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The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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CONGRESS REJECTS ATTEMPTS TO EXEMPT COAL ASH FROM REGULATION

While nominally about extending highway and transit funding through September, the Surface Transportation Extension Act of 2012 ([HR 4348](#)) which passed Congress in late June, 2012, was also about attempts to transport various legislators' and industries' pet projects into law. One of these was the provision that would have prohibited the United States Environmental Protection Agency from regulating coal ash as a hazardous waste.

Such a provision had been in the version of the law passed by the U.S. House of Representatives. Because it had not been in the version passed by the U.S. Senate, it was the subject of negotiation between the two bodies.

As part of the negotiations, Congressional negotiators deleted from the recently passed Surface Transportation Extension Act of 2012 (HR 4348) a provision that would have prohibited the United States Environmental Protection Agency from regulating coal ash as a hazardous waste. (Note: the Act also contained a provision to measures that would advance the controversial trans-Canada Keystone XL pipeline, a provision which was not in the final bill. The

West Virginia Highlands Conservancy has not been involved in the dispute over the pipeline.)

In April of this year, the U.S. House of Representatives had passed an amendment to the Surface Transportation Extension Act of 2012 that would effectively pre-empt the Environmental Protection Agency (EPA) from regulating coal ash, the waste from coal burning plants, as a hazardous waste. The measure was introduced by David McKinley (R-WV). About 140 million tons of coal ash are produced by power plants in the United States each year. There are about 1,000 active coal ash storage sites across the country.



Several thousand tons of "transportation"

According to the EPA, the ash contains concentrations of arsenic, boron, cadmium, chromium, lead, mercury and other metals, but the coal industry has claimed there is less mercury in the ash than in a fluorescent light bulb. The EPA

found in 2010, however, that the cancer risk from arsenic near some unlined "coal ash ponds was one in 50 -- 2,000 times the agency's regulatory goal. Additionally, researchers from the Environmental

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Ramblin' the Ridges

By Cynthia D. Ellis

CANAAN REFUGE FOUNDERS FETE

On June 16---a perfect late spring day---people began streaming into the headquarters area of the Canaan Valley National Wildlife Refuge. Volunteers in orange vests directed traffic. Music was in the air. On the grounds, visitors were checking out exhibits. Children were having fun making T-shirts, painting a large mural, and fashioning wildly creative hats. Our board member Marilyn Shoenfeld handed paper plates as folks lined up for hot dogs and hamburgers.

This day was the refuge's second biennial "Neighborhood Block Party." Every other year the Canaan Valley Refuge sponsors a celebration to express its gratitude for support by the community. Refuge staff had worked hard to prepare; more staff from the Ohio River Islands National Wildlife Refuge came to help too.

This year's effort included a special ceremony to honor "Founders" of the Canaan Valley Refuge. In eloquent remarks, refuge manager Jonathan Schafler briefly sketched the history of the area and the part played by those who helped secure the refuge's future. Honorees, including Jean Neely and Dave Saville, were called to the front with warm applause. A plaque listing the founders was unveiled; this will be on display in the headquarters. Also, a handsome and heavy marker will be attached to a boulder at a newly designated "Founders Overlook" by a scenic spot above the valley on A-Frame Road.

Following the ceremony, a local surveyor and history buff, Don Teter, assumed the persona of a writer and artist of the Canaan area--David Strother Hunter, who used the pen name "Porte Crayon." On his easel were replicas of original Hunter drawings, digitally enlarged. The audience was transported to the late 1800's by his narrative.

As part of this community day, one exhibit was from Tucker County High School. The refuge staff partners with them in their student greenhouse work. End-of-school term/season plants were available for donation; impulse prompted me to partake. Some I chose were "Snow Crown" cauliflower and some were---well--- lots of them were cabbage plants. The board might have to eat sauerkraut at the January meeting.

Earlier in the day, we had arrived not quite on time for the Management Tour and had driven out to the Beall Tract in hopes of finding that group. We didn't, but we did find a small number of friends, old and new, birding and botanizing. Also before the Block Party event, we saw groups enjoying horseback riding, hiking and running. Much later, before heading home, we treated ourselves to a stroll on the Freeland Road boardwalk; part of West Virginia's largest wetland complex. Savannah and Swamp Sparrows were singing, a Mallard family slipped behind the cattails, and dragonflies of several hues and sizes were everywhere.

Except for this day's weather, the Founders and our own group have much to be proud of with this refuge. Canaan Valley has a long history of attempted assaults on its integrity and the battles were protracted. Most notorious was the proposal in 1970 to flood 7,200 acres of Canaan Valley to make a huge lake for a hydroelectric pumped power storage station. The level of that lake would be raised and lowered again and again. For nearly 30 years, that particular threat and others waxed and waned and a full cast of characters took the stage, including West Virginia's Governor Moore and Senator

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(More on p. 5)

MORE ABOUT COAL ASH, TRANSPORTATION, ETC.

(Continued from p. 1)

Integrity Project, Earthjustice, and Sierra Club have documented water contamination from coal ash sites in 186 locations. The new bill would strip the EPA's authority to regulate the ash and hand it over to the states.

Attention to the hazards of coal ash has grown since a devastating spill in eastern Tennessee in 2008, where a Tennessee Valley Authority storage pond poured more than 1.1 billion gallons of ash onto some 300 acres of nearby land, contaminating rivers, destroying homes and accumulating up to six feet of liquid-ash sludge in some areas. The disaster was five times larger, by some measures, than the BP oil spill and more than 100 times the size of the Exxon Valdez spill.

Since then, the EPA affirmed that toxins in the ash can seep into the ground and reach drinking water sources. The Environmental Integrity Project (EIP) recently found that groundwater at 33 coal ash waste sites across the country were contaminated with levels of toxins that may violate a federal dumping ban. Beyond groundwater, residents living near plants complain that coal ash pollutes the air they and their children breathe and coats their cars and homes.

According to a CNN in-depth report, which documents the health impacts experienced by a community that lives near a coal plant, over the past 30 years, several studies have found coal ash more radioactive than the waste from nuclear power plants.

The West Virginia Highlands Conservancy's most recent experience with coal ash is reflected in the litigation against the Albright ash dump that was reported in the March, 2011, issue of *The Highlands Voice*.

The EPA has been evaluating over the past two years whether to regulate this material as hazardous waste but has yet to make a ruling. In hopes of hastening the regulatory process, a coalition of environmental groups filed a federal lawsuit on April 5, urging a judge to compel the EPA to make a ruling on the substance. Coal ash is currently considered a municipal solid waste, in the same ranking as household trash, despite its documented hazards.

"As we clean up the smokestacks of power plants, we can't just shift the pollution from air to water and think the problem is solved. The EPA must set strong, federally enforceable safeguards against this toxic menace," Lisa Evans, a lawyer with Earthjustice, said in a statement.

The agency received some 450,000 public comments in response to its 2010 hearings and public comment period on the

issue.

The House bill's provision to turn the issue of coal ash over to the states was introduced by West Virginia Republican Representative David McKinley. According to Open Secrets, McKinley's top campaign donors are from the coal industry.

Mr. McKinley claims that federal regulation of coal ash as a hazardous waste would impede job growth. The industry argues that the preferable use of coal ash is in products such as kitchen materials, cement, and bowling balls. Spokesmen for the industry claim that the uncertainty of not knowing how coal ash will be regulated is damaging coal ash recycling. Environmentalists call the recycling argument a red herring. They say electric utilities do not want to bear the cost of properly disposing of the material, including phasing out all wet dumps.

