



The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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And Now for OSM

OFFICE OF SURFACE MINING READY TO PROTECT STREAMS—OR NOT

By Cindy Rank

Last month we were pleased to note that Environmental Protection Agency might be finding religion once again. The agency basically put on hold some pending 404 fill permits by writing letters to the Army Corps of Engineers saying that more had to be done, that science shows problems exist that may not be addressed by the proposed permits, and that EPA wanted to take a closer look.

On April 27, 2009 the Office of Surface Mining Reclamation and Enforcement (OSM[RE]) appeared to find new life as well when Department of the Interior (DOI) Secretary Ken Salazar announced his intention to withdraw the Bush administration's 11th hour Stream Buffer Zone Rule.

— Cause for celebration, right? Or is it? It glitters, but is it pure gold or just plain glitzy? Is this really renewal? — or merely a return to earlier days of non-enforcement?

Bottom line is we're not quite sure. The official DOI statement from the Secretary was at best vague. And later articles about and quotes from the news conference only added to the confusion.

On the one hand Salazar stated that the Bush Administration rule is "legally defective" and "simply doesn't pass muster" ... "with respect to adequately protecting water quality and stream habitat that communities rely on in coal country."



On the other hand neither Salazar's official statement nor his comments during the press conference offered any clear way forward or any concrete commitment about how OSM would enforce the 1983 rule if the court approved withdrawing the Bush rule.

Joan Mulhern, senior legislative counsel for Earthjustice, listened to the press conference and had this to say. "Secretary Salazar's comments at the press conference lacked such a commitment; he made it sound as if this action would return the situation to the status quo before the Bush 11th hour change to the stream buffer zone rule. But the history of the stream buffer zone rule is that it hasn't been enforced. Announcements are fine but the deeds need to match the words. This gets us nowhere if the stream buffer zone rule is not enforced to prohibit mountaintop removal and valley fills."

Salazar is also quoted as saying that "coal production would not be affected". Furthermore Secretary Salazar said that "current coal operations would not be affected" and was vague about future mining activities. In West Virginia, strip mining - mostly mountaintop removal

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From the Heart of the Highlands

by Hugh Rogers

Changes of Mind

A recent survey showed West Virginians' "stronger than expected" support for racial and cultural diversity, high-tech industry, and green energy policies. The survey was done for a nonprofit organization, Create West Virginia, by Marshall University's Center for Business and Economic Research. As reliable as any survey, I suppose: rather than a firm foundation for specific policies, it indicates a growing open-mindedness on these and other issues.

A long-time political figure here in Randolph County once told me that people who had moved here from somewhere else cared more about what happened to the state than most of his fellow natives.

Pretty strong words—and not words he would use in the Capitol or when he was out campaigning, although he did repeat them to other come-heres. Local people would have been offended. People who had moved here would nod.

But the first time I heard him say that was nearly twenty years ago. Attitudes are changing, and activists are just as likely to have descended from generations of West Virginians as to have arrived (or have parents who arrived) in the 1970's.

The survey offers some evidence of the change. More striking, though, is that this year, Maria Gunnoe became the *second* West Virginian to have won the Goldman Environmental Prize. Especially in the fight against mountaintop removal, many native-born leaders are showing the way. We're all better off for that.

Maria Gunnoe knows in her bones what Simone Weil wrote long ago:

Human beings are so made that the ones who do the crushing feel nothing; it is the person crushed who feels what is happening. Unless one has placed oneself on the side of the oppressed, to feel with them, one cannot understand.

Simone Weil had in mind the poor and working class in her native France. She wasn't thinking about how the non-human world also could be crushed by people who didn't feel it. Since Weil's death in 1943, there has been a huge change of mind in the population at large: as our nation celebrated the thirty-ninth Earth Day, more people than ever understood that air, water, land, and animals can be harmed by human activities. While we argue about the trade-offs, we have gained the capacity, to a greater or lesser extent, to "think like a mountain."

Yet we still find it difficult to think like another person. Maria's gift is her ability to overcome our resistance to understanding. Listening to her, we are compelled to identify with the victims of out-of-control mining. She reminds us that mountaintop removal is not only an ecological disaster; it is a human tragedy.

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MARIA GUNNOE WINS 2009 GOLDMAN PRIZE

By Cindy Rank

I was fortunate to join dozens of other friends of Maria Gunnoe for the East Coast presentation of the Goldman Prize.

OVEC staffers and a handful of friends were also on hand in San Francisco to see Maria receive her award as part of the larger (over 3,500) gala celebration for the 2009 award recipients from each of the 6 inhabited continents. But the joyful din that greeted Maria

the battle against mining practices that have destroyed her home place as well as so much of our great state.

Congratulations to Maria. She continues to be an inspiration for us all, a model of strength and courage in the face of unbelievable odds.

Thanks to Goldman for recognizing this hero of our time.

That both Maria and Judy have been chosen to receive the Goldman Prize for North America speaks volumes about how the rest of the nation views the extreme form of mining known as mountaintop removal. The nation may need coal as a transition fuel, but it does not need the permanent disruption of Appalachia's generations old mountains, streams and communities that this type of mining brings. Nor does the disregard of the people, environment, history and culture of Appalachia shown by those who promote this type of mining do honor to our nation.

Our thanks to both Maria and Judy for keeping up the good fight.

For more about Maria and the other 2009 Goldman Prize winners go to: www.goldmanprize.org



And bless Maria and her family for their willingness to stand firm.

... And what an honor for West Virginia to have had not one, not two, but three native daughters win the prestigious Goldman Prize over the past 12 years. Terri Swearingen received the honor in 1997 for her role in the fight

when she stepped up on stage at the Smithsonian had to have rivaled the ovation days before in San Francisco.

What a great honor for Maria who for nearly ten years has put her life on the line in

against the WTI waste incinerator near Chester in the Northern Panhandle. And of, course we remember Judy Bonds who won in 2003 for also doing battle against the atrocities of mountaintop removal.

Speakers Available !!!!!

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

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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.

WIND FARM REJECTED FOR GEORGE WASHINGTON NATIONAL FOREST

By Rick Webb

FreedomWorks LLC has proposed construction of 131 440-foot wind turbines along an 18-mile stretch of national forest ridgeline in Shenandoah and Rockingham Counties (VA) and Hardy County (WV). The proposed project area is identified as unsuitable for commercial wind development in the Revised George Washington National Forest Management Plan.

On April 2, 2009, Maureen Hyzer, Forest Supervisor for the George Washington and Jefferson National Forests, denied FreedomWorks' proposal to construct meteorological towers to collect preliminary data required for the wind project. The rejection letter to FreedomWorks lists a number of concerns about the project.

Among those concerns (paraphrased here):

- The project would require at least 16 miles of road construction.
- The project would require at least 500 acres of permanent forest clearing in an area with limited human activity that currently provides remote habitat for wildlife.
- The project would visually dominate the landscape of Great North Mountain and the adjacent Shenandoah Valley.
- The project would potentially exacerbate the threat to bat populations that are now being killed in large numbers by White Nose Syndrome.

As indicated in a letter to "Interested Citizens" from James T. Smalls, District Ranger of the Lee Ranger District, the FreedomWorks proposal did not comply with the Forest Plan and it did not provide sufficient rationale for use of national forest land.

FreedomWorks LLC is one among several corporations considering wind project development on or adjacent national **forest land in Virginia.**

More About Buffer Zones (Continued from p. 1)

- currently accounts for some 40% of production in WV. So what impact does this DOI action have?

Let's also consider the following extra bit of confusion.... The administration has yet to nominate a Director for OSM. Does this action imply that someone higher up in the administration is going to run the show no matter who is appointed director? Is such already pre-ordained? The WV Highlands Conservancy and others in WV and nationally have supported Pat McGinley. Joe Childers, another good lawyer from KY has also received support from environmental groups, but rumors are rampant that acting OSM Director Glenda Owens (not a friend during the Bush administration) may still be the Administrations first choice.

