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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 44

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Mine “would use destructive and unsustainable mining practices”

ENVIRONMENTAL PROTECTION AGENCY STOPS MOUNTAINTOP REMOVAL STRIP MINE

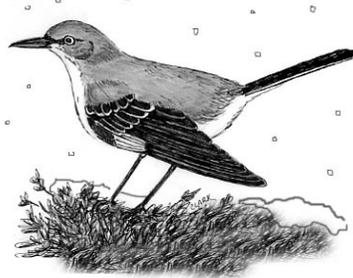
By John McFerrin

The United States Environmental Protection Agency has decided to stop mining waste discharges to high quality streams at the Spruce No. 1 mountaintop removal strip mine located in Logan County, West Virginia. EPA's decision prohibits five proposed valley fills in two streams, Pigeonroost Branch, and Oldhouse Branch, and their tributaries.

Mining activities at the Spruce site are underway in Seng Camp Creek as a result of a prior agreement reached in the active litigation with the Mingo Logan Coal Company. EPA's Final Determination does not affect current mining in Seng Camp Creek.

The decision was based on several major environmental and water quality concerns. The proposed mine project would have:

- Disposed of 110 million cubic yards of coal mine waste into streams.
- Buried more than six miles of high-quality streams in Logan County, West Virginia with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and forestlands.
- Buried more than 35,000 feet of high-quality streams under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them.



- Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and streams.

- Caused downstream watershed degradation that will kill wildlife, impact birdlife, reduce habitat value, and increase susceptibility to toxic algal blooms.

- Inadequately mitigated for the mine's environmental impacts by not replacing streams being buried, and attempting to use stormwater ditches as compensation for natural stream losses.

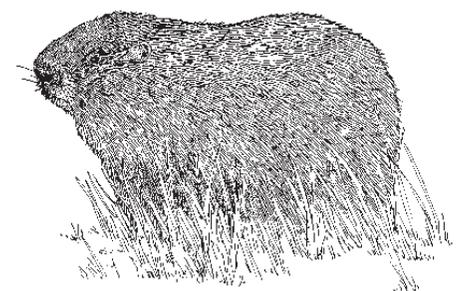
Additionally, during the permitting process there was a failure to consider cumulative watershed degradation resulting from past, present, and future mining in the area.

The Environmental Protection Agency took this action pursuant to its authority under section 404 of the federal Clean Water Act. This is what is generally referred to as a “dredge and fill permit.”

(More on p. 3)

What's inside:

Thoughts from President Hugh	2	More Handley	11
Roster of officers	3	How to join	12
Marcellus Shale legislation	4	Learn the history of WVHC	12
Your job in Charleston	4	Get a Hiking Guide	13
Legislative update	5	Board highlights	13
Spinning EPA's decision	6	Remembering Judy Bonds	14
Red spruce mapping	7	Reclaiming Bartons Knob	16
Remembering Bob Handley	8	Poetry	16
Outings	10		



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A Prophet from Birch Hollow

The day after the memorial service for Judy Bonds, I was back in Elkins at the annual Martin Luther King Day commemoration. A friend there told me she had once happened to see Judy at the University of Pennsylvania, surrounded by scientists, lawyers, and engineers working for the Environmental Protection Agency's Region III, which covers West Virginia. Judy had her say, blunt and angry, and then "she was ready to be out of there, while they had just begun talking. They asked her all sorts of irrelevant questions, which made her even more impatient. She wanted to be talking directly to the students."

She wanted to *organize*.

To know that those scientists or their successors would eventually establish that the toxic runoff percolating into the water she had to drink and toxic dust in the air she had to breathe would eventually kill her—to sense how long that proof would take, and how short her life would be, and how many others would die before mountaintop removal coal mining would finally be abolished—all of that, and more, made her impatient.

She felt the same urgency Dr. King had felt when he published his letter from the Birmingham jail under the title, Why We Can't Wait.

Like Martin Luther King, Jr., Judy Bonds spoke in the voice of prophecy. She rallied people around a vision of what could be; she admonished those who flouted God's will. To use a phrase of Dr. King's, she was "magnificently maladjusted." Like him, she became a target of persecution. "Attack you they will, overcome you they can't," God declared to Jeremiah. She was one who hungered and thirsted after justice—some might call it "environmental justice", but to her it was simple justice.

Her allies as well as her foes felt the lash of her tongue—as I know from personal experience. At the service, Matt Sherman humorously described Judy's recruitment style. When they first met, he had just finished a campaign to stop "the world's largest retailer" from bulldozing an Indian burial ground near Morgantown to make a parking lot. He was feeling pretty proud of himself: "I've been on CNN!" Judy gave him a point-blank stare and asked, "What have you done *today*?"

Speaker after speaker recited the conversion moment when her grandson waded into the creek by her home and picked dead fish out of the blackened water. He asked, "Grandma, what's wrong with these fish?" At once she recognized the threat to the entire community. They were all being poisoned.

Although she was working more than one job already, she signed up as a volunteer at Coal River Mountain Watch. Soon she was its co-director, waking people up around the country to the horror of mountaintop removal, valley fills, and toxic sludge. She deserves much of the credit for making it a national issue. She did it by inspiring people who didn't think they had it in them. If this plain hillbilly grandmother can do this, she said, so can you. *Why aren't you?!*

Most of us knew Judy from rallies and documentary films and her sharp-edged voice on the phone. It was good to be reminded by

(A little more on p. 13)

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EPA STOPS BIG STRIP MINE (Continued from p. 1)

Dredge and fill permits are issued by the United States Army Corps of Engineers. They allow an applicant to fill waterways of the United States, an activity which would be illegal without such a permit. Because the streams that mountaintop removal strip mines bury are considered waterways of the United States, such a permit would be required before there can be valley fills. In the case of the Spruce mine that was the subject of this decision, the Corps of Engineers completed its review and authorized the permit in 2007.

Authorization by the Corps of Engineers is not, however, the end of the story. Under Section 404 of the Clean Water Act, the Environmental Protection Agency has the authority to review permits issued by the Corps of Engineers and refuse to approve the activity where the environmental impacts are truly unacceptable.

That was the case here. "The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," said EPA Assistant Administrator for Water Peter S. Silva. "Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

The Environmental Protection Agency did not take this action precipitously. Throughout the history of the Spruce No. 1 Surface Mine Corps of Engineers permit, EPA has raised concerns regarding adverse impacts to the environment. It has never said that it considered the mine to be environmentally acceptable.

It has also shown a willingness to work with the mining company to find a way that would be less environmentally destructive. In announcing its decision to not allow the mining, the EPA said:

EPA's final determination on the Spruce Mine comes after discussions with the company spanning more than a year failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities. The action prevents the mine from disposing of the waste into streams unless the company identifies an alternative mining design that would avoid irreversible damage to water quality and meets the requirements of the law. Despite EPA's willingness to consider alternatives, Mingo Logan did not offer any new proposed mining configurations in response to EPA's Recommended Determination.

In addition to its own deliberations, the EPA published a notice of its proposed action and held public hearings to consider comments upon its proposed action. See the June, 2010, issue of *The Highlands Voice*.

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

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

Voice Available Electronically

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

The Highlands Voice is published monthly by the West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by the last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor on the previous page. Submissions by internet or on a floppy disk are preferred.

The Highlands Voice is always printed on recycled paper. Our printer uses 100% post consumer recycled paper when available.

The West Virginia Highlands Conservancy web page is www.wvhighlands.org.

The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

MARCELLUS SHALE AND THE LEGISLATURE

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

The 2011 West Virginia Legislature will have at least two different bills to use when it considers legislation regulating Marcellus Shale drilling during the 2011 Legislative Session.