Note: Much of the material for this article came from a story in *PRWatch*, the on line publication of the Center for Media and Democracy, www.prwatch.org.

STILL IN NEED OF SOMETHING TO READ?

For a report on the use of coal ash as a soil amendment, including questioning of whether metals are being added to the vegetables, see the February, 2009, issue of *Scientific American* (<http://www.scientificamerican.com/article.cfm?id=coal-ash-in-soil>)

BOARD MEETING!

Join us; come by for a while! Members are always welcome to sit in on board meetings of the West Virginia Highlands Conservancy. The next meeting will be held near Bruceton Mills, WV on Saturday, July 21. Feel free to drop in; members not on the board are welcome to discuss, pontificate (within limits), parley, natter, etc.; they just can't make motions or vote. If you'd like to stay for lunch, please RSVP to Cindy Ellis at cdellis@wildblue.net.

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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.

GOING DOWN THAT SAME OLD ROAD

By Hugh Rogers

Be assured, concerned citizens, the Republic still stands and Congress can pass a bill. While our representatives despise each other and everything they stand for in front of the cameras and out on the stump, most still worship together at the Church of The Highway. It's true that fervor for the old time religion has lessened somewhat since the passing of Senator Byrd. We no longer hear soaring Biblical phrases about making straight the ways, leveling the mountains and raising up the valleys. Today, the hymns have been reduced to a one-word mantra: "Jobs."

And so, at the end of June, Congressional Republicans and Democrats reached agreement on a bill to finance highway construction for two years. The compromise closely followed the measure passed by the Senate earlier this year.

House Republicans gave up a provision that would have loosened restrictions on coal ash from power plants. They also dropped their attempt to speed authorization of the Keystone XL pipeline. These days, anti-environment riders and amendments are stuck on practically every bill. One that didn't blow off was a "streamlining" of environmental reviews so those jobs would not be delayed. Some unrelated amendments responded to deadlines, such as the extension of the low interest rate on student loans. Hard to find in all this was news about Corridor H.

On a Google search, "Corridor H federal transportation bill 2012," our piece in the April *Highlands Voice* topped the list of results. It was like looking at a mirror. As a certified senior citizen, I don't look for anything new in a mirror, but I would like to get new information from Google. Substituting the more general "Appalachian Development Highway System" brought a few more details, including this: "The bill also allows the federal share of funding on Appalachian Development Highway System projects to be 100 percent." We don't know yet what conditions are attached.

The Senate version of the bill had allocated \$33 million for Corridor H next year. Might build a mile but probably not.

According to Senator Barbara Boxer, chair of the Senate Environment and Public Works Committee, "The bill is funded at current levels, and it will protect and create three million jobs. This job creation is the critical focus . . ." She was talking about construction jobs; the bill was another form of short-term stimulus (a word that has lost its aura in Washington).

It has become an irrelevancy that the whole purpose of the Appalachian Development Highway System (ADHS) is *long-term* jobs. A recent study* asks the question, "Do Rural Highways Lead to Prosperity?" Jefferson Sinclair, an intern with the Center for Rural Strategies in Whitesburg, Kentucky, extracted the answer from the Appalachian Regional Commission's records. It's no different from what we found fifteen years ago:

Begun in 1965 and now 85% complete, the ADHS runs through many of the poorest counties in the nation. And as mapping by the Appalachian Regional Commission reveals, most of those counties that were "distressed" when the project began continue to be so today, more than 45 years later.

"Distressed" counties' three-year average unemployment rate, per capita income, and poverty place them in the lowest 10% of U.S. counties. It is a relative measure, i.e., those counties have been stuck in their position through good times and bad.

In 2002, the Commission ranked Appalachian counties "distressed," "transitional," "competitive," or "attainment." Between

2002 and 2012 the number of "distressed" counties dropped from 122 to 98—but wait: the Commission has added a new category, "at risk." That line had 99 counties. Apparently the counties that had climbed out of "distressed" condition were still pretty shaky, and others had fallen to join them. The "transitional" category dropped from 258 to 208, "competitive" from 18 to 12, and "attainment" from 12 to 3. (The totals don't agree because in the past ten years ten counties were added to official Appalachia: three each in Ohio and Kentucky, two each in Tennessee and Virginia.)

Looking at actual job numbers, Sinclair noted, "The ARC website is surprisingly obscure when it comes to measuring the effects of the [highway] system . . . There are plenty of reports about its potential, but the latest data that actually attempts to quantify the highways' effects on local economies is fifteen years old. This report mentions some 16,270 new jobs created by the ADHS (almost 1,400 of them jobs related to the road construction itself, jobs that presumably no longer exist) by the end of 1995—30 years after the project began."

Compare that old news with more recent job losses: between 2000 and 2007, before the current recession, the Appalachian region lost 35,000 jobs in farming, forestry, and natural resources. Manufacturing did worse, losing 424,000 jobs in the same period. The Commission predicts that these truck-dependent industries will continue to shrink in the coming years. At the same time the agency continues to offer an upbeat forecast that highways will create new mining and manufacturing jobs. Obviously, its public relations staff avoids its statisticians. And so do our state's politicians.

Rep. Shelley Moore Capito was on the conference committee for the transportation bill. She is, of course, pro-Corridor H. Her 2012 opponent Howard Swint's position is not a whit different. Neither can show that more than \$12 billion spent on the system (designated as the Robert C. Byrd Appalachian Highway System on its West Virginia sections) has brought economic benefits anywhere near comparable to the cost. But they don't feel obligated to. It's a matter of faith.

On the facts, one could argue, as Sinclair does, "the ADHS may have been working its magic in reverse—exporting jobs rather than bringing them in." The out-migration of Appalachia's working-age population continues. Between 1960 and 2000, as most of the system was built, West Virginia was the only state in the union to lose population. Over the next ten years our total number held steady but our average age increased. All the distressed counties experienced "significant population losses."

Roads alone don't foster growth. When they're built into areas with low population and little economic activity, they generate only short-term employment. That's what Congress was after. Too bad they couldn't agree on a less damaging, not to mention less expensive, way to keep people at work.

* Thanks to President Cindy Ellis for drawing this to my attention. It was published online in *The Daily Yonder* on June 21.

MORE FROM CYNTHIA D. (Continued from p. 2)

Rockefeller, and U.S Interior Secretary Watt. One particular episode involved an effort to suppress WVDNR testimony by the “Renegade Five,” including the Conservancy’s Joe Rieffenberger [who joined honorees at the Founders ceremony]. State and federal agency regulations and lawsuits---some pursued by the West Virginia Highlands Conservancy and friends---were played out and upheld or struck down. Not until the first 86 acres were purchased in 1994, did the dream of preservation become real. [see details in our history book, pp.153-202.]

Throughout, we and a number of determined individuals and groups persisted in the work of saving the largest wetland complex in West Virginia---deemed “useless swamp” by anti-refuge detractors. It was great to hear the roll call of names and see the familiar faces of so many members of WVHC.

[Regrets are sent to everyone who helped saved the jewel of a valley and are not mentioned in this article. The ducklings, children, and all of us are grateful to you too.]



Here are some thoughts by veteran members.