This action by Salazar comes in response to our litigation vs the Bush Stream Buffer Zone Rule change. DOI's request will be sent to the court for approval.

(Interestingly enough, none of the plaintiffs lawyers were notified that Interior was even contemplating such a request, when such communication might normally be expected in normal situations..... On the other hand it was reported that Salazar did communicate with Governor Manchin prior to the announcement.)

If the court does grant Secretary Salazar's request it appears our litigation will be moot. We move back out of the courts and into the questionably protective arms of OSM. Does this mean we will return to the good (?) old days of the late 1990s (before our Bragg litigation) when several hundred miles of streams had already been buried under waste rock fills permitted by WV DEP with nary a peep out of OSM.

OUCH! if this is the enforcement we're to look forward to.

Finally, according the Secretary's statement OSM expects to issue 'guidance' to states regarding application of the 1983 rule and expects to solicit comment on the potential development of "a comprehensive new stream buffer zone rule".

In the meantime what will happen with pending permits and expansions to existing permits, etc... ?

My mind is scrambled, but my heart is heavy.

FOREST SERVICE CLOSES CAVES AND MINES TO PROTECT BATS

(Elkins, WV) In response to the uncontrolled spread of white-nose syndrome affecting bat species, all caves and mines on National Forests in the Eastern Region of the Forest Service have been closed by Forest Service managers for one year. This includes caves in the Monongahela National Forest. The closures are intended to allow scientists time to study the white-nose fungus and learn more about how it is spread.

Nearly 500,000 bats have died as a result of white-nose syndrome in the New England and Mid-Atlantic states, including almost 25,000 endangered Indiana bats. White-nose syndrome is named for a white fungus (*geomyces*) which appears on the faces, ears, wings, and feet of hibernating bats. The disease causes bats to come out of hibernation severely underweight, often starving before the insects on which they feed emerge in the spring. Once a colony is infected, the disease spreads rapidly and has the possibility of killing over

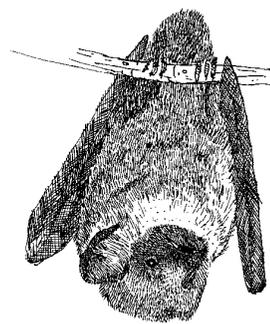
90% of bats within the cave in just two years.

Scientists believe the fungus is spread bat-to-bat as the cluster in caves and mines, and there is evidence it can be unknowingly transferred from one cave/mine to another on the footwear and gear of humans. There have been no reported human illnesses attributed to the fungus. Infected caves and mines may not show obvious signs of the infection.

"White-nose syndrome has already affected mines on the Green Mountain National Forest in Vermont and caves on the Monongahela National Forest in West Virginia," said Logan Lee, Deputy Regional Forester. "Staying out caves and mines is the one thing we can do right now to slow the further spread of the fungus. We will enforce this closure order in hopes of protecting some of the largest bat populations in the United States."

Bats are one of nature's most effective

controls on overpopulation of forest and agricultural insect pests. A single small insect-eating bat can eat up to 1,000 mosquito-sized insects an hour, providing an invaluable contribution to human comfort as well as health. The Monongahela National Forest contains numerous species of bats, including tiny pipestrals, little brown bats, big brown bats, red bats, and two endangered species: Indiana bats and Virginia big-eared bats. Some of the largest colonies in the



United States of several species of bats are found in the Monongahela, which makes the appearance of white-nose syndrome in West Virginia of particular concern to biologists and land managers.

Even before the disease had been found in the State, Forest Service managers on the

(More on the next page)

VOLUNTEERS PLANT TREES AT CANAAN

On April 18 & 19 our annual red spruce restoration project had dozens of West Virginia University students, and others plant over 5,000 trees on the Canaan Valley National Wildlife Refuge. Over 50 volunteers on Saturday and 40 on Sunday made easy work of getting the trees in the ground. This is the 5th annual event for the WVU students. This year the WVU students were joined by Several Boy Scouts and Troop leaders from Kingwood, WV. On May 3, the Shepherdstown Presbyterian Church youth group, led by Brandon Dennison, plant even more trees to finish up this years project target area.



Once again Corey Bonasso helped to organize the red spruce ecosystem restoration work on the Refuge. Corey began to help with this event when he was a freshman in the WVU Forest Resource Management program. He graduated in May 2008 and now works at The Mountain Institute.



Canaan Valley resident Bruce Dalton does some heavy lifting as he chipped in to plant the red spruce and balsam fir trees.



Kingwood Scouts helped out again this year.

MORE ABOUT BATS (Continued from p. 4)

Monongahela took the unusual precaution of issuing a Forest Supervisor's closure order in the spring of 2008 for the Forest caves considered at the highest risk. The new closure order issued by the Regional Forester extends to all federally-owned caves within the Monongahela. Monongahela biologists have been working closely with their counterparts in the U.S. Fish and Wildlife Service and the WV Division of Natural Resources as well as with other Forest Service biologists to monitor bat populations in the Forest and learn as much as possible about the disease. Additionally Forest staff are working with members of the caving community and other environmental organizations. "This is an extremely alarming occurrence that has potentially devastating effects for our bats" noted Monongahela National Forest Supervisor Clyde Thompson. " We appreciate that so many people in the caving community understand the urgency to keep people



out of our caves to do what we can to reduce the likelihood of spread of the disease."

Additional information about white-nose syndrome is available on a national website maintained by the U.S. Fish and Wildlife Service at http://www.fws.gov/northeast/white_nose.html.

BROCHURES

The West Virginia Highlands Conservancy has joined with the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Voices, Kentuckians for the Commonwealth, Keeper of the Mountains Foundation and Christians for the Mountains 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 distribute them.

GREEN TREES OR GREENWASH?

By Cindy Ellis

On April 14, a group from the Appalachian Regional Reforestation Initiative met in Charleston. ARRI is a program of the Office of Surface Mining Reclamation and Enforcement, and its goal is to plant more trees on "active and abandoned coal mined lands." The topic was ARRI's "Coal-Coffee-Cerulean" partnership. This project seeks to unite the coal industry and the coffee industry in efforts to protect habitat for small songbirds.

Attendees included representatives from the US Interior Department, the American Bird Conservancy, the WV Department of Environmental Protection, The Nature Conservancy, Fundacion ProAves (a Columbian avian conservation group), the National Federation of Coffee(also of Columbia), The American Chestnut Foundation, and OVEC and WVHC. The last two have not "signed on" to ARRI.

The Coal-Coffee-Cerulean project developed from collaboration by ARRI and the Cerulean Warbler Technical Group. The Cerulean Warbler Technical Group formed after there was petitioning to list the bird as "threatened." In response, the USFWS ruled, "Even though we have determined...that the Cerulean Warbler does not meet the definition of endangered or threatened, we believe it is essential that existing conservation efforts for the Cerulean Warbler be pursued and new actions implemented to address the steady decline of the species."

Why Ceruleans? "Cerulean Warblers are a canopy-nesting songbird that breeds in the... [Eastern mountains]...and winter in the Andes Mountains of South America. They are a difficult species to see due to the fact that they forage high up in the canopy of the forest and rarely come down to our level.

Cerulean Warblers have become a hot topic in the birding community over the past decade and are what is referred to as an indicator species. Indicator species are used to indicate the health of the environment. In the Cerulean Warbler's case, they indicate a healthy, continuous tract of mature forest." (Emily Boves, naturalist, IJAMS Nature Center, Knoxville, TN, who proudly owns an I Love Mountains bumper sticker.)