The first is a bill prepared by legislative staff for an Interim Judiciary subcommittee, and is the result of more than two years of committee presentations on the subject, prepared by a wide variety of stakeholders, including environmentalists, landowners and industry. The Judiciary A bill draft creates a whole new article of Chapter 22 – Article §22-6A – and it applies only to the drilling of horizontal (Marcellus) wells.

This bill was passed out of the Interim legislative sessions without recommendation. It has been introduced as HB 2878 in the House, and SB 258 in the Senate.

The second is a bill prepared by the West Virginia Department of Environmental Protection (DEP), and is the result of a programmatic review of the state's oil and gas regulatory program that was begun in April, 2010, and included input from the same wide variety of stakeholders.

In October, WV Department of Environmental Protection (DEP) convened a nine-member workgroup of these stakeholders to further discuss the issues that might be included in a draft bill. I was appointed to the workgroup to represent the environmental community. Our good friend Dave McMahon was appointed to represent surface owners. Other members included a former Office of Oil and Gas Director who now represents large landowners, a coal industry lawyer, and five natural gas industry representatives.

The DEP bill which resulted from all these meetings amends sections of Article 6 of Chapter 22 of West Virginia Code, the section of the code dealing with the Division of Oil and Gas, and regulating oil and gas well drilling generally. The DEP bill creates new language dealing with horizontal drilling, but also makes changes that affect conventional (shallow) drilling. As of Thursday, January 27, it had not yet been assigned a bill number and introduced.

Both bill drafts are long (more than 100 pages long) and legally and technically complex.

So what's in them, what's not, and how do they compare?

Let's begin by listing what's not in either bill.

Neither bill addresses air quality issues associated with Marcellus drilling operations.

Neither bill establishes a permit system for large water withdrawals.

And both bills continue to allow drilling pits to be buried on site.

The "water management plans" language in both bills is almost identical, and was lifted directly from last year's bill, HB 4513, sponsored by Delegate Tim Manchin (D-Marion). While neither of the draft bills requires an actual water withdrawal permit, the DEP bill comes closest to doing that. It requires the operator to identify and report the location of proposed water withdrawals within forty-eight hours prior to the withdrawal.

Both bills require that operators identify the chemical contents of fluids used in fracturing horizontal wells.

More notice and consideration is given to surface owners in the Judiciary bill.

The DEP bill establishes a horizontal well drilling permit fee of \$10,000 per well. The Judiciary bill establishes a horizontal well drilling permit fee of \$15,000 per well, and includes an additional \$15,000 reclamation fee for each well.

These increased fees are essential to DEP's oil and gas regulatory program, if the agency is to be able to hire inspectors and other staff necessary to implement the program.

There are a multitude of other provisions too numerous to go into here. There are things we like in both bills. There are things we'd like to see in a final bill that are not included in either of these two bills.

The Marcellus Shale issue may be the biggest issue the Legislature has to deal with this session . . . other than who is going to be the next Governor!

The West Virginia Environmental Council Lobby Team obviously has its work cut out for it.

HOW YOU CAN HELP

E-Day At the Capitol

AT THE CAPITOL:

February 9th - Senate Side hallway and part of the rotunda

Set up: 8 AM - 9 AM

E-Day time: 9 AM till 3 PM

To exhibit: please contact Denise Poole deniseap@earthlink.net or Kevin Smith a_clean_wv@yahoo.com if your group or small business would like a table or 1/2 table.)

E-Day is our Citizen Lobbying Day: Please come and lobby our representatives on issues you care about. Talking points and fact sheets provided on several bills WVEC is working on.

LATER ON

E-Day Benefit & Award Dinner

Woman's Club of Charleston - corner of Elizabeth and Virginia Street

February 9th - 6PM - 9PM

Soup and Salad bar dinner; award presentations; cash bar

Donation: \$15 per person / \$25 couple

Marcellus Day at the Capitol

Every Wednesday starting January 19th will be Marcellus Day at the Capitol during the entire Legislative Session. We will generally talk with whatever senators and delegates we can about what is needed in Marcellus bills that are in play. It is supremely important that they see that their constituents have made the effort to come to Charleston. For those who can make it, we promise to make your visit as painless and expeditious possible.

Several environmental groups are cooperating on this issue, so there will be no shortage of experienced lobbyists to guide you. We'll meet you in the Capitol Cafeteria (bottom floor) between 9 & 10AM (coming later? call Chuck Wrostock at 304 545 6325). They'll give you a briefing packet containing plenty of easy pointers for educating and updating yourselves and for you to use in conversations with your reps.

You can make appointments ahead, or plan to circulate and "buttonhole" senators and delegates there. It is, however, preferable for you to try to make an appointment in advance with your legislators, whatever day you decide to come. That is always a plus, and helps minimize the possibility of not getting to see the people you want to meet with. Folks can be hooked up with a lobbyist any day they can come. Please call or email Chuck Wrostock wyro@appalight.com in advance to let me know you're coming.

LEGISLATIVE UPDATE: THE 2011 SESSION BEGINS

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

The first three weeks of the 2011 West Virginia Legislative Session have been dominated by the politics of who is going to be our next short-term Governor. And, of course, everybody in both chambers is running for Governor (well, that's only a slight exaggeration)!

Since the death of U.S. Senator Robert C. Byrd last summer, the state has endured a temporary replacement for his office, a special primary election and special general election for another short-term replacement for his office, and an "acting" Governor.

The State Senate is in shambles. We have witnessed a coup in Senate leadership that resulted in the creation of new Senate rules and a new position -- "acting" Senate President. And there has been at least one floor session where both the "acting" Governor (who remains the official Senate President) and the "acting" Senate President presided over the meeting at some point!

The result has been endless wrangling and complaining daily on the Senate floor by the minority faction of Senators who lost their powerful leadership positions in the coup.

The WV Supreme Court has finally weighed in (thanks to our good friends at WV CAG) and said the state must now endure another special election for another short-term Governor this year. And the Court's ruling leaves open the question of the constitutionality of the rules changes in the Senate, leaving some pundits to predict that nothing the Legislature passes this year will be legal.

Things are finally calming down a bit, and both the House and the Senate are beginning to get on with the business of legislating.

In the final three days of Interim meetings just before the regular session convened on January 12, the Interim Judiciary Committee passed out to the full Legislature three bills of interest to our readers:

The first is the "Alternative Coal Slurry Disposal Act," (HB 2850 and SB 248). This bill would prohibit new permits for the underground injection of coal slurry and phase out existing coal slurry injection operations. The bill also provides a tax credit to industry to assist in the transition to new technology to reduce and/or eliminate coal slurry. Our friends at the Sludge Safety Project have worked hard to get this bill this far.



The second is a bill that would provide funding through bond issuance for upgrades to municipal sewage treatment plants primarily in the Eastern Panhandle for Chesapeake Bay restoration (HB 2844 and SB 245).

The third is the "Hydraulic Fracturing and Horizontal Drilling Gas Act" (HB 2878 and SB 258), legislation aimed at regulating the drilling of Marcellus Shale gas wells in the state. The WV Department of Environmental Protection has also drafted a Marcellus Shale bill, but it has not yet been introduced.

I am not sure how controversial the Chesapeake Bay bill will be, but the coal slurry and Marcellus Shale bills will face strong opposition from industry and will likely not be decided until the session's final day.

In addition, bills have been introduced in both the House and Senate dealing with a variety of energy issues aimed at reducing the state's "carbon footprint" and creating sustainable "green" jobs.

And there's a tremendously important Water Quality Standards Rule (47CSR2) up for consideration as well.