Linda Cooper --- “I am honored to have been a part of the establishment of the Canaan Valley National Wildlife Refuge. It is an incredible asset to Tucker County, the region, our whole state, and the nation. I am inspired by the gradual growth in appreciation of its status as such a protected treasure.”

Dave Elkinton ---” The

establishment of the Canaan Valley Refuge was only possible by the defeat of the Davis Power Project. The West Virginia Highlands Conservancy as an organization, and some of its committed members personally, were absolutely instrumental in both. This success is one of the major reasons I felt the Conservancy’s story needed to be told. Every time any of us enjoy a national park, a national refuge, or other public facility we generally never know how it came to be. We just enjoy it. The Conservancy should deservedly take a bow.”

Chip Chase--- “Timing is everything, and we happened to be at the right place at the right time yet much credit goes to the hard working Friends group that has continued to support the Canaan Refuge through all the bumps and high spots. We are original members of

this crew and they continue to grow and prosper as we speak!” Mike Breidings--- “I echo what Linda and Dave said and cannot improve upon it... On a personal note I wish Pat Bradley, Bill Grafton and my dad [George Breiding] had been there.”

We do too, Mike. And of course, in the way that good works linger long, they were.



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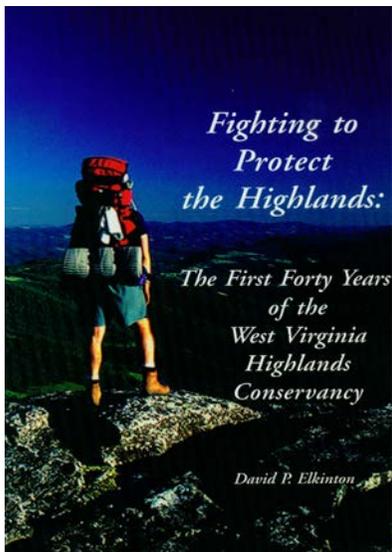
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West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful!

GREAT HISTORY BOOK NOW AVAILABLE



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

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre

Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

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

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

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

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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.

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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.

CONGRESS WITHOLDS FUNDING FROM LAND AND WATER CONSERVATION FUND

By John McFerrin

The negotiations that led to the “transportation bill” that is mentioned in two other stories in this issue (See stories on p. 1 and p. 4 of this issue) resulted in Congress’s recent failure to fund the federal Land and Water Conservation Fund, a principle source of funding for West Virginia’s parks, forests, and places for people to hunt and fish.

The Senate-passed version of the transportation bill included a provision to fund the Land and Water Conservation Fund for two years at \$700 million a year. In addition, this provision expanded access for hunting, fishing and recreational activities

During U.S. Senate and U.S. House of Representatives negotiations over the final provisions of a transportation bill agreement, this provision was dropped entirely from the bill at the request of a group led by a vocal minority within the House.

Republicans on the 47-member committee that convened on the transportation bill argued that scarce federal dollars that were being appropriated by the government on transportation should be spent on road and highway construction. Typical of the views of this minority were those expressed by Rep. Rob Bishop (R-Utah) who said that the federal government can’t manage the land it has now and there is no point to giving it the money to buy more land.

The Land and Water Conservation Fund (LWCF) was created by Congress in 1965. It represented a bipartisan commitment to safeguard natural areas, water resources and our cultural heritage, and to provide recreation opportunities to all Americans. National parks like Rocky Mountain, the Grand Canyon, and the Great Smoky Mountains, as well as national wildlife refuges, national forests, rivers and lakes, community parks, trails, and ball fields in every one of our 50 states were set aside for Americans to enjoy thanks to federal funds from the Land and Water Conservation Fund (LWCF).

The Land and Water Conservation Fund uses revenue from one of our natural resources: offshore oil and gas. Every year, \$900 million in royalties paid by energy companies drilling for oil and gas on the Outer Continental Shelf (OCS) are put into this fund. The money is intended to create and protect national parks, areas around rivers and lakes, national forests, and national wildlife refuges from development, and to provide matching grants for state and local parks and recreation projects.

While these royalties are available every year to go to the Land and Water Conservation Fund, the process is not automatic. Congress still has to appropriate it. That was what was about to happen this year until the last minute compromise diverted it to other uses. As it has done most other years, Congress diverted much of the funding that was available to the Land and Water Conservation Fund. The money went to uses other than conserving our most important lands and waters.

As a result, there is a substantial backlog of federal land acquisition needs estimated at more than \$30 billion—including places vulnerable to development such as the Florida Everglades, Petrified Forest National Park in Arizona, Civil War battlefields in Virginia and other precious places around the country. State governments also report needing \$27 billion in LWCF funds for eligible local parks and recreation projects.

Around the country, the LWCF program has permanently protected nearly five million acres of public lands including some of America’s most treasured assets such as Grand Canyon National

Park, the Appalachian National Scenic Trail, the White Mountain National Forest, and Pelican Island National Wildlife Refuge, the nation’s first federal refuge.

In West Virginia, the Land and Water Conservation Fund (LWCF) has provided funding to help protect West Virginia’s most special places and ensure recreational access for hunting, fishing and other outdoor activities. Public lands such as the Canaan Valley National Wildlife Refuge, Harpers Ferry National Historic Park, Monongahela National Forest, Chief Logan State Park, and New River Gorge National River have all benefited. Forest Legacy Program grants, funded under LWCF, help protect working forestlands while enhancing wildlife habitat, water quality and recreation at places such as the Potomac River Hills in Morgan County. LWCF state assistance grants have supported hundreds of projects across West Virginia’s state and local parks.

Over the duration of the program, funding for LWCF has varied yearly, falling drastically in the last few years to total less than \$100 million in 2007. In 2010, the Department of the Interior collected approximately \$5.2 billion from offshore energy production, but only \$306 million, or about seven percent of that revenue, went to federal and stateside LWCF.

Today, the four federal land management agencies (National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service, and Bureau of Land Management) estimate the accumulated backlog of deferred federal acquisition needs to be around \$30 billion. Opportunities to protect fish and wildlife habitat, provide public access for recreation, preserve our nation’s most notable historic and cultural sites, and protect scenic vistas are being lost every day to development.

The LWCF state assistance program provides matching grants to help states and local communities protect parks and recreation resources. Running the gamut from wilderness to trails and neighborhood playgrounds, LWCF funding has benefited nearly every county in America, supporting over 41,000 projects. This 50:50 matching program is the primary federal investment tool to ensure that families have easy access to parks and open space, hiking and riding trails, and neighborhood recreation facilities.

Over the life of the program, more than \$3 billion in LWCF grants to states has leveraged more than \$7 billion in nonfederal matching funds. But funding levels have been unpredictable and the average annual appropriation since fiscal year 1987 is a mere \$40 million—despite the need for millions more.

Today, the National Park Service reports that the unmet need for outdoor recreation facilities and parkland acquisition at the state level is \$27 billion. While the LWCF alone cannot address all state park needs, it is a critical federal partnership with our nation’s state and local parks and communities. There are numerous pending and proposed projects in West Virginia that are in need of continued LWCF funding.

Before the Congressional compromise that resulted in funds available for the Land and Water Conservation Fund being diverted to other uses, the West Virginia Highlands Conservancy advocated in support of full fund of the Fund.