With the coal-coffee partnership, Columbian coffee growers are urged to use "shade-grown" production methods rather than

treeless plantations. Coal firms are urged to change grading techniques after mining and to increase planting of trees, especially native varieties. Besides increasing habitat in two areas for at least one bird species, another benefit might be increased income for Columbian coffee growers. Of these, 94% are individual landowners with small acreage. ARRI hopes both industries will realize positive publicity from the endeavor. The Department of Interior suggests to coal operators that an Endangered listing would mean increased scrutiny of mining practices.

Some groups and individuals in our WVHC environmental community work with and support ARRI. For others, questions and concerns remain. In this meeting, the birding and coffee representatives showed broad knowledge and understanding

of the avian factors in this issue. The presentations and question responses by state and federal agencies were not always so illuminating.

Questions were raised. Why not enforce current regulations? Will undergrowth vegetation also grow well in this technique? Other questions surfaced after the meeting. Will the growth rate of the native tree species planted (black cherry, white ash, white oak, red oak, black oak, chestnut oak,

sugar maple, yellow poplar, hickories, red maple, basswood, cucumber magnolia, sycamore, white pine, Virginian pine, pitch and loblolly hybrid) affect the outcome? What will offer breeding habitat while tree growth is ongoing? Does the program overlook cultural and industrial hurdles in our state's mining areas? Is there a benefit for citizens and landowners here like that in South America? Will Columbian schoolchildren have a better chance to see birds and wildlife on coffee plantations than mountain schoolchildren in mining counties in West Virginia?

Concerns also centered on the possible use of this project for promotion of current mining practices by coal companies and on use of that publicity to influence schoolchildren during tree plantings and other events. One coal representative at the Tuesday meeting complained that "good things" done by coal companies go unpublished. Another repeated the oft heard, "...this will make the land better than it was" He also spoke of the sponge-like absorbing attention of children to outdoor activities and of the potential for students to influence their parents. Positive remarks were

made for the CEDAR program. CEDAR has been promoted by a subgroup of Friends of Coal and purports to teach the "true" story of coal. That program's possible inclusion in public school curriculums has been protested to the WV Board of Education by WVHC board member Julian Martin and others.

One government official impulsively proposed Cerulean-friendly electricity or coal!

In August 2008 two WVHC board members toured a mine site that had used the ARRI recommended "ripping" technique for soil reclamation. Only 9 bird species were noted during that Elk Run Coal Company tour.

On the other hand, in this meeting a coal fellow used the words, "that beautiful bird," with seeming sincerity.

So perhaps this issue is like many that WVHC explores; with little black and white, and much gray. Or in this case, shades of azure-like blue. We'll keep watching. There is a painful temporary condition in bird watching known semi-jokingly as "warbler neck." This comes from repeatedly straining to see tiny birds at the tops of trees. Keeping up with this coffee-coal matter could give all concerned a similar pain in the neck. Maybe some electrically brewed shade-grown coffee would help.



BETH LITTLE WINS AWARD

Beth Little has been awarded the Laura Forman Grassroots Activist award by the West Virginia Environmental Council. The Award was presented to her at the annual Environmental Day at the West Virginia Legislature.

Beth came to Pocahontas County from Philadelphia over thirty years ago, and has fought to protect the mountains that drew her here since she arrived. Her selfless devotion, attention to detail and leadership ability make her a sought-after member of many community and state boards. She has worked tirelessly to protect the Monongahela National Forest, promote wilderness, helped defeat more than one proposed coal burning electric plant - including the recently proposed Western Greenbrier co-generation plant - and is now actively fighting to control Marcellus shale gas drilling. Beth has worked with the WV Chapter of the Sierra Club, WV Highlands Conservancy, Cleanbrier and is now serving on the Pocahontas County Water Resources Study Task Force.

DEPT. OF JUSTICE CONTINUES TO OPPOSE CHAMBERS

By Cindy Rank

On Tuesday, April 28th, Department of Justice (DOJ) lawyers representing the Army Corps of Engineers opposed our request for a rehearing in the 4th Circuit.

... But first, a quick review of these particular actions for people whose heads might be swimming in the legal morass involved with all things mining.

In September 2005 Earthjustice and the Appalachian Center for the Economy and the Environment filed suit on behalf of the West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and Coal River Mountain Watch. Our litigation challenged several Individual 404 fill permits issued by the Army Corps of Engineers for valley fills at mountaintop removal and other large strip mines in southern West Virginia.

In March (and July) 2007 U.S. District Judge Robert C. Chambers issued decisions that basically agreed with us plaintiffs and found that the Corps violated the Clean Water Act in issuing those permits. The court's rulings would require the Corps to conduct more detailed environmental reviews before approving new permits.

The Corps objected to those rulings and appealed to the 4th U.S. Circuit Court of Appeals in Richmond VA. A three-judge panel of that court overturned Judge Chambers' ruling and we petitioned for a rehearing by the full Court of Appeals (a hearing en banc).

On April 28th the DOJ recommended that the Court deny our petition.

Writing that "this case does not merit further review," DOJ attorneys on behalf of the U.S. Army Corps of Engineers cited several actions the Corps is IN THE PROCESS of developing as reasons to ac-

cede to the professional judgement of the Corps in previously granting these permits.

DOJ cites an as yet to be developed assessment tool that WILL consider certain functions that have heretofore been glossed over, and that WILL consider other important factors that our expert witnesses testified were missing in the Corps review of the permits in question.

Not only is this action by the Department of Justice disappointing on its own..... But it also calls into question just what Secretary Salazar meant by Monday's (April 27, 2009) announcement about pulling the 11th hour Bush Stream Buffer Zone Rule.

For one thing the fills associated with the permits at issue in Chambers litigation all violate the 1983 Stream Buffer Zone Rule, the very rule Secretary Salazar wants to re-enact. Furthermore, there is so much uncertainty and so much in flux about both the Surface Mine Act buffer zone rule and the Clean Water Act fill rule that DOJ could (and in my opinion should) have just stepped aside and not opposed our request for rehearing before the full Court.

Others may be more optimistic than I for some suggest this is merely a move to refer such decisions back to a more trustworthy administration, but so far, I'm not convinced. Recent actions by EPA gave many of us a glimmer of hope, but this past week has not been so encouraging.

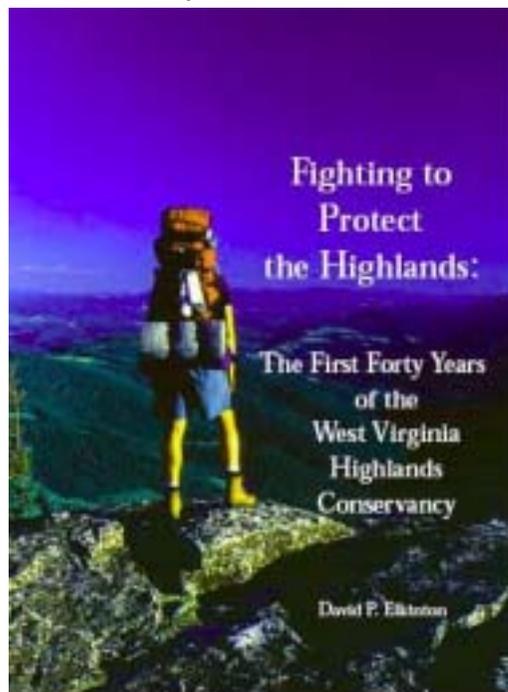
The new administration in Washington talks about 'radical transparency' and 'science leading the way', but I get an uncomfortable feeling that some of the same old same old politics as usual may be oozing onto the scene where mountaintop removal and valley fills are concerned.

GREAT HISTORY BOOK NOW AVAILABLE

For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.



From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.

Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

It's Not Just a Tree Any More**CEDAR Brings Coal Propaganda to the Schools**

By Julian Martin

A year ago, at the WV Environmental Education Association conference, I asked Dr. Steven L. Paine why CEDAR was being allowed to spread its pro-mountain top removal propaganda in the schools of southern West Virginia. He claimed he had never heard of it and said he would look into it. Dr. Paine is superintendent of West Virginia Schools. He had never heard of a program that bragged three years ago about being in sixteen southern West Virginia schools. A year later, after hearing the testimony of Janice Nease, Lorelei Scarbro and me, Dr. Paine was instructed by the president of the state board of education to do what he had promised me a year earlier. He said he would look into it and that he would meet with us. We hope to be meeting with him fairly soon.

Dr. Paine is to include the Friends of Coal Ladies Auxiliary in his investigation. The Ladies Auxiliary tried to take their pitch into Stratton Middle School in Beckley. Lorelei Scarbro of Coal River Mountain Watch met with the superintendent of Raleigh County schools and the program was cancelled. The Superintendent said that the students had already missed too many snow days to include anything else in the school day. Watch out for the Ladies Auxiliary to try again next year.

CEDAR (which stands for Coal Education Development and Resource of Southern West Virginia, Inc.) is a coal industry invention. "CEDAR's mission is to facilitate the increase of knowledge and understanding of the many benefits the coal industry provides in daily lives by providing financial resources and coal education materials to implement its study in the school curriculum. CEDAR's target group is grades K-12 in Mingo, Logan, Boone, McDowell and Wyoming counties in southern West Virginia."

"The many benefits the coal industry provides..." are key words in CEDAR's mission statement. Learning outcomes for West Virginia Schools don't include promoting the many benefits of any industry. Just promoting the many benefits qualifies CEDAR as one-sided propaganda, not education.

The many benefits the coal industry provides couldn't possibly

include: Flooding caused by mountain top removal—The selenium from valley fills producing fish with eyes on one side and curved spines. Recent studies of hatchlings from below valley fills show 10 % have abnormalities as compared to trace numbers in normal streams—Heavy metals in coal sludge impoundments—Acid mine drainage—Acid rain—Injecting coal sludge into the ground water and out into people's sinks—Miners coughing to death with black lung—The Buffalo Creek disaster—The massive sludge disaster in Martin County, Kentucky—The coal ash dam collapse in Tennessee—Coal mine accidents at Farmington, Mannington, Sago and the many, many others—The destruction of habitat for migrating song birds. 44 bird species were counted in the wooded area that Larry Gibson saved on Kayford Mountain while only 3 species were counted at the edge with the mountain top removal strip mine—The effect of blasting on people's homes and their health.

The research of Dr. Michael Hendryx of the WVU Department of Community Medicine documented that as coal production increased rates of cardiopulmonary disease, lung disease, cardiovascular disease, diabetes and kidney disease increased.

It is not likely that the many "benefits" of the coal industry would include the miners march on Blair Mountain—the Black Lung Movement—Miners for Democracy—The so-called Matewan Massacre and subsequent murder of Sid Hatfield—The "Bull Moose Special" and murder of Cesco Estep—Child labor in coal mines.

CEDAR is not holding back; they have the coal industry money to seep into every crook and cranny. "CEDAR awards cash prizes to 1st, 2nd and 3rd place for each grade level of K-4, 5-8 and 9-12." There is a regional coal fair where students enter coal projects in Science, Math, English-Literature, Art, Music, Technology-Multi Media and Social Studies.

The Friends of Coal Ladies Auxiliary are also ambitious. They exclaim that "We'd really like this to be statewide, that it be mandatory in the schools that they learn about coal." Aw, yes, that's the ticket, the coal industry mandating the school curriculum from top to bottom.

T- SHIRTS

White, heavy cotton T-shirts with the *I ♥ Mountains* slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$12 by mail; **long sleeve** is \$15. West Virginia residents add 6% tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.

Join Now !!!

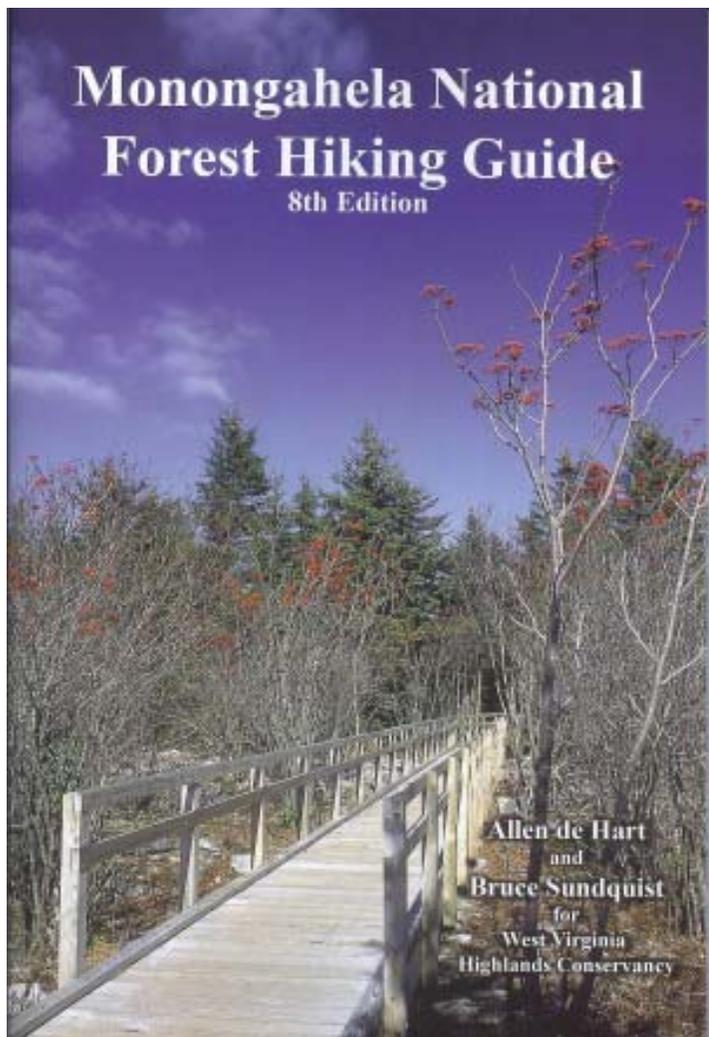
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	<u>Individual</u>	<u>Family</u>	<u>Org</u>
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Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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



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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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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.
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Price: \$20.00 from the same address.

ALL ABOUT THE MARCELLUS SHALE

By Pamela C. Dodds, PhD., Registered Professional Geologist

The Marcellus Shale has been the most recent popular topic of exploitation in West Virginia. The shale is described as a black shale because it is black in color, containing kerogen. Kerogen is not oil. Kerogen is derived from coal-forming materials which accumulated in an oxygen-starved environment and which were subsequently exposed to heat and pressure from overlying sediments and mountain-building processes.

Kerogen has a higher molecular weight than oil. It is "released" from shale by a drilling methodology which uses approximately one million gallons of pressurized water per well (a process called hydraulic fracturing or "hydrofracking"), with the addition of silica (stored in silos and which can potentially release silica dust to the surrounding area: this can cause silicosis in people who breathe the silica dust) and chemicals such as surfactants to help release the kerogen.

So far, none of the drilling companies has released the composition of the chemical constituents added to the drilling water. The Marcellus Shale contains the following radioactive elements: uranium, thorium, radium 226, radium 228, and radon; it is considered highly radioactive by Hill, D.G., Lombardi, T.E. and Martin, J.P. 2004: "Fractured Shale Gas Potential in New York"; Northeastern Geology and Environmental Sciences, Vol. 26. p.8 (http://www.pe.tamu.edu/wattenbarger/public_html/Selected_papers/—Shale%20Gas/fractured%20shale%20gas%20potential%20in%20new%20york.pdf).

