during construction. Drilling under the stream requires space beside the stream for the drilling operation and the right kind of stream bed. For many or most of the larger streams that would be crossed in mountainous terrain, it's likely that the pipeline crossing will be achieved through direct excavation and possibly blasting of the streambed.

Major streams crossed:

Hackers Creek
Buckhannon River
Tygart Valley River
Shavers Fork of the Cheat
West Fork of Greenbrier
East Fork of Greenbrier
Plus numerous trout streams and headwaters

FERC Process and Eminent Domain

Dominion must file an application with the Federal Energy Regulatory Commission (FERC) for approval of an interstate gas pipeline. FERC will conduct a review that includes holding stakeholder meetings, receiving public comments, and preparation of an environmental impact statement. If FERC approves the pipeline, Dominion may go to federal court and use eminent domain to acquire rights of way that landowners are unwilling to grant.

Landowner Rights

In West Virginia you can exclude anyone from your property by posting, fencing or telling them to get off, unless they have a deed, lease, right of way or some other interest that would include the right to conduct surveys. This right must be backed by a legal document. If the surveyor cannot produce a document, you can tell them to leave, and that is that.

Energy Economics

Industrial infrastructure like a huge pipeline commits us to increased dependence on fracking for gas, which is a fossil fuel, and creates huge obstacles to investments in renewable energy and energy efficiency.

Property values

Landowners may see a decrease in property values due to the restricted use of land on the easement as well as the visual impacts of a 75 to 125 foot wide clear-cut. Some other results from the proximity of a gas pipeline may be: inability to sell, inability to get a mortgage, potential calling in of the mortgage because the owner allowed industrial development and the dangers of fire and explosion (this clause is in almost every mortgage agreement).

Jobs

Surveys, blasting, excavation and construction of pipelines are jobs done by professionals and experienced union workers, not local workers.

Special Attractions in or near the pipeline corridor:

Gaudineer Knob Scenic Area
Camp Allegheny Battlefield
Cheat Summit Fort
Salamander Run Scenic Railroad
Durbin Rocket Scenic Railroad
New Tygart Flyer Scenic Railroad
West Fork Rail Trail
Lake Buffalo

Environmental Impacts

The pipeline would cross both the Monongahela National Forest and the George Washington National Forest in areas where there are ongoing restoration projects for trout and red spruce. A 100-foot clearcut across the Alleghenies will divide and fragment forest and wildlife habitat for numerous threatened and endangered species and create favorable conditions for invasive species.



PIPELINE PROJECT BEGINS TO COME INTO FOCUS

When *The Highlands Voice* first began having stories about the Dominion pipeline it was like old monster movies, made scarier by the fact that nobody had seen the monster. They just knew he was out there. Think *Creature from the Black Lagoon*. All that anyone outside of Dominion Resources knew was that there was this big pipeline coming. We had an idea of the counties it was going through and that it would probably go through the Monongahela and George Washington National Forests but that was about it.

Now Dominion has been having public meetings; the creature is coming into focus. While there is still plenty to be scared of and the picture is still not entirely clear, the presentations have provided some details:

- Dominion wants to do this because there is a strong market for gas in Virginia and North Carolina. Most of the gas for this market now comes up from the Gulf of Mexico. Dominion wants to send Marcellus shale gas from West Virginia to the Virginia and North Carolina market.
- Dominion is currently negotiating with potential buyers of the gas. The details of the negotiations are confidential. It expects to finish negotiations and decide on whether to complete the project in early October, 2014.
- The proposed pipeline is 550 miles long, including a 100-mile spur to Hampton Roads, 42 inches in diameter through West Virginia and Virginia, 36 inches in North Carolina and 20 inches to Hampton Roads. The pipeline capacity would be 1.5 billion feet per day.
- Compressor stations would be located at the beginning of the route in West Virginia, in Central Virginia and near the North Carolina state line.
- The project time line consists of surveys through 2014, FERC pre-filing in fall of 2015; FERC application for certificate of public need and necessity in summer of 2016, construction in 2017 and 2018, and beginning of service in 2018.
- Rights of way would be 150 feet wide during construction and 75 feet wide when finished. Rights of way can be farmed but no swimming pools or structures could be built on them.