West Virginia Mountain Odyssey



Outings, Education and Beyond 🇺🇸

July 7-9, 2012, George Washington National Forest, VA, Great North Mountain/Elliots Knob Backpack Shuttle: Strenuous 22 mile hike with 5000 Feet elevation gain and a panoramic view from 4463 foot Elliots Knob. Seasoned backpackers only. Preregistration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

July 21-22, 2012, George Washington National Forest, VA, Torry Ridge/Mills Creek Backpack Loop: Moderate, 14 miles, 2600 feet elevation gain. Ridge Top views and a pleasant stream valley to camp in. This trip is suitable for experienced hikers who wish to move up to backpacking. Preregistration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

July 21, 2012, Bruceton Mills, WV “Visit a Board Meeting. WVHC members are always welcome to sit in on Board Meetings. Come by when we meet at Bruceton Mills, near Morgantown, on Saturday, July 21. For details, or to RSVP for lunch, contact Cindy Ellis at cdellis@wildblue.net.”

August 4-6, 2012, Laurel Highlands Trail-Rt 30 to Rt 56 Backpack Shuttle, PA: Moderate, 24 miles through Mature Forest, Vistas. We will camp in shelter areas. Preregistration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

September 1-3, 2012, George Washington National Forest, Shenandoah Trail-South Backpack Shuttle: Strenuous, 25 miles, 5000 feet elevation gain. Ridge top hike with lots of views to the east and west. Seasoned backpackers only. Preregistration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

September 11-13, 2012, George Washington National Forest, VA, Massanutten Trail-Edinburg Gap to Shawl Gap Backpack Shuttle: 23 miles, 4000 feet elevation gain. Rocky ridge walk with views. Seasoned backpackers only. Preregistration required. Contact Mike Juskelis at 410-439-4964 or mjuskelis@cablespeed.com.

September 15, Red Spruce Ecosystem Restoration, Canaan Valley National Wildlife Refuge. - VOLUNTEER OPPORTUNITY - Join us as we continue our efforts to restore the red spruce ecosystem in the West Virginia Highlands. We will meet at the Wildlife Refuge Headquarters on Rt. 32 in Canaan Valley, at 10 AM. Come dressed for the weather, wear sturdy shoes or boots and bring gloves. Lunch will be provided. Please rsvp. For more information, visit www.restoreredspruce.org, or contact Dave Saville at daves@labyrinth.net, or 304 692-8118.

September 22-24, 2012, Monongahela National Forest, WV, [Roaring Plains Base Camp Backpack and Day hike](#): Hike in 2.5 miles and set up camp on Day 1. Day hike (no backpacks) 12-14 miles around the canyon rim with 1100 feet of elevation gain on Day 2. Retrace Day 1 steps on Day 3. Seasoned backpackers only. Contact Mike Juskelis at 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 Daniel Chiotos, (304)886-3389 – cell, (304)205-0920 – office.

THE WHIPPOORWILL FESTIVAL - SKILLS FOR EARTH-FRIENDLY LIVING

Are you worried about how peak oil and climate change will affect your life? Do you want to live a healthier, more sustainable lifestyle? Do you want to spend less time stuck in traffic and more time stuck in the garden?

The Whippoorwill Festival is a four day festival in mid-July near Berea, Kentucky (just south of Lexington off Interstate 75) that seeks to promote sustainable living by sharing earth-friendly living skills with one another in a positive, healthy, family-friendly atmosphere.

The Whippoorwill Festival, Thursday July 12 through Sunday July 15 celebrates Kentucky's Appalachian heritage while helping prepare our minds and bodies for a future world of climate change and a diminished supply of fossil fuels. The festival is a low-cost event (\$20 per person per day) with simultaneous workshops, tent camping, healthy, home-cooked meals, guest speakers, plus old-time and mountain music, dancing, and story-telling in the evenings.

Many Whippoorwill workshops are led by experts with years of skills and knowledge in fields such as cob construction, forest ecology and wild mushroom identification. In order to encourage leadership development in Appalachia, other workshops such as hide tanning, primitive nutrition, fermentation, and salamanders are led by young people and relative novices. Discussion groups on topics such as voluntary simplicity, deep ecology and quantum physics allow participants to share their thoughts and experiences with each other in an informal atmosphere.

In addition, local craft workers, sustainable businesses, and non-profit organizations will have booths and tables at the festival to promote their issues and their earth-friendly businesses.

Berea has a long and strong tradition of Appalachian craftsmanship that is well known in Kentucky, but the Whippoorwill Festival broadens the market for these craftspeople by attracting attendees from Tennessee, North Carolina, Virginia, Ohio, and West Virginia.

In the spirit of the book "Last Child in the Woods," the Whippoorwill Festival encourages kids at the festival to play outdoors. The festival offers free admission to children 16 and under. The facility for the festival, HomeGrown HideAways, has a nice clean creek with woods and trails on the property. Unstructured activities for children, such as playing in the creek, building dams, and climbing trees are encouraged. There is also a lake nearby.

In the evening, the Reel World String Band will play acoustic and mountain favorites from their 30 years together. Other bands include Cincinnati's terrific young trio The Tillers, Berea's favorite harmonizing threesome Sugar Tree and an excellent singer/songwriter from Knoxville, Jack Herranen. Appalatin, from Louisville is a fusion of Latin and Appalachian folk music from the band member's homelands in Central America, the Andes and Appalachia.

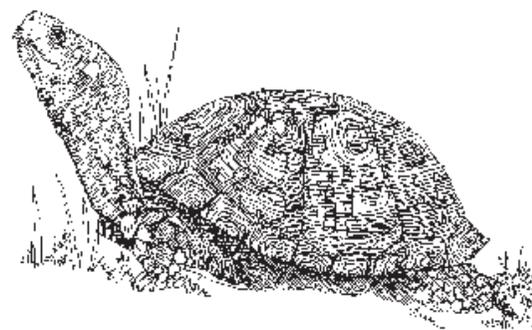
Food for the festival will be prepared by the Knoxville chapter Food Not Bombs, a national volunteer collective that prepares dishes using donated and surplus food. There is no cost for meals but donations to Food Not Bombs are gratefully accepted.

Confirmed workshops for the 2012 Whippoorwill Festival:

Making Cool Stuff out of Junk - Growing Herbs - Eco-friendly Rain Barrels - Dendrology (Tree Identification) Walk - Egret's Cove Intentional Community Tour - Forest Ecology - Earth Ovens Field Trip - Mushroom Inoculation & Cultivation - Primitive Nutrition - Hobo Stoves - Basic Bicycle Maintenance -Herbal First Aid - Gasifier