It's going to be a busy session for the West Virginia Environmental Council lobby team.

YESTERDAY'S NEWS TODAY

In the accompanying article, Don Garvin does an admirable job of setting out where we are now, early in the legislative session. Early in the session things amble along, especially this year when the Senate has the ongoing distraction of deciding who's in charge, who's on first, etc. The information is accurate now but things change.

Later in the session, things begin moving more quickly, too quickly for a monthly publication like *The Highlands Voice* to provide reliable updates. More current updates are available from the West Virginia Environmental Council. It maintains a legislative update which is updated at least weekly: http://www.wvecouncil.org/legisupdate/2011/01_28.html

The legislature maintains a web site that lists legislative updates: http://www.legis.state.wv.us/bill_status/bill_status.cfm.

Then, of course, there is the last night of the session when they all run around like chickens with their heads cut off and only about a dozen of people on the planet have a clue about what is going on. Updates are even harder to come by.

WEST VIRGINIA ENVIRONMENTAL COUNCIL LOBBY TEAM IN PLACE

Denise Poole, John Christensen and Leslee McCarty are in place, fighting the good fight in Charleston, lobbying for the West Virginia Environmental Council. The WVEC Legislative Coordinator, Don Garvin has had some health problems which make it necessary, at least for now, that he remain home in Buckhannon. He will be coordinating from there and providing help and backup for the lobbyists who are actually venturing into the belly of the beast.

SPRUCE MINING VETO MYTHS

By Cindy Rank

From WV Highlands Conservancy's perspective as the organizational plaintiff in the 1998 *Bragg v Robertson* litigation, this Environmental Protection Agency (EPA) veto of the Clean Water Act (CWA) 404 fill permit for Spruce #1/Pigeonroost has been long in coming but is much welcomed. Agency personnel deserve a great deal of gratitude for the work they have done to make it happen at long last.

Of course in the midst of celebratory moments we need also pause to remember the late Sibby Weekly who endured far more than any person should have to during the years of fighting for her home. And of course Sibby's husband Jimmy who still lives on his family homeplace in Pigeonroost hollow at the foot of the mountain where mining in Seng Camp (the northern portion of the Spruce #1 permit) continues ... and is not part of the recent veto.

And then there is the 'spin'. Among the more frustrating aspects of the EPA veto is the mileage gained by industry supporters from the misstatements and misleading information intentionally promoted by industry reps, and even our Congressional and state leaders, misinformation that is repeated and published in whatever media outlets are willing to give space to their statements without investigating for further accuracy.

For purposes of this February issue of *the Highlands Voice* John McFerrin has included some of these details in his concise summary of the veto itself, (See p. 1) Allow me to focus on just a few of what I consider the major misleading myths.

Myth #1 – EPA granted then revoked the Spruce #1 permit.

[Or, as John McFerrin would describe it, the "EPA offered a cookie and then jerked it back"]

FALSE – The Army Corps of Engineers approved the Clean Water Act (CWA) Section 404 (fill) permit for the Spruce #1 coal mine – not EPA.

However, the Clean Water Act designates EPA as lead agency overseeing ALL Clean Water Act permits and has given the agency final veto authority over CWA permits – whoever approved them. In the case of the Spruce #1 permit, EPA determined the environmental impacts of the planned mine to be unacceptable and that a veto was warranted by science and the law.

[Again, as John McFerrin has said, industry and its supporters are using a lawyer trick. If you can't win on the merits (your guy is guilty as sin) then complain about the procedure. If they're wrong on the procedure, what do they have left?]

BACKGROUND – The confusion arises from a somewhat unique set of shared authorities established when the Clean Water Act became law in the early 1970's.

i.e. When writing the Clean Water Act Congress incorporated the Army Corps' historic role and authority established under Section 10 of the Rivers and Harbors Act of 1899 (and amended several times after that).

Section 404 of the Clean Water Act specifically designates the Corps to be responsible for approving dredge and fill activities in waters of the U.S. and outlines considerations that need to be made when reviewing applications for Section 404 permits.

To assure the basic tenets of the Clean Water Act are enforced properly the Environmental Protection Agency (EPA) was given the authority to oversee ALL activities – including those taken by the Corps under Section 404 of the Act. To accomplish this, the EPA was given the authority to have input to and comment on 404 permit applications, and in the event approval of permits by the Corps were determined to contradict the fundamental protection measures of the CWA, the EPA is authorized to VETO those actions.

EPA has exercised its Section 404(c) authority only 13 times in its forty year history. See... <http://www.epa.gov/region03/mtntop/spruce1qa.html>

Myth #2 – EPA did nothing for three years after the Corps granted the permit. This decision was totally unexpected – It came out of the blue.

FALSE – during the decade long discussion, debate and study of the Spruce#1 application EPA consistently

voiced its concerns about the permit, worked with the company and Corps to resolve those concerns, and continued to gather documentation about the damage already being done in the area proposed to be mined. The US Fish and Wildlife Service also continued to voice concerns, but in the end the Corps basically thumbed its nose at those concerns and approved the permit.

BACKGROUND: For the three years following Corps approval of the permit EPA continued to gather the information about the growing body of knowledge about the impacts of mining in the watershed area and how the Spruce permit would contribute to further degradation. The agency carefully followed procedures in Section 404 about preparing documentation and allowing ample time for company and Corps response and public input to the proposed determination to veto the permit, all the while working with the Corps and the company to resolve long standing objections.

The painstaking and mind-numbing detail of EPA's efforts documented in the 226 page final determination document, especially in the first 25 pages of history, are more than proof that this decision could not possibly have come as a surprise to anyone involved with state and federal agencies or politics these past twelve years.

http://water.epa.gov/lawsregs/guidance/cwa/dredgdms/upload/Spruce_No-1_Mine_Final_Determination_011311_signed.pdf

Myth #3 – OPTIONS – EPA was never serious about considering alternatives that would allow mining to proceed.

FALSE – EPA hired a well known and respected engineering group to suggest alternative mining methods that would reduce the stream impacts of the permit without overly restricting the amount of coal produced from the site. There is no indication that Arch Coal had or has any intention of



Sibby and Jimmy Weekly

(Go to page 15, please)

RED SPRUCE MAPPING PROJECT – CALL FOR VOLUNTEERS

We're looking for volunteers who have access to GPS units and are willing to hike the backcountry and/or drive the back roads of West Virginia to help map the current extent of red spruce.

This volunteer effort supports the Central Appalachian Spruce Restoration Initiative (CASRI), a multi-organizational partnership whose vision is to restore *a functioning red spruce-northern hardwood forest ecosystem across portions of its former range on both public and private lands, with the scale, connectivity, maturity and other features that provide functional habitat to sustain and enhance the viability of the many species and natural communities dependent on this ecosystem.* In order to restore red spruce communities, we need to know where our remnant red spruce stands currently exist on the landscape, and thus where the greatest opportunities for restoration and habitat connections are.

The CASRI partners have worked together to create a map of conifer cover, based on air photo interpretation, within the range of red spruce in West Virginia. The map has over 13,000 polygons showing high, medium, low, and absent conifer cover. However, much of the conifer cover is hemlock, and some is pine. We need to turn this conifer map into a red spruce map, and we need your help. Here's how you can participate.

What you need:

- **Garmin (or Trimble) GPS unit that can download points**
- **Access to a computer with Excel and DNR Garmin (free download) software**
- **Ability to distinguish red spruce from hemlock, fir, pine, and Norway spruce**

Here are three ways to help:

A. Adopt an area. If you or your group would like to adopt an area, let us know. You will need to designate a group GIS coordinator to compile and submit your points. Adopting an area involves collecting points over the entire area, including poorly accessible places that are off the trail or road. You could choose a state park, a section of the Monongahela National Forest, or any favorite spot that is at least 1000 acres in size.