Dominion updated its website with a section on the project. It contains maps, details, an explanation of the process, and good resources for landowners. Check it out at www.dom.com/business/gas-transmission/southeast-reliability-project.

FRIENDS OF SHENANDOAH MOUNTAIN OPPOSES DOMINION PIPELINE

Dominion Resources has proposed a 42" interstate natural gas pipeline through the Monongahela and George Washington National Forests to connect gasfields in West Virginia to markets in North Carolina. This would be the largest pipeline Dominion has ever proposed in Virginia. The proposed route crosses through the southeastern portion of our Shenandoah Mountain National Scenic Area proposal. This is just the type of high impact heavy industrial development that scenic area and wilderness designation prevents. The proposed route would:

- cross Ramseys Draft stream outside the Wilderness area;
- cross Braley Pond access road;
- obliterate the Dowells Draft forest road;
- pass through the Chestnut Oak Knob Ruffed Grouse Habitat Project; and
- pass very close to the east end of the Staunton Dam tunnel through Hankey Mountain, potentially threatening Staunton's municipal water supply.

If approved, the pipeline would create a permanent linear clearing across Shenandoah Mountain and Hankey Mountain that would be a pathway for invasives. The 150' construction swath and permanent 75' swath would degrade habitat for the Cow Knob Salamander (found in the direct path of the pipeline) and would fragment the national forest, creating "edge effect", which favors nest predators like the cowbird over the wide variety of birds, like warblers and many songbirds that need unfragmented mature forest habitat. It would also permanently degrade Braley Pond recreation area, which is popular for hiking, mountain biking, fishing, hunting, camping, and picnicking.

Based on these impacts to the Shenandoah Mountain area, Friends of Shenandoah Mountain opposes the Dominion pipeline and has written to GWNF Supervisor Tom Speaks, asking him to deny Dominion a special use permit to build the pipeline.

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.

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.

Cranberry Wilderness: a monument to the Mountain State's wild places and strong conservation legacy

BIRTHPLACE OF RIVERS NATIONAL MONUMENT

By Mike Costello

Federal public lands, such as National Forests, Parks and Wildlife Refuges, are critical threads in America's rich fabric of life. These lands, which belong to each and every American citizen, provide diverse recreation opportunities, clean water, wildlife habitat, scenic beauty and a host of other benefits.

Every now and then, citizen-led coalitions rally to permanently preserve some of the most treasured of our public lands. When we're lucky, Congress honors those efforts, setting certain places aside for future generations. If there's one area that epitomizes the way West Virginians have banded together to protect public lands, the Cranberry Wilderness Area in the Monongahela National Forest would be it.

On two separate occasions – first, when the Wilderness area was established in 1983, then again in 2009 with an addition of 12,000 acres -- the Cranberry became more protected, thanks to the passage of federal Wilderness legislation. At nearly 48,000 acres, the Cranberry Wilderness is now the largest Wilderness area on Forest Service lands in the eastern United States.

In recent years, the Cranberry Wilderness has been named the "Wildest Wilderness in the Southeast" by *Blue Ridge Outdoors Magazine*, and was declared "One of America's top 5 Wilderness Spots" by *Yahoo! Travel*. Today, the Cranberry is the centerpiece of the Birthplace of Rivers National Monument proposal, an historic conservation effort to preserve around 70,000 acres of national forest land surrounding the already-protected Wilderness area.

Some ask, "Why should we protect public lands? Aren't they *already* protected?" Federal public lands such as National Forests are managed for multiple uses, meaning recreation and protection for water quality are intended uses, but so is resource extraction for timber, coal and gas. Leading up to the original designation of the Cranberry Wilderness, the area was under direct threats of coal mining and clearcut logging. A broad grassroots coalition, which included the United Mine Workers, West Virginia Highlands Conservancy and others, successfully rallied to protect the area from looming threats.

Today, much of the Monongahela National Forest faces similar threats, and public lands are increasingly sought after for operations such as wind farms and gas pipelines. Currently-pending bills in Congress threaten to drastically increase industrial activities on public lands nationwide. The very real possibility of losing the places that make West Virginia so 'Wild and Wonderful' continues to inspire grassroots conservation efforts, such as the Birthplace of Rivers initiative.