Stoves and Biochar - Dumpstering Discussion Group - Deepening our Connections/Deep Ecology - Mushroom Wildcrafting and Foraging - Fruit Trees - Home Weatherization - "How To Survive Without a Salary" Discussion Group - Stick Tag - Natural Building - Waste Veggie Oil Diesel Auto Conversion - Cob Construction - Backyard Chickens - Forest Gardening - Fire Spinning/Poi - Humanure and Composting Toilets - Fermenting Kim Che and Sauerkraut - Rocket Stoves - Repairing Cross Cut Saws - Old Time Ballad Singing - Saving Your Trees - Deer Processing - Salamanders - Voluntary Simplicity Discussion Group - Weeds - Anarchy Discussion Group - Pirate Radio - Quantum Physics - Songwriting Circle - Edible Wild Mushrooms - Leave No Trace Outdoor Ethics - Movement Medicine - Unjobbing: Making Your Passion Your Livelihood - Hula Hoop Dance - Kids Activities - 3 Ways to Make Rag Rugs - Roots and Non-Timber Forest Products - Eco-Art - How to Play the Banjo - Hide Tanning - Walk: Reading the Landscape/Developing Your Natural Senses - Urban Gardening/Seedleaf - Auto Roadside Emergency Repairs That Anyone Can Do - Playing Native American Flute - Worm Composting - Creating Group Theater Performances - Silkscreening - Breadmaking - Making Salve from Woodland Herbs - Salamander Springs Farm Permaculture Tour - Tarpology - Friction Fire (making fire with primitive tools) - Fiber Arts/Hat Felting - Reclaiming the Thrift Store Wool Sweater - Cooking Over an Open Fire - Indian Cooking

The festival website is www.whippoorwillfest.com and the event is co-sponsored by the Bluegrass Sierra Club, Kentucky Heartwood, Mountain Justice, Sustainable Berea, and the Berea Festival of Learnshops. A complete schedule for the festival is at the website. We hope to see you there!

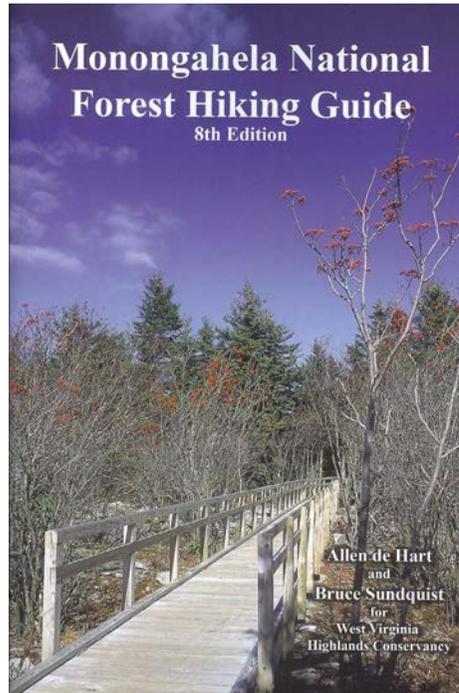


Read it while you got it

VOICE TAKES A MONTH OFF

This is the last issue of *The Highlands Voice* until September. The storm threw everything off, pushing this issue well into July before it came out. Summer is a slow news season anyway. It seems unlikely that there will be enough news in the remaining days of July to do an August issue.

So read slowly, make it last. This is the last one until September, when it is cooler.



The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

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

Send \$14.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy
 P.O. Box 306
 Charleston, WV 25321
 OR
 Order from our website at
www.wvhighlands.org

New 8TH Edition Now Available on CD

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

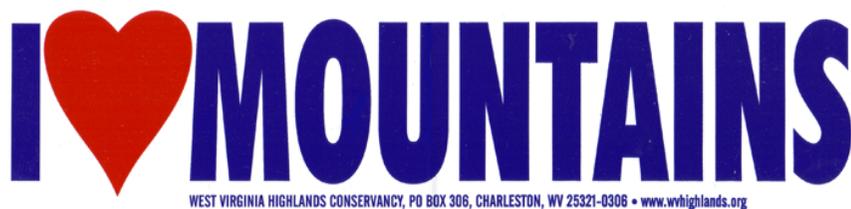
This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

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

Price: \$20.00 from the same address.

BUMPER STICKERS

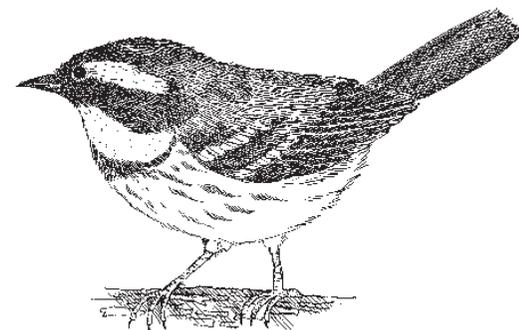
To get free *I ♥ Mountains* bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton Road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/ members may have them free.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



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

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.



WEST VIRGINIA HIGHLANDS CONSERVANCY TRAIL WORK

By Don Gasper

The "High Sods" or "Dolly Sods North", as it is widely known, is particularly attractive to hikers. The original spruce forest has not much grown back here, and there are vast open vistas of blueberry bushes with scattered wind-flagged spruce. It is quite a different rare place than the wooded wilderness below and on much of this great nearly 1 million acre National Forest itself. This north-east corner of the Monongahela is much used by hikers from Pittsburgh and D.C. areas.

For the last several years, the W.Va. Highlands Conservancy has initiated a trails maintenance program in and near The Dolly Sods Wilderness. The United States Forest Service land managers and people managers have graciously considered our suggestions and allowed us to work with them as "partners," in mapping and development of this trail-work. Our hikers have long noted eroding trails and areas of bare soil on Dolly Sods. Even an old fire lane had been dug with a bulldozer and left open. Reaches of the trail were excessively wet or eroding. New mapping and some trail reorganization, and some trail removal, enabled this program of trail maintenance and repair to proceed in a generally smarter and more acceptable fashion.

The West Virginia Department of Highways administers federal highway money for trail projects. To access this large fund a 20% match must be available. The West Virginia Highlands Conservancy has come \$2,000 in its regular budget for this match as the necessary citizen partner. It is also a requirement that a sign is erected near the work area. A sign recognizing the Highlands Conservancy's support

was located at a roadside in The Dolly Sods area. Its size (8" X 4') and wording was specified by the federal grant. It lists funding and sources.

While much good work has been accomplished by the United States Forest Service, more stabilization and "regular" maintenance is needed there. We have been advised by the U.S.F.S. of a greater opportunity to participate in an almost \$70,000 project that would last two years. This would be spent over a wider area - the northern part of the Monongahela. Trout Unlimited has chosen to participate also as a citizen partner with \$1,000. The W.V.H.C. will continue its support. The U.S.F.S. will be contributing also in order to access this total federal trail grant.

In some small way, the Highlands Conservancy may be directing the U.S.F.S.'s overall effort, enabling them to do needed work that they might not otherwise be able to do. (We cannot be sure, without examining their entire budget). This does reflect our long-term interest.

Our interest in Monongahela trails is manifested in our "Monongahela National Forest Hiking Guide," updated, now in its eighth edition. It describes over 800 miles of trails. The U.S.F.S. will be reviewing their entire trails system, and will statistically sample trail use though out the year. We will be keeping up with these developments. If you have interest, enthusiasm, trail knowledge (or any of the three) you can join in this work by contacting us at P.O. Box 306, Charleston, W.V. 25321 or the addresses found on page 2.

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.



The logo features the word "STOP" in large, bold, red capital letters. The letter "O" is replaced by a red silhouette of a fracking rig. Below "STOP" is the word "the" in a smaller, lowercase font, followed by "Frack Attack" in a large, black, stylized, hand-drawn font.

July 28, 2012 at the U.S. Capitol, Washington, DC.
Rally at 2:00pm – March to follow

For information about the event see: <http://www.stopthefrackattack.org>

From California to New York, from North Dakota to Texas, people across the country are converging on the U.S. Capitol to tell Congress, the President and the world to end the rush to drill and *STOP THE FRACK ATTACK*

This is a great opportunity to use our collective power to end oil and gas drilling that harms public health, water and air quality, and the climate.