B. Coordinate GIS records from volunteers. If you are savvy about downloading GPS units into projected, attributed shapefiles, let us know! We need skilled people to compile volunteer data into shapefiles as per our written protocols.

C. Collect spruce points. Whether you are a weekend hiker, a driver of back roads, or lucky enough to work out-of-doors in the spruce ecosystem, you can bring along your GPS unit and collect points for this project. We have a particular need for those rare individuals who are tech-savvy, woods-wise, and enjoy exploring off the trail. Contact your area or GIS coordinator for detailed instructions on how to record and submit points. If you haven't got a coordinator yet, you can contact Evan Burks ejburks@fs.fed.us Phone: (304) 636-1800 x288.

Web map: <http://martes.dnr.state.wv.us/SpruceMap/> (zoom in to 1:24,000 scale)

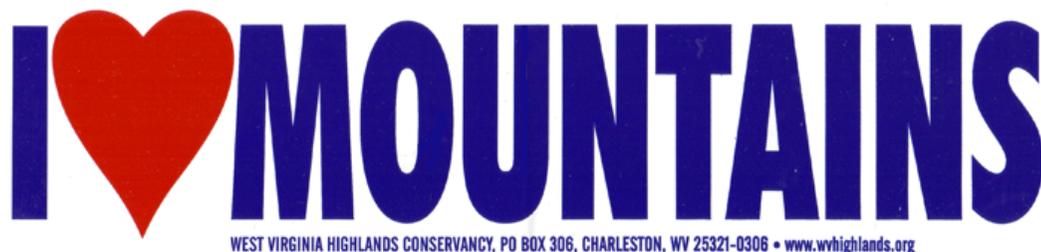
Keep up with the progress of this volunteer mapping project on the web! The web map, powered by W.V. Division of Natural Resources, shows adopted areas, ground truth points that we already have, and the polygons that still need to be attributed on the map. The map can be helpful if you want to find "virgin territory" that hasn't been visited yet, or conifer polygons that lie off the trail or just over the hill. Zoom the scale to 1:24000 to see the level of detail we are aiming for. We will be modifying and attributing polygons to reflect actual spruce cover based on the points you collect. Tune in often!

Contact: If you would like to volunteer, or if you have questions, please contact Evan Burks ejburks@fs.fed.us Phone: (304) 636-1800 x288.

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.



A long, good life comes to an end

THE PASSING OF A FRIEND

It is with great sadness that we remembering dedicated activist and outdoorsman, Bob Handley, who passed away January 17, 2011, at age 82.

Bob will be remembered for many accomplishments throughout his lifetime. Some will remember him as an avid caver, who discovered numerous underground passages and became the first West Virginian to receive the National Speleological Society's prestigious Lew Bicking Award. Others will remember Bob for becoming the oldest person ever to rappel from the New River Gorge Bridge in 2006, when he accomplished the feat alongside his son, Todd, and his granddaughter, Meghan, who was then the youngest rappeller at age 14.

Those of us at the West Virginia Wilderness Coalition will remember Bob's perseverance as an advocate for protection of wild lands across the southern Monongahela National Forest. Bob took great pride in his pursuits, and was instrumental in establishing Spice Run and Big Draft, the very first Wilderness areas in the Greenbrier River Watershed. For his service with the Wilderness Coalition, Bob was recognized as a Wilderness Hero by the Campaign for America's Wilderness in July of 2006.



"The forest gives us an opportunity to connect with our ancestors and others who have loved this land before us." Bob Handley, 2007

In his role as a volunteer, Bob was especially proud of his efforts to persuade U.S. Representative Nick Rahall to join him on a hike through the then-proposed Big Draft Wilderness Area. Congressman Rahall accepted Bob's invitation, and Big Draft Wilderness, Bob's favorite area of the National Forest, was later included in the historic Wild Monongahela Act.

Bob was an inspiration to all of us who have worked to protect the Mon Forest, and his legacy will continue to motivate those who were fortunate enough to know him. As we carry on with our efforts, we must appreciate the impact Bob had on our lives, both personally and professionally, and we can only hope to embody his dedication to preserving our last remaining wild places.

West Virginia's forests, rivers and caves have lost a true friend, a devoted guardian who will be greatly missed.

West Virginia's forests, rivers and caves have lost a true friend, a devoted guardian who will be greatly missed.

Leave a Legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

West Virginia Wilderness advocates remember Bob Handley

REMINESCES

Upon Bob Handley's recent passing, the wild places of Appalachia lost a true friend who was staunchly dedicated to preserving the mountains, caves and rivers which define West Virginia's natural beauty, both above and below the ground's surface.

Bob was involved in many causes throughout his lifetime, and he touched the lives of his fellow advocates in each instance. The following stories are from individuals who knew Bob through the West Virginia Wilderness Coalition's grassroots initiative to protect special wild places on the Monongahela National Forest.

I will always remember accompanying Bob on a trip to Capitol Hill, meeting with West Virginia's Representatives after the passage of the Wild Monongahela Act. In a serious environment, amidst a sea of sharply-dressed lobbyists, members of Congress and staff, Bob proudly sported his black t-shirt with the large, green "Wild Mon" logo on the front, as if to show off our accomplishments to the world. In many ways, he was rightfully proud of and eager to celebrate our achievements. At no time was this more evident, than when Bob sent his first message to me after I informed him that the Wild Mon Act had passed.

*Hi Mike,
There's been lots of great effort by many of us. It's time to celebrate. Can you make a party happen?
The forests rejoice, Bob*

Several of us will forever recall hiking with Bob in the newly designated Big Draft Wilderness shortly after a celebration in Lewisburg to mark the enactment of the Wild Monongahela Act. When most of us finished the loop of approximately five miles, Bob was nowhere in sight. Over an hour went on and more hikers came off the trail, but they hadn't seen Bob either. Just as some of our group started hiking back up the trail in search of our missing team members, Bob appeared along the top of a series of trail segments traversing back and forth across a steep wooded slope. At the age of 80, after hours of enduring a hike those of us a fraction of his age were less than prepared for, Bob appeared physically worn down and mentally drained. But as it often seemed, his surprisingly high spirits defied his appearance, and Bob was loving the moment he had worked so hard for. There was certainly nothing he would have rather been doing than exploring his favorite wild area, with the comfort of knowing it would be preserved in perpetuity.

-Mike Costello

I first met Bob in 2004, sometime after his bout with bone cancer. His vigorous spirit and frail appearance contrasted sharply.

About 2006, Bob organized a group hike to the proposed Big Draft Wilderness. The hike started at Anthony Bridge and went along the South Boundary Trail, including a difficult rock hop of Anthony Creek, where it runs wide and fast near its confluence with the Greenbrier.

When we got to Anthony Creek, I held my breath as Bob, without aid, hesitation or misstep, hopped across, nimble as a mountain goat. At this time, Bob's age was somewhere north of 75 years. A few years later, his beloved Big Draft attained Wilderness status.

(More on the next page)

MORE REMEMBERING (Continued from previous page)

-Frank Gifford

Last October (2009), Bob Handley and I tabled together at the Fresh Water Folk Festival in White Sulphur Springs. I was doing WVHC and he was doing Caving and Wilderness. It was a delight to see and hear him as he engaged young and old and spun wonderful stories. The day was quite successful for both of us; we made a lot of new friends for all of our collective organizations.