The Birthplace of Rivers National Monument proposal is a unifying effort for a broad coalition of West Virginians, which includes business owners, hunters, anglers, religious leaders, local elected officials, hikers, mountain bikers, boaters and many others. The proposal would not create any additional Wilderness areas, but there's plenty of wildness to be enjoyed in the rest of the Birthplace of Rivers area, and national monument status would grant places like Tea Creek Backcountry, Cranberry Glades and Falls of Hills Creek similar protections. Access for activities such as mountain biking and active wildlife management, which are not permitted in designated Wilderness areas, would continue under monument status. Like Wilderness designation, a national monument provides protection by law, ensuring the area surrounding the Cranberry Wilderness will

be preserved in perpetuity.

Inside the Cranberry Wilderness, solitude abounds, and there's a feeling of comfort in knowing the area will remain forever wild. The epic Big Beechy Trail -- which begins in a dense, ridge-top spruce forest, before making a steep descent into stands of diverse Appalachian hardwoods -- connects with the Middle Fork Trail to make a fine overnight loop. Streams such as Ken's Creek, Hell for Certain Branch and the Middle Fork of the Williams are certainly worth exploring. With sparse remnants of early logging and railroading, along with rare prehistoric resources visible in certain areas, one can feel the rich, storied history of this part of the forest.

National monuments are special designations for lands with unique ecological, historic, cultural or scenic resources, and a monument's place-specific management is developed with robust input from stakeholders and local communities. To supporters, the Cranberry Wilderness and its surroundings make the Birthplace of Rivers area the epitome of what a monument should be, a deserving candidate to be honored as the state's only national monument.

"Rarely do we have the chance to show off such spectacular resources on a national scale," said Lewisburg Mayor John Manchester. "Putting a star on the map to highlight our cleanest streams and wildest forests is an incredible opportunity we can't pass up."

Manchester says protection of the area is important to preserving drinking water sources and providing a high quality of life for local residents, but also stresses the economic importance of a national monument, which is likely to attract visitors and support local businesses.

To others, such as West Virginia Rivers Coalition Executive Director Angie Rosser, recognizing and protecting fragile headwaters and tributaries of the Cranberry, Cherry, Elk, Gauley, Greenbrier and Williams Rivers is a primary goal of national monument designation. After the chemical spill of early 2014, many business owners, government officials and river enthusiasts have rallied around monument designation as a reminder that West Virginia does indeed have clean, cold, pristine streams that deserve to be protected.

"West Virginians are connected by our rivers," Rosser said. "This year, more than ever, we've seen how important it is to protect our water sources, and a monument will help us do that where it all begins -- at the Birthplace of Rivers."

No matter what the reason, West Virginians treasure our public lands, and the Cranberry Wilderness has served as an important example of how special places can be preserved when citizens unite around a common goal. As the Birthplace of Rivers initiative ushers in a new era of conservation and collaboration in West Virginia, we think of the many resources the designation would serve as a monument to. Without a doubt, Birthplace of Rivers is a monument to the Cranberry Wilderness and the Mountain State's strong conservation legacy.

HONORING THE WILD

Guest Commentary by Mike Costello

Unique natural areas like Dolly Sods, Roaring Plains West, and the Cranberry Wilderness put the 'wild' in the state's Wild and Wonderful moniker. These unique places on the Monongahela National Forest are preserved in perpetuity, thanks to the Wilderness Act, which turned 50 on September 3. The Act has allowed for over 110 million acres of our nation's federal public lands to be set aside for future generations, safeguarded from industrial development.

The Monongahela contains eight Wilderness areas: Dolly Sods, Otter Creek, Roaring Plains West, Big Draft, Spice Run, Cranberry, Laurel Fork North and Laurel Fork South. Wilderness areas provide many benefits, including watershed protection, wildlife habitat, outdoor recreation opportunities, hunting and fishing, scenic beauty and solitude, among many others. As population grows and developmental pressures expand outward from urban centers, protection of these special places will become increasingly important.

Public lands are also a critical component of West Virginia's outdoor recreation economy, which generates \$7.6 billion in consumer spending annually and sustains 81,600 direct jobs across the state, according to the Outdoor Industry Association.

