



# The Highlands Voice

Since 1967, The Monthly Publication of the West Virginia Highlands Conservancy

Volume 52                      No. 9                      September, 2019

## A Better Direction for Corridor H

By Hugh Rogers

Word came in early August that the West Virginia Division of Highways (DOH) was “re-starting” the disputed Parsons-to-Davis section of Corridor H. Questions would be answered at a public meeting at Blackwater Falls State Park on August 20.

Quick answer to Question No. 1: Still no Record of Decision, i.e., final go-ahead, from the Federal Highway Administration. Apparently, this public event signaled that Division of Highways plans to make another run at that goal. They anticipate beginning final design in 2025, and construction in 2031. Meanwhile, they will update old environmental studies. The so-called Final Environmental Impact Statement (EIS) was issued in 2007. How much of it is obsolete? Delay begets delay. Delay suggests a second look.

The most interesting phrase in the meeting handout (project history, maps, comment form) was this: “Changes in the project area” will be assessed.

There is no doubt that the project area has changed, in part because of the highway itself. Corridor H reached Mt. Storm in 2015, and Davis the following year. In the short time since then, it

has brought many more visitors. Repopulation of the towns on the mountain, already begun, has continued. Thomas and Davis are growing toward each other. Old antagonisms are falling away.

Residents hope the spirit of cooperation will influence where this final piece is placed. The question being asked up on the mountain was, Will the Corridor work for the good of our communities, or split them apart?

In that regard, the meeting was a major disappointment. Many who were there asked why the Division of Highways maps showed only one route, the one that plows straight ahead from the four-lane’s temporary end outside Davis, crosses Route 32 between Davis and Thomas, and bridges Blackwater Canyon directly over the historic district.

In fact, the DOH has studied, and could choose, a better alternative.

From the exit onto Route 93 at Davis, that route turns northwest and crosses US 219 north of Thomas, then heads west,

(More on p. 5)

What’s inside:			
Thoughts from our President	2	How pipeline construction	
Setting legislative priorities	4	is going	10
Anniversary celebration	6	Land and Water	
How to join	7	Conservation Fund	11
Get a history book	7	Tree meeting coming up	12
Mountain Valley Pipeline		WVHC Fall Review	13
endangering species	8	Hiking Guides to libraries	13
FERC weighs in	9	Climate meeting scheduled	14
		Roster of officers	14
		Get a Hiking Guide	15
		Planning for the Mon	16
		Miscreants about to get theirs	17
		Annual meeting coming up	18
		North Carolina news	19
		Transportation for a pest	19
		Get stuff	20

## Thoughts from our President

By Larry Thomas

### West Virginia Highlands Conservancy Support for the Allegheny-Blue Ridge Alliance – August 2018 to July 2019

In the Summer of 2018, the West Virginia Highlands Conservancy (WVHC) awarded a substantial grant to support the work of the Allegheny-Blue Ridge Alliance (ABRA) Compliance Surveillance Initiative (CSI) in opposing unneeded natural gas pipeline projects through the Allegheny Highlands, with specific attention to ABRA's opposition to the Atlantic Coast Pipeline (ACP) in West Virginia.

Allegheny-Blue Ridge Alliance is a coalition of over 50 organizations in Virginia and West Virginia. It was founded in September 2014 to oppose the proposed construction of the Atlantic Coast Pipeline (ACP). ABRA's broader, long-term interests are in preserving and promoting the integrity of the heritage, natural resources and economy of the Allegheny-Blue Ridge region of Virginia and West Virginia. ABRA provides an organizational infrastructure that serves as a catalyst for and coordinator of communications and strategy development among its members and supporters. WVHC is an original member of ABRA.

In its five years of existence, Allegheny-Blue Ridge Alliance and its member organizations have been successful in significantly slowing the Atlantic Coast Pipeline project. As of mid-Summer, 2019, due to regulatory and legal challenges by ABRA member organizations, the ACP project is more than two-years behind its originally announced schedule, is projected to cost nearly twice the originally projected cost, and construction of the entire project has been suspended for over six-months.

Mindful that construction will resume if currently suspended permits are reinstated after pending legal decisions, Allegheny-Blue Ridge Alliance created the Compliance Surveillance Initiative in 2018, a citizen surveillance program to monitor construction activity on the ACP project to assure that it complies with all permits and applicable regulations.

#### **Allegheny-Blue Ridge Alliance Activities That Have Been Supported by the WVHC Grant**

Allegheny-Blue Ridge Alliance provides an organizational infrastructure to assist in the development and implementation of strategies to fight against the Atlantic Coast Pipeline. During the past year, ABRA's Compliance Surveillance Initiative (CSI) has been busy with surveillance flights of the route (over 10 in 2019) and on-the ground monitoring by CSI's volunteers. These efforts have resulted in several potential violations being referred to the West Virginia Department of Environmental Protection, with some of the incidents resulting in Notices of Violation being issued. All CSI work in West Virginia is done in partnership with the West Virginia Rivers Coalition (WVRC), an ABRA member and a co-recipient of WVHC's grant. Autumn Crowe, Staff Scientist for WVRC, also serves as the CSI West Virginia Coordinator and is a member of the CSI Committee that oversees the program.

#### **Compliance Surveillance Initiative West Virginia Field Coordination - Activity Summary**

##### **Pipeline Incident Reports**

Since the partnership was formalized, the WV Field Coordinator has submitted 46 incident reports to West Virginia Department of Environmental Protection resulting in multiple follow-

up inspections and 2 violations being issued. Where violations were not warranted, Department of Environmental Protection inspectors issued warnings to improve erosion control deficiencies which resulted in better protections for our streams and rivers. The process of citizens reporting potential pollution events and the relationship with DEP Inspectors has significantly improved over the course of this program. We facilitate "pipeline roundtable" meetings with DEP and CSI partners to discuss how to better streamline our reporting processes and review agency expectations.

##### **Technical Assistance**

The WV Field Coordinator provided technical assistance to local groups, regional partners and concerned individual citizens. Most often this involved walking citizens through the processes of how to report pollution, how to access maps of the pipeline route, and how to access inspection reports and violations. Unfortunately, this information is not easy to access or readily available unless you know where to look. The Coordinator is essential in helping assist groups, citizens and the media in accessing and understanding information.

##### **Technical Comments**

The WV Field Coordinator led the analysis and development of 11 sets of technical comments on proposed permits, modifications and consent orders related to pipelines with a total of 137 organizational sign-ons. These comments have resulted in the strengthening of permit requirements and increases in fines for non-compliance. However, the enhanced requirements are under attack and the fines are still not close to where they need to be to be an effective deterrent to non-compliance.

##### **Trainings**

The WV Field Coordinator helped organize and deliver 6 trainings related to pipeline monitoring training to over 100 individuals. Trainings included water quality monitoring, visual assessment of pipeline construction, and using online mapping to assist monitoring efforts.

