

West Virginia Highlands Conservancy
 Post Office Box 306
 Charleston, WV 25321

address service requested

Non-Profit Org.
 US Postage
 PAID
 Permit No. 2831
 Charleston, WV



The Highlands Voice

visit us online at www.wvhighlands.org

The Monthly Publication of the West Virginia Highlands Conservancy

December, 2004 Volume 37 Number 12

Blades are Turning; Bats Are Dying. Scientists Try To Figure Out Why

WINDMILLS STILL KILLING BATS

By Peter Shoenfeld

Massive bat kills occurred in 2003 and 2004, at the Mountaineer Wind Energy Center (MVEC) on Backbone Mountain in Tucker County. In 2003, dead bats were collected between August 18 and September 30. This resulted in a projection of around 2000 bats killed during that period, with a 90% upper confidence limit of 4000. This author worked on those projections. The species most often found were the Red Bat, Hoary Bat, and Eastern Pipistrelle. These are all migratory forest bats, and the recorded fatalities occurred during their migration period.

The 2003 event was severe enough to threaten the future of wind energy in the Appalachian region. For this reason, a major scientific research project was initiated, with goals of both understanding and preventing or mitigating future bat kills. This is the mission of the Bats and Wind Energy Cooperative (BWEC), formed in 2003 by Bat Conservation International (BCI), the US Fish and Wildlife Service, the American Wind Energy Association (AWEA), and the National Renewable Energy Laboratory of the US Department of Energy (NREL). The project is led by Ed Arnett and Dr. Merlin Tuttle, of BCI, and has an initial three year timeline. Their website is <http://www.batcon.org/wind/>

The first year(s) initial review and field work phase of BWEC(s) study has been completed. While analysis is still pending, there is

evidence for some important conclusions:

- Massive bat kills appear probable whenever wind farms are sited on forested Appalachian ridges using current technology
- The kill rate appears to be weather dependent, which suggests the possibility of mitigation by simply shutting turbines down at critical times.
- The bats appear to actually be attracted by the spinning blades and the deaths are caused by collision with them. This suggests the possibility of mitigation by some alteration to blade design.
- Much more work is needed and planned..

The 2003 event was severe enough to threaten the future of wind energy in the Appalachian region.

BWEC conducted fieldwork last summer both on Backbone Mountain and at the nearby Meyersdale, PA facility, using a common mortality search protocol. Development, standardization, and validation of these protocols was a major objective of the first year(s) effort. The fieldwork also included radar and infra-red imager data collection. Initial results were presented at NWCC Wildlife Research Meeting V (www.nationalwind.org/events/wildlife/200411/default.htm) on November 3. This author and Frank Young of the Highlands Conservancy

(Continued on p. 3)

What's Inside			
Thoughts from President Hugh	2	How to join	9
Roster of officers	2	Get a Hiking Guide	9
Windfarm for Pendleton County?	4	A quarry in Randolph County?	9
Tax credits for windfarms	4	Poetry corner	10
A call for a moratorium	4	Fun at the wreath making workshop	11
How to approach wind power	5	Fashion statements	12
What the mother state is up to	5	Free stuff to send away for	12
Corps of Engineers on valley fills	6	Speakers' bureau	12
Spruce symposium	7	Wind and endangered species	12
Help wanted	8	Wilderness campaign update	13
		Global warming	14
		Thank you President Frank	14
		Endangered species in Cheat River Canyon	15
		Truth is beauty, beauty truth	16

From the Heart of the Highlands

by Hugh Rogers

A Wilderness Companion

In that roster on the right you'll find the names of three of our past presidents. Like John Quincy Adams, our nation's sixth president, who had a distinguished career in the House of Representatives after his term in the White House, they have found new ways to serve. One job they have in common now is mentoring me. Thank you, Frank, John, and Cindy.

My predecessors have written here on many subjects. I would like to be as various. This month I want to recommend a book, Reading the Mountains of Home, by John Elder. Part of its appeal—the part I'll focus on—is its relevance to our campaign for more wilderness in the Monongahela National Forest.

What does "wilderness" mean in the East? John Elder was born in Kentucky but grew up in California, where his first model of wilderness was the big country of the Rockies and Sierra Nevada. He came east for graduate school and stayed to teach at Middlebury College in Vermont. He invites us to accompany him on a yearlong series of hikes in the Green Mountains near his home. Combining botany, geology, and local history with extended consideration of a poem by Robert Frost, his book is also warmly personal. Elder has learned from his sons' sometimes worrisome experiences in the woods as well as from congenial experts.

Bristol Cliffs Wilderness, where his walks begin, is a product of the Eastern Wilderness Act of 1975—the same legislation that designated the Otter Creek and Dolly Sods Wildernesses. Bristol Cliffs was the only one to be reconsidered. In its first incarnation, it spread over 7000 acres between three roads and a river. A year later, after vigorous opposition from landowners whose property stood to be included, it was reduced to 3740 acres. Those landowners called themselves "Indians," meaning native inhabitants who were being oppressed by the federal government.

Curiously, the landowners would have denied that real Indians had lived in central Vermont before their own ancestors arrived from Europe. It's the same in West Virginia's highlands: people say the natives may have hunted here but they did not "live" here. Archaeological evidence is slowly revealing a complex history of human presence. What that can contribute to our notion of wilderness is a more sophisticated view of human communion with the non-human world.

The first Wilderness Act (1964) described wilderness as "vast," "untrammled," and "pristine"—none of which applied to the going-back-to-wild places in Vermont and West Virginia, for example. In the 1975 law, Congress recognized that smaller areas of great beauty and diversity existed in the more densely settled East, and they deserved and required protection as well.

(Continued on p. 10)

WVHC 2005 Calendar:

Winter Board of Directors meeting: Sunday, January 30th
 Spring Review: April 29th, 30th & May 1st- Board meeting
 Sunday, May 1st
 Summer Board of Directors meeting: Saturday, July 30th
 Fall review: October 21st, 22nd & 23rd- Board meeting
 Sunday, October 23rd

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.

SENIOR VICE PRESIDENT: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820, peter@mountain.net.

VICE PRESIDENT FOR STATE AFFAIRS: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com

VICE PRESIDENT FOR FEDERAL AFFAIRS: Vacant

SECRETARY: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

TREASURER: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net

PAST PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org.

DIRECTORS-AT-LARGE (Terms expire October 2005)

Don Garvin, PO Box 666, Buckhannon, WV 26201, (304)472-8716, DSGJr@aol.com.
 Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175, scz3667@aol.com.

George Beetham, 2819 Mt. Carmel Ave. #3, Glenside, PA 19038 (267) 252-3748, geobeet@hotmail.com

Barbara Weaner, Rt. 2, Box 96, Montrose, WV 26283 (304) 478-2123, sweaner@planttwv.net

Jonathan Jessup, 8225 Adenlee Ave. #40 Fairfax VA 22031 703-204-1372 jonathanjessup@hotmail.com

DIRECTORS-AT-LARGE (Terms expire October 2006)

Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624, photonzx@ntelos.net.

Helen McGinnis, P.O. Box 300, Harman, WV 26270 helenmcginnis@meer.net

Don Gasper, 4 Ritchie St., Buckhannon, WV 26201, (304)472-3704

Russ McClain

Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY—Virginia Region: Judy Fisher, PO Box 276, Berkeley Springs, WV 26411, (304)258-4974.

PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com.

BROOKS BIRD CLUB: Cindy Ellis, RR 1, Box 163, Red House, WV 25168 (304) 586-4135

MOUNTAINEER CHAPTER TROUT UNLIMITED: Frank Slider, Rt 1, Box 163-A2, Middlebourne, WV 26149, (304) 758-2500, sliderf@ovis.net

WEST VIRGINIA RIVERS COALITION: Pam Moe, Rt. 1, Box 29B, Kerens, WV 26276, (304) 478-4922, pam_moe@hotmail.com

DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505, cmains@wvu.edu

FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.

PUBLIC LANDS MANAGEMENT COMMITTEE: Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)345-5518, woodhavenwva@netscape.net.

OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com

BLACKWATER CANYON COMMITTEE: co-chairs Linda Cooper, J1 1220 Van Voorhis Road Morgantown, WV 26505 (304)296-0565 lcooper@hsc.wvu.edu, and Judy Rodd, Environmental Services and Education Center 501 Elizabeth St., Charleston, WV 25311, (304)345-7663, roddj@hotmail.com

LEGISLATIVE COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org

WIND ENERGY COMMITTEE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820, peter@mountain.net.

ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

RIVERS COMMITTEE: vacant

HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.