-Marilyn Shoefeld

This is a funny story that happened during our campaign to protect part of the Monongahela National Forest as Wilderness in what eventually became the Wild Monongahela Act. One Labor Day weekend, one of the important Congressional staffers we were working with on the legislation was in West Virginia with his wife and two young sons vacationing for the Holiday weekend. I volunteered to take them through the Sinks of Gandy, a beginners cave in a beautiful area of the WV Highlands. Gandy Creek flows under a mountain for about a mile and a half and comes out on the other side.

As it so happens, there is a very large cavers' convention that is held in West Virginia each year on Labor Day Weekend called "Old Timers Reunion." Thousands of cavers come and spend the weekend exploring area caves, which there are many of in the state. So we had made the journey to the cave, got helmets and headlamps on and ventured into the cave for the 2 hour spelunking expedition. About half way through the cave we heard a large group of people coming up behind us. Soon a couple dozen cavers had caught up to us and were moving fairly rapidly through the tunnel. Surprised we were to realize that none of them had any clothes on!

Unbeknownst to us, one of the annual caving events of the Old Timers Reunion is called the "Randy Gandy." Needless to say, I was a bit embarrassed that I had exposed this critical staff person's family to the spectacle. We all got a good laugh out of it later though. When I told the story at the Highlands Conservancy's Fall Review that year, Bob Handley, an avid caver and a regular at the Old Timers Reunion, spoke up and said, "one of those folks was me!"

-Dave Saville

I met Bob through WVWC meetings. As members of the group we tromped together several times, but it was the outing we didn't get to do that I will remember most.

When Bob got an interest in a thing he stayed on trail, and one of these enduring interests was exploring upper Laurel Creek in the Big Draft Wilderness Area. How to get to it, how to get through it and how to get around in it seemed to be about one half of Bob's conversation one year. Laurel Creek runs through the heart of Big Draft, is very steep, deep and rugged, and supports heroic sized rhododendron thickets and a number of fine old forest stands. It is lost, lovely and dark, and was alluringly mysterious to Bob, especially since he had not been able, after several attempts, to find a route through the rhododendron from the creek's mouth to its head.

No matter where our conversations started, they pretty much got into an astonishingly detailed and labored account of another Laurel Creek attempt or promising idea

One morning on the way to somewhere else, I stood at the

mouth of Laurel Creek. All of that hammering Bob had done had had its effect, and almost despite myself, I started up into a drainage that was a blank to me except for Bob's -- I thought-- over enthusiastic descriptions.

Seven hours later I got back to the truck, scratched, bruised, wet and dirty. It was everything he'd claimed and just as tough to get through too.

By this time Bob had been having lots of old-guy type equipment failures which had been keeping him out of the woods. On the phone he sounded quietly gratified that at last I had seen Laurel Creek for myself.

The surprising news: he was having such a bad time that soon he would leave home to be near family and friends while he put himself together over the winter. "We'll get together at the [Wild] Bean, with maps, when I get back. There are some places up there I want you to know about."

That was the last time we spoke.

Bob was persistent. Unreasonably so. But he was amiable and patient and able to tread where others could not. But still, sometimes you'd understand that Bob was an unreasonable guy. Someone famous once said that all progress is made by unreasonable people.

Were such a thing possible, I would not be surprised to hear that Bob has been exploring some particularly juicy and hard to get to part of Eternity and that he's working hard to get it set aside for permanent protection.

-Mark Jennings

Note: These pages have been about Bob Handley, the tireless wilderness advocate. For the rest of the story, see p. 11.

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.

West Virginia Mountain Odyssey



Outings, Education and Beyond 🇺🇸

Sunday, February 6: 1 pm, “Red Spruce Ecosystem Restoration in Central Appalachia,” at White Grass Ski Touring Center. The red spruce ecosystems once covered more than 500,000 acres of West Virginia’s mountain counties. After the industrial logging era (1880-1920) this iconic West Virginia forest has been reduced to less than 10 percent of its original size. Once the virgin spruce was extracted, much of the ground cover and soils dried out. Wide spread fires swept across parts of the landscape eliminating the seed source. Today, this critical habitat for West Virginia Northern flying squirrel, federally threatened Cheat Mountain salamander and other rare species is confined to the highest ridge tops. The remaining red spruce is often found in fragmented patches. Now a multi-partner group, the Central Appalachian Spruce Restoration Initiative (CASRI), is working to restore this important Appalachian ecosystem. Join Evan Burks, Partnership Specialist for the Monongahela National Forest and CASRI coordinator, on this interpretive walk to learn about the importance of this ecosystem and the group’s efforts to restore it. For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, February 20: 1 pm, “Mammals of Canaan Valley,” at White Grass Ski Touring Center. Charles Lefebure, a graduate of the West Virginia Master Naturalist program, will lead you on a snow shoe tour and discuss various mammals in the area and share his appreciation of the natural outdoor world. For more information, visit www.whitegrass.com or call 304 866-4114.

Sunday, March 6: 1 pm, “Through the Years: A History of Canaan Valley”, at White Grass Winter Ski Touring Center. The history of Canaan Valley is an interesting topic that anyone can enjoy. Join retired West Virginia University forestry professor Ray Hicks as he covers the history of the area and how that history has impacted today’s ecosystems in the Valley. Topics to be covered include Canaan’s settlement, agriculture, and the logging era. For more information, visit www.whitegrass.com or call 304 866-4114.

2011 April 16 & 17, Red Spruce Ecosystem Restoration, Canaan Valley National Wildlife Refuge Join us as we continue our efforts to restore the red spruce ecosystem in the West Virginia Highlands. This event will take place on the Canaan Valley National Wildlife Refuge. We’ll be planting red spruce and balsam fir seedlings. Meet at the

Canaan Valley National Wildlife Refuge Visitor Center on Rt 32 in Canaan Valley at 10 am each day. Come dressed for the weather, wear sturdy shoes or boots and bring gloves. For more information, visit www.restoreredspruce.org, or contact Dave Saville at daves@labyrinth.net, or 304 692-8118.

April 16-18, 2011, Wild Oak National Recreation Trail Backpack, George Washington National Forest, VA: 25-27 mile strenuous loop. Lots of elevation change, vistas, pretty North River and nice campsites. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

April 30-May 2, 2011 Backpack, Blacksburg Rd to Bluff City, VA: 30 mile Strenuous shuttle. Approximately 10 miles/day with two steep climbs. Visit Dismal Falls and 3-4 vistas. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

May 14-15, 2011, Allegheny Trail-South Backpack/WV Rt92 to I-64, Monongahela National Forest, WV: 28 mile moderate shuttle with a couple of steep climbs and a lot of ridge walking, some views. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

June 11-14, 2011, Ohiopyle State Park Car Camping, PA: 2 hikes: a 12 mile shuttle on the Laurel Highlands Trail and a 10 mile circuit in Bear Run Nature Reserve. If you wish to do your own thing there is a rail trail, canoeing and kayaking also available. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

June 25-28, 2011, Mount Rogers National Recreation Area, VA; Grindstone Car Camp: Two day hikes-Little Wilson Creek Wilderness and the Laurel Valley-Iron Mountain Loop. Both about 10 miles, moderate difficulty. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

July 9-10, 2011, Quebec Run Wild Area Backpack, Fuller SF, PA: 15 mile moderate circuit with pretty streams and campsites shaded by Hemlocks. This trip is suitable for experienced hikers who want to

(More outings on the next page)

MORE OUTINGS

try backpacking. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

August 6-8, 2011, Dolly Sods Backpack/Rohrbaugh Plains to Bear Rocks, Monongahela National Forest, WV: 18 mile moderate shuttle featuring vistas, waterfalls, streams, forest, open plains and bogs. Short first and third days. Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

September 3-5, 2011, Reddish Knob Backpack, George Washington National Forest, VA: 20 mile Circuit featuring views from one of the highest peaks in VA at the halfway point. Daily mileage: 3/12/5 (Subject to change.). Pre-registration required. Contact Mike Juskelis @ 410-439-4964 or mjuskelis@cablespeed.com.