Buses from WV are being organized.

To join a bus from Morgantown contact Jim Sconyers jimscon@gmail.com

To join a bus from Beckley/Lewisburg contact Beth Little blittle@citynet.net

The big storm has thrown preparations for the buses out of whack. If you want to go by bus, contact Jim or Beth today to make a reservation.

POTENTIAL SOCIAL AND HEALTH COSTS OF INDUSTRIAL WIND ENERGY PROJECTS

By Larry Thomas

The sense of belonging to a place leads to a sense of belonging to a community. There is a mutual support in our West Virginia mountain communities, from fundraisers to help those in need to family hog butchering. Mountain cultural activities from clogging, to music, to hunting are passed on to future generations. A sense of pride of place is apparent in West Virginia and its remote rural communities, passed down from one generation to the next.

The land provides a culture of self-sufficiency as well. Many of the families continue to grow their own vegetables and domestic livestock, home processing all that they produce in their gardens and butchering the domestic livestock in the fall and winter, providing meat for year around consumption. The land takes care of them, so they must take care of the land.

There is a spiritual mystique to the mountains. Changes to the mountains should not be taken lightly, especially when those changes desecrate a way of life that is disappearing rapidly in West Virginia as well as the United States. Siting industrial wind energy projects in such an area changes the mountain, causing an irreversible and devastating effect on the people and their culture.

The targets for industrial wind energy projects in West Virginia are remote rural mountains. These areas have caught the attention of historians, anthropologists, biologists, writers, photographers, environmental activists and are finally being appreciated for their cultural diversity and environmental history.

What makes places in West Virginia and its remote rural communities unique? The answer is the dedication to the land, a sense of place, a feeling that where they live makes them who they are. Many families here in West Virginia and its remote rural communities have lived on the same parcels of mountain land as their great-great-great-grandfathers, as far back as the 1600s. People here know their land—they have walked every inch, they have heard stories about their homesteads and family activities from generations back, they have created those families and a living on their land. Their roots run deep into the mountains. How many times have you heard “My Mother was raised right here.” or “There have been Blands here for as long as I can remember?” People choose to stay on that same land even when that choice makes their lives more difficult, whether in employment or convenience terms.

There can be no reasonable doubt that industrial wind turbines, whether singly or in groups (“industrial wind energy projects”), generate sufficient noise and shadow flicker to disturb the sleep and impair the health of those living nearby. Reports from many different locations and different countries have a common set of symptoms that have been well documented. The symptoms include sleep disturbance, fatigue, headaches, dizziness, nausea, changes in mood and inability to concentrate and have been named “wind turbine syndrome” by Dr Nina Pierpont. <http://www.windturbinesyndrome.com/> Inadequate sleep has been associated not just with fatigue, sleepiness and cognitive impairment but also with an increased risk of obesity, impaired glucose tolerance (risk of diabetes), high blood pressure, heart disease, cancer, depression and impaired immunity as shown by susceptibility to the common cold virus. Sleepy people have an increased risk of road traffic accidents. Sleepiness, as a symptom, has as much impact on health as epilepsy and arthritis. [This is certainly not insignificant.](#)

The July/August issue of “Audiology Today” contains an article “Wind Turbine Noise What Audiologists Should Know”. The article states that evidence has been mounting over the past decade that utility-scale wind turbines produce significant levels of low-frequency noise and vibration that can be highly disturbing to nearby residents. None of these unwanted emissions, whether audible or inaudible, are believed to cause hearing loss, but they are widely known to cause sleep disturbances. Inaudible components can induce resonant vibration in solids, liquids, and gases—including the ground, houses, and other building structures, spaces within those structures, and bodily tissues and cavities—that is potentially harmful to humans.

The most extreme of these low-frequency (infrasonic) emissions, at frequencies under about 16 Hz, can easily penetrate homes. Some residents perceive the energy as sound, others experience it as vibration, and others are not aware of it at all. Research is beginning to show that, in addition to sleep disturbances, these emissions may have other deleterious consequences on health. It is for these reasons that wind turbines are becoming an important community health issue, especially when hosted in quiet rural communities that have no prior experience with industrial noise or urban hum.

Further the authors of the article state that “for this article, we reviewed the English-language, peer-reviewed literature from around the world on the topic of wind-turbine noise and vibration and their effects on humans. In addition, we used popular search engines to locate relevant online trade journals, books, reference sources, government regulations, and acoustic and vibration standards. We also consulted professional engineers and psycho acousticians regarding their unpublished ideas and research”. I believe that the article and other documents reviewed provide credible evidence that there are health issues that are being ignored by the industrial wind energy industry.

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% 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.

Our Readers Write

The Highly Subsidized Wind Industry

Editor:

The wind energy industry has been subsidized by taxpayers with billions of taxpayer dollars for 30 years. Today, wind still only produces 1% of US power¹. Yet, billions of taxpayer dollars, through subsidies and other programs, continue to prop up thousands of wind turbines across the US. Following is a discussion of these subsidies and costs to taxpayers.

- In 2010, wind developers received \$5 billion in federal subsidies through Federal incentive programs.²
- Of the \$2.1 billion from the American Recovery and Reinvestment, more than 79% percent of it has gone to foreign manufacturers of wind turbines.³
- The Federal Production Tax (PTC) is the largest provider of taxpayer dollars to wind, providing an income tax credit of 2.2 cents per kilowatt-hour for the production of electricity from utility-scale turbines. When it expired in 1999, wind development dropped to nearly no activity. Some estimates have the PTC costing taxpayers over \$2.5 billion per year if extended in 2012.⁴
- The Federal 1603 Grant Program, (for up to 30% of project cost), created by the 2009 stimulus bill, totaled \$7.7 billion for wind as of November 22, 2011.⁵ The largest 1603 grant, \$276 million, supported creation of wind jobs in Denmark and Vietnam through a Portuguese company. Many companies received grants for projects already completed before creation of the program in 2009 – not a stimulus, but a giveaway.⁶
- Under the Federal Loan Guarantee Program, taxpayers, through the Department of Energy, repay the loans if borrowers cannot. \$1.67 billion in loan guarantees was awarded to five wind projects as of June 2011.⁷ As with other subsidies, including \$95 million for wind energy technology development, the loan program is proposed for renewal in the 2013 budget.⁸
- In March 2012, Senator Lamar Alexander testified before Congress that according to the Joint Tax Committee, wind subsidies would cost \$27 billion from 2007 to 2016.⁹ He further argued that billions of dollars spent on the wind industry largely comes from borrowed money, as the Government borrows 40 cents of every dollar it spends.¹⁰
- GE is the nation's leader in the manufacture of wind turbines, with 12,519 installed in the U.S. as of May 2012.¹¹ Yet GE paid zero U.S. federal taxes in 2010 due to its aggressive twin strategies of fierce lobbying for tax breaks and innovative accounting that enables it to concentrate its profits offshore.¹²
- DOE's Wind Program alone was funded with \$93.5 million for FY-12 for its role in the acceleration of the deployment of wind technologies.¹³
- As of March 2012, wind facilities in the Pacific Northwest are being paid to shut down due to a reported oversupply of renewable power at certain times of the year. The payout could reach \$50 Million per year, costing consumers even more.¹⁴
- The American Wind Energy Association openly admits that consumers' electric rates go up if they use wind energy.¹⁵