OUTINGS COMMITTEE: Jonathan Jessup, 8225 Adenlee Ave. #40, Fairfax, VA 22031, (703) 204-1372 jonathanjessup@hotmail.com

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com

WEB PAGE: Peter Shoenfeld, 713 Chesapeake Ave., Silver Spring, MD 20910, (301)587-6197, peter@mountain.net.

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Dave Saville, PO Box 569, Morgantown, WV 26507, (304)284-9548, daves@labyrinth.net.

HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

Windmills and Dead Bats (Continued from p. 1)

attended.

A full research report is expected in February, 2005. The first year's emphasis is largely on methodology. Here is a digest of what was reported:

- Greg Johnson of Western Ecosystems Technology, Inc. (WEST) presented a review of existing studies. Bat mortality estimates have been made for 12 projects. Three of these projects (Buffalo Mountain, TN, Meyersdale, PA, and Backbone Mountain, WV) are on Appalachian ridgetops, and showed very high projected bat mortality. The problem appears to be worse at Backbone and Meyersdale, both of which are heavily forested and proximate, than at Buffalo Mountain, which is reclaimed strip mine land several hundred miles away. The other nine projects are on un-forested land at mid-western and western US locations of varying topography. None of these showed high bat mortality.

Massive bat kills appear probable whenever wind farms are sited on forested Appalachian ridges using current technology

1. **The kill rate appears to be weather dependent, which suggests the possibility of mitigation by simply shutting turbines down at critical times.**
2. **The bats appear to actually be attracted by the spinning blades and the deaths are caused by collision with them. This suggests the possibility of mitigation by some alteration to blade design.**

those for 2003. Suffice it to say that what happened in 2003 has happened again in 2004, and that the quantification, when completed, should be better.

- There appears to be a greater than random day-to-day variation in numbers killed. Weather dependence has been suggested, with lower risk on windier nights. The evidence for this is greatly strengthened by strong correlation between daily numbers killed at Backbone and at Meyersdale.
- Males are more vulnerable than females.

- The presence of lights or anemometers makes no significant difference
- One turbine at Backbone was in a non-operational, free-wheeling, blades-feathered status throughout the test period. No fatalities were recorded there vs. an average of around 10 per turbine at the others.

The apparent dependence on weather and turbine status suggests a ray of hope for a practical, low-tech fix. To the extent that the kills occur

Dr. Tuttle has offered opinions that very high mortality should be expected at wind farms built on forested, Appalachian ridge tops, and that major mortality may not be limited to the migration season.

Wally Erickson of WEST led the mortality protocol development. Since it is not possible to find all the bats that have been killed, a protocol is needed to support estimation of total numbers killed from the lesser numbers actually found.

Another objective is to identify and quantify environmental, temporal, geographic and operational factors that contribute. Failure to consider significant factors can lead to estimates that are biased, i.e., inaccurate. Too small sample sizes can lead to estimates that are very rough. A good protocol will successfully address these problems without increasing cost unnecessarily. The 2003 MVEC avian study protocol had limitations in these areas, and additionally was fo-

principally at predictable times or turbines, they can be eliminated by just shutting down the right units at the right times.

The loss in revenue will depend on the sharpness of these predictions. More analysis and certainly much more data will be needed to see how this theory holds up.

Radar studies were reported by Brian Cooper of ABR, Inc. Radar is used for determining the actual numbers of birds and bats passing through an area, and establishing relationships between numbers present, exposed and killed. Since radar can not distinguish birds from bats, supplemental observation with night vision goggles were used to establish ratios. Radar data were collected at Backbone, but not at Meyersdale, and at two other Pennsylvania sites (Casselman and Martindale). This work has not yet progressed to the point of suggesting strong conclusions.

The infra-red imaging studies were reported by Jason Horn of Boston University. This technology shows exciting promise for this work. Flights of bats, birds, and insects are all recorded in video, but can be distinguished. Video recordings of 303 actual bat flights through the turbine sweep zones at Backbone were obtained.

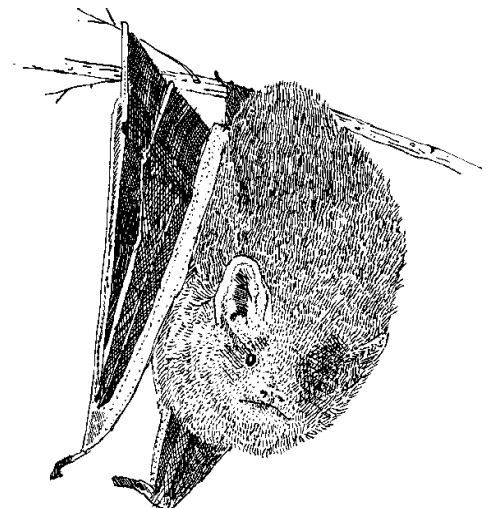
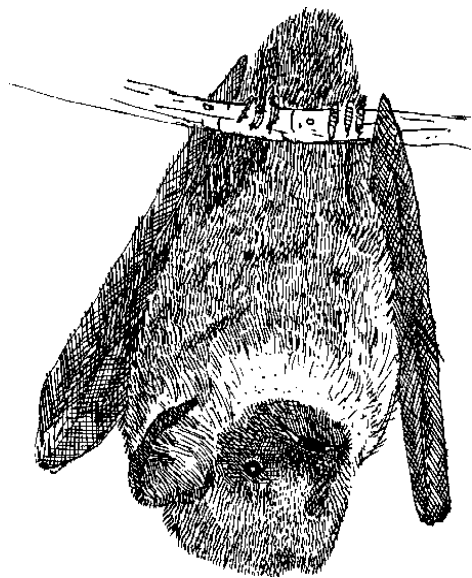
From these it appears that the bats are attracted to and investigate both moving and non-moving turbine blades, that they seek to avoid the moving blades, and that they are generally, but unfortunately not always, successful.

focused on birds, not bats.

The new protocol is better thought out, calls for more frequent and intensive searches, and has better bias removal. More specifically, daily rather than weekly searches were often used, and sample sizes over 200 (vs. 30 in 2003) were used in testing the percentage of carcasses that searchers were likely to find.

Preliminary mortality results were reported by Erickson for Meyersdale, and for Backbone by Jessica Kerns of the University of Maryland Center for Environmental Science Appalachian Laboratory. Searches were conducted for six weeks, through August and the first two weeks in September. Here are some preliminary findings:

- 466 dead bats were found at Backbone (44 turbines) and 290 at Meyersdale (20 turbines). More analysis is needed to derive projections of actual numbers killed, or to compare these with



NEW WINDMILLS FOR JACK MOUNTAIN?

By Peter Shoenfeld

On November 18, Liberty Gap Wind Force, LLC, a wholly owned subsidiary of US Wind Force, LLC, applied to the WV Public Service Commission (WV PSC) to build a wind farm on Jack Mountain, in southern Pendleton County east of the South Branch River. The application did not include any environmental or viewshed studies. These are being done, but are not yet complete.

The facility will include 50 turbines, distributed linearly along Jack Mountain, extending from the VA state line to the 3400 foot contour, above County Road 25 near Moatstown. The turbines may be slightly larger than those already constructed on Backbone Mountain.

The facility will also include a new 138 KV power line that will extend in a more-or-less straight line from the north end of the turbine string, near Moatstown, to the North Franklin sub-station located at the intersection of US 220, and US 33 W, just north of Franklin.

The Pendleton County Commission has signed an agreement with the developer to obtain the easements needed for the power line, by condemnation if necessary, in exchange for \$450,000. The money is to be used to build a water line servicing the affected area.

The power line agreement already has aroused intense controversy in the affected area.

It is expected that the viewshed issue will engender this also. The Wind Farm was the subject of a long, top-of-front-page article in the December 2 issue of the Pendleton Times. This article relates the developer's story, and also the power line issue. The December 9 issue will include "local concerns, as well as the concerns of conservationist and environmental groups ..." The Highlands Conservancy has provided input.

WV PSC's formal comment period commenced after publication of the required newspaper notices on November 25, and runs for 30 days. Organizations and individuals commenting and requesting "Intervener" status will become Parties of Record. If there are any protests, then a public hearing is required. Interveners may additionally submit "pre-filed testimony," or offer themselves as witnesses, and are then expected to attend the hearing, where they may face questioning by the lawyers and Commissioners. The testimony and hearing record must all be reported

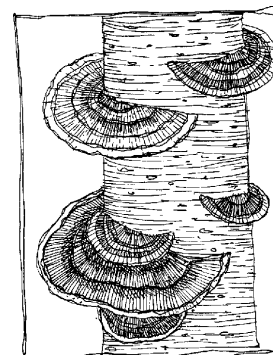
and adequately addressed in the Commission's decision document. If not, this can become the basis of appeal. Comments should be addressed to:

Ms. Sandra Squire
Executive Secretary
West Virginia Public Service Commission
201 Brooks St.
Charleston, WV 25301

and should reference Case No. 04-1886-E-CS-CN, Liberty Gap Wind Generating Facility. The WV PSC requires submission of 12 hard copies of such correspondence. Submissions may be made by fax (but not email) at (304) 340-0325. Interveners are asked to provide copies of all follow-up comments to the other Parties-of-Record. The PSC's web site is <http://www.psc.state.wv.us>. Rule of Practice and Procedure are linked at <http://www.wvsos.com/csr/verify.asp?TitleSeries=150-01>.