The most recent addition of wilderness areas in West Virginia came in 2009, with the passage of the historic Wild Monongahela Act. This bi-partisan bill, sponsored by all five members of West Virginia's Congressional delegation, preserved over 38,000 acres across six areas.

As Representative Shelley Moore Capito stated in a 2008 floor speech regarding the measure: "In 1964, Congress enacted the Wilderness Act that permanently protected some of the most natural and undisturbed places in America. Today the U.S. Forest Service preserves the natural and cultural resources and values of the forest system, including those of the Monongahela National Forest for the enjoyment, education, and inspiration of this and future generations.

"West Virginia's wilderness is part of our history and heritage, and it is passed on as a legacy. This bipartisan bill will protect approximately 38,000 acres of the Mon Forest in West Virginia through the designation of three additional wilderness areas and expansion of three existing Federal wilderness areas including: Big Draft, Cranberry Expansion, Dolly Sods Expansion, Dry Fork Expansion, Roaring Plains West and Spice Run."

Wilderness has been good for West Virginia, and preserving the Mountain State's iconic wildlands has been good for all Americans. As Senator Robert C. Byrd once said in a speech commemorating the Wilderness Act: "My home state of West Virginia remains wild and wonderful because of Congress' actions. Covered from end to end by the ancient Appalachian Mountains, West Virginia remains, to me, one of the most beautiful, one of the most unique of all places, and I have seen lot of places throughout the world in my time.

"It is the most southern of the northern States and the most northern of the Southern states; the most eastern of the Western States and the most western of the eastern States; where the east says good morning to the west, and where Yankee Doodle and Dixie kiss each other good night. The luscious mountains gently roll across that land, providing an elegant sense of mystery to the landscape. The wilderness of my state has given West Virginians a freedom to explore. This freedom has been secured and protected so that future generations—like my baby granddaughter, her children, and her children's children—will be able to say *Montani Semper Liberi*,

Mountaineers are always free!"

While we are proud of the protection certain areas have already achieved, there are plenty of unprotected wild places remaining in the Mountain State, and at a time when the footprint of industry is rapidly expanding on public lands, citizen-led efforts to preserve these natural treasures are more important than ever. Currently, a broad coalition of West Virginians has joined together to take the next step in furthering the state's conservation legacy, by advocating for the creation of the Birthplace of Rivers National Monument in the Monongahela National Forest. National monument status is a special designation for federal public lands which possess unique natural, scenic, historic, cultural and recreational features.

Although the Birthplace of Rivers National Monument would not establish any new wilderness areas, such as those protected under the Wilderness Act, a national monument would provide stronger protection to some of West Virginia's vast backcountry areas and pristine mountain streams, while honoring our rich cultural heritage. The proposed monument includes some of our most iconic natural features, including Cranberry Glades, Falls of Hills Creek, Tea Creek Backcountry, Cranberry Backcountry, Highland Scenic Highway, and the legendary Cranberry Wilderness.

Birthplace of Rivers National Monument is a collaborative effort designed by West Virginians, who have collaborated extensively to define a proposal that protects this incredible natural area, while preserving all current recreational and management access. The initiative is supported by diverse constituencies, including hunters, anglers, religious leaders, mountain bikers, business owners and elected officials.

A national monument would honor the state's woods, waters and mountain culture, and would better protect the headwaters which provide recreation opportunities and drinking water for millions downstream. As the name suggests, Birthplace of Rivers contains a uniquely-high number of streams, including headwaters and tributaries of the Cranberry, Cherry, Gauley, Williams, Greenbrier and Elk Rivers.

As the state's recreation and tourism economy continues to suffer nearly nine months after the early 2014 chemical spill, the Birthplace of Rivers National Monument would recognize West Virginia on a national scale for the quality of our rivers and outdoor resources, showing the nation that some of the cleanest, wildest, most pristine streams in the United States are found right here in these mountains.

West Virginians have a long, proud history of protecting public lands. Commemorating the 50th anniversary of the Wilderness Act reminds us of the many ways protected public lands have benefitted West Virginians and our visitors. As such a broad coalition pursues the state's next historic conservation achievement, the Birthplace of Rivers National Monument, West Virginia stands to benefit from economic growth, land and water protection, and positive national recognition, an honor a place called 'Wild and Wonderful' truly deserves.