October 29-November 1, 2011, Coopers Rock State Forest Car Camp, WV: Two hikes: Scotts Run Loop and a hike through a virgin Hemlock Forest, both about 8 miles. Campsite reservation and pre-registration required. Contact Mike Juskelis @ 410-439-4964 or 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

White Grass Winter Outings Series

The White Grass Winter Outings listed above are a group of individual events that provides recreational access and educational opportunities for the public during the winter months in beautiful Canaan Valley. Outings begin at White Grass Ski Touring Center, last 1 hour and are about 1 mile in distance. All outings will begin at 1 pm this year and are free to the public. Join us as knowledgeable professionals and Master Naturalists lead you through a pristine winter landscape while you see and learn about the diverse array of natural and cultural features of Canaan Valley. For more information, visit www.whitegrass.com, or call 304 866-4114. The slate of outings has had the dates determined but the leaders are still being identified. If you would like to share some of your knowledge of the natural world with some fine folks eager to learn, contact Glenn Waldron at glnnwald@hotmail.com or call 585-322-2015 and we'll get you signed up.

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.

BOB HANDLEY: THE REST OF THE

STORY

(Or at least some of it)

To say that Bob Handley was a caver is like saying that Michael Jordan was a basketball player. He went in his first cave around Frankford in 1937 when he was nine years old. He had been in caves with his older brother (a mammalogy student) looking for bat specimens but started caving in earnest in 1948. He caved in eight different decades.

He and his caving partners were the first people to set foot a great deal of Organ Cave. He mapped large portions of that cave.

He was a nationally known caver. For pictures, go to <http://www.life.com/search/?q0=bob+handley&k70584=West+Virginia>

In 1994, he was the recipient of the National Speleological Society's prestigious Lew Bicking award, the only West Virginia resident to hold that honor.

In celebration of his 80th birthday, a large group of Bob's friends prepared a surprise at Lost World Cave in Greenbrier County. 75 to 100 friends plus band and food gathered in the cave below the original caver's entrance, the 140 foot vertical Grapevine Drop. Bob's son Todd persuaded Bob that he should rappelled into the cave to celebrate turning 80, without mentioning what was waiting in the cave below. When Bob got to the bottom, his friends were waiting for him. A repeat of the gathering is planned on Saturday, May 28, as a celebration of Bob's life.

He was a founding member of the West Virginia Association for Cave Studies and the West Virginia Cave Conservancy.

Bob was also an advocate for the abolition of strip mining. He Handley was on the frontlines way back in the days of CASM (Citizens Against Strip Mining) and Save Our Mountains. He was also involved with a St. Albans group that may have been the very first anti-strip mine group. After falling off his roof he came to rallies and meetings in his wheel chair.

In 1974 he wrote about the coal industry for *The Highlands Voice*:

Historically, West Virginia politicians have favored the coal industry and out-of-state interests in general. If not this, then why do the who live here in the middle of fantastically abundant natural resources suffer from the lack of adequate health facilities, poor schools, poor roads, and sub-standard communities. Strip mining has added insult injury, in that in many instances it has taken from the already under privileged a place to live. Their homes have been repeatedly flooded and their roads, their streams, and their hills have been virtually destroyed.

As an advocate, he attended the signing ceremony in the White House Rose Garden of the historic 1977 strip mining bill he worked to pass.

The family has requested that memorial contributions be made to any of the following interests in the name of Bob Handley c/o Todd Handley 116 Brentwood Heights, Parkersburg WV 26104: WV Cave Conservancy, Greenbrier River Watershed Association (where he had been president), Greenbrier Historical Society Inc., or WV Highlands Conservancy.

Join Now !!!

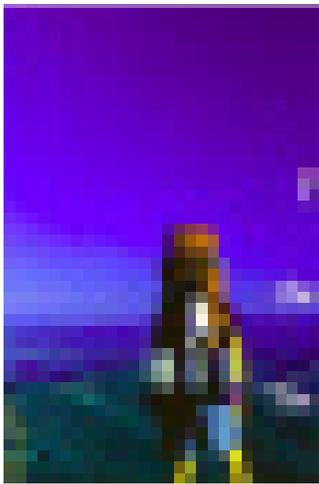
Name _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ E-Mail _____

Membership categories (circle one)

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

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

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



GREAT HISTORY BOOK NOW AVAILABLE

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

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial

saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

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

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

518 pages, 6x9, color cover, published by Pocahontas Press
 To order your copy for \$14.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

SUCH A DEAL! Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$14.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership.

Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

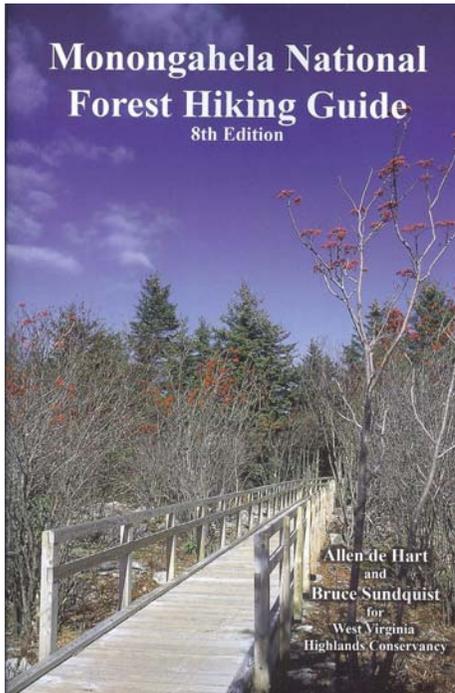
T- SHIRTS

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 total by mail; **long sleeve** is \$15. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTN: James Solley, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist



Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia=s highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

**Send \$14.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy**

P.O. Box 306

Charleston, WV 25321

OR

**Order from our website at
www.wvhighlands.org**

New 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.
- Special Features not found in the printed version of the Hiking Guide: Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
- Trail mileages between waypoints have been added to the maps.
- ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more

Price: \$20.00 from the same address.

BOARD HIGHLIGHTS

The Board of the West Virginia Highlands Conservancy met in Charleston on January 30. We had the usual report of the treasurer (doing well, lately a little better than usual) and the administrative assistant (membership is down a little in some categories but on the whole we are holding our own). Frank Young gave the legislative report, a paraphrase of the story on page of this issue of *The Highlands Voice*.

We discussed ongoing efforts to control and regulate drilling in the Marcellus shale. Frank reported that the Public Service Commission has granted the applicants for the PATH power line seven more months. It remains that the demand for electricity is insufficient to justify the line. The applicants are holding the ball, hoping that additional studies will show demand that would make the line appear necessary.

We discussed the ongoing work of the Wilderness Coalition. Its director, Mike Costello, lives in Lewisburg now and may be looking at opportunities to work with the Forest Service on forest stewardship projects in the southern part of the Monongahela National Forest.

In mining, we discussed possible future litigation under the Clean Water Act.

For lunch, we had a selection of wraps and salads from Practically Delish non-profit restaurant located in Charleston, WV in which all of the proceeds go to fund local charities in the community. There were cups and napkins with a high recycled content and biodegradable. forks. Check out their Facebook page: <http://www.facebook.com/pages/Practically-Delish/117821481569833#!/pages/Practically-Delish/117821481569833?v=wall>



REMEMBERING JUDY BONDS

At the time of Judy Bonds' death on January 3, the January issue of The Highlands Voice had just gone to press. By now it has been a month since her death and nearly that long since her memorial service. It feels like old news.