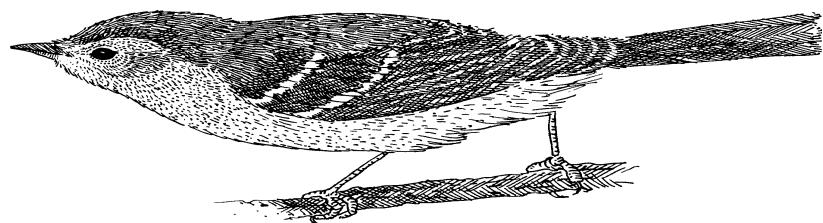
They do not generally insist on rigorous compliance from individuals and small organizations not represented by attorneys. The PSC's "Web Docket" logs all filings for each case. To order copies of filings call (304) 340-0300 or 1-800-344-5113 (in-state only) for instructions. These are generally provided free to Parties of Record and at cost to others.

The Highlands Conservancy has filed for Intervener status in this case, citing concerns about viewshed and wildlife impacts, but has not thus far taken a position of outright opposition. A local citizens group (Friends of Beautiful Pendleton County, www.hushhushrushrush) has been formed to oppose the power line agreement and the wind farm application.



Other Voices on Wind Power

The Citizens for Responsible Wind Power has asked the West Virginia Public Service Commission to place a moratorium on wind developments in West Virginia until there has been more adequate study and siting regulations are in place. The Public Service Commission has taken no action on this request.



TIME RUNNING OUT FOR WINDMILL BIZ

Time is running out to get new wind turbine projects up and running. In October, 2004, Congress renewed a lucrative tax credit for wind energy projects. In order to get the tax credit, developers must have their projects up and running by the end of 2005.

This has put the wind industry at odds with bat research. Recent research shows that wind turbines on forested ridgetops are killing large numbers of bats. While this research might indicate that a deliberate approach is called for, the current availability of the tax credit and its imminent expiration are pushing the industry toward construction as soon as possible.

A SUGGESTION ON AN APPROACH TO WIND ENERGY

By Rick Webb

The current controversy over the proposed wind energy project in Highland County presents a dilemma for Virginia's conservation-minded citizens. On the one hand, we clearly need to develop clean, sustainable, and homegrown sources of energy if we are to solve our environmental problems and achieve independence from foreign sources. On the other hand, modern commercial wind development presents its own set of problems due to the massive scale and numbers of the turbines, the ecological sensitivity of mountain and coastal areas with high wind-energy potential, and the absence of any reliable pre-development assessment process.

Wind energy advocates argue that the magnitude of the crisis we face is so great that all other issues are moot. They cite the significant ecological and human costs of an economy based on fossil fuel consumption, including mountain top removal coal mining, air pollution, acid rain, and global warming. They point to the sacrifices of our armed forces in the Middle East. They assert a moral imperative that trumps other concerns.

Wind energy skeptics argue that wind development is not a real solution to our energy problems. They cite the ever-increasing use of electricity in Virginia, and observe that wind development cannot even keep pace with the growth in demand. They point out that wind is an intermittent resource and that we will still need the same fossil fuel generation capacity, up and running, to provide electricity when the wind isn't blowing. They point out that commercial wind energy requires taxpayer subsidies to be economically viable.

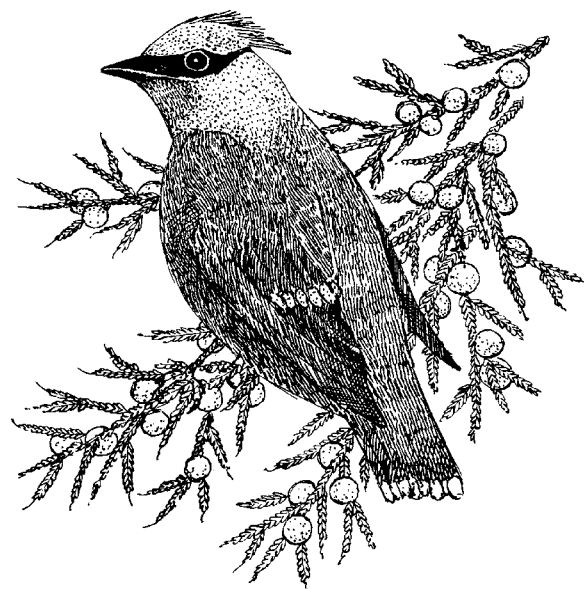
Wind energy advocates will argue that we have to do something, that every little bit helps, and that wind energy development should be viewed as part of a package that includes development of other renewable energy sources and energy conservation.

This is quite reasonable, up to a point. Certainly no one will argue with the need for conservation. We are simply not going to produce our way out our energy problem—at least not with the currently available options. And no one will argue that we shouldn't seriously address the need for clean sources of energy. But being serious shouldn't require indiscriminate support for any and all wind projects. If wind energy is indeed the green alternative that its well-

meaning advocates claim, there is no reason not to require the same level of review and cost-benefit analysis that we would require for any other industrial-scale development in environmentally sensitive areas.

If we are serious about addressing our energy problem, and serious enough to invest our own time and energy to finding sustainable solutions, we will find a way to insure that each proposed wind project can be evaluated on its own merits. That will require a process for insuring objective site-specific assessments for each project. At present, there is no process in place to insure that reliable assessment will occur. The process provided by the National Environmental Policy Act only applies when federal decisions are involved. The process whereby the State Corporation Commission assesses the environmental effects of power plants has never been applied to wind projects, and the SCC and other state agencies do not have the resources to conduct meaningful assessments.

Yet now that federal tax subsidies for wind development have been extended and other states are requiring utilities to purchase renewable energy, we can expect a wave of wind development in Virginia. Surrounding states have already permitted projects involving hundreds of turbines. Wind development on our mountain ridges and in our coastal waters will happen whether we are prepared or not. We need, but do not have, a state-level process to insure that wind energy development will, in fact, be green energy development.



WHAT'S DOING IN VIRGINIA?

The Virginia Conservation Network has proposed a study of wind energy. Its web site (www.vcnva.org) contains this explanation for this proposal:

The Code of Virginia, Virginia Administrative Code relate to Renewable (wind) Energy Tax Credits, but the State Corporation Commission has not imposed regulations on new Renewable Energy choices. There is no special regulation on siting, bonding, liability, or environmental assessments for commercial-scale wind development under Virginia administrative code. We find other states ready to avoid environmental assessments for wind energy. This is an unwise direction for Virginia's energy choice. Community-based revenue modeling could provide credit opportunities to counties that might seek affordable energy alternatives and economic development through wind project development, while protecting environmental and viewshed values.

Conclusion & Recommendation

Virginia needs a task force study on wind energy siting that will complement Virginia's energy needs without compromising wildlife habitat and scenic viewsheds. The VVEC is doing a scientific, peer reviewed study that addresses environmental issues associated with the siting of commercial-scale wind projects in Virginia. This study will provide a preliminary analysis of landscape suitability for project siting and the need for environmental study and review. We propose a Legislative (JLARC) Study of wind energy that will address state regulation and enforcement, community-based revenue stream and pricing, ecological health of communities and their viewsheds, and the development of regulatory policy for wind energy consistent with our treaty and statutory obligations under the Migratory Bird Treaty Act and the Bald Eagle Protection Act is needed.

For more explanation of the need for study and what the study would include, see the web site.

Ruling, schmuling. We've got coal to mine!

CORPS OF ENGINEERS INTERPRETS COURT RULING

By Ken Ward

The U.S. Army Corps of Engineers is allowing coal operators to begin new valley fills under a streamlined permit process, despite a federal court order that blocked such fills.

Corps lawyers have decided that the fills can go forward if companies have started other work — such as pond-building or site preparation — at the same mining complex.

Last week, the corps explained its actions in a status report filed with U.S. District Judge Joseph R. Goodwin. In the report, the corps revealed that it is doing exactly what environmental-group law-

The U.S. Army Corps of Engineers is allowing coal operators to begin new valley fills under a streamlined permit process, despite a federal court order that blocked such fills

yers had warned months ago that it would.