WVHC/WVEC Fall Review Conference 2014

Cedar Lakes Conference Center- Ripley, WV (Jackson County)

Friday October 17th through Sunday October 19th, 2014

Information and Registration Form

Highlights of Conference: Keynote Speaker: Wendy Radcliff, Environmental Advocate; Conference theme: Climate, Water & Wilderness. Panels or Workshops on Global Warming, Energy Efficiency, Water Quality Issues, 50th Anniversary of the Wilderness Act, Birthplace of Rivers National Monument campaign; Dominion Pipeline, Setting WVEC's 2015 Legislative Priorities, Table Displays, Silent Auction (please bring auction items), Improvised Live Music Friday and/or Saturday night!

Please return form with payment to: WVHC/WVEC Fall Conference, 21 Beverly Circle, Fairmont WV 26554; or send the information requested below to Karen Grubb at karen.yarnell@fairmontstate.edu. Alternative payment method: Pay at the conference, or online at <http://www.wvecouncil.org/join/index.html>. When paying online, where it asks for "Organization" please write "WVHC/WVEC Fall Conference".

Please make an effort to register before October 1st so we can better plan for the weekend. (Reservations will be accepted at time of the conference for registration only. Late lodging based on availability.)

For more information, call: (304) 414-0143 or email Karen Yarnell at karen.yarnell@fairmontstate.edu

Directions to Cedar Lakes: Exit off I-77 at Exit # 132, turn right if coming from Charleston, (turn left if coming from Parkersburg), go 1/10th mile, then turn right at traffic light onto Cedar Lakes Drive. Follow this (two lane) road approximately 3.5 miles; turn right across bridge into Cedar Lakes campus.

Registration:

Name(s): _____

Organization (if applicable): _____

Address: _____

Phone: _____

Cell: _____

E-Mail: _____

Registration Fee: No fee, but donations are encouraged - \$ _____

Meals: (check here if vegetarian) _____

Friday Evening:	Pizza and other snacks	
Saturday Breakfast:	\$ 6.25 per person	(number of meals _____)
Saturday Lunch:	\$ 7.75 per person	(number of meals _____)
Saturday Dinner:	\$ 9.00 per person	(number of meals _____)
Sunday Breakfast:	\$ 6.25 per person	(number of meals _____)
Sunday Lunch:	\$ 7.75 per person	(number of meals _____)

Accommodations:

Dormitory (sleeps 10) \$ 15.00 / night Please check: ___ Friday ___ Saturday Total = \$ _____

(Please bring your own bed linens for dormitory lodging)

Fully furnished motel type room with 2 beds, private bath- \$50 / night single, \$60.00 / night 2 people

Please check: ___ Friday ___ Saturday Total = \$ _____

Full sized lodge room with 2 beds, \$ 72.00 / night Check: ___ Friday ___ Saturday Total \$ _____

We are sorry, but Cedar Lakes does not allow tent camping:

What to bring: For dormitory lodging only, bring bed linens and blanket, towels, pillows; All bring: toiletries, flash light, insect repellent (for fire circle), silent auction items, musical instruments.

Would you like to donate to help sponsor attendees? Amount donated: \$ _____ (Thank you!)

Conference Total: \$ _____ (Please make checks payable to WVEC)



CHILDREN'S BOOK ON MOUNTAINTOP REMOVAL MINING IN ACTION

Last month *The Highlands Voice* reported about the book "Lone Mountain: A Story About Mountaintop Removal" by Saro Lynch-Thompson. The Mining Committee of the West Virginia Highlands Conservancy worked on its own project---to donate a copy of that book to each public library in West Virginia.

If you want to see what these children find so engaging, you can borrow it from your local library or order one at <http://lonemountainbook.com/order-books-and-donate/>

BOB HENRY BABER NOMINATED FOR SENATE SEAT

West Virginia Highlands Conservancy Board member Bob Henry Baber has been nominated by the Mountain Party as its candidate for the United States Senate. If elected, he will take the seat presently held by Jay Rockefeller. Mr. Rockefeller is retiring at the end of his current term. In a prepared statement, Mr. Baber said, "I am running for clean water, sustainable economic development, small businesses, education, veterans, senior citizens, and to protect the environment."