At the same time, she was such a forceful and tireless advocate of causes that have long been the causes of the West Virginia Highlands Conservancy. It would be only fitting that we include a tribute in this issue.

Judy was first featured in The Highlands Voice when Bill Reed did a two part interview with her in June and July, 2000. Now she is featured here with thoughts from our president, Hugh Rogers, and some highlights of her memorial service.

STILL EXISTING IN THE MIND OF GOD

By Denise Giardinia

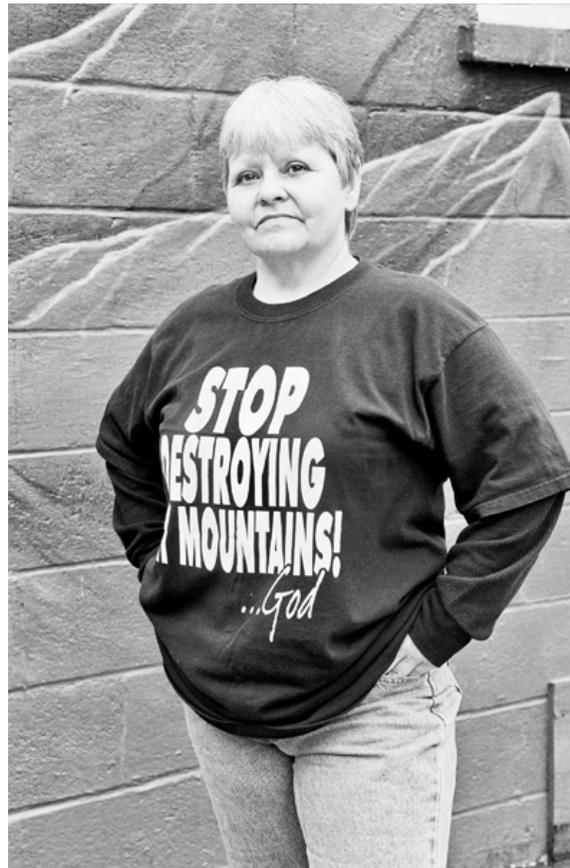
A number of years ago, I gave a talk about mountaintop removal that Judy Bonds attended. I said something that day which must have resonated with her because she came up and spoke to me about it afterward. What I said that day was, "The mountains that have been destroyed still exist in the mind of God."

I said that as a way of addressing my own grief about what we have lost. Perhaps the most disheartening thing in this struggle against mountaintop removal is not the power of the coal industry. It is that if President Obama should issue a proclamation this very afternoon saying that mountaintop removal would no longer be allowed, we would still have lost 500 mountains, mountains that aren't coming back.

And yet. And yet I said that years ago, and I repeat it today. Those mountains still exist in the mind of God. Wherever God is, those mountains are. And our friend Judy Bonds, whose loss we grieve today, still exists in the mind of God. Wherever God is, Judy is. She is surely among those lovely mountains she fought so hard to protect. And where those mountains are now, where Judy is, no coal company can reach.

Nor should we despair that we are cut off from Judy or from our beloved mountains. Celtic monks in medieval Ireland saw mountaintops as "thin places," places where heaven and earth touch, and where people can make the crossing to be with God. Someday we will make that permanent crossing ourselves, as Judy has done. The poet T.S. Eliot wrote, "We die with the dying. See, they depart, and we go with them. We are born with the dead. See, they return, and bring us with them." Judy will bring us with her someday, to those mountains. In the meantime, a medieval mystic and saint said, "They whom we love and lose are no longer where they were before. They are now wherever we are."

When we stand up now against mountaintop removal, Judy will be there. And some day, to paraphrase that great Appalachian hymn, the circle will be unbroken by and by, a better home is waiting for us, and Judy, and our other loved ones, will meet us at the door and usher us out into mountain splendor.



DETERMINED AND PERSISTENT

By Julian Martin

Judy Bonds was a real person. She lived a real life. She was not perfect and that is good news because it means all of us imperfect people can follow her example.

Judy joined the fight against mountain top removal strip mining the day her grandson yelled, "Mamaw, what is wrong with these fish." He was holding up dead fish from the creek running by their house in Marfork Hollow in Raleigh County downstream from mountain top removal.

Judy understood that our environment is being attacked by people wanting to get rich from the destruction and she knew that the worst of it was happening right there where she lived--she was moved to do something about it.

Judy traveled the country sounding out warning about mountain top removal and was honored for her work with the 2003 Goldman Environmental Prize, often called the environmental Nobel Prize. In 2009, Utne Reader named her one of their "50 Visionaries Who Are Changing Your World."

At the memorial for Judy her daughter said of her: "This woman educated herself. She became a volunteer at Coal River Mountain Watch while she worked several minimum-wage jobs. She was made fun of in her community, shunned by many neighbors. She armed herself with a protest sign, the truth and the purest of intentions."

Judy said this once:

"I'm tired of it. I'm not taking it anymore. We've got to stand together or we are going to lose everything and most of all our children will lose everything because they are the ones who are going to suffer. Cause let me tell you, not only are they running the bears and chipmunks out of the mountains they are running us out too. Have you thought about that? They're laughing at us as we run. They think we are stupid hillbillies. We are not stupid people. We are just live and let live people. We've always been that way. We've always thought that people would be as honest as we are and treat us the same way we treat them."

Of all people Calvin Coolidge said that nothing in the world can take the place of persistence. "Talent will not—nothing is more common than unsuccessful men with talent. Genius will not—unrewarded genius is almost a proverb. Education will not—the world is full of educated derelicts. Persistence and determination alone are omnipotent."

That was Judy Bonds, persistent and determined.

family and close friends that after exhausting times on the road she found peace and refreshment in the mountains. Her native hollow was under siege, but there were still places she could go.

Denise Giardina said, “I told Judy those mountains [that were blasted away] still exist in the mind of God. ... Now Judy continues to exist in the mind of God.” How much of Judy’s beloved Coal River Mountain will survive on earth until we finally ban mountaintop removal? God knows—but it’s up to us to do the work.

SOME JOTTINGS ON THE MEMORIAL

By Cindy Ellis

I only met Judy Bonds once. But one meeting was enough, as many noted, to recognize her passion. Her courage, determination, and persistent self-education were widely recognized.

In a way, she got on my last nerve. I was so enthralled by the words and music at the three hour memorial service which celebrated her life, and I perched in my seat in such concentration, that I developed a pinched nerve. It was painful. But it was worth it.

Here are some bits I jotted down as the musicians and speakers honored Judy.

Denise Giardina, speaking of mountain top removal, said, “The mountains still exist in the mind of God.” Someone used the quote, “The comfort of the rich depends upon an abundance of the poor.” Ken Hechler sent word that God was likely welcoming Judy and explaining that, “Heaven is almost West Virginia.” Bill Price acknowledged that, as a person growing up here, he, like others, came to realize that the coal industry that sustained him destroyed his community. A sacred eagle feather was wielded by a Native American speaker who greeted us with words that meant, “We are all family.” Kathy Mattea’s voice rang out clear and true as she sang, “Black Water.” Later we heard, “Get out of your seats, and into the streets!”

And, toward the closing we sang, and yelled, “Fight Harder!” We will try.

“Judy’s passing from this mortal world shall serve as a call to rise. Her work will not be finished until we finish it for her. Although Judy has physically left our earthly world, let us acknowledge her spirit to live within each of us. Let us fill the void in our hearts with Judy’s strength of mind to fight on. Let her death serve as inspiration to hundreds of thousands of Appalachians and activists throughout our nation to unite in solidarity to demand the abolition of mountaintop removal.”—Bo Webb

proposing to use one of the suggestions detailed in the September 2010 Morgan Worldwide report. Nor is the company proposing a different option of its own despite EPA’s efforts to work with the company.