The Marcellus Shale contains the mineral pyrite (iron sulfide), which forms into sulfuric acid and iron hydroxide when exposed to water and air. The resulting acidic drainage dissolves toxic metals occurring in the surrounding rock, thereby releasing them to the en-



vironment. Toxic metals typically released by acid drainage (the same as coal mining drainage) can include copper, aluminum, cadmium, arsenic, lead, mercury, cobalt, chromium, molybdenum, nickel, vanadium, and zinc.

Problems associated with drilling the Marcellus shale in such wells include: 1) the excessive use of water from nearby rivers and streams, impacting our water resources; 2) the release of radioactive materials into the air

(and methane gas); 3) the release of radioactive materials onto the ground surface and into streams from drill cuttings and from recovery of drilling water directed into streams; 4) the release of radioactive materials into groundwater from "backwashing" of the pressurized water introduced into the well and from underground injection of the used drilling water; and 5) the release of toxic metals and excessive acidity (similar to acid mine drainage) into our streams from drill cuttings and recovered drilling water directed into streams.

Any radioactive methane gas recovered from the well is piped to holding tanks and subsequently transported to major gas lines such as the Tennessee Pipeline in Pennsylvania or the Millennium Pipeline in New York to be sold to the public. Therefore, there are hundreds of miles of numerous pipelines associated with transporting the radioactive methane gas from the wells.

On the internet, there are numerous websites available which provide information on the Marcellus Shale and the potential environmental problems which can occur. Some of these sites are: <http://www.statejournal.com/story.cfm?func=viewstory&storyid=42542>; <http://www.wvsoro.org/resources/marcellus/OGAPMarcellusShaleReport-6-12-08.pdf>; and http://www.wvsoro.org/resources/how_a_well_is_drilled/index.html.

HATS FOR SALE

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

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

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

Pictures of both appear on our website www.wvhighlands.org. Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to Julian Martin, P.O. Box 306, Charleston, WV 25321-0306



BIRTH

By Dawn Baldwin

She lies in the sun, in a patch of short grass. Her body is coiled between a cluster of lady's thumb and a tuft of mullein. I see her just in time to stop and kneel by her side. Another step and we'd have missed each other entirely.

I've generated a lot of heat walking up the steep trail. It radiates from my skin, pulsing with the beat of my heart. Sweat trickles along my hairline, down the small of my back.

Slow. I try to breathe in whispers.

Calm. I try not to disturb the air.

I wonder if she feels my animal warmth. I wonder if my presence makes a difference to her.

Not that she needs a midwife, or that I could play that role. She's quite capable of birthing her babies alone. But I'd like to think she senses my benign presence, knows I'm by her side and intend her and her offspring no harm. If not exactly a second sun, at least I'm a serviceable heat lamp. I'm also a human shield against predators—raptors and turkeys mainly—that might nab her young for dinner before they're dry.

Perhaps I am, indeed, better than nothing. Better than her being alone.

The first babe arrives coated in mucous the consistency and clarity of an egg white. His pencil-thin body looped over itself, forming an ideal bow, the infinity symbol—head and tail crossed perfectly, evenly in the middle.

He is still. I resist the urge to prod him there before me on the dry grass. Since I've never attended a snake birth before, I don't know what's normal. I don't know what to expect. All I can do is watch and wait for what happens next.

Finally, he moves his head, breaks the infinity loop, and proceeds into the universe. Slowly, he journeys from creation to created. I watch, mesmerized, as potential becomes reality right here, right now, in front of me. The young garter snake continues to extend his body, incrementally, into the sunlight.

A sibling arrives. Meanwhile, her elder brother's unfolding continues. Within minutes he is straightened, stretched to his full eight-inch length. Another sibling arrives as he begins to slide forward. He glides easily and his birth-coat rolls off him like a stocking—his first shed skin. When he's free of it, he departs without pausing—gone into the brush and away from me. Only minutes on Earth and already he's living the life he was born to live.

There are more than 120 species of non-venomous snakes in North America; however, it's the four venomous species—rattlesnake, cottonmouth, copperhead, and coral snake—that loom large in the American imagination. We've

been conditioned, as a culture if not as a species, to loathe snakes for the three percent of their kind capable of seriously harming us. We've been taught to loathe them despite the fact that their inclination to harm us depends entirely on our behavior toward them—not at all on some inherent evil intention on their part.

There are approximately 8,000 venomous snakebites in the US every year, yet only about a dozen deaths, fewer than are caused by bee or wasp stings. This low mortality rate is likely due to the fact that only one in four of these snakebites contains venom. Defensive strikes are most often dry bites. Unless deliberately, persistently annoyed, snakes use the energy required to apply venom only offensively, when hunting for dinner.

Happily, snakes in this country do not view people as dinner. Pests—yes. Dinner—no.

My deliberate effort is required to get a snake to waste his or her venom on me. And this makes sense when I think about venom as a resource. A snake that wastes venom can't compete with a snake that doesn't. Wastefulness is anathema to survival—a luxury, a human invention other creatures, snakes included, can't afford. Unless, of course, the imminent threat I pose leaves them no alternative, no escape route, no choice.

When I invade a snake's home, occupy her personal space, touch and torment her, prod and poke her, when I pick her up in my hands—someplace she was not designed to be—it shouldn't surprise me that she resents this treatment. It shouldn't offend me that she defends herself. Confronted with such a persistent aggressor, wouldn't I, wouldn't any creature do the same?

Yet it's so easy, so comforting even, to blame the snake. It's so easy to reverse our roles—to make her the evildoer, and me the victim. Then to build a mythology of snake behavior, of snake-ishness itself, that supports this new status quo, this inverse reality.

How else to explain the widespread hatred of snakes?

It's certainly not a rational hatred, not based on empirical evidence, on clear and present danger, on imminent threat. Snakes are important members of a healthy ecosystem. The presence of snakes in this country is not a threat to human health—the absence snakes in this country very much is. Still, the notion persists that the only good snake is a dead snake.

I watch the arrival of the sixth young garter snake, another perfect copy of his mother. Birth no less miraculous for its happening to a reptile. I can't bring myself to diminish it.

If God made me, God made snakes, too.

BUMPER STICKERS



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

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



West Virginia Mountain Odyssey



Outings, Education and Beyond

Saturday May 9, Driving tour of Spruce Knob area. Meet at the lake spillway at 11 a.m. Very short easy hikes to look over the forest and trout streams. We will leave from the Spruce Knob parking lot at 4:00 p.m. For more information contact Don Gasper at 472-3704. Otherwise just show up.

Saturday, May 23, Garlic Mustard Challenge, Summit Lake; Meet at 9am at the Campground check-in station. Volunteer with us as we work to eradicate garlic mustard at the Lake. Volunteer for the whole day, or join us for any part of it. Come dressed for the weather, bring gloves and take matters into your own hands. Visit <http://www.appalachianforest.us/> for more information or contact Evan Burks at 304-636-1800 ext. 224

Saturday, May 23, North Fork Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the North-South Trailhead along the Highlands Scenic Highway. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday to Monday, May 23-25, Seneca Creek Backpack with a day hike to the High Meadows. We hope to cover some previously unexplored trails on the first day. Daily mileage 8/8/7. Pre-register with Mike Juskelis 410-439-4964, mjuskelis@cablespeed.com.

Saturday June 20, Day hike into Lower Otter Creek Wilderness. Meet at McDonalds in Parsons at 11:00 a.m. After creek crossing the three mile trail out along the beautiful stream is easy. Out by 5:00 p.m. For more information contact Don Gasper at 472-3704. Otherwise just show up.