Under the corps' interpretation, a company that has a permit for eight valley fills and has started site preparation work on one of them could complete all eight fills and not violate Goodwin's ruling.

In mountaintop removal, coal operators blast off entire hill-tops to uncover valuable, low-sulfur coal seams. Leftover rock and dirt — the stuff that used to be the mountains — is shoved into nearby valleys, burying streams.

Last year, federal regulators issued a report that concluded that 1,200 miles of Appalachian streams were buried or otherwise "directly impacted" by valley fills between 1992 and 2002. That 4 1/2-year study found that past, present and future mining in the region could destroy 1.4 million acres of forest, or 11.5 percent of the regional study area.

In his July 8 ruling, Goodwin said that the corps could no longer approve mining valley fills through a streamlined permit process meant only for activities that cause minor environmental damage.

Rather than these "general" or "nationwide" permits, Goodwin said, coal companies must go through individual permit reviews when they propose to bury streams with waste dirt and rock.

The judge ordered the corps not to issue new Clean Water Act permits for valley fills without individual reviews.

Goodwin ordered the agency to "suspend those authorizations for valley fills and surface impoundments on which construction had not commenced as of today, July 8, 2004."

The Bush administration and the coal industry have appealed Goodwin's ruling to the 4th U.S. Circuit Court of Appeals in Richmond, Va. No date for argument of the appeal has been scheduled, a clerk said Thursday.

In August, lawyers for the Ohio Valley Environmental Coalition asked Goodwin to clarify his ruling.

At the time, coalition lawyer Joe Lovett argued that federal and state mining law makes it clear that activities such as pond building do not constitute the start of fill construction.

"Conflating all of these activities twists the regulatory scheme [and the English language] beyond the breaking point," Lovett wrote in court papers. "All of these are separately defined activities; grubbing and pond construction are just part of a long chain of activities mining companies must accomplish before they may commence construction of valley fills."

Goodwin declined to clarify his ruling.

In an Aug. 31 ruling, the judge said the corps "is entirely capable of carrying out my unambiguous orders. Construction on particular valley fills and surface impoundments had either begun by July 8, 2004, or it had not."

On Nov. 24, corps lawyers filed a 69-page report to update Goodwin on their progress in enforcing his ruling.

The corps told the judge that agency officials had sought progress reports and performed inspections at 73 mining sites that could be subject to the ruling.

At 22 of those sites, the agency said, no construction had begun. The corps ordered operators not to begin work at those sites until they obtained individual permits. At 15 sites, the corps said, operators had completed their work. At one Massey site, specifically targeted by environmentalists, work had begun. But, Goodwin specifically blocked that permit.

At 12 other sites, the corps said, agency officials "require further information" before they determine if Goodwin's ruling applies. In those cases, the corps said, companies might have started fills before they received final approval from the West Virginia Department of Environmental Protection. Corps officials are coordinating with the DEP to determine what to do about those sites, the corps

The judge ordered the corps not to issue new Clean Water Act permits for valley fills without individual reviews.

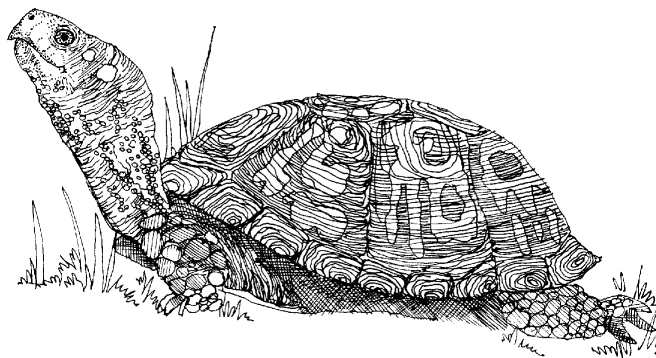
Goodwin ordered the agency to "suspend those authorizations for valley fills and surface impoundments on which construction had not commenced as of today, July 8, 2004."

told Goodwin.

The corps said that, at 23 other sites, companies had "commenced construction in waters of the United States as of July 8, 2004."

"The construction in jurisdictional waters consisted of discharges of dredged or fill material to create sedimentation ponds, roads, stream relocations or culverting, the placement of drains for valley fills, and/or the placement of excess spoil material in jurisdictional waters," the corps said in its report.

This article originally appeared in The Charleston Gazette.



HIGHLANDS CONSERVANCY SPONSORS SPRUCE SYMPOSIUM

By Don Gasper

As part of its Fall Review in October, 2004, the West Virginia Highlands Conservancy presented a SPRUCE SYMPOSIUM.

This consisted of three excellent presentations; hopefully some of it can be captured to be of even more use. Dr. Bill Grafton, a Wildlife Biologist, a Botanist, and as much of an Ecologist as we have in the state started it off. He talked on the distribution of spruce historically and today and associated plant species. He noted today's spruce spread over only one-tenth of its original area. Prior to its near complete logging 100 years ago, there is evidence of an old bark beetle attack and fires through Greenbrier and across through Hardy county. Our rhododendron was associated with the original spruce forest and important elsewhere as well. He briefly recounted the reports of our few historians (Fairfax surveyors, Porte Crayon, etc.) and went on to tell us of the spruce today.

It is found on wet and dry sites. It grows better on more fertile sites, but it is found on very infertile sites where little else would grow. Gaudineer and Cheat Mt. are dry sites, as is the Highland Scenic Drive. The rocks and ferns on Mt. Porte Crayon



are dry also. Spruce Mt., Snowshoe, and Roaring Plains are dry. Cranberry spruce however grows mostly in wet sites, and Dolly Sods are mixed.

Spruce is also found at Cheat Bridge, and upper Shavers Fork and in

Kumbrabow State forest. It is replaced by some other conifers and deciduous beech and maple at lower elevations. It is associated with larch in Crainsbill Swamp and balsam fir on Blister Run and in Canaan Valley; but most often with rhododendron and ferns and on wet sites with alders. It is often associated with beech, birch, cherry and maple. The Falls of Hills Creek Trail (that many of us had just hiked) has all of these. He concluded nicely with a list of flowering plants that some of us recognized, and he mentioned ferns and some fescue can both "poison" the surrounding soil to prevent the growth of other competing species.

The talk by Tony Jenkins, a Soil Scientist from the U.S. Natural Resource Conservation Service, focused on infertile geology and their soils and the available nutrients. It was on-going research, and he cautioned then some are saying "no impoverishment", either by Acid Rain leaching nutrients over 50 years and/or by the initial geological supply of nutrients.

However, it is becoming clear that in nutrient poor, acid soils fertility is very limited. He noted that declining sugar maple was simply limed (calcium carbonate) and it recovered. He has found in some common wide-spread soils (Gauley, Mandy, Snowdog) overlying infertile geologies did have extremely low levels of nutrients. One site had only 513 total nutrients with 192 of that "plant available". This was the lowest on record - ever, anywhere. He noted spruce produced its own organic acid, and we were shown typical soil profiles. Depth, he noted, could vary from only 2 inches to 14 inches, and soil fauna were not as diverse or abundant as in other soils like the better red Mauch Chunk soils.

Jenkins' talk was preceded by a joint report of the N.O.A.A., U.S.F.W.S. and Canaan Valley Institute research station in Canaan Valley.

"The mid-Atlantic Highland region is known to be adversely affected by the

atmospheric deposition of pollutants. Major issues affecting ecosystems in this area are atmospheric contributions to watershed acidification, nitrogen overload,



and continuous elevated ozone levels in the non-winter months. Evidence is mounting that Canaan Valley, WV is significantly impacted by these phenomena. Increased acidification to watersheds can lead to toxic environments for fish and other aquatic species, and reduce the immune systems of trees and plants. Increased nitrogen begins to alter the balance between plant and animal life...."

The Spruce Symposium also had a talk by Biologist Ken Sturm on how the U.S. Fish and Wildlife Service was planning to manage their spruce on the Canaan Valley Wildlife Refuge. It was shown to be scattered, and would benefit from plantings that would connect these "islands". Planting stock was discussed.

Do not be concerned that there was some conflicting information reported at this symposium, as some is on-going research. Don Gasper reported on a 2001 U.S.F.S. and Penn State flight over W.Va. spruce, and they were reported to be "healthy" - yet he is concerned about spruce soils and nutrients, and nutrient leaching by acid deposition and acid stream life that drains many of the spruce ecosystems. Further he noted the nitrogen in the nitric acid portion of Acid Rain acts as a fertilizer and this could be very bad for growth when the other required nutrients are in such short supply.