As originally proposed the mine was to encompass 3,300 acres [nearly 5 square miles]. The original area was reduced to 2,278 acres as a result of an earlier Environmental Impact Statement and input from the same engineering firm but did not reduce the environmental impacts enough to warrant approval – hence the ongoing attempts to consider further changes to the mine plan and EPA’s contracting with Morgan Worldwide to suggested alternatives to further reduce the impact area.

Whether the company is unwilling to absorb the additional cost involved with the proposed alternatives, or even if EPA would be willing to accept any of those alternatives as sufficient to justify the permit remains to be seen. [... From my reading of the proposed alternative mine plans, I personally can’t imagine any of them could sufficiently reduce the cumulative impacts EPA cited as reasons for veto.]

MYTH #4 – EPA had no valid reasons to VETO.

FALSE – One need only to read the over 200 hundred pages of the final determination document and Appendices to see how ridiculous this claim is.

[\[http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/spruce.cfm\]](http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/spruce.cfm)

And if someone thinks EPA hasn’t taken seriously the challenges from industry and government officials one need not look any further than the 309 pages of detailed responses to comments and questions submitted during the public comment period for the proposed determination to veto the 404 fill permit for the Spruce #1 mine.

[\[http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/upload/Appendix_6_Response_to_Comments_011311.pdf\]](http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/upload/Appendix_6_Response_to_Comments_011311.pdf)

BACKGROUND – In addition to the environmental impacts to stream quality and aquatic life cited by EPA as support for its veto and partially listed in John’s summary article in this issue of the Voice, the irreversible negative impacts experienced by people depending on those streams and local wildlife, were clear in comments from, meetings with, and testimony by residents of Blair and other nearby communities to EPA during the programmatic Mountaintop/Valley Fill EIS (1998-2005) and to the WV state Governors Task Force on Mountain Top removal and to legislative and Congressional hearings this past decade.

... Twelve years later EPA has that much more documentation of stream degradation from these mining operations and negative impacts to fish and other wildlife. ... Twelve years later there is an explosion of individual communities and directly impacted citizens speaking out and relating similar experiences.

The negative impact of these big mines is disproportionately high in the mostly lower income mountain communities of Appalachia. This is true in Blair, and Lindytown and Twilight and Mud and Sharples and Kayford and Whitesville and Edwight and Sylvester and Prenter and so many other small communities throughout southern West Virginia, eastern Kentucky southwest Virginia and parts of Tennessee, one can only hope concern for these environmental justice issues will not end with this one permit.

RECLAIMING BARTON'S KNOB

By Rick Steelhammer

Except for its elevation -- high enough to produce snow in November -- a reclaimed surface mine on the upper slopes of Cheat Mountain's 4,429-foot Barton Knob is not much different from scores of other former mine sites scattered across West Virginia.

"After this area was mined in the early 1980s, the coal company did what it was supposed to," according to regulations and practices in effect at the time, said Shane Jones, an ecologist for the Monongahela National Forest. "It did a good job of keeping the soil on the ground by reclaiming this site to grassland."

Its topsoil, though, was compacted by heavy machinery during the post-mining re-shaping process. Then, it was seeded with grasses and other ground cover plants that kept native species at bay and produced little organic material to nourish the soil. It could take centuries for the former coal mine to become a part of the surrounding upland hardwood and red spruce forest.

"This land is stagnant," said Jones. "It's in what we call a state of arrested succession." Without intervention, he said, "it could stay like this for hundreds of years."

The former strip mine is located on land once owned by the Mower Lumber Co. It is part of a 40,000-acre tract of Mower land sold to the Monongahela National Forest in the mid-1980s.

While keeping the old mine site stable is a plus, keeping it stable while improving habitat for wildlife and gradually becoming reforested with native hardwoods and red spruce would be much better, according to a coalition of land management agencies hoping to further reclaim the site.

A 90-acre section of the old mine site has been designated the Barton Bench Ecological Restoration Site. Here, the U.S. Forest Service is conducting an experiment in reforesting grassland-reclaimed surface mine sites.

Partners in the venture include the Wes-Mon-Ty Resource Conservation and Development agency, the Northern West Virginia Brownfields Assistance Center, the Office of Surface Mining's Appalachian Regional Reforestation Initiative, The Nature Conservancy and the Claude Worthington Benedum Foundation.

Hydraulic deep-ripping machines attached to bulldozers are being pulled through the compacted grasslands, cutting three-foot deep grooves in the soil to prepare the land for tree planting. On some portions of the land, perpendicular deep-ripping grooves will be made to create cross cuts. Other sections of the site will be left un-ripped, while still others will be subject to controlled burning. The idea is to determine which methods produce the best reforestation results.

Once the land is treated, the short-term goal is to create early succession wildlife habitat on the site, which will include plantings of native ground cover species compatible with such brushy native species as aspen and elderberry, and the hardwood and spruce trees that will succeed them.

Seeds for the grasses, brush and trees to be planted here have been collected from the vicinity of the mine site, and have been propagated at the Natural Resources Conservation Center's Appalachian Plant Materials Center in Alderson.

"We want to put this land back on the track to natural succession," Jones said. "Eventually -- probably in 30 years or so -- the land will succeed into the spruce-hardwood mix that was here before the mining took place."

By returning the mine site to native forest, the state's much diminished red spruce forest -- the target of an ongoing restoration

effort -- will grow, and more high-value hardwood timber will be produced. The land's ability to absorb and control water runoff will also be enhanced.

An army of volunteers is being recruited to take part in a massive tree planting effort planned for Barton Bench next spring.

If the 90-acre experiment at Barton Bench is a success, similar activity could take place on an additional 1,800 acres of reclaimed mine grasslands in the Monongahela National Forest's Mower Tract.

Statewide, more than 200,000 acres of former surface mines have been reclaimed to similar grasslands. About 10,000 acres of new surface mine activity is permitted annually in West Virginia.

"We're trying to get the coal companies to reduce compaction and use native, tree-compatible ground cover when they reclaim their mines," said Scott Eggerud, a forester with the Appalachian Regional Reforestation Initiative. "Then, they can plant native, Appalachian trees. They can save a lot of money on earth-moving costs by cutting back on compacting and reforesting," he said, while improving the terrain's water absorption capabilities and growing marketable timber.

"I think this idea in some form would work well on mountaintop removal jobs," said Edwin Michael, professor emeritus of wildlife biology and ecology at WVU, who was among more than a dozen people attending an onsite presentation on the Barton Bench restoration project on Thursday.

"They need to be doing this kind of work as they go, when their heavy equipment's still on site," Michael said. "There wouldn't be as much controversy if they were planting trees after they mined."

Note: This story previously appeared in The Charleston Gazette.

Two Moons

Two moons, a patient mother answered
Braiding her daughter's hair the color of a moonless sky
When asked how long until the ground will be soft underfoot
And spikes of ill-scented cabbage will rise
Hopeful as the homely heads of baby birds

Weary of berries drained of sweetness and color

Weevil-drilled acorns bitter and dry
Feet chilled and fingers stiff
This watchful child knows in only half a moon
Two headdress birds, gray and red, will open their throats
On a sunny afternoon
Filling the sky with jubilation
And she will race home
Braids winding like a pair of chasing squirrels
Mother, do you hear them?
How happy they are!

And her mother will smile at the impatience of youth
And pause in mid step to miss its unstoppable
Unspeakable
Unbearable
Joy.