Saturday, June 20, County Line Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the County Line Trailhead along the Williams River Road. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday, July 11, Middle Fork Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the North-South Trailhead along the Highlands Scenic Highway. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday, July 18, County Line Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the 3 Forks of Williams Trailhead. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday to Tuesday, July 25-28, Seneca Shadows Car Camping with 2 day hikes, MNF, VA. This campground is meticulously maintained. The hikes will include a 10 mile shuttle hike across North Fork Mountain with tons of views and a 10 mile circuit in Dolly Sods North. Optional hike to the top of Seneca Rocks for early arrivals. Pre-register with Mike Juskelis 410-439-4964, mjuskelis@cablespeed.com.

Saturday, August 1, North Fork Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the North-South Trailhead along the Highlands Scenic Highway. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday, August 8, Middle Fork Trail Maintenance, Cranberry Wilderness; Join the Appalachian Forest Heritage Area, AmeriCorps, Highlands Conservancy and Forest Service as we put some quality work time into improving our Wilderness hiking trails. Meet at 10am at the 3 Forks of Williams Trailhead. Volunteers should bring lunch, water, gloves and dress appropriately. Severely inclement weather would cancel the work day. Tools will be provided. Contact Dave Saville at daves@labyrinth.net or 304-284-9548.

Saturday to Tuesday, October 24-27, Douthat State Park Car Camp with 2 Day Hikes, VA. Camp in the oldest park in the Old Dominion. Hikes are moderate to strenuous in difficulty and ranging from 7 to 10 miles in length. Lots of views. Pre-register with Mike Juskelis 410-439-4964, mjuskelis@cablespeed.com.

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

Big Draft, Spice Run, Roaring Plains West

THE NATIONAL WILDERNESS PRESERVATION SYSTEM WELCOMES ITS NEWEST WILDERNESS AREAS

With the passage of the Wild Monongahela Act, around 37,000 acres over six special areas stand to be permanently protected. Included in the legislation are expansions to the existing Dolly Sods, Cranberry and Otter Creek Wilderness areas. These storied places are popular destinations for outdoor enthusiasts and have drawn local visitors and tourists from afar since their establishment. Also included in the legislation is new Wilderness designation for the areas of Big Draft, Spice Run and Roaring Plains West, some of the newest additions to the National Wilderness Preservation System.

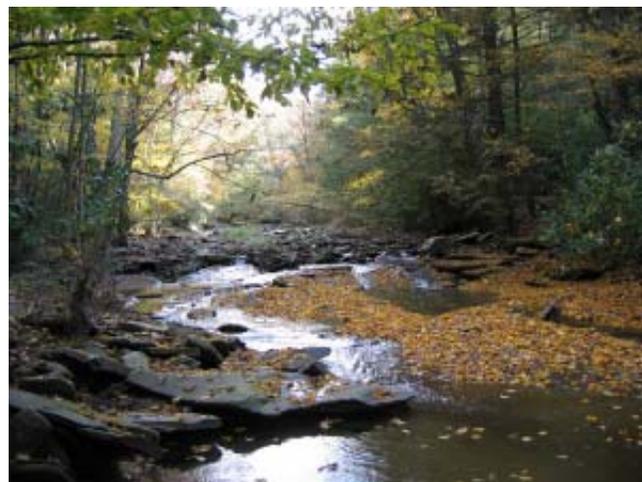
How well do you know West Virginia's newest Wilderness areas? As the warm days of late spring and summer arrive, opportunities abound to celebrate the passage of Wild Mon by exploring these unique areas that will now remain forever wild.

Big Draft 5,242 acres

Big Draft Wilderness has outstanding recreational opportunities. The area boasts over 13 miles of established system hiking trails with connectivity to many more. It is adjacent to Blue Bend Recreation Area, which has a campground and trailhead for the Blue Bend Loop Trail, which travels through the proposed wilderness and has multiple scenic overlooks. The Anthony Creek Trail can be accessed from this loop and connects the system with the Greenbrier River Trail and the town of Anthony. The area has long been popular for the wilderness quality whitewater trip down Anthony Creek which challenges paddlers with up to Class III rapids. The trout, and small-mouth and rock bass fishing along this route is excellent as well, offering multiple ways to become immersed in the area's solitude and scenic beauty.

Spice Run 7,124 acres

Spice Run Wilderness is one of the most remote wilderness areas in West Virginia. Access is by rough jeep road on the west, by canoe or kayak on the Greenbrier River, or by fording the Greenbrier on foot from the Greenbrier River Trail, which can only be done during normal to

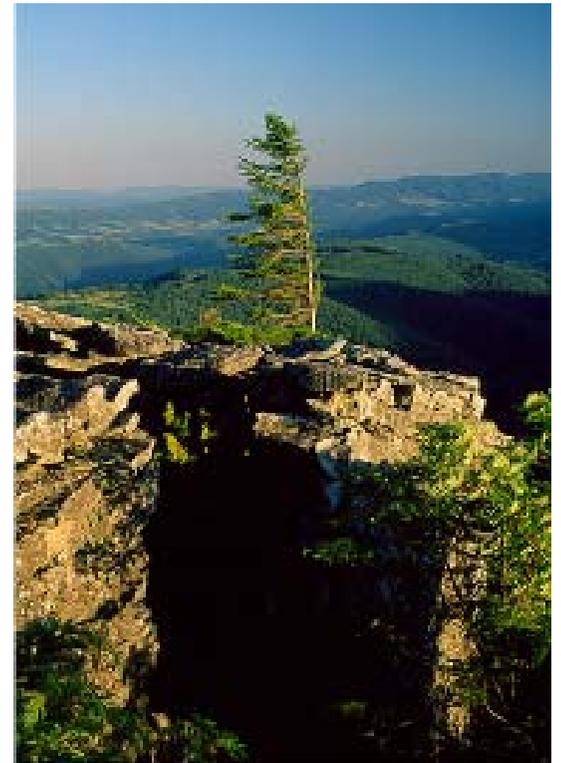


lower flows. There are no marked trails within the area, just a jeep trail along Spice Ridge, which separates Spice Run from Calvin Price State Forest, and another coming in from the south to Slab Camp Mountain. In their Wilderness Attribute Rating System (WARS) analysis for Spice Run, the U.S. Forest Service reported that the area had high potential for wilderness experience. It was found to have very strong opportunities to provide solitude and primitive recreation.

reported that the area had high potential for wilderness experience. It was found to have very strong opportunities to provide solitude and primitive recreation.

Roaring Plains West 6,820 acres

The Plains are of unusual and exceptional scenic value and offer outstanding remote wilderness experiences for many people. The area offers many opportunities for solitude of unusually good quality. Backpacking is a popular way people enjoy the Plains. Area trails have been well designed to provide loops within the area as well as connecting to Dolly Sods and even further north to Canaan Valley. Deer, turkey, bear and other native faunal populations are abundant and already provide outstanding hunting opportunities. On all sides of the Plains, there are many rocky outcrops and other areas affording spectacular and unparalleled views of the surrounding mountainous countryside.



Both Photos © Jonathan Jessup

Join the West Virginia Wilderness Coalition and Rep. Nick Rahall in celebrating the passage of the Wild Monongahela Act!

Friday, May 29

12:30 p.m. - 2:30 p.m.

Greenbrier County Public Library
152 Robert W. McCormick Drive
Lewisburg, WV

Historic legislation to protect the Monongahela National Forest has become a reality, and it's time to celebrate this landmark moment for conservation in West Virginia. Join us for a luncheon and reception to mark the passage of the Wild Mon Act and to honor, Rep. Nick Rahall, chairman of the House Natural Resources committee, and author of Wild Mon legislation.

A group hike at the nearby, recently designated, Big Draft Wilderness will take place following the reception, with festivities and live music continuing later in the evening in downtown Lewisburg.