Finally, Dr. M.B. Adams at the U.S.F.S. Research Station at Parsons prepared a brief report. Some of it, unaltered but briefed, follows, and it notes some of

(Continued on p. 8)

Spruce Symposium

(Continued from p. 8)

the requirements for the "threatened" northern flying squirrel will influence red spruce management. Everything in it is from peer-reviewed literature - nothing more.

"Since the 1960s, there has been considerable mortality of red spruce in the Adirondacks and northern Appalachian Mountains, and growth declines in the central and southern Appalachians, prompting concern about the sustainability of montane spruce-fir forests in the United States...."

"Dramatic and widespread mortality of red spruce was only observed in the northern Appalachians and Adirondacks of the Northeast. The mortality observed in the Northern Appalachians and the Adirondack mountains is due to winter injury of foliage. Two or more years of winter injury can lead to a decline in productivity and nutrition from which the tree will not recover...."

"Acidic deposition is believed to be a contributing factor to the decline of red

spruce related to winter injury events. The acidic deposition leaches nutrients, in particular Calcium, from the foliage, rendering the needles more susceptible to freezing damage. It has been well documented that acidic deposition can make the trees less cold-hardy, and thus when severe winter temperatures are experienced the foliage is damaged. Winter temperatures in the southern and central Appalachians seldom, if ever, reach these critical temperatures, thus there are few, if any, reports of winter injury to red spruce in the southern and central Appalachians...."

"Growth declines were observed in red spruce in the southern Appalachians and in the central Appalachians during the 1960s-1980s, based on tree ring analyses, but significant amounts of mortality of red spruce were not observed in the South. Growth declines observed in the central and Southern Appalachians have reversed in more recent years...."

"Acidic deposition also affects the high elevation red spruce by leaching cal-

cium from the soil and increasing concentrations of available aluminum, although the magnitude of this response is not well-defined. We can demonstrate the process, but not the extent. Low calcium and magnesium concentrations in the soil and elevated aluminum concentrations may result in a reduction in root biomass and thereby limit uptake of water and nutrients contributing to decline. Note that Magnesium deficiency has been documented for red spruce in the Smokies only on a few sites. Evidence of low soil Calcium effects exists in the northern Appalachians and Adirondacks, but not for the southern and central Appalachians...."

"Red spruce is relatively insensitive to elevated ozone concentrations, and ozone is not considered a serious threat to red spruce health."

The symposium certainly presented a lot of information. Perhaps it can be the beginning of ongoing efforts and dissemination of information.

HELP WANTED!

By Don Gasper

We are so fortunate to share magnificent recreational and cultural opportunities in our mountains as residents or as visitors - the apple butter, the fishing and hunting, friendliness, hiking, camping, the beautiful vistas, streams and forests, skiing, berry picking, birding, etc. In participating and appreciating what are often family activities, we invariably reflect upon how dear they are and the environmental problems that threaten or limit them.

For instance, regional air pollution threatens our remotest mountains. It affects vegetation and trout streams and our lungs. Mountain top removal coal mining has caused catastrophic flooding and hardship to many of our neighbors that even if the mining if it were stopped now the hardship will continue for generations. Uncontrolled logging similarly has undermined the delicate ability of stream channels to carry water.

We know these things; but being merely informed and concerned are not enough. We must be a part of the solutions to preserve our unique environment and way of life.

Join environmental and cultural groups. Just your membership will help them with their mission. Talk with friends and neighbors. Initiate contacts with city and county officials about your watershed concerns. Write to state and national elected officials; they generally want to know what their constituents are concerned about. Write to newspapers. Become active in your environmental or civic group. As busy as we are we should make some time to exercise our freedom of speech.

It is the individual American citizen that is blessed with this opportunity to individually or in a group to work to improve

our way of life. This is how every reform protecting the land and people has ever been accomplished. It is the individual, just like you, that has made a difference, who has made the time and effort to do what he (or she) best can. This has been responsible for tax easements for a city park, to the National Clean Air Act, the Clean Water Act, and the Surface Mine Act. This is the only way we will ever improve our communities and region.

Particularly, here, we write to those of you with a particular knowledge of, and concern for the Monongahela National Forest, to join us in reviewing a new plan for this nearly one million acres. If you think you can contribute, we hope you will at the same time feel a bit of a duty to do so. Please contact us even if you can only give a little time. Phone the West Virginia Highlands Conservancy. The numbers for officers and administrative officers are listed on p. 2.



Join Now and get a free gift!!



**West
Virginia
Highlands
Conservancy**
www.wvhighlands.org

We are now offering a wonderful incentive for new membership applications we receive. We have had a beautiful National Geographic book donated to us. Join now, using the form below, to get your free gift.

The Emerald Realm, Earth's Precious Rain Forests. Together, earth's tropical rain forests make up a globe-girdling emerald realm that occupies just 5 percent of the world's land area - yet nurtures half its plant and animal species. From this cornucopia pours an array of foods and herbs, medicines and chemicals, and a variety of construction materials. The magnificence, the fragility, the mystery of "the most diverse, the most complex, and the least understood ecosystem on earth" are yours to experience in this 200 page National Geographic book. A \$20.00 value free to new members. **Premium available to new members only.**

Yes! Sign me up.

Name _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ E-Mail _____

Membership categories (circle one)

	<u>Individual</u>	<u>Family</u>	<u>Org</u>
Senior	\$12		
Student	\$12		
Regular	\$15	\$25	\$50
Associate	\$30	\$50	\$100
Sustaining	\$50	\$100	\$200
Patron	\$100	\$200	\$400
Mountaineer	\$200	\$300	\$600

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

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

Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the
West Virginia

Highlands Conservancy

The new 7th edition covers:

**more than 200 trails for over 700 miles
 trail scenery, difficulty, condition, distance, elevation,
 access points, streams and skiing potential.**

detailed topographic maps

over 50 photographs

5 wilderness Areas totaling 77,965 acres

700 miles of streams stocked with bass and trout

send \$14.95 plus \$3.00 shipping to:

West Virginia Highlands Conservancy
 PO Box 306 Charleston, WV 25321

Or, visit our website at
www.wvhighlands.org

GROUPS WORRIED ABOUT QUARRY

The Shavers Fork Coalition, along with a bunch of groups and businesses (West Virginia Highlands; Bowden-Faulkner CPR (Citizens Protective Response); Mountaineer Chapter Trout Unlimited; West Virginia Rivers Coalition Revelles River Resort; Elkins Jellystone Park; Bowden Stables; Lower Cheat Land Management Co., LLC; Cheat River Inn and Lodge; and WV Izaak Walton League) has asked that Stephanie R. Timmermeyer, Secretary, West Virginia Department of Environmental Protection meet with them before making a decision on J.F. Allen Company's Pond Lick Mountain Quarry permit application. The groups have grave concerns about potential impacts to water quality and quantity and the local economy which would result from issuance of a permit for that quarry.

The proposed quarry (Permit Q-2009-02) would be located about five miles east of Elkins in Randolph County.

At press time there had been no meeting scheduled and the Department of Environmental Protection's response to the concerns was still unknown.

President Hugh Speaks *(Continued from p. 2)*

We can learn a lot from the extremes of Vermont history: from the Revolution to the Civil War, it was the fastest-growing state in the Union; for the next hundred years, it was the slowest-growing. As a result, it has been transformed from three-quarters cleared to three-quarters forested in a century and a half. Bears and moose have moved back in. Wilderness has grown out of old clearings. Elder writes, "What [wilderness] protection finally means in this part of the East is not that something in particular will be *preserved*, so much as that certain kinds of human disturbance will be eliminated in order that *other* cycles of disturbance and transformation may churn along unimpeded in these woods." Succession here includes past human use along with beavers, alders, blowdowns, fire, birches and hemlocks, cherries and oaks.

On the cover of our West Virginia Wilderness Coalition's brochure, "A Vision for a Wild Mon," a backpack-toting figure stands at the edge of wilderness, gazing over inhabited land. This is not John Muir, the inspiration of the Western wilderness movement, seeking sublime spiritual visions on bare remote peaks; instead, we are inspired by Thoreau, who appreciated wildness at the edge and in the midst of our more settled land.

John Elder points out the fatalistic assumption, more prevalent in the West, that wilderness is an irreplaceable, perpetually threatened resource. It implies that "people are the problem" and civilization a kind of cancer. But in West Virginia as in Vermont, we have seen that "wilderness can grow as well as erode, and that the record of human activity can enrich nature's meaning." We have the opportunity for a dialogue between wilderness and culture, in which we might find hope for our own recovery.