Sincerely,
Barbara A. Dean
Franklin, WV

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- 1 <http://www.windindustry.org/wind-basics/learn-about-wind-energy/wind-basics-wind-energy-today-and-tomorrow/wind-energy-today-and>
 - 2 <http://www.wind-watch.org/alerts/2011/12/03/oppose-extension-of-production-tax-credit/>
 - 3 <http://investigativereportingworkshop.org/investigations/wind-energy-funds-going-overseas/story/renewable-energy-money-still-going-abroad/>
 - 4 <http://www.utilipoint.com/2011/11/us-wind-industry-awaits-tax-credit-renewal>
 - 5 http://www.seia.org/galleries/pdf/TGP_Awards.pdf
 - 6 <http://washingtonexaminer.com/politics/2011/04/boondoggle-tax-code-subsidies-green-energy/112949>
 - 7 <http://gigaom.com/cleantech/doe-offers-135-76m-loan-guarantee-for-99mw-wind-farm/>
 - 8 <http://www.instituteeforenergyresearch.org/2012/02/16/the-obama-budget-and-wind-power/>
 - 9 <http://www.chattanooga.com/2012/2/15/219538/Alexander-Opposes-Production-Tax.aspx>
 - 10 <http://www.tennessean.com/article/20120310/NEWS02/303100005/Alexander-says-subsidies-wind-energy-waste>
 - 11 <http://blogs.denverpost.com/thebalancesheet/2012/05/01/ge-leads-wind-turbine-derby-vestas-distant-storm-clouds-coming/4519/>
 - 12 http://www.nytimes.com/2011/03/25/business/economy/25tax.html?_r=1&pagewanted=allhttp://www.nytimes.com/2011/03/25/business/economy/25tax.html?_r=2&pagewanted=all
 - 13 <http://www1.eere.energy.gov/wind/budget.html>
 - 14 <http://nation.foxnews.com/wind-power/2012/03/08/wind-farms-pacific-northwest-paid-not-produce>
 - 15 http://archive.awea.org/faq/wwt_costs.html

ORGANIZATION SUPPORTS GOLDEN EAGLE RESEARCH AMID QUESTIONS ABOUT EFFECTIVE REGULATION OF THE WIND INDUSTRY

By Rick Webb

Highlanders For Responsible Development (HRD) has donated \$1,000 to support a West Virginia University research effort to better determine the status and behavior of golden eagles in the central Appalachians, including Highland County and the surrounding area. A major concern for HRD and the WVU research group is the potential for golden eagle mortality and population impacts associated with construction of utility-scale wind turbines on mountain ridges in the region.

The eagle research, lead by Dr. Todd Katzner in WVU's Division of Forestry and Natural Resources, will estimate the size of the eastern golden eagle population using count data obtained from hawk migration watch sites and information on migratory flight routes. In contrast to western North America, where the population of golden eagles is about 30,000, the population of golden eagles in eastern North America may be as low as 1,000 individuals.

Eastern golden eagles are migratory, nesting in Canada and wintering in the United States. The majority fly along the Appalachian Mountains, and a large proportion of those spend the winter in the higher-elevation forested mountains of Virginia. Highland County is a particular golden eagle concentration area and a popular destination for ornithologists and bird clubs from around the state who seek to observe this relatively rare species and other raptors that move into the area in winter.

As reported in past articles in *The Recorder*, the status of both golden and bald eagles in Highland County has been matter of significant public and scientific interest over the last decade, due in large part to the Highland New Wind Development (HNWD) proposal to locate 400-foot wind turbines on two of the highest ridgelines in the area.

Attorneys for HNWD submitted testimony to the State Corporation Commission in 2005 claiming that no eagles nest in the county and that winter raptor use at the proposed wind project site is low.

This has proved to be wrong. A number of bald eagle nesting sites were subsequently located along Highland County waterways, and the area surrounding the proposed wind project has been identified as a high-use area for wintering golden eagles.

Efforts to document and understand eagle activity in the area have involved a variety of stakeholders, including the WVU research group, the Virginia Department of Game and Inland Fisheries, Virginia's Center for Conservation Biology, and local citizens. Data have been collected to document eagle observations and bald eagle nesting sites, and a number of golden eagles have been captured

and fitted with tracking devices.

Most famously, the travels of one female golden eagle, captured near the HNWD site and given the name Virgil Caine, have been tracked by satellite since 2008. Virgil Caine attained broader celebrity when her passage through proposed wind development areas in Maine was discussed in a local editorial titled, *Golden Eagles, Wind Power Don't Mix*.

The impact on eagles and other wildlife has been a subject of national controversy since large wind turbine projects were first constructed. Despite years of legal battle and mitigation efforts, golden eagle mortality at the huge Altamont Pass project in California continues at about 67 eagles per year.

Closer to home, the U. S. Fish and Wildlife Service recently estimated that a proposed wind project along the North Carolina coast will result in the death of up to 20 bald eagles per year. According to news reports, the wind development company, Invenergy, which also has plans for western Virginia, has now delayed going forward with the North Carolina project until the risk to eagles can be further studied.

The issue of risk, both to eagles and to wind energy developers, comes down to enforcement of the Eagle Protection Act, which explicitly prohibits the so-called "taking" of eagles. The law, however, has not actually been enforced.

Dr. George Fenwick, President of the American Bird Conservancy, describes how, in 2009, the U.S. Fish and Wildlife Service introduced a "five-year permit scheme that allows the wind

power industry and others to kill eagles during the normal course of business. . . . Rather than being grateful for a means to operate within the law, wind companies have continuously flouted the eagle protection act and lobbied for a longer permit duration."

"Independent scientists," Fenwick says, "are routinely refused access to wind power facilities, and data given to the government are often kept from the public. Some companies even falsely claim that this information is proprietary, as if they owned the public's wildlife. The birds that are acknowledged publicly as being killed therefore represent just a fraction of the true toll."

Eric Glitzenstein, an attorney with the law firm engaged by HRD to bring suit if HNWD should go forward in defiance of endangered species protections, has asserted that the government has effectively told the wind industry: "No matter what you do, you need not worry about being prosecuted."



Photo by Larry Lynch

(More on the next page)

MORE ABOUT EAGLES (Continued from previous page)

This could be about to change, but perhaps not for the better.

The wind industry lobby has apparently convinced the Fish and Wildlife Service to weaken rather than implement their regulations. The agency has now proposed to issue "take permits" for 30 years instead of five years and to relax permit requirements.

Dr. Fenwick predicts that with 30-year permits handed out to an industry already failing with respect to both transparency and accountability, we will only see more wind development in inappropriate places and more dead eagles. This is bad news for the small population of eastern golden eagles that must increasingly share their ridgeline flight space with turbine blades.

The research currently underway will provide information needed by regulators if they are to make responsible decisions to avoid or minimize the risk presented to golden eagles by Appalachian wind energy development. It will all be for naught, though, if the industry lobby prevails in its campaign to ensure that such information never receives real consideration.