For more information, or to RSVP, contact Mike Costello
m i c h a e l . c o s t e l l o @ w v w i l d . o r g

Our Readers Write

Nuclear better than wind?

Dear Editor:

It strikes me that having an opponent of WV wind power as Chair of the Wind Energy Committee is rather like the Bush ploy of appointing anti-regulationists to regulatory agencies. The Committee could be renamed the Stop Wind Energy Committee & this small objection would go away (to be replaced, no doubt by a bigger one). The author of the "Personal Windmills" article in the latest Highland Voice (p.16) should be on the existing committee. She has some interesting ideas, even if opposed to large-scale wind power on WV ridges.

The facts in the Wind v. Fossil Fuel v. Nuclear (!) fill books, but the real issue for the membership, I feel, is emotional. Wind turbines & towers can be removed someday, if the need passes (slowing of global warming, reduced greenhouse gases, reduced energy needs, sane policies, other alternatives, etc.). Sunset Laws & periodic re-permitting laws can be striven for. The hardware can be taken down again, the ridges can be regraded & replanted but fission products can not be remedied. Even pristine Highlands & ridge tops & "the culture of the mountains" are being affected by the current energy & climate crisis. Windmills are more a symptom than the problem.

One of the purposes of the WVHC is "wise use" of the Highlands Region of West Virginia. We face world-wide environmental catastrophe. Our Mountains will allow us to tap the winds, to minimize CO2. They can help save the better part of that mountain culture, which is more than a view, which is my view, so please consider me "canvassed" (like the windmills of old) as being for wind power & (reacting, like fission products) against nuclear power.

Sincerely,
Bob J. Baker
Leon, WV

This letter is a reaction to *Conservancy Posture on Nuclear Power Re-Visited?* Which appeared in the April issue.

Deed done to get coal are often evil

Deeds done to get coal are often evil
The rock, coal, is not evil, but the deeds done to get the coal are often evil.

Communities are being blasted and poisoned. What do we have left to compromise?

If you saw a baby's bottle being poisoned, wouldn't you stop it? That is what this situation boils down to.

We are not against underground mining. It is strip mining and sludge dams that we're suffering from.

There will be plenty of jobs on the destroyed mountain sites trying to repair them. There will be jobs in construction and green jobs.

The dry press method can be used to dispose of coal waste instead of dangerous sludge dams. This coal will soon run out, that is inevitable, and we must transition soon.

But a job blasting and poisoning people is not acceptable.

Coal companies continue to shut down mostly underground mines due to "weak market conditions," but what that really means is rich CEOs and stockholders might not get that fancy French vacation or some other luxury.

But if we poor community residents ask the EPA to enforce the law and put a stop to the destruction to our homes, mountains and streams and stop poisoning us, then we are demonized by politicians and industry minions incite violence against us.

Why aren't politicians concerned for loss of underground miners' jobs due to corporate greed? Where are the rallies and letters to help the underground miners?

Is it because it is easier to fight poor, powerless community people rather than fight the outside rich polluting coal companies?

The underground coal miners and our communities are paying the price as demolition crews and explosives on strip mines make profits for the coal companies.

Julia Bonds
Rock Creek

This letter originally appeared in the *Beckley Register Herald*.

Heron

by Dawn Baldwin

Wing outstretched
You tilt your head
Beneath it: a tree branch
Hung under a cloud.

Easy as that they're
Reassured: all the little ones.
Skitterers trailing puffs of silt
Darters dimmed in the dusk
You create: you are
Their Sun and Moon.

Wing outstretched
Your fleet-footed dance
Beguiles them heedless: deaf
To your mad melodies.
Content within an
Encircled world: forgetful
That the giver also takes.

King Coal

By Doug Demeo
Great Grandfather stricken, black lung disease
Tunnels today, paltry accident fees

No different feeling fester labor's rage
Once races pitted mask enemy stage

Mega dynamite and monster machines
Now turn miners against land-loving greens

King Coal lobbies, loots to own the White House
Humans work and choke in bone-gutted
funhouse

Capital fiend smirks at the sight
Behold long range mountains for anthracite

Forgotten striker holds to bloody end
Incoming bombs show what King Coal will
spend

To destroy the miner's will to battle
Scrapped in scrip, broken, treated like cattle

But are we to quit in history's wake
And bequeath God's grandeur a ghastly fake?

What an unforgivable price to pay,
Idly give Massey Energy the day

No we must carry our ancestors' torch
March head-on to industry titans' porch!

Demand what both miner and mountain share
Union, full justice now—full justice there.

Mr. Demeo is in the campus ministry at St. Peters College in Jersey City, New Jersey. He brought St. Peters students to the labor history/mountain top removal tour that Wess Harris and Julian Martin lead.

Your comments and opinions are important to us.

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

LEWISBURG MAYOR JOINS PRESIDENT OBAMA FOR SIGNING OF WILD MONONGAHELA ACT

By Rick Steelhammer

Lewisburg Mayor John Manchester had a bird's-eye view of President Obama signing into law a bill granting wilderness protection to more than 2 million acres of land, including 37,771 acres in the Monongahela National Forest.

"For some reason, they stuck me in the second row," Manchester said after the signing. "It was a wonderful ceremony, and I got to shake the president's hand and meet a lot of the congressional leaders."

Manchester was among about 150 supporters of various pieces of the Omnibus Public Lands Management Act of 2009 who were invited to attend the bill-signing ceremony at the White House. The legislation protects tracts of federally managed land in nine states, from Oregon to Virginia.

Rep. Nick Rahall, D-W.Va., chairman of the House Natural Resources Committee and a longtime backer of the legislation, was among 13 U.S. senators and representatives in attendance, along with Interior Secretary Ken Salazar.

"As Americans, we possess few blessings greater than the vast and varied landscapes that stretch the breadth of our continent," Obama said. The new law, he added, guarantees that Americans "will not take our forests, rivers, oceans, national parks, monuments and wilderness areas for granted, but rather we will set them aside and guard their sanctity for everyone to share. That's something all Americans can support."

In West Virginia, the Wild Monongahela Act, which was a component of the Omnibus Public Lands Management Act, creates three new wilderness areas in the Monongahela National Forest, and adds acreage to three existing wilderness areas.

The new areas are the 6,280-acre Roaring Plains West Wilderness, which abuts the existing Dolly Sods Wilderness east of Canaan Valley; the 7,142-acre Spice Run Wilderness on the east slope of the Greenbrier River Valley near the Greenbrier-Pocahontas County boundary; and the 5,242-acre Big Draft Wilderness along Anthony Creek at the extreme south end of the Monongahela near Lewisburg.

The act also added 7,215 acres to the north end of the Dolly Sods Wilderness; 12,032 acres between the Williams and Cranberry rivers in the Cranberry Wilderness; and 740 acres near the Dry Fork River to the Otter Creek Wilderness.

FUN STUFF TO GO TO

May 17 - 22 - The fifth annual Mountain Justice Summer Camp, in the beautiful mountains near Pipestem in southern West Virginia. Workshops, great speakers like author Jeff Biggers ("United States of Appalachia") and Dr. Chad Montrie (author "To Save the Land and People"), famous coalfield activists such as 2003 Goldman Prize winner Judy Bonds and Mountain Keeper Larry Gibson, Earth First! co-founder Mike Roselle, plus mountain music, bonfires, dancing, good food, skill-sharing, and action.

The cost is very reasonable (under \$100) for a week of fun and camping with a great group of dedicated young people and experienced activists. We would love to have you join us!

For a short video of Mountain Justice with scenes from last year's camp, click here: <http://www.youtube.com/watch?v=Fd4yqgXckVY>

You can register on line here: http://www.mountainjusticesummer.org/camp09/registration_form.php



Lewisburg Mayor John Manchester, with Representative Nick Rahall, following a House Natural Resources Committee hearing for the Wild Monongahela Act.