Footnote: As small Eastern states marked by repeated cycles of boom and bust, West Virginia and Vermont have a lot in common. But although our state is two and a half times as large, it has only one and a third times as much wilderness area. Put another way, Vermont has more than 75% as much wilderness acreage although it's less than 40% our size. Fifteen percent of their Green Mountain National Forest is in wilderness while only eight percent of our Mon has such protection. We have the places and now is the time to get them recognized. I urge you to explore Spice Run, Turkey Mountain, Upper Shavers Fork, Roaring Plains, or any of the other candidate areas described in the Wilderness Coalition brochure. Please write your representative to urge protection for these special areas.

With Thanks to the Highlands

In election years there's anger in the air
Suspicion on every doorstep
Anxiety about new dangers we are urged to consider
Money changes hands
Promises made, deals struck, attacks planned and implemented
Poison oozes out of the nation's pores like a cold sweat
And we wonder why everyone's in a bad mood

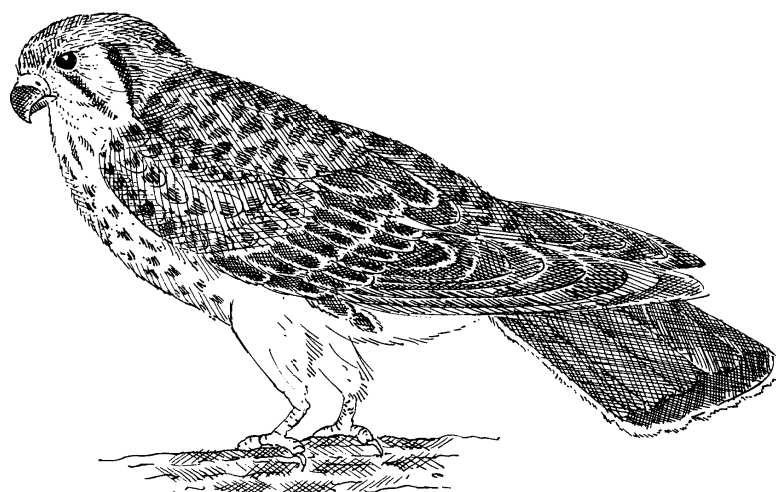
After votes are counted, half of us rejoice and the other half weep

I'm one of the weepers this year
Mourning for a country without antidote
To bloodshed, bigotry, and other infections
Wearing a drool of a wealth on its chin
While turning its back on the poor in Ward Nine
Scant on union, short on wisdom, out of whack
It smells distinctly sour
To some liberal-be-damned who loves this land with her whole heart
And knows we all do

It's a time to remember
I know a place with sweet-flavored air
I can get there on winding roads
Roads that wear shadows and puddles and occasional toads
I saw a harrier there one time
I saw bluebirds and meadowlarks
Sign of beaver, den of fox
Scat of bear
Heard debates of bobolinks in a hayfield
Where I went walking with my best men:
My lover and a dog

When the hermit thrush sang, I had to hold still
It was that voice telling me
You dwell here now
Never leave this wood
Don't ever go home to human sounds

This is medicine that tastes good:
Memory of what matters
And the way I remember
How to love and live well.



TONS OF FUN AT THE WREATH WORKSHOP

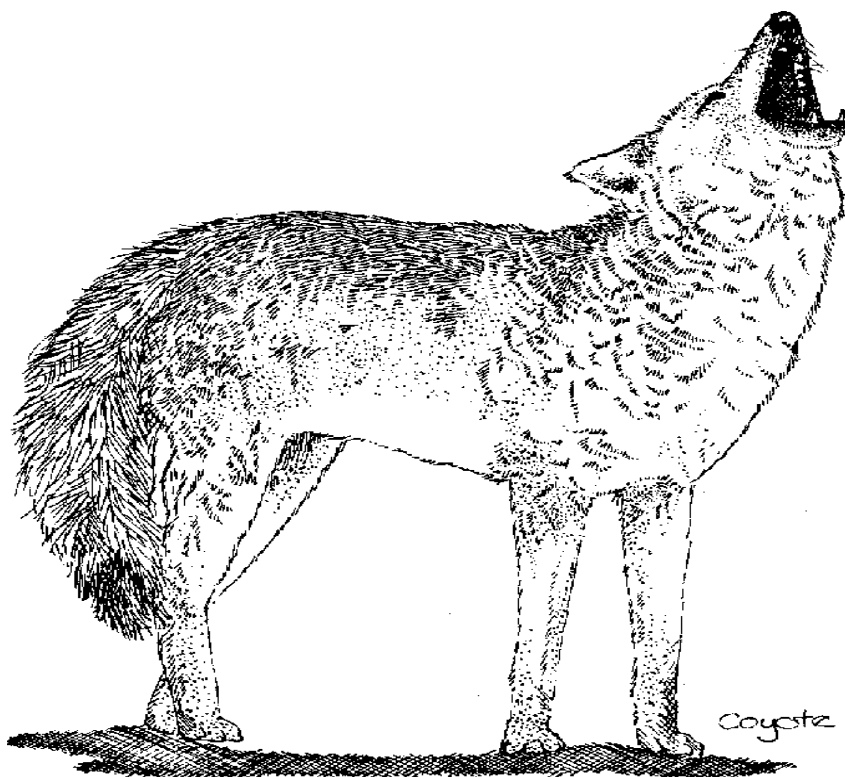


Peter Shoenfeld celebrates his birthday during the wreath workshop.

Lots of fun was had at the second annual wreathmaking workshop at Whitegrass Ski Touring Center November 27. Over 30 people showed up to learn how to make a wreath. Everyone got creative in decorating their own wreath. We also had a chance to celebrate Peter Shoenfeld's birthday with an awesome Chocolate cake the Whitegrass Cafe made for us. Several wreaths, large and small, as well as some garland was made to deck the halls at Whitegrass.



Whitegrass Ski Touring Center's Chip Chase carries a large wreath made to adorn the ski lodge with.



Fauna who wanted to come to the workshop but didn't get his invitation.

ENVIRONMENTAL GROUPS SUE FOR ENDANGERED SPECIES INFORMATION

By Jim Balow

A Charleston environmental group has sued the U.S. Department of the Interior for allegedly failing to turn over documents as required under the Freedom of Information Act.

The suit, filed in U.S. District Court in Washington by Kimberly Ockene of Meyer & Glitzenstein, charges that the Gale Norton and the Interior Department refused to turn over documents relating to wildlife deaths and injuries from wind turbines.

It follows an Aug. 25, 2003, FOIA request from Friends of Blackwater and is supported by 19 citizen groups from across the country and one international group. The FOIA request was sent to the department's Fish and Wildlife Service, which has the responsibility for protecting the country's wildlife resources, the suit says.

Fish and Wildlife's Division of Migratory Bird Management sent a partial response to the request in October 2003, the suit says, saying it canvassed several offices. It included some publications about bird impacts with wind turbines, some internal comments and the group's Interim Guidance, written last year, which sets voluntary guidelines for wind power companies to minimize wildlife impacts at new projects.

A second response in April contained documents from the Office of Law Enforcement about closed investigations about the Altamont Pass Wind Resource Area in California, an older wind project known to kill golden eagles.

Friends of Blackwater President Judy Rodd said her group never received any information about wildlife problems outside of the Altamont site, despite widespread knowledge of bird and bat problems at other wind projects.

"We know that wildlife have been killed at the Mountaineer site in West Virginia," Rodd said.

Scientists at the Mountaineer Wind Energy Center on Back-

bone Mountain in West Virginia found an estimated 2,000 or more bats and nearly 200 birds died during the spring and summer of 2003. Birds are protected by the federal Migratory Bird Treaty Act. Follow-up research showed an equal number of bats were killed during a six-week period this summer at the Mountaineer site.

Fish and Wildlife's legal division listed several reasons for not supplying more information, the lawsuit said.

"They had two excuses," Rodd said, "that it's part of a legal action. But we have no evidence there are any legal actions.

"It seemed they were stonewalling. They said it was propriety [information] to the company. Can they let a corporate entity control the flow of information? It's not like the secret formula to making ketchup or something."

Ockene, the Friends' attorney, said the purpose of the suit is to get more documents from Fish and Wildlife. "We're hoping we'll be able to get more documents without fully litigating," she said.

Other lawyers at Ockene's firm have similar lawsuits pending against other Bush administration agencies, she said. "My experience is they stonewall a lot," she said. "It's very hard to get information we feel is public out of the Bush administration. They seem to be very secretive." Ockene said she has filed other FOIA suits against the Interior Department. "We seem to work hard to get information. Frequently it comes to a lawsuit and eventually we get more documents when we file litigation."

Rodd said the public has a right to know how wildlife is being protected. "The public owns the wildlife of the U.S., don't we? I don't think the wind industry should have any special treatment."