Four other candidates are also running: John Buckley, Shelly Moore Capito, Phil Hudok, and Natalie Tennant. None is a member of the West Virginia Highlands Conservancy.

HIGHLANDS CONSERVANCY JOINS NEW ALLIANCE

The West Virginia Highlands Conservancy has joined the Allegheny-Blue Ridge Alliance, a new alliance of organizations concerned about the proposed Dominion Southeast Reliability Project. The Dominion Southeast Reliability Project is a proposal by Dominion Resources to build a natural gas pipeline from central West Virginia, across Virginia, and to one or more power plants in North Carolina. It would cross both the Monongahela and the George Washington national forests. There have been stories about it in the June, July, and August issues of *The Highlands Voice* as well as in this issue.

Over the past several weeks a group of organizations has discussed the need to form a coalition of groups concerned about the proposed Dominion Resources Southeast Reliability Project. Out of those discussions came a consensus that the proposed project would have a detrimental impact on the ecological, cultural and economic attributes of affected communities and natural resources. From the need for communication, coordination, and cooperation the Allegheny-Blue Ridge Alliance was born. In the last few weeks various organizations have joined, including the West Virginia Highlands Conservancy.

The Alliance does not anticipate taking positions or doing direct advocacy. Its purpose is, instead, to gather information and disseminate it to Alliance members. It would also help different organizations share strategies. It anticipates establishing a website, continuing to gather information, and disseminate the information to alliance members at least weekly.

The Alliance's operation will be directed by a steering committee made up of representatives of organizational members.



West Virginia Environmental Council

P.O. Box 1106, Charleston WV 25324

www.wvecouncil.org phone: 304-414-0143

Request for Proposals for (A) Legislative Lobbyists, including an interim session lobbyist, and (B) A Lobby Team Coordinator

A. Request for Proposals for Legislative lobbyists:

The WV Environmental Council (WVEC) is seeking lobbying proposals from two or more persons to perform legislative lobbying during the 2015 regular Legislative Session, which runs from early January 2015 through mid-March 2015.

We also seek proposals for a part-time legislative lobbyist to lobby during the monthly 3-day interim sessions which run from April 2014 through December 2014. For the sake of continuity and of "same face" recognition, we expect that our interim session lobbyist will also be a regular lobbyist during the regular legislative session.

Please include in your proposal the number of hours per day, week, or month to which you are willing to commit during the regular Session and the monthly 3-day interim sessions April 2014 through December 2014.

Political savvy and capacity for relating to and influencing a wide variety of people are a plus. Dedication to the cause and a thick skin are essential survival skills. Rewards are few, but victories are that much more savored when attained.

Proposals should include: personal background information, relevant experience, and monetary expectations- subject to negotiation of duties and time commitments. Also, please advise whether or not you would be interested or willing to commit to following our environmental issues with state and federal agencies year around, including during the monthly interim Legislative Sessions that follow the regular session.

Lobbyists are expected to write articles for our **GREEN** Weekly newsletter regarding what's happening at the session. Lobbyists are also expected to meet as requested with the WVEC Governmental / Legislative Affairs Committee.

In your proposal, please address the following questions:

1- How would you propose to facilitate the use of WVEC member groups and other supporters in assisting our lobbying efforts?

2- How would you propose to collaborate with other lobbying groups, such as teachers, social workers, organized labor, children's issue advocates, health issue advocates, etc. into a coalition, as appropriate, to further enable WVEC to reach its environmental policy goals?

B. Lobby Team Coordinator:

The WV Environmental Council (WVEC) is seeking written proposals for a person to work full time as a combined lobbyist and lobby team coordinator during the 2014 regular Legislative Session- which runs from early January 2014 through mid-March, 2014. The lobby team coordinator will be expected to be available to begin legislative session preparation work some several weeks before the beginning of the regular 2014 legislative session, as requested by the WVEC Governmental Affairs / Legislative Committee or the WVEC board of directors.