Manchester was among wilderness supporters who testified before Rahall's committee last year.

"I spoke on the value of wilderness to my community," he said. "There are a lot of tourists who love to explore wild places, and as soon as these new wilderness areas are on the map, we'll have another arrow in our quiver for our marketing campaign. I expect the new wilderness areas will give the state a significant bump in its tourism base."

Elsewhere in the nation, the act added nearly 50,000 acres of wilderness to Virginia's Jefferson National Forest, and granted wilderness protection to land along Mount Hood's northeastern slopes in Oregon, to the Pictured Rocks National Lakeshore in Michigan, in Utah's Zion National Park and in Rocky Mountain National Park in Colorado.

This article was previously published in the March 31 edition of the Charleston Gazette.

May 22-25 - The 19th annual Heartwood Forest Council, Memorial Day weekend at Camp McKee near the Red River Gorge in Appalachian Kentucky. The theme of this year's Forest Council is "Defending the Earth, Sustaining Ourselves." The camp will be held at a super-nice Boy Scout camp located between Mt. Sterling KY and the Red River Gorge, very close to Pilot Knob, where Daniel Boone first looked out over the Bluegrass.

Camp McKee is quiet and peaceful and the beautiful main lodge overlooks a nice lake - it is very easy to get to and is close to Lexington. Heartwood does a great job at this annual event and this year's Forest Council should be one of the biggest and best ever. The schedule is being finalized now but there are some top-knotch speakers and I encourage everyone to spend Memorial Day Weekend at Heartwood.

For more information and to register, go to <http://www.heartwood.org/forestcouncil/index.html>

This information comes to us from Dave Cooper.

WEST VIRGINIA LEGISLATURE ADJOURNS . . . Sort Of

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

The 79th session of the West Virginia Legislature – the 2009 session – adjourned at around midnight on Saturday, April 11 (actually, the House of Delegates adjourned at 11:40 PM that evening, leaving a long list of bills still awaiting final action on its calendar).

The recent practice has been for both houses to reconvene the following week to take up the state budget. But this year they adjourned until May 26, when they will reconvene, apparently for about ten days, to do the budget, and a host of other things.

They have already announced that an abbreviated May Interim Session will coincide with reconvening for the upcoming “Extended Budget Session.” And the Governor has announced that he will call a Special Session to coincide with the extended session.

At this point, none of the major bills affecting the environment have been signed by the Governor, and the Legislature is sending him small packets of bills for his approval, thereby nullifying the normal 15-day deadline for signing or vetoing a bill.

So a final wrap up article from me for the 2009 Session will likely have to wait for the July issue of the Voice.

According to the Legislature’s web site **2,113** bills were introduced during the 2009 Session, with only **226** of those bills ultimately being passed by both the House and the Senate.

Here is a brief summary of some of the environmental bills that made it through the sausage-grinding process, and some that did not.

HB 2535, Solar Energy Tax Credit – awaiting Governor’s signature. The bill provides a state personal income tax credit of up to \$2,000 for the installation of a residential solar energy system, and would also require a “net metering” credit for any excess electricity generated. The bill was sponsored by Del. Bill Wooton (D-Raleigh), with a “same as” bill in the Senate sponsored by Sen. John Unger (D-Berkeley). WVEC lobby team member John Christensen worked hard in lobbying for passage of this bill.

SB 40, Repeal of WV Nuclear Power Ban – died early in Senate Energy, Industry and Mining Committee. The bill’s chief sponsor was Sen. Brooks McCabe (D-Kanawha), who argued that new generation nuclear power was “safe” and that “nuclear power should be included in the state’s energy mix.” We felt otherwise. However, look for this issue to be “studied” in upcoming Interims.

SB 600, Special Reclamation Fund Tax – awaiting Governor’s signature. As pro-

posed, the bill would have extended for five years the 14.4-cent special reclamation tax imposed on each ton of coal mined. The tax is to be used for reclamation of coal mines abandoned after the passage of the federal Surface Mine Control and Reclamation Act. However, coal industry lobbyists were successful in extending the tax for just two years. Everyone knows this fund is totally insufficient to deal with current and future needs.

SB 461, Extending Selenium Effluent Limits Compliance Time – awaiting Governor’s signature. This terrible bill gives the coal industry a more than two-year extension to comply with water quality standards for the toxic selenium they discharge from their mining operations, in addition to the current 3-year extension already granted to the industry. Department of Environmental Protection Secretary Randy Huffman first said he opposed the bill, but then in the final week of the session changed his tune and said he supported it. Every committee that dealt with this bill was told by committee staff attorneys that the measure did not comply with provisions of both state and federal law for changes to water quality standards, and that the federal EPA would likely not approve the change. Apparently the Legislature was in no mood to consider such trivialities.

SB 45, Authorizing DEP Secretary to Sign NPDES Permits – died in House Judiciary Committee. WVEC has successfully opposed this perennial agency proposal for several years now. The federal Clean Water Act clearly states that NPDES permit authority rests with the head of the state water permitting division, in order to comply with conflict of interest provisions of the federal law.

SB 753, Limiting Land Development Ordinances – died in House Judiciary Committee. This bill would have prevented counties and municipalities from adopting ordinances to regulate natural resource extraction (such as mining, oil and gas drilling, and timbering). WVEC lobby team member Leslee McCarty worked hard in lobbying against passage of this bill.

HB 2931, Removing Timber Severance Tax – awaiting Governor’s signature. This bill gives the timber industry a 3-year “holiday” from paying the almost insignificant timber severance tax. The Governor has opposed this in the past. We will have to wait and see how he’s feeling this year.

Finally, the Governor announced in his State of the State address a series of “major” energy initiatives. Four major bills were intro-

duced. Only one of the four bills successfully passed both chambers. Here’s the current status of those bills.

SB 297, Alternative and Renewable Energy Portfolio Act – won final approval from the House on the last day of the session, but was sent back to the Senate without all of the House amendments attached. So it’s dead for now. The Governor’s bill created a phony “Renewable Portfolio Standard” that included lots of “clean coal” technologies and burning waste tires, and lacked any emphasis on implementing energy efficiency measures.

SB 375, Office of Coalfield Community Development Master Land Use Plans – died in the House on the final night (I am told it was held hostage over a bill dealing with Sunday liquor sales!). This was the Governor’s post-mining land use bill, and is basically another attempt to get around the “approximate original contour” provisions of Surface Mining Coal and Reclamation Act and to promote “clean coal” projects on mountaintop removal mine sites.

HB 3000, Transmission Line Tax – died in the House on the last day for bills to pass out of the house of origin. The tax on electricity transmission proposed in this bill was the Governor’s excuse for not opposing the construction of the proposed huge TrailCo and PATH transmission lines. Imposition of this tax posed major constitutionality questions.

HB 2860, Regulating Sequestration and Storage Of Carbon Dioxide – awaiting Governor’s signature. This bill sets up a beginning regulatory structure for the underground injection of carbon dioxide. It establishes a “carbon sequestration working group” under the supervision of the DEP to further develop the regulations and to tackle issues such as ownership of the “pore space” where the CO₂ is to be stored and the long-term liability for the storage. WVEC was successful in getting several improving amendments adopted to this bill, including a seat for the environmental community on the working group.

It’s a sure bet that one or more of these bills that failed to pass in the regular session will be included in the Governor’s special session at the end of May.

Finally, no matter the ultimate outcome of the 2009 Session, the West Virginia Environmental Council’s lobby team again had a respectable presence at the Capitol and made a significant impact on environmental legislation. And we thank the West Virginia Highlands Conservancy for its continued support.