This article originally appeared in The Charleston Gazette.

Speakers Available!!!!

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

GOOD STUFF FOR FREE

To get a free **I ♥ Mountains** bumper sticker(s), send a self-addressed, stamped envelope to Julian Martin, 1525 Hampton Rd., Charleston, WV 25314

T SHIRTS

White, heavy cotton T-Shirts with the I [heart] Mountains slogan on the front. The lettering is blue and the heart is red. Sizes S, M, L, XL, XXL, and XXXL. \$10 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to: Julian Martin, WVHC, Box 306, Charleston, WV 25321-0306

MORE GOOD STUFF FOR FREE

The Sierra Club, Citizens Coal Council, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Focus(Kentucky), Big Sandy Environmental Coalition(Kentucky), Kentuckians For The Commonwealth and the West Virginia Highlands Conservancy have put together a new brochure entitled "Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!" For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

Quantities are available for teachers, civic and religious groups and anyone who can get them distributed.

SHIRTS NOW AVAILABLE IN LONG SLEEVE MODEL

We now have I [heart] Mountains long sleeve shirts in sizes M,L, XL. The shirt is heavy cotton and white with blue lettering. The heart is red. \$15 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to:

Julian Martin, WVHC, Box 306, Charleston, WV 25321-0306

HATS FOR SALE

West Virginia Highlands Conservancy caps for sale. The cap is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in green above the I [Heart] Mountains. The heart is red; we and mountains are black. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. \$10 by mail. Make check payable to West Virginia Highlands Conservancy and send to Julian Martin, P.O. Box 306, Charleston, WV 25321-0306.

WILDERNESS COALITION NEEDS YOUR HELP

By Matt Keller

This is an exciting time to be a wilderness advocate in West Virginia and we hope you will join us in our growing efforts to protect the remaining wild places in our "Wild and Wonderful" state. The website of the West Virginia Wilderness Coalition (www.wvwild.org) has been recently updated and now includes detailed information about our current Wilderness Proposal for the Monongahela National Forest. If you'd like our latest brochure, which also details our proposal, please contact me by e-mail at mattk@tw.org or by phone at (304)864-5530

The areas detailed in our proposal are West Virginia's last, best wild public lands and deserve to be protected as designated wilderness. As co-owners of these lands, we have the opportunity to ensure that they will stay wild forever. Wilderness areas can only be protected through an act of Congress. By simply writing a letter to the members of West Virginia's congressional delegation, you can help make this happen. I can't stress enough the importance that a personal letter from you will have on protecting additional Wilderness areas on the Mon National Forest!

Over the past few years, representatives from the West Virginia Highlands Conservancy, The Wilderness Society and Sierra Club-West Virginia Chapter, operating as the West Virginia Wilderness Coalition, have been laying the groundwork for a campaign to protect additional wilderness areas on the Monongahela National Forest. The hard work of many dedicated wilderness advocates from across the state and region have gotten us where we are today.

We have coordinated a massive volunteer effort to inventory and evaluate potential wilderness areas on the Mon.

Armed with cameras and GPS units, WV Wilderness Coalition staff and volunteers went into the field to determine not only where potential boundaries could be, but the wilderness attributes each area possessed. From the onset, the campaign has been a collaborative effort between wilderness advocates and other stakeholders who care about the fate of these wonderful places.

In addition to regular meetings with our Congressional delegation in Washington D.C., we have worked extensively with mountain bicycling groups and the West Virginia Division of Natural Resources. We have made significant modifications to our proposal based on input received from both in an effort to work towards a proposal we can all get behind.

We have worked hard from the beginning of this effort to build grassroots support for more wilderness. In addition to numerous citizens writing personal letters to our congress-

sional delegation, we have gained the endorsement of nearly 50 businesses and over 20 organizations, thus far. Initially, we worked to build support in the local communities where potential wilderness areas are. Now, we have stepped up our effort and expanded the campaign's scope to build support statewide. These steps outlined above have led us to the proposal map on our website. It is the product of significant input from a wide range of sources. It truly represents the best of what is wild and unprotected in West Virginia.

WHAT YOU CAN DO

The opportunity we have all been awaiting is upon us. We need only let our Congressional delegation know how important these wild places are to ensure that they are permanently protected. It is up to you to make sure your voice is heard. Please, take 10 or 15 minutes and write to your Representative and

Senators. The more personal you make your letter, the more weight it will carry. Feel free to use the talking points and sample letters on our website. If you believe strongly that we need to protect these places for the health of our state and for future generations to enjoy, I also encourage you to ask 5 friends or family members to do the same. Another way to get involved is to keep an eye on your local newspaper. If you see information about this campaign, I encourage you to write a letter to the editor in support of wilderness. Also, we are constantly seeking endorsements from businesses, organizations and civic bodies to demonstrate wide-spread support, so your assistance in that regard would be highly valuable. Thank you very much for your time and commitment to protecting West Virginia's wild heritage! Please visit our website, www.wvwild.org or contact me for more information.



Aurora Moldovanyi was the Wilderness Coalition intern for 2004. She recently finished her Master's Degree at WVU and has been helping us spread the word about our Wilderness Campaign, and has spearheaded our letter writing effort. She has been a major factor in our successful attempt so far to get a multitude of letters on the desks of our Washington delegation. She also came to Wilderness Week in DC in September.

And the evidence just keeps on coming...

National Geographic Weighs In On Global Warming

By Don Gasper

If there was any doubt in anyone's mind that global warming exists and is threatening our planet, it should be expelled now. In September *National Geographic* featured it in 75 pages of maps, graphics, and its many awesome photographs throughout the world of thinning ice sheets and melting permafrost, retreating glaciers, rising sea-levels, warmer oceans (ocean currents could change as ice melts and this affects weather), ice shelf collapse, and coast line erosion. Coral reefs bleach, droughts linger increasing desertification, mountain streams warm and dry up, earlier spring and later fall, plants flower sooner, finely timed wildlife migrations vary, habitats finally change, exotic species invade, amphibian species loss, birds nest earlier, and diseases spread, lakes freeze up later, lakes shrink and some dry up.

Early in the presentation "Signs from Earth, the Big Thaw", the source—burning fossil fuel in electric generating power plants—is dramatically pictured across two pages. It is our growing demand for electricity as population growth and an improved standard of living spreads throughout the world. Today (year 2000) carbon dioxide, a major "green-house" gas, emissions are 6,600 million metric tons annually. In the year 1900 they were 535 metric tons. Our best hope to begin to control it was in the Kyoto Treaty to reduce carbon dioxide that our government would not sign. Our National Center for Atmospheric Research, they report, now says we've got to plan for reductions much greater. Deforestation is responsible for another 1,500 million tons.

"Things that normally happen in geologic time are happening during the span of a human lifetime." "Generally the temperature is up 1 F over the past century." By the year 2100 the planet could average 3 to 10 F higher.

In Switzerland a glacier now has retreated a mile. In Peru a mountain ice-cap is retreating upward as much as 600 feet a year and threatens to dry up streams that are used for drinking, fishing, and electricity. In the Antarctic the Larsen ice shelf lost 1,250 square miles in 2002. In the arctic the ice has decreased 9% per decade and the break-up occurs 9 days earlier than it

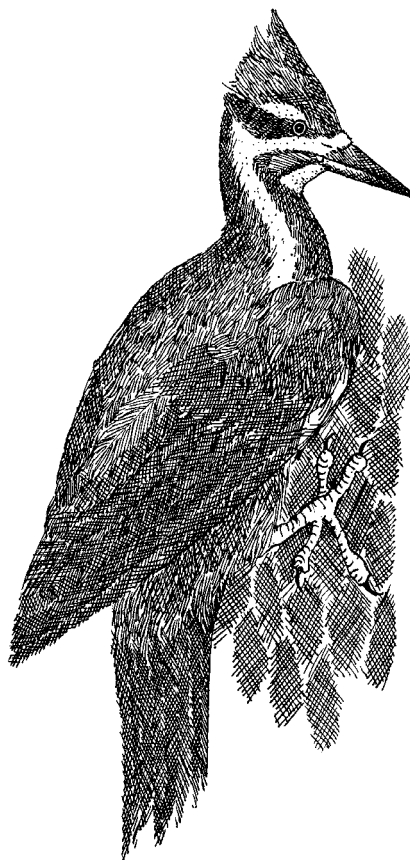
did 15 years ago. (Ice deflects the sun's rays without heating.)

Many inhabited islands are only 8 feet above medium sea level - continental shorelines also. The ocean has generally risen 8 inches in the last 100 years with its associated shore erosion. It notes we see the effects in our own Louisiana gulf coast with satellite photos. World-wide over 100,000,000 people live within 3' of mean sea-level today. As the ocean warms, it expands.