The Fish and Wildlife Service is accepting public comments on its proposed regulation changes until July 12th. Information on the proposed change and on submitting comments is available at: <http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>

Editor's note: Rick Webb is a board member of Highlanders for Responsible Development and manager of the Virginia Wind website (vawind.org). Highlanders for Responsible Development is a citizens' group that promotes stewardship of Highland County's unspoiled landscape, natural resources and exceptional quality of life. HRD supports policies and activities that are based upon informed community discourse, democratic decision making, prudent land use and sustainable economic development.

HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps for sale as well as I (Heart) mountains caps.

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

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

Dear John,

As a long time member of WVHC i read with interest the article in the May newsletter re: industrial wind. As an environmental writer I have studied several alternative energy sources, including distributed solar PV and ridgetop industrial wind. The only logic for ridgetop industrial wind is greed by utilities for federal subsidies. In our mountainous area, the experiment conducted by Frostburg Univ. at <http://www.frostburg.edu/renewable/wisedemosystem/performance.html> shows that solar outproduces wind in nine months out of twelve, in several months by a factor of 5 or more. Ridgetop turbines produce very small amounts of electricity especially in summer when air conditioning creates the biggest demand, as referenced in the PJM Manual²¹ that was quoted in the newsletter: "Currently effective class average capacity factors are 13% for wind and 38% for solar units."

Plus, industrial turbines cause enormous destruction during installation, requiring deforestation of approx. five acres for every turbine, causing fragmentation of habitat and invasion of exotic plants; roads widened up to 100 feet to allow passage of the blades; and huge foundations of concrete that will be in the ground forever.

Ridgetop turbines also cause destruction during operation, as witness the recurring bird kills that have made Mt. Storm and other West Virginia and Pennsylvania wind factories notorious as the killers of more birds and bats than any other wind turbines IN THE WORLD (Arnett et al, "Impacts of Wind Energy Facilities on Wildlife and Wildlife Habitat. Bethesda, MD: The Wildlife Society, Technical Review 07-2, 2007). In addition, turbine noise can inflict harm on people.

On the other hand, installing and operating a solar PV system causes no environmental impact (putting aside the question of manufacturing impacts, which apply as well to turbines). Distributed solar, on residences, businesses, hospitals, schools, etc., would strengthen our communities against catastrophes of all kinds and allow our citizens to be in control of their own energy use. Installing solar systems would support more local jobs than any other alternative energy at this point. I have had solar panels with batteries for 4 years now, allowing me to watch old movies while a blizzard raged outside. There is no maintenance, and the costs of panels have declined by half just in these four years.

As a long-time member of West Virginia Highlands Conservancy and a resident of the mountains of western Virginia, I urge the WVHC board to reject ridgetop wind completely and endorse distributed solar as the best way to insure the ecological integrity of our mountains AND democratize access to electricity.

Thank you for the opportunity to give my opinion.

Sincerely,

Chris Bolgiano, Mildly Amusing Nature Writer:

www.chrisbolgiano.com

Road, Fulks Run, VA 22830

LESS WIND POWER; MORE CREATIVITY

By Linda Cooper

Having deeply researched and diligently fought for nearly a decade to prevent even the first industrial wind power development in West Virginia, I think you well know my thoughts on what West Virginia Highlands Conservancy's position should be in this regard. I argued long and hard that West Virginia's wind speeds are not conducive for wind power, that thinking of wind power as an alternative to coal power was/is stupid (for so many reasons), that tax and rate payers lose gigantically while large land and energy development corporations get obscene windfalls (pun or not) from industrial wind developments, and that the cost to West Virginians and to our birds, bats, wildlife, forests, and waters is not worth any alleged benefit (when any can be found at all).

But now, after reflecting on it a few years, what bums me out the most is how support for status quo investments (including wind power) and disincentives for creativity prevent us from actually solving our energy problem with so many resources readily available at our fingertips. As opposed to mining and burning more unsustainable, polluting hydrocarbons (coal, gas, oil), why don't we take better advantage of things we already have in abundance all around us just waiting to be used: (1) motion producers of all kinds, things in constant motion, and (2) what we are accumulating everywhere with little reprieve and think of, by definition, as valueless, our trash.

What is out there that is in constant motion: ocean and large lake waves, big rivers, heat rising from heat-production industries (steel, power generation, aluminum, chemicals, etc.), and automobiles (to mention only a few). For example, take the bane of the existence of many city dwellers, rush-hour traffic. There has got to be a way for those spinning wheels to power some kind of power generator under the road surface. Trains, trolleys, subways, all moving, moving, moving. They all need power to run but should be producing it as well.

As for trash, it's a no brainer. Either sort out the non-toxic burnables and/or find ways to separate toxic from non-toxic gases and put them to good use elsewhere. We need those chemicals for everyday life and they could come from this trash air rather than continuing to rape them from and scar the earth and cause MORE problems. Finding this solution (gas-sorting) would truly be a patriotic, "put a person on the moon" kind of undertaking. (Surely, current coal burning plant and other industrial scrubbers have made a start.)

And then there are the tops and sides of all those buildings in cities, the parking lots and sidewalks that the sun constantly beats down on! hotter and hotter each year. The sacrifice of our beautiful countryside to run the lights and gears of these behemoths and the brain trust invested on finding good solutions in these huge towers is just instant depression for me. Either turn off them lights or generate your own energy! Stop wasting our land and water! (Yea, I go a little crazy sometimes. You know how it is with us tree-huggers.)

The sun, yes, another of those constant motion things. Must we continue to grow corn to get to it? Wouldn't it be simpler and more beneficial in many ways for the farmers to just have sunfarms?

I guess the real point I want to make is when we let poor, destructive "solutions" demand our attention and use up our tax dollars (such a horrid consequence of our commercial society--"I have an idea that will make me millions who cares if it's good for society!"), we stop searching for and trying new things that will really work. We keep "just getting by." But the jig is up. We are killing ourselves and the world with these non-solutions. It's time to get real and to come up with good solutions and settle for nothing less.

After many years in West Virginia, Linda Cooper currently resides in Alaska.



PO Box 306 Charleston, WV 25321

West Virginia Seed Source Conifer Seedlings

The West Virginia Highlands Conservancy continues its efforts to conserve and restore the High Elevation Red Spruce Ecosystem in West Virginia, and the Central Appalachian Mountains, by offering high quality seedlings grown from seed collected locally by volunteers.

All proceeds support red spruce ecosystem restoration efforts in West Virginia.

Red Spruce

10-18 inches, these are a 2 inch plug 6 inches deep.

Spring 2013

Thru August 31, 2012	1,000 minimum
\$0.85 each	
Beginning September 1, 2012	1,000 minimum
\$0.95 each	
Beginning September 1, 2012	100 minimum
\$2.00 each	

Spring 2014

Thru August 31, 2012	1,000 minimum
\$0.80 each	
September 1, 2012 - August 31, 2013	1,000 minimum
\$0.85 each	
Beginning September 1, 2013	1,000 minimum
\$0.95 each	
Beginning September 1, 2013	100 minimum
\$2.00 each	

Canaan Valley Balsam Fir Seedlings

14-20 inches, these trees, are a 1 year plug grown in a transplant bed for 2 additional years.

Spring 2013

Beginning September 1, 2012	100 minimum
\$2.50 each	
Beginning September 1, 2012	1,000 minimum
\$1.25 each	

25% deposit will reserve your trees.

Flexible availability from late March thru early May.

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For more information visit www.restoreredspruce.org or contact:

Dave Saville, Program Coordinator

304-692-8118

daves@labyrinth.net