##### **Outreach and Education**

The WV Field Coordinator provided critical information related to pipelines with action alerts, fact sheets, and one-on-one conversations at events. The WV action alerts generated over 1,000 comments to state regulators on permit modifications and consent orders. Additionally, the WV Field Coordinator attended events and wrote articles for newsletters, like The Highlands Voice, and blogs reaching thousands more.

Efforts are underway to generate reports detailing citizen complaints and demonstrating the failure of pipeline construction best management practices, impacts to water, and lack of agency oversight capacity.

We recently coordinated a field tour of the Mountain Valley Pipeline with WV legislators, followed by a town hall meeting for legislators to see and hear first-hand the devastating impacts for WV landowners and communities. Next, we are facilitating a

**(Larry's on a roll; more on the next page)**

## More Thoughts from President Larry (Continued from previous page)

meeting for those legislators to share concerns about what they saw and heard with DEP.

### **Status of Major Legal Challenges to the ACP**

- **FERC Certificate** - A challenge to the Federal Energy Commission's (FERC) issuance of a certificate for the ACP was filed with the Fourth Circuit Court of Appeals on August 16, 2018. The plaintiffs are 14 conservation groups (many of them ABRA members) represented by the Southern Environmental Law Center (SELC) and Appalachian Mountain Advocates. Jurisdiction of the case has been transferred to the D.C. Circuit Court of Appeals. Oral arguments are expected to occur in the Fall of 2019.
- **Forest Service Permit** – This suit was filed with the Fourth Circuit Court of Appeals on February 5, 2018 by seven conservation/environmental organizations (most members of ABRA) represented by SELC, arguing that the Forest Service had rushed to judgment to approve the project, notwithstanding raising serious questions about the project's ability to be built over steep mountain terrain without serious environmental damage. The Fourth Circuit vacated the permit in a December 13, 2018 decision, and turned down an appeal from Atlantic Coast Pipeline, LLC (ACP, LLC). ACP, LLC filed an appeal to the U.S. Supreme Court on June 25, with the U.S. Solicitor General also filing a supporting petition. The Supreme Court is expected to decide in October of whether or not to consider the case. On average, only 1% of the cases appealed to the Supreme Court are accepted for argument.
- **Fish and Wildlife Service** - The U.S. Fish and Wildlife Service's (FWS) biological opinion on threats to endangered species by the ACP was vacated by the Fourth Circuit Court of Appeals on May 5, 2018. A new biological opinion was issued by FWS in September, and was also challenged, resulting in the Fourth Circuit issuing a stay. ACP, LLC subsequently suspended all construction on the project pending a decision by the Court on the second FWS opinion. That challenge was argued before the Fourth Circuit on May 9, 2019 and an opinion is anticipated by August.
- **National Park Service Permit** – The National Park Service's (NPS) December 2017 approval for the ACP to cross underneath the Blue Ridge Parkway (BRP) was challenged in the Fourth Circuit by Sierra Club and the Virginia Wilderness Committee, represented by SELC. After the court ruled in favor of the plaintiffs, the NPS issued a new permit on September 17, which was also challenged by the plaintiffs. Before the case was argued, the Park Service asked the Court to vacate the previously issued permit so the agency could "consider whether issuance of a right-of-way permit for the pipeline to cross an adjacent segment of the BRP is appropriate." The Court agreed. At this writing, there is no permit for the ACP to cross the Blue Ridge Parkway.
- **Army Corps of Engineers** - The U.S. Army Corps of Engineers filed a motion on January 18 with the Fourth Circuit Court of Appeals for a remand and vacating of the permit that the Huntington District of the Corps had issued for the Atlantic Coast Pipeline (ACP) to cross rivers and streams in West Virginia. This was due to challenges over conflicts with WV law. The motion was unopposed and subsequently granted by the Court. While

the action only directly affects the portion of the ACP subject to the Huntington District's jurisdiction (West Virginia portions of the route), the stays on stream and river crossings for the ACP in the other Corps districts remain in effect.

- **Buckingham County Compressor Station Air Permit** – The Virginia Air Pollution Control Board voted on January 8, 2019 to grant an air permit for the proposed ACP compressor station in Buckingham County, VA. The Southern Environmental Law Center (SELC), on behalf of Friends of Buckingham, challenged on February 8 the Air Board's decision to approve a permit for the compressor station. Joining SELC in the lawsuit, filed with the Fourth Circuit Court of Appeals, was the Chesapeake Bay Foundation. Oral arguments are expected in the Fall
- **Virginia State Water Board 401 Certification** – The Virginia water quality certification under Section 401 of the Clean Water Act was granted December 12, 2017 by the State Water Control Board. The action was challenged in a suit filed by SELC on behalf of several conservation group clients and argued before the Fourth Circuit Court of Appeals on September 28, 2018. The principal contention in the case was that the Board's approval of the certificate for the ACP was, on several grounds, arbitrary and capricious. On January 14, 2019, the Court rejected the arguments of the petitioners.

### **Need for Continuing These Efforts**

The Mountain Valley Pipeline and the previous pipeline construction projects including the Leach, Rover, and Mountaineer and WB Xpress pipelines provide extreme examples of the failure of regulators to protect lands and waters from inadequate pipeline construction practices. More work is needed to bring attention to these failures and prevent the Atlantic Coast Pipeline and future pipeline projects from following suit.

In addition to ongoing coordination of WV field efforts and volunteer monitor support, are several upcoming events and actions that need the attention of the partnership:

- ACOE comment period on the WVDEP modifications of the Nationwide 12 permit
- WVDEP meeting with WV legislators to discuss permit modifications, fines, and enforcement capacity
- MVP construction monitoring
- ACP legal challenges
- ACP stabilization monitoring
- Comment and appeal period on the revised WV stormwater permit for pipeline construction, resulting from a settlement with WVONGA and DEP
- WVDEP Environmental Protection Advisory Council – on the September 12 meeting agenda to review pipeline policy recommendations
- Biological assessment training and additional trainings on-request
- 2020 legislative session

There is no doubt the CSI partnership has made a difference in empowering citizens to take steps to protect their lands and waters, and in holding pipeline companies and regulators accountable. We have their attention. It has been one of the most successful efforts in building pressure to expose and reverse the culture of environmental non-compliance in West Virginia. **We cannot let up now!**



# WV E-Council Determining Legislative Priorities for 2020

By Frank Young

The WV Environmental Council (E-Council) is the lobbying group for the greater community of both large and small West Virginia environmental organizations. Most of WV E-Council's budget comes from its member groups' financial support and is used to pay lobbyists to support E-Council's legislative priorities.

Accordingly, every summer the E-Council surveys its member organizations (which include West Virginia Highlands Conservancy) and other supporters to determine their highest priority environmental issues. Then, at its annual fall membership meeting, (usually in October) the E-Council collates by indicated importance and prioritizes the many lobbying items suggested into a manageable environmental lobbying agenda.

In October and November E-Council recruits and assembles a lobby team- usually of three or four people- who start working in December to be effective environmental advocates when the legislature convenes in January.

The survey for legislative priorities is done electronically via a questionnaire submitted to member group leaders (i.e. - WVHC President Larry Thomas). In turn, those group leaders submit the questionnaire to their Board of Directors for input on preferred priority legislative items, which the group leader then assembles and reports back to the WV E-Council.

The questionnaire asks for both multiple choice and narrative replies relating to priority environmental issue items and other information such as kinds of lobbying support a member group or other E-Council supporter can offer toward advancing their particular high priority environmental lobbying issues. The 2020 priorities survey includes such questions as:

- What issues will you prioritize this legislative session (check all that apply)? Water Quality (Discharges, Pollutants, Category A), Coal (MTR, Power Plant Closure, Pollution), Oil & Gas (Forced Pooling, Pollution), Petrochemical/Plastics (Appalachian Storage and Trading Hub), Pipelines, Renewables (PPAs, Net Metering), Energy Efficiency (LEEP), Public Lands (Conservation, Timbering), Climate Change (Carbon Tax, Emissions Reduction), Clean Elections (Money in Politics), Legal Rights for Nature
- What are other issues you would like to have legislative support for or against? (requires written answers)

- Do you have a specific piece of legislation you are working on or would like to see introduced or opposed? If yes, please explain. (requires written answer)
- Would you like the WVEC lobby team to prioritize your issue? If so, which one?
- What resources can you contribute on these issues during the legislative session? (choose all that apply)- In-person Volunteer Time at Capitol, In-district Volunteer Time, Fact Sheets/White Papers, Grassroots Mobilization, OpEd or LTE Availability, Expert Testimony, Emailing delegates and senators
- Are you or your organization able to financially support the WVEC's legislative efforts?

As you can see, the questionnaire is designed to not only solicit ideas for environmental lobbying, but to indicate to the respondent that, while ideas are important, the E-Council lobby team needs not only fiscal support, but expert testimony at legislative hearings, volunteer lobbyists, OpEds and Letters to the Editor, and pressure from voters on their Senators and Delegates so that those legislators know that this or that is important to their people "back home".

Look for more information about WV E-Council legislative lobby activities in coming issues of *The Highlands Voice*. The WV E-Council and its staff and volunteers work 12 months a year to be ready for the regular legislative session that runs only 60 days. While our legislative agenda is determined in a process open to WVEC members and supporters, for strategic reasons we do not reveal our complete regular legislative session lobbying priorities until late in the calendar year. And of course we never lose sight of the political reality that our biggest lobbying campaigns are almost always in response to "ambush" legislation and rule-making put forth on short notice- by either industry initiatives or regulatory agencies- often after the legislature is well into its 60 day session.

Advocating for sane environmental public policies is a never ending endeavor.

*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 elsewhere in this issue. Electronic submissions 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](http://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.



## Direction for Corridor H (Continued from p. 1)

meets 219 again near Benbush, and continues parallel to it beyond Tucker County High School.

With this alternative, an extra truck route around Thomas is unnecessary. Developable land near Davis is saved. The towns are not separated by a concrete barrier. And Blackwater Canyon is spared.

From 2000-2003, several versions of this alternative were studied by the DOH as a "Blackwater Avoidance Alternative," and three were examined in more detail in a supplemental Environmental Impact Statement. Blackwater Canyon had been a major issue when plaintiffs including the Highlands Conservancy successfully sued over the entire alignment between Elkins and the Virginia line.

However, sixteen years ago the two towns on the mountain could not agree on the "Avoidance" option. Davis supported the DOH's preferred route. By the terms of the settlement agreement, DOH could revert to its original plan, and the plaintiffs could resume their lawsuit. That has been the standoff ever since.

As it re-starts the project, Division of Highways should reconsider the alternatives. Yes, they are somewhat longer and therefore more expensive. Doing the job right costs more. After the millions and millions spent, far in excess of actual transportation needs, it would be absurd to cut corners now at the expense of the community's landscape and historic attractions. If the purpose of Corridor H is, as they say, "Promoting economic development and preserving or improving the quality of life in the region," DOH has a better way to accomplish that.

Twenty years ago, the National Register of Historic Places, an office of the National Park Service, determined that the Blackwater Industrial Complex deserved that honor. By law,

places on the Register are protected from disturbance by federally-financed projects such as Corridor H. The Advisory Council on Historic Preservation said that a four-lane bridge would affect the Blackwater property in just the way the law forbids. Nevertheless, the DOH wants to claim that moving the piers of the bridge so they don't step on any structures is enough to avoid all prohibited effects. It's hard to believe they would test this in court, especially after losing Round One.

We haven't addressed the route below Tucker County High School, where the Corridor descends Backbone Mountain. That segment is for engineers to argue over—and they do. The name of the watershed it will encounter, Slip Hill Mill Run, can give you an idea.

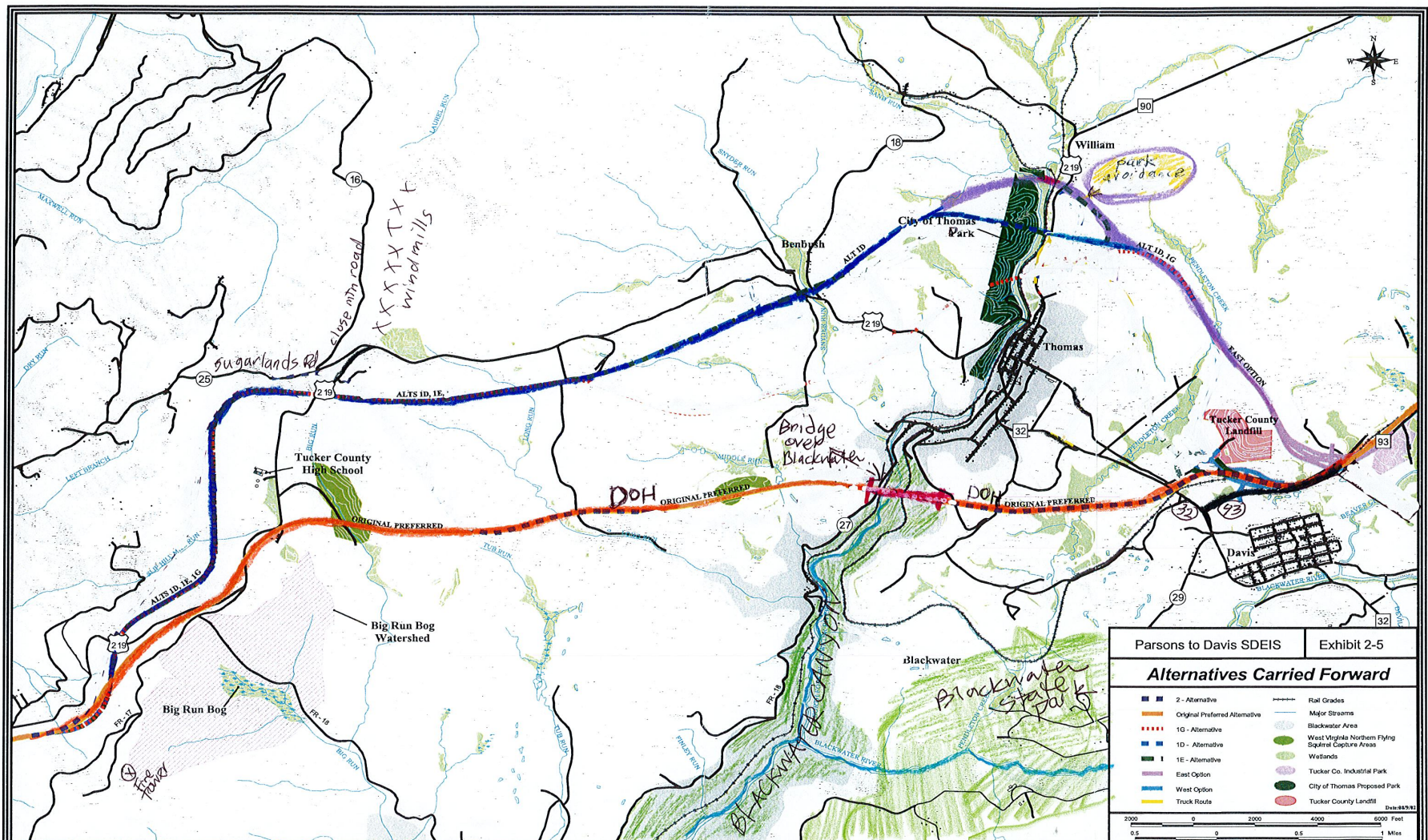
In sum, we're making these points to DOH and everyone in Davis and Thomas:

- No route has been designed yet (final design won't begin until 2025)
- A better alternative has been studied already
- No delay if we choose the better alternative
- Court proceedings would delay any route across Blackwater Canyon

### You can help! Comments are due by September 20.

Tell WVDOH: Choose a Blackwater Avoidance alternative.

- To submit online: [go.wv.gov/dotcomment](https://go.wv.gov/dotcomment). Under "Public Comments," click "Corridor H – Parsons to Davis," then under "Comment," click "Online."
- To submit by mail: R.J. Scites, Director, Engineering Division, WVDOH, 1334 Smith St., Charleston WV 25301





**WEST VIRGINIA**  
ENVIRONMENTAL COUNCIL

## **30<sup>th</sup> Anniversary Annual Meeting**

**October 12, 2019**

Gorman Shelter, Coonskin Park  
Charleston, WV

\$10/adults; \$5/students  
Hamburgers/hot dogs (vegetarian and  
not) and drinks provided  
Please bring a dish to share

### **Agenda:**

**Noon – 1:00PM: Lunch**

**1:00 – 1:30PM: Welcome/2020 Legislative  
Overview**

**1:30 – 2:30PM Meet the candidates\***

**2:30 – 4:00PM: Mingle/games/enjoy the  
park**

**\*Gubernatorial candidate Stephen Smith  
and Attorney General candidate Sam  
Petsonk are confirmed.**

To pay online, visit [wvecouncil.org](http://wvecouncil.org)



Join Now !!!

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Membership categories (circle one)			
	Individual	Family	Org.
Senior	\$15		
Student	\$15		
Introductory	\$15		
Other	\$15		
Regular	\$25	\$35	\$50
Associate	\$50	\$75	\$100
Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

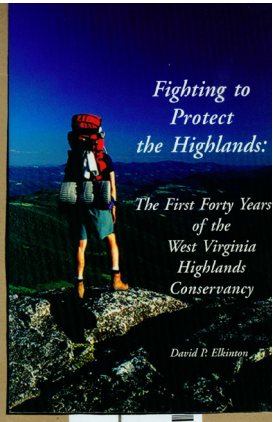
Mail to West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321

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

You may also join on-line at [www.wvhighlands.org](http://www.wvhighlands.org)

GET A GREAT HISTORY BOOK

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.



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 \$15.95, plus \$3.00 shipping, visit the Conservancy's website, [wvhighlands.org](http://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 \$15.95 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.

Tell a Friend!

If you have a friend you would like to invite to join the West Virginia Highlands Conservancy just fill out this form and send it to West Virginia Highlands Conservancy, Box 306, Charleston, WV 25321.

Person you wish to refer: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email \_\_\_\_\_

Your name: \_\_\_\_\_

Filling out the form, etc. is, of course, the old school way of doing things. If you prefer, just email the information to Dave Saville at [WVHC50@gmail.com](mailto:WVHC50@gmail.com).

The way it works: Anyone you refer gets *The Highlands Voice* for six months. At the end of the six months, they get a letter asking if they want to join. If they join, we're happy. If not, then maybe next time.

# Groups Challenge Mountain Valley Pipeline over Endangered Species

By John McFerrin

A coalition of environmental and citizen groups is challenging the findings of the Fish and Wildlife Service and how it determined that the Mountain Valley Pipeline would comply with the Endangered Species Act.

## Background

The Endangered Species Act was enacted to protect and conserve endangered and threatened species and their habitats. Whenever any federal agency is faced with an application for a permit for construction or other activity, it is required to determine if the activity is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

To make this determination in the case of the Mountain Valley Pipeline, the Federal Energy Regulatory Commission (FERC) consults with the Fish and Wildlife Service. The Fish and Wildlife Service then issues what is called a Biological Opinion and Incidental Take Statement. It states the Fish and Wildlife Service's opinion on whether or not the proposed activity is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat.

A determination that an activity will harm an endangered species does not mean that the activity is automatically prohibited. If the activity threatens the continued existence of a species then it is prohibited. If it harms some members of an endangered species but does not jeopardize the continued existence of that species, then the Fish and Wildlife Service may issue what is known as an incidental take permit.



**Roanoke Logperch**

An incidental take permit allows someone to "take" a limited number of individuals of an endangered species if the taking is incidental to another activity and not the goal of the activity. "Take" is defined as the "harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting of a listed species", or any attempt to engage in such conduct.

## What happened here

The endangered or threatened species that will be imperiled by the Mountain Valley Pipeline are the Small Whorled Pogonia, the Virginia Spiraea, the Roanoke Logperch, the Indiana Bat, and the

Northern Long-eared Bat. The Fish and Wildlife Service considered these species and concluded that construction of the Mountain Valley Pipeline was not likely to jeopardize the continued existence of the



**Small Whorled Pogonia**

species. Because of this finding, in the Fish and Wildlife Service's opinion, the construction would not be absolutely prohibited by the Endangered Species Act.

That the construction would not jeopardize the continued existence of the species is not the end of the story. Even if the construction would not wipe out the whole species, the construction might kill (in the words of the Act "take") some individuals. If the goal of the project is not killing individuals but it is likely that some individuals will be killed by accident, then the Fish and Wildlife Service can recommend an Incidental Take Permit which allows this.

In this case, the Fish and Wildlife Service said that for the plants (the Small Whorled Pogonia and the Virginia Spiraea) an Incidental Take Permit was not appropriate. The Mountain Valley Pipeline will just have to avoid them.

So far as the Roanoke Logperch is concerned, the pipeline will cross five streams where they are known or believed to exist. The Fish and Wildlife Service assumes that at least some fish will be killed. It recommends an Incidental Take Permit for a limited number of "takings."

With the Indiana Bat, the Fish and Wildlife Service acknowledges that it will be difficult to determine the number of bats killed. They are small and the little corpses usually get lost. The pipeline does disturb over three thousand acres that are suitable Indiana Bat habitat; bats will be killed. Because killing bats is not the goal of the project, the Fish and Wildlife Service recommends issuing an incidental take Permit for a limited number of bats.

The Fish and Wildlife Service acknowledges that sixteen acres of Northern Long Eared Bat habitat will be lost because it is within a quarter mile of Canoe Cave and Tawney's Cave in Giles County,

**(More on p. 9)**



## More about the Mountain Valley Pipeline (Continued from p. 8)

Virginia, and PS-WV3-Y-P 1 in Braxton County, West Virginia. This will result in a taking of some individuals. The Fish and Wildlife Service recommends an incidental take permit.

The groups contend that the Fish and Wildlife Service was careless in its fast tracked review of the project. It failed to accurately measure the pipeline's impact on endangered species. They say that the Fish and Wildlife Service failed in its obligation to protect endangered species.

At the same time they filed the suit, the groups wrote a letter to the Fish and Wildlife Service. In that letter, they pointed out that construction on the Mountain Valley Pipeline had already begun and would probably imperil endangered species. The groups asked that the Fish and Wildlife Service suspend the Biological Opinion and Incidental Take Statement while the case is pending in court.


### It's déjà vu all over again

If all this sounds familiar, it should. As reported in the August issue of *The Highlands Voice*, the United States Court of Appeals for the Fourth Circuit decided that the Fish and Wildlife Service was too haphazard and slipshod in how it assessed the impact that the Atlantic Coast Pipeline would have on endangered species. Now groups say that the Fish and Wildlife Service was too haphazard and slipshod in how it assessed the impact that the Mountain Valley Pipeline would have on endangered species. While one case does not a trend make, it appears that the Court is saying that the Fish and Wildlife Service has to do a better job. While it is free to reach any conclusion the facts support, it needs to slow down and seriously consider all the facts before offering an opinion on how a project will affect endangered species.



Virginia Spiraea

## Breaking News: FERC Gets Into the Act

After the coalition of groups filed suit in the Court of Appeals for the Fourth Circuit (story right over there ), the Federal Energy Regulatory Commission (FERC) asked the Fish and Wildlife Service to review its Biological Opinion on the effects of the Mountain Valley Pipeline on endangered species.

FERC is the big dog so far as approval of the pipeline is concerned. It gives final approval. As a general rule, its approval is conditioned upon approvals by the Fish and Wildlife Service, the Corps of Engineers, etc. If FERC no longer has what it considers to be an adequate Biological Opinion from the Fish and Wildlife Service, then it would seem that its approval of the pipeline should no longer be valid. FERC did not, however, order construction stopped.

This development is parallel to, but different from, the development described in the story on the previous page. There, the groups say the Biological Opinion on endangered species was flawed and ask that the Court tell the Fish and Wildlife Service to try again.

Here, the Federal Energy Regulatory Commission has said that it thinks the Biological Opinion is flawed and asks the Fish and Wildlife Service to try again.

In its letter to the Fish and Wildlife Service, FERC says that it has become aware of new information that might affect the Roanoke Logperch, Indiana Bat, and Northern Long-eared Bat. It also noted that since the Biological Opinion the candy darter (*Etheostoma osburni*) was listed as endangered by Fish and Wildlife Service. It is known to inhabit streams in the pipeline area and may be affected by the pipeline.

# Report Looks at Pipeline Construction

Now that Virginia and West Virginia have had a year of major pipeline construction, the West Virginia Rivers Coalition and Trout Unlimited have prepared a report on how things are going. In a nutshell, it's a mess.

## The pipelines

Although there are some other, smaller pipelines in Virginia and West Virginia, the report focuses on three large pipelines"

- Atlantic Coast Pipeline

As planned, it will run **for** 604 miles in West Virginia, Virginia, and North Carolina. It will include 1439 stream crossings. So far there has been no construction in Virginia and North Carolina; there has been construction in central West Virginia. Along its route there are 127 citizen water quality monitoring sites.

There have been 41 citizen reports of violations by volunteers organized by the West Virginia Rivers Coalition, Trout Unlimited, and the Pipeline Compliance Surveillance Initiative. These do not include any other complaints that may have been made by volunteers not affiliated with these groups. There have been four agency notices of violation.

Construction is currently on hold, pending court challenges.

## Mountain Valley Pipeline

As planned, it will run for 304 miles in West Virginia and Virginia. It will include 1108 stream crossings. There are 58 citizen water quality monitoring sites along its route.

There have been 230 reports of violations by volunteers organized by the West Virginia Rivers Coalition, Trout Unlimited, and Indian Creek Watershed Association. These do not include any other complaints that may have been made by citizens not affiliated with those groups. There have been 35 agency notices of violations.

Construction is in progress; construction across streams and public lands is suspended pending court challenges.

## Mountaineer Express Pipeline

It is now in service, running 170 miles in West Virginia. It includes 817 stream crossings. There are 17 citizen water quality monitoring sites along its route.

There have been five reports of violations by citizens volunteers organized by the West Virginia Rivers Coalition and Trout Unlimited. These do not include any other complaints that may have been made by citizens not affiliated with those groups. There have been 45 agency notices of violations.

## What monitoring found

During permit review, pipeline companies said that erosion and sediment control practices would keep sediment out of streams. This isn't what the citizen monitors found. They found numerous incidents of sediment entering streams.

The monitors also found failed or deficient erosion controls. There were incidents of sediment laden water bypassing erosion control structures and entering streams.

The slopes where pipelines are constructed are not always stable. The construction the volunteers saw was on relatively mild slopes; they were only 23% instead of the 60% slopes where some pipeline construction is planned. In spite of this, there were still slips

and hillside failures. Some pipelines have continued to experience slips long after completion of the project.

## What should regulators do?

The Report makes several recommendations on what regulators should do to address the problems the report points out. In the short term, the report suggests these steps:

- Enhance agency capacity for pipeline oversight by immediately dedicating more staff and additional resources to inspections.
- Implement restrictions on the number of miles under construction simultaneously and strictly enforce restoration timelines. This would limit how much of the right-of-way is clear of permanent erosion controls and/or vegetation and at risk of storm water sedimentation events
- Require additional erosion control measures at the ends of slope breakers ridges or channels that divert storm water away from sensitive waterways. The lack of this type of control has been cited by state inspectors as a common source of sediment laden water entering streams.
- Require the use of more protective controls such as sediment traps on steep slopes where so much of the erosion control problems originate.

1In the long term, the report suggests these steps:

- Require site-specific, stream-by-stream crossing plans, so regulators can ensure proper erosion control methods to protect water quality. Require enhanced best management practices on sensitive waters, such as wild trout streams.
- Require companies to fully evaluate the use of trenchless stream crossings that do not require disturbing streams and justify decisions to use other methods.
- Identify site conditions that are not suitable for pipeline construction such as areas with critical natural resources and require rerouting.
- Increase fines and permit fees. The amount of agency staff time needed to oversee these large scale construction projects is immense. Small fines on billion-dollar projects do little to encourage sound construction practices.

## 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.



# Another Step Forward (we hope) for the Land and Water Conservation Fund

There have been more developments with the Land and Water Conservation Fund. Although it began in 1965 the Fund was not permanently authorized. Its authorization had to be periodically renewed. It most recent lapsed in September, 2018, due to the partial government shutdown and other disputes.

Congressional action last spring authorized the fund permanently; it will no longer have to be renewed from time to time.

Permanent authorization of the Fund by Congress is a big step but it is not the final step. Current law does not require that the money that is available for the fund actually goes into the Fund. Congress still must make appropriations to the Fund. Now there is legislation pending in Congress to take this final step.

## Background

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 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) is available to go 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.

Around the country, the Land and Water Conservation Fund 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. Since 1965, more than \$243 million dollars in LWCF funds have been spent in West Virginia on more than 500 projects, both on state and federal lands. This includes improvements to local parks and public spaces in 54 of our state's 55 counties.

The Land and Water Conservation Fund 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.

## What's going on now

Senator Joe Manchin (D, WV) has introduced a bill in the Senate which would require that the money which is available to the Fund be appropriated automatically to the Fund and used for Fund purposes.

In the past, money collected as royalties from oil and gas drilling would be available for use by the Fund. It would, however, still have to be specifically appropriated to the Land and Water

Conservation Fund. In the past, this has meant that some of the money from the oil and gas royalties would not go the Fund for its purposes but would be diverted to something else.

The bill changes that. It allows the royalties money to go into the Land and Water Conservation Fund and be spent for its purposes without any further Congressional action.

The bill (S 1081) currently has 48 co-sponsors, including 40 Democrats, six Republicans, two Independents, and six candidates for President of the United States. The co-sponsors do not include Senator Capito (R, WV).

An identical bill (HR 3195) has been introduced in the United States House of Representatives. It has 183 co-sponsors, including 168 Democrats, 15 Republicans, and two candidates for President of the United States. Of the West Virginia delegation, Rep. Alex Mooney is a co-sponsor.

The West Virginia Highlands Conservancy has done its part to push toward the goal of a permanently authorized, automatically funded Land and Water Conservation Fund. We have joined in a letter urging Congress to pass the pending legislation.

## Send Us a Post Card, Drop Us a Line, Stating Point Of View

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



**Conifer Conservation and Ecology in the Central Appalachians**  
Fall 2019 CASRI Conifer Health Colloquium, and Field Tours

**October 16 – 17, 2019 - Blackwater Falls State Park Lodge**

Wednesday, October 16 - Conifer Health Colloquium	
2:45 – 3:30p	<i>Hemlock Forest Health Monitoring, Treatment and Ecology</i> John Perez, Biologist, New River Gorge National River & Gauley River National Recreation Area
3:30 – 3:45p	<i>Update on Hemlock Health and Treatment in the Central Appalachians</i> Amy Hill, Forest Stewardship Coordinator, State and Private Forestry, USDA Forest Service
3:45 – 4:00p	Break
4:00 – 4:30p	<i>Balsam/Canaan Fir Research Updates</i> Hessl Lab, Geography, West Virginia University
4:30 – 5:15p	<i>Balsam Fir Woolly Adelgid Resistance and Management</i> Ben Smith, Research Scientist, Forest Restoration Alliance
5:15 – 6:00p	Speaker panel discussion on conifer conservation in the Central Appalachian Highlands

**FIELD TOURS Thursday, October 17, 2019**

Gathering: 9AM, Blackwater Falls State Park Lodge, we are targeting our ending time to 3:30PM in Canaan Valley. *Morning site visits in the Blackwater Falls State Park will focus on Hemlock Woolly Adelgid research and treatment plots. For lunch we will stop at Davis local restaurants before traveling to Canaan Valley for the afternoon site visits. In Canaan Valley we will visit the balsam (Canaan) fir research and restoration sites undertaken by The Nature Conservancy, Canaan Valley National Wildlife Refuge, West Virginia University, and Canaan Valley State Park. At the end of the afternoon we plan to take a chairlift ride to the top of Weiss Knob for views of a mature spruce forest, as well as topography of the Canaan Valley area that enables fir trees to thrive. Site visits will be led by the workshop presenters and CASRI partners and are free and open to the public. Please plan to carpool.*

Please [complete this registration form](#), or contact Dave Saville (see below) to register.  
**There is no cost to register** but we would like a head count for room set-up and logistical planning.

The West Virginia Highlands Conservancy is proud to work with a collaborative called the Central Appalachian Spruce Restoration Initiative, or CASRI. Together with the support of The Nature Conservancy, and the Blackwater Falls State Park, The Highlands Conservancy invites you to join us at our Conifer Health Colloquium in learning more about some of the challenges facing our Hemlocks and Balsam Fir Trees.

CASRI is a partnership of diverse interests with a common goal of restoring historic red spruce-northern hardwood ecosystems across the high elevation landscapes of Central Appalachia. It is comprised of private, state, federal, and non-governmental organizations which recognize the importance of this ecosystem for its ecological, aesthetic, recreational, economic, and cultural values.

Red spruce and red spruce-northern hard-wood forests once dominated the highest elevations of West Virginia, covering over one million acres. Extensive logging in the late 1800s and early 1900s reduced much of the mature forest in the Appalachians, including the red spruce-dominated stands. Today less than 50,000 acres of high elevation red spruce forests remain in the State.

If you have any questions or would like more information, contact; Dave Saville at [wvhc50@gmail.com](mailto:wvhc50@gmail.com), or 304-692-8118.



# West Virginia Highlands Conservancy Fall Review

*Come join us for a weekend of fun, friendship and learning.*

When: Fri. 10/18, Sat. 10/19 and Sun. 10/20

Where: Elk River Inn and Restaurant, Slatyfork, WV

What: Outings, Programs, Panels and Fun

Theme: Seeking a sustainable future for West Virginia

We will visit a pipeline site and learn about the reconnaissance project and its successes. We will talk spruce and balsam restoration, woodcock studies, early successional habitat, and solar energy for your home. You can go on a birdwalk, enjoy local trails, and enjoy the delicious food at the Elk River Inn in Slaty Fork.

For housing information: call Elk River Inn, 304-572-3741. The address is 34037 Seneca Trail, Slatyfork, WV 26291

Rooms with private bath \$89 per night single, \$99 double.

Rooms with shared bath \$63 single, \$68 double. Add 12% taxes. Includes breakfast.

For more information call: Marilyn Shoenfeld 304-866-3484 or [marilyn.shoenfeld@gmail.com](mailto:marilyn.shoenfeld@gmail.com)

Notes: Marilyn is not handling reservations. You should call the Inn directly. The innkeeper of the Elk River Inn and Restaurant has sent us the menu. It looks good. We have been there before; the food was as good as it looks.



**Julia Todd, Director,  
Clarksburg-Harrison Public Library**

**The plan to donate Hiking Guides to public libraries continues. Here are the latest ones.**



**Betsy Kocsis, Librarian at the  
Bridgeport Public Library**



**Deborah Starkey, Director,  
Lowe Public Library, Shinnston**



## Climate Change Conference Coming

On Saturday, September 21, 2019, leading experts on the public health effects of global warming and climate change will discuss climate-related mental health impacts, heat wave deaths, respiratory diseases, epidemics, flooding, and more in a free public workshop program in Morgantown, West Virginia titled "Climate Change and Public Health: Addressing the Growing Crisis."

The program will be held from 9:30 AM to 4:00 PM, at the West Virginia University College of Law Event Hall in Morgantown, WV. Registration is free and includes a buffet luncheon at 12:00 noon. To register, visit <https://saveblackwater.org/west-virginia-center-on-climate-change/climate-change-and-public-health>. Continuing Education credits for certified public health professionals (5 CPH-CE hours) are available.

The program is organized by the West Virginia University College of Law Center for Energy and Sustainable Development and the West Virginia Center on Climate Change, cooperating with the Mid-Atlantic Regional Public Health Training Center. For more information, contact Logan Thorne, Director of the Center at 304-657-5455 or [logan.thorne.LT@gmail.com](mailto:logan.thorne.LT@gmail.com).

"In approaching Global Climate Change, we need to go beyond sorting out the economic and political winners and losers," said Dr. Bernard Goldstein, keynote presenter. "In our country, as in the rest of the world, the health impact of Global Climate Change will fall particularly on children, the elderly, those with pre-existing health conditions, and those without the resources to adequately protect themselves from the forthcoming changes. We need to apply to Global Climate Change the old public health adage of "an ounce of prevention is worth a pound of cure". In public health practice we distinguish between primary prevention, in which the potential health risk is completely avoided, and secondary prevention in which early detection leads to lessening the impact of the continuing risk. For Global Climate Change we need both."

The current list of scheduled speakers includes Keynote Presenter, Dr. Bernard D. Goldstein, M.D., Professor Emeritus of Environmental and Occupational Health, and former Dean of the University of Pittsburgh Graduate School of Public Health; Dr. Lise Van Susteren, M.D., Board Certified General and Forensic Psychiatrist, Washington, DC, Former Assistant Clinical Professor of Psychiatry, Georgetown University Department of Psychiatry; Dr. Susan Clayton, Ph.D., Whitmore-Williams Professor of Psychology and Chair of Environmental Studies, College of Wooster, Fellow, American Psychological Association; Dr. Daniel Barnett, M.D., M.P.H., Associate Professor, Department of Environmental Health & Engineering, Johns Hopkins Bloomberg School of Public Health; Dr. Luann Brink, Ph.D., Chief Epidemiologist, Allegheny County (PA) Health Department; Patrice Tomcik, Project Manager, Moms Clean Air Force; Ashley Ward, Ph.D., Senior Policy Associate, Nicholas Institute for Environmental Policy Solutions, Duke University; Dr. Nicolas Zegre, Ph.D., Associate Professor of Hydrology, WVU, Director, WVU Mountain Hydrology Laboratory; Shana Udvardy, Climate Resilience Analyst, Climate & Energy Program, Union of Concerned Scientists; and Dr. Robert Duval, Ph.D., Professor of Health Policy, Management, and Leadership, WVU School of Public Health.

## Roster of Officers, Board Members and Committee Chairs, and Board of Directors

PRESIDENT: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602, [larryvthomas@aol.com](mailto:larryvthomas@aol.com)  
 SENIOR VICE PRESIDENT: Marilyn Shoenfeld, 167 Balsam Way, Davis, WV 26260, (304) 866-3484, [marilyn.shoenfeld@gmail.com](mailto:marilyn.shoenfeld@gmail.com)  
 VICE PRESIDENT FOR STATE AFFAIRS: Frank Young, 33 Carnian Ford Road, Ripley, WV 25271, (304)372-3945, [fyoung@mountain.net](mailto:fyoung@mountain.net)  
 SECRETARY: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304) 291-8305, [johnmcferrin@aol.com](mailto:johnmcferrin@aol.com)  
 TREASURER: Bob Marshall, 2108 Emma Road, Kenna, WV 25248, (304)545-6817, [woodhavenwva@aim.com](mailto:woodhavenwva@aim.com)  
 PAST PRESIDENT: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168, (304) 586-4135, [cdellis@wildblue.net](mailto:cdellis@wildblue.net)

DIRECTORS-AT-LARGE (Terms expire October 2020)  
 Jackie Burns [jackie.burns@frontier.com](mailto:jackie.burns@frontier.com). 304 866 4093  
 Randy Kesling, 116 Farm Meadow Drive, Bridgeport, WV 26330; (304) 622-5982; [rkesling@MA.RR.com](mailto:rkesling@MA.RR.com)  
 Kent Karriker, 344 Harpertown Road, Elkins, WV 26241 (304) 636-8651, [bykarriker@suddenlink.net](mailto:bykarriker@suddenlink.net)  
 Patrica Gundrum, Charleston, WV [gundrum2@gmail.com](mailto:gundrum2@gmail.com)  
 Jim Van Gundy, 210 Buffalo Street, Elkins, WV 26241, (304) 636-4736, [jvg01@gmail.com](mailto:jvg01@gmail.com)

DIRECTORS-AT-LARGE (Terms expire October 2019)  
 George Hack; 510 HANNA RD; Bel Air, MD 21014; 443 742-0463 [george.hack@db.com](mailto:george.hack@db.com)  
 Rick Webb, 481 Ravens Run Road, Monterey, VA 24465, (540) 468-2881, [rwebb@virginia.edu](mailto:rwebb@virginia.edu)  
 Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, [hugh.rogers@gmail.com](mailto:hugh.rogers@gmail.com)

DIRECTOR EMERITUS: George E. Beetham Jr., 2819 Mt. Carmel Avenue, Glenside, PA 19038, (267) 252-3748, [geobeet@hotmail.com](mailto:geobeet@hotmail.com)

ORGANIZATIONAL DIRECTORS  
 WEST VIRGINIA CAVE CONSERVANCY: Randy Rumer; 295 Caraway Lane Renick, WV 24966; (304) 497-2657; [rrumer@frontiernet.net](mailto:rrumer@frontiernet.net)  
 PITTSBURGH CLIMBERS: Buff Rodman, 32 Crystal Drive, Oakmont, PA 15139, (412) 828-8983, [buffrodman@hotmail.com](mailto:buffrodman@hotmail.com)  
 BROOKS BIRD CLUB: Cynthia D. Ellis, 3114 Steel Ridge Road, Red House, WV 25168, (304) 586-4135, [cdellis@wildblue.net](mailto:cdellis@wildblue.net)  
 WEST VIRGINIA RIVERS COALITION: Turner Sharp, Box 4751, Parkersburg, WV 26104 [Tsharp@suddenlink.net](mailto:Tsharp@suddenlink.net)  
 MOUNTAINEER CHAPTER TROUT UNLIMITED Randy Kesling, 116 Farm Meadow Drive, Bridgeport, WV 26330; (304) 622-5982; [rkesling@MA.RR.com](mailto:rkesling@MA.RR.com)  
 FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304) 924-5802, [clrank2@gmail.com](mailto:clrank2@gmail.com)  
 TEAM (Taylor Environmental Advocacy Membership): Beth Baldwin, 222 Westwood Ave Bridgeport, WV 26330; [elbrn6e21@msn.com](mailto:elbrn6e21@msn.com)  
 ALLEGHENY HIGHLANDS ALLIANCE: Dr. Wayne C. Spiggle, 3987 Knobley Road, Keyser, WV 26762, 304-726-4868, [wspiggle@mac.com](mailto:wspiggle@mac.com)  
 SHAVERS FORK COALITION: Jeff Witten, President, PO Box 2777, Elkins, WV 26241, (304) 362-5330, [shaversforkcoalition@gmail.com](mailto:shaversforkcoalition@gmail.com)

COMMITTEE CHAIRS  
 EXTRACTIVE INDUSTRIES COMMITTEE: Cindy Rank, 4401 Eden Road, Rock Cave, WV 26234, (304) 924-5802, [clrank2@gmail.com](mailto:clrank2@gmail.com)  
 PUBLIC LANDS MANAGEMENT COMMITTEE: Kent Karriker, 344 Harpertown Road, Elkins, WV 26241 (304) 636-8651, [bykarriker@suddenlink.net](mailto:bykarriker@suddenlink.net)  
 RENEWABLE ENERGY COMMITTEE: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602, [larryvthomas@aol.com](mailto:larryvthomas@aol.com)  
 LEGISLATIVE COMMITTEE: Frank Young, 33 Carnian Ford Road, Ripley, WV 25271, (304) 372-3945, [fyoung@mountain.net](mailto:fyoung@mountain.net)  
 ENDOWMENT FUND COMMITTEE: Larry Thomas, P.O. Box 194, Circleville, WV 26804, (304) 567-2602, [larryvthomas@aol.com](mailto:larryvthomas@aol.com)  
 RIVERS COMMITTEE: Vacant  
 HIGHWAYS COMMITTEE: Hugh Rogers, 531 Moon Run Road, Kerens, WV 26276, (304) 636-2662, [hugh.rogers@gmail.com](mailto:hugh.rogers@gmail.com)

MISCELLANEOUS OFFICES  
 WEB PAGE – DIGITAL PUBLISHING: Dan Radmacher, (540) 798-6683, [dan.radmacher@writingleft.com](mailto:dan.radmacher@writingleft.com)

ADMINISTRATIVE OFFICES  
 MEMBERSHIP SECRETARY: Dave Saville; PO Box 569, Morgantown, WV 26507; [WVHC50@gmail.com](mailto:WVHC50@gmail.com); 304-692-8118

HIGHLANDS VOICE EDITOR: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304) 291-8305, [johnmcferrin@aol.com](mailto:johnmcferrin@aol.com)



## Mon National Forest Hiking Guide

Celebrating the 50th anniversary of the West Virginia Highlands Conservancy, the new edition of the treasured guide to every trail in the Monongahela National Forest features brand-new topographic maps and Kent Mason's gorgeous photos, all in color.

The Guide has been updated with the cooperation of National Forest District Rangers and Recreation Specialists to reflect changes in the past ten years:

- \* newly designated wilderness areas
- \* new trails near campgrounds and sites of special significance
- \* a new complex of interconnected trails on Cheat Mountain
- \* rerouted and discontinued trails
- \* ratings for difficulty, scenery, access to water, and much else

The definitive guide to the Mon adds a wealth of information about history, wildlife, and botany; safety, preparation, and weather; horseback and mountain bike riding and cross-country skiing; as well as sources of further information on the Forest and its environs.

The Monongahela National Forest has long been known as a 'Special Place'. The hiking, backpacking, and cross-country skiing opportunities it provides are among the best in the eastern U.S. New wilderness and backcountry trails have been added to the outstanding areas we have appreciated for decades – Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Wilderness -- and there are lesser-known gems to be found in between.

Profits from the sale of these guides support a wide variety of worthy environmental projects for the West Virginia Highlands Conservancy.

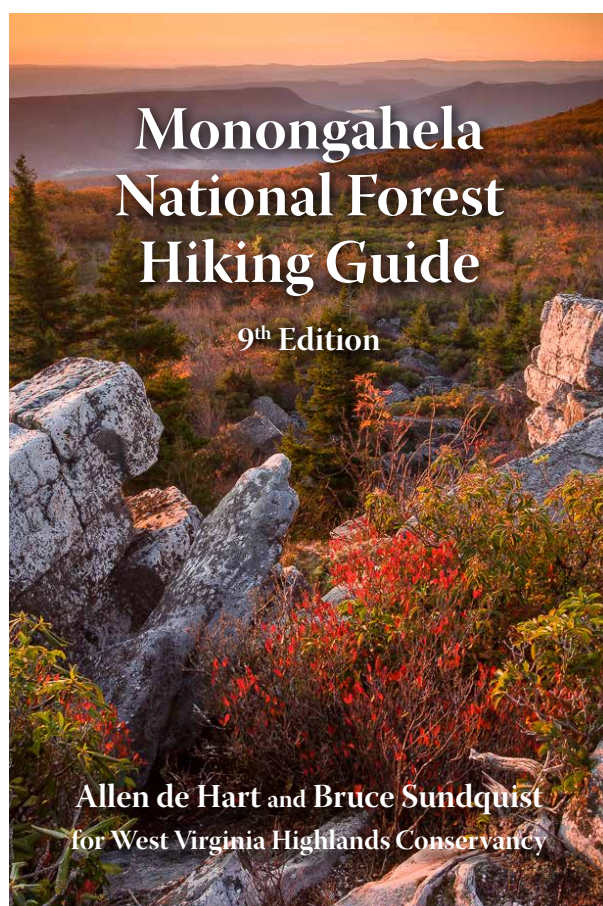
**Send \$18.95 plus \$3.00 shipping to:  
West Virginia Highlands Conservancy**

**P.O. Box 306**

**Charleston, WV 25321**

**OR**

**Order from our website at  
[www.wvhighlands.org](http://www.wvhighlands.org)**



### 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 Dave Saville at [WVHC50@gmail.com](mailto:WVHC50@gmail.com). With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived. The electronic Voice is in color rather than in black and white as the paper version is.

### BUMPER STICKERS

To get free *I ♥ Mountains* bumper sticker(s), send a SASE to P. O. Box 306, Charleston, WV 25321. 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 us know which (or both) you want.

# Conservancy Provides Scoping Comments on Forest Service's Proposed Greenbrier Southeast Project

By Kent Karriker

The Forest Service has proposed a new vegetation management project for a portion of the Monongahela National Forest called the Greenbrier Southeast project area. This project area is a 16,888-acre portion of the Greenbrier District. It is located approximately 2 miles east of Bartow, WV