With our 1 F air temperature rise we can expect more droughts and fires, of course, but also more intense rainfall (warm air holds more moisture and dumps it as it rises and cools over mountains.) More intense hurricanes are likely. With drought lakes and streams dry up, and fresh water fisheries and water supplies decline. Our hottest years world-wide were 1998, 2002, 2003, 2001, and next 1997.

It is all there - from people to penguins, to boreal flora, ecosystem changes, diseases from a spreading spruce bark beetle killing four million acres in Alaska, to West Nile virus spread in warm summers in Colorado, and the listing as endangered our huge polar bear and our migrating Monarch Butterfly, and fur seals shifting south, Arctic Caribou find near the end of their short summer there may not be enough greenery for calves to survive the winter.

If you cannot otherwise get this issue of *National Geographic*, you can read it at your local library. It is on their web nationalgeographic.com/magazine/0409



A Thank You to President Frank

By John McFerrin

At the October, 2004, annual membership meeting, the membership of the West Virginia Highlands Conservancy gave outgoing president Frank Young a framed photograph of his choosing from Jonathan Jessup's web site as a token of our appreciation for his service. As past president, I got to help with the presentation. While what I actually said is lost to history, this is an expanded version of what I said:

While it is not listed in the by-laws, one of the jobs of the past president is to encourage the new president, assure him that (contrary to what might be happening at that particular moment) he is doing a good job, the Board does not hate him, the membership is not about to break into open rebellion, and it is possible to finish a Board meeting without permanent paralysis of the lower extremities.

During one of our Reviews, Frank and I were singing the blues about the usual stuff and Frank was wondering aloud just what in the world he had gotten himself into. I told him then that he was one of the best, if not the best, presidents that the West Virginia Highlands Conservancy had ever had.

While years of legal training have given me an appreciation of the value of the occasional embroidering of the truth, in this case the truth needs no embroidery. I thought then and I think now that Frank was a great president. His steady leadership kept us moving ahead through the inevitable rough spots and made it possible for us to accomplish great things. He leaves big shoes to fill.

LITIGATION OVER ENDANGERED SPECIES IN CHEAT RIVER CANYON ON THE HORIZON

By Paul Nyden

Allegheny Wood Products, based in Petersburg, has begun building logging roads, cutting trees and planning other logging activities in the Cheat River Canyon. That scenic river begins near Albright in Preston County and flows into the Cheat Lake near Morgantown in Monongalia County.

Six environmental groups are now looking into the possibility of filing a citizens' lawsuit in early December, seeking to enforce provisions of the Endangered Species Act to block Allegheny Wood Products from logging in the area.

Judy Rodd, director of Friends of Blackwater, said that she heard reports that "logging trucks are now hauling logs out of the Cheat River Canyon near Albright. They are not just opening up a trail, but actually logging in this endangered species habitat.

"They should not have built a logging road in this remote, undisturbed canyon, which is similar to Blackwater Canyon. It is used by whitewater rafters, by hikers and by bikers," Rodd said.

"The company has built a road through the middle of the Allegheny Trail, which was established 20 years ago. That trail goes from the Virginia state line in Monroe County up to Pennsylvania. Allegheny Wood Products is turning it into a haul road for logging trucks."

A woman who answered the phone at Allegheny Wood Products on Monday said that John W. Crites, the company's president, and Donna Record, a company

spokeswoman, were out of the office this week and unavailable for comment.

Allegheny Wood Products bought land in Cheat Canyon from Allegheny Power. In cooperation with several conservation groups, the state of West Virginia had raised \$9 million to buy the whole canyon and make it into a park.

"Even though the state made a higher offer than Allegheny Wood Products," Rodd said, "the power company decided to sell it to Allegheny Wood Products."

Tom Chapman, who works for the U.S. Fish and Wildlife Service in Elkins, said Monday, "I am aware of the situation. But because of the [legal] nature of this situation, I must refer you to our regional office."

Marty Miller, a spokesman for the Fish and Wildlife Service's regional offices in Hadley, Mass., did not return two telephone calls to his offices on Monday afternoon.

On Sept. 30, Friends of Blackwater and five other outdoors groups filed a 60-day notice with the U.S. Interior Department stating a possible intention to file a suit to prevent AWP from destroying the natural habitat of two endangered species: Cheat flat-spined three-toothed snails and Indiana bats.

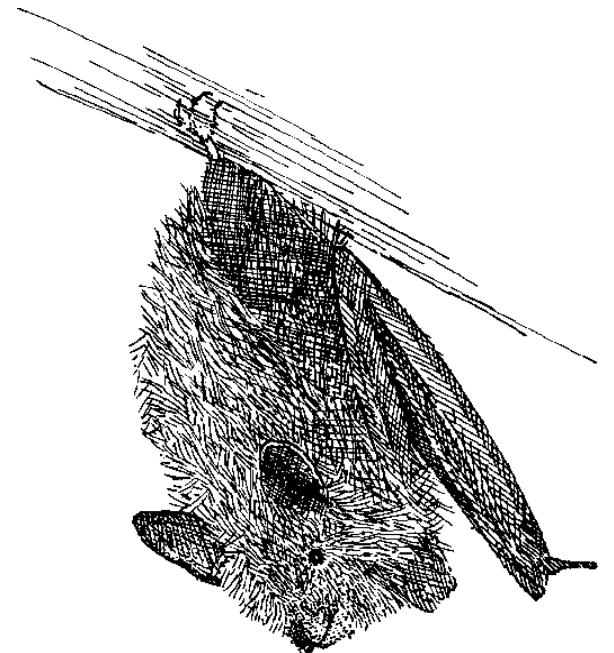
The other groups signing the letter were: the Center for Biological Diversity, West Virginia Rivers Coalition, Cheat Lake Environment and Recreation Association, West Virginia Chapter of the Sierra Club and Coopers Rock Foundation.

Ken Hotopp, a biologist who heads the Appalachian Conservation Biology in Frostburg, Md., sent a detailed letter to Friends of Blackwater on Sept. 17, stating the area now threatened by logging is the only area in the world where the endangered snails are found.

Hotopp's research found one-third of the habitat for the three-toothed snail is on land in the Cheat Canyon

owned by AWP.

In the past, Hotopp has done scientific research for the West Virginia Division of Natural Resources, U.S. Fish and Wildlife Service, Allegheny Energy and Allegheny



Wood Products itself.

Erin Tobin and Eric Glitzenstein, two Washington, D.C., lawyers representing the six outdoors groups, sent the U.S. Fish and Wildlife Service a letter challenging a recent agency statement that it did not "have any reports confirming harm of any federally listed species" in the Cheat Canyon.

Monday's letter said the agency failed to "address our concerns about take [killing of endangered snails and bats] that has likely occurred and will likely continue to occur on Allegheny Wood Products' property."

The letter asked the Fish and Wildlife Service, part of the U.S. Interior Department, "to take immediate action to investigate AWP's past and proposed activities, and to initiate appropriate enforcement activities."

The U.S. Fish and Wildlife Service office in Elkins, Rodd said, has not even sent out a single observer to see what AWP loggers are doing in the Cheat Canyon.

"This is an illegal action," she added. "Why is the U.S. Fish and Wildlife Service not enforcing the law?"

This article originally appeared in The Charleston Gazette.



Single digit temperatures, back to back snowstorms, blowing and drifting snow and solemn trees are winter as usual for Canaan Valley, West Virginia. Photo taken January 25th, 2004. All rights reserved. © 2004 Jonathan Jessup



Winter in Canaan Valley
© 2004 JonathanJessup.com All Rights Reserved

Keep Your Boots Dry!

As happened last winter, the outings scheduled through the West Virginia Highlands Conservancy's Mountain Odyssey outings program have tapered off. Many of our hikers are holed up for the winter only to emerge in the spring.

This doesn't mean that we have abandoned the program. There were a few outings in the snow last year and may be some this year. If coldweather outings don't materialize, there will be more in the spring.

Any outings that are scheduled will be announced in the *Highlands Voice* and on the web site.



Winter Red Spruce
© 2004 JonathanJessup.com All Rights Reserved

Deep Snows cover native red spruce at Dolly Sods, West Virginia. This tree glows as if lit like a Christmas tree. Photo taken by Jonathan P Jessup.



Snowy Landscape Above Canaan Valley
© 2004 JonathanJessup.com All Rights Reserved

Wind blown shapes in snow and cold winter light show the passing of time, as it has been for eons up here. Photo taken January 31st, 2004 by Jonathan P Jessup