Duties will include budget planning, fundraising, assisting with assembling a lobby team, lobbying, and liaison as requested by the WVEC Government / Legislative Affairs Committee and the WVEC Board of Directors.

Political savvy and capacity for relating to and influencing a wide variety of people are a plus. Dedication to the cause and a thick skin are essential survival skills. Rewards are few, but victories are that much more savored when attained.

Writing weekly articles for the WVEC's **GREEN** newsletter will be a part of job responsibilities and with a "wrap-up" report for the **GREEN** newsletter due within two weeks following the close of the 2014 regular session.

Proposals should include: General personal background information, relevant experience, and monetary expectations. Also, please advise whether or not you would be interested or willing to commit to following our environmental issues with state and federal agencies year around and especially during the 3-day monthly interim Legislative Sessions that follow the regular session.

Additionally, in your proposal please address the following questions:

1- How would you propose to facilitate the use of WVEC member groups and other supporters in assisting our lobbying efforts?

2- How would you propose to collaborate with other lobbying groups, such as teachers, social workers, children's issues, health issues, etc. into a coalition, as appropriate, to further enable WVEC to reach its environmental policy goals?

All Proposals are due not later than October 1st, 2014, and should be sent both electronically and by hard copy. Please e-mail your proposal to WVEC Secretary, Karen Yarnell, at: karen.yarnell@fairmontstate.edu . A hard copy of your proposal, postmarked no later than October 1st, 2014 should be mailed to:

WV Environmental Council
P.O. Box 1107
Charleston WV 25324

Direct any questions to: WVEC Governmental Affairs / Legislative Committee Chair Elise Keaton at elise.keaton@gmail.com or to committee Vice-Chair Frank Young at fyoung@mountain.net, or by telephone at (304) 372-3945.

Our current staff is aware of this annual Request for Lobbying Proposals. No proposals will receive preferential treatment because of any applicant's prior or current position(s) on the WVEC Lobby Team.

GET YOUR SCULPTURE TICKETS NOW!!!

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

The deadline for buying tickets is Sunday, October 5. That gives us plenty of time to get all the stubs into the enormous hat (or facsimile) by the drawing date. The train is leaving the station; if you want to be on board with your chance to win the sculpture, now is the time to act.



LISTEN UP!

IMPORTANT ANNOUNCEMENT

The West Virginia Highlands Conservancy will hold its annual meeting at 9:00 a.m. on Sunday, October 19, 2014, at the Cedar Lakes Conference Center, Ripley, West Virginia.

The board meeting will include the election of at large Board members as well as any other business that may come before the meeting.

This year all the officers are up for election/re-election. There are also six Board seats to be filled. If you know of anyone (including yourself) you think would be suited for a seat as an officer or a Board member, please feel free to contact a member of the nominating committee. The current nominating committee is LeJay Graffious, Wayne Spiggle, and Cindy Rank. They welcome suggestions. Their contact information is on page 2.

You do not have to contact the Nominating Committee to make a nomination. There will also be an opportunity to make nominations from the floor at the annual meeting.

Immediately following the annual meeting will be the quarterly Board meeting. All members are welcome at the Board meeting and are free to take part in the discussion although only Board members may make motions and vote.

CINDY GETS AN AWARD

The Ohio Valley Environmental Coalition (OVEC) has awarded its Laura Forman Passion for Justice Award to West Virginia Highlands Conservancy Mining Committee chair Cindy Rank. This award, which OVEC gives only occasionally, honors Laura Forman. Laura Forman was a beloved OVEC organizer who, at age 39, collapsed and died on December 10, 2001, during an OVEC protest of the U.S. Army Corps of Engineers issuing of permits for mountaintop removal coal mines.

OVEC founder Dianne Bady presented the award. "Cindy has spent more than thirty years volunteering her time to protect West Virginia's water. It would be hard to think of any other non-lawyer who knows as much about mining-related water laws and regulatory history. We at OVEC owe her a great debt of gratitude," Bady said.

"It was both humbling and gratifying to receive the special Laura Forman Passion for Justice Award," Rank said. "Laura was always totally involved — head, heart and hands — with efforts to protect the people and natural environment of West Virginia."

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.

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 West Virginia Highlands Conservancy, Online Store, 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: Online Store, 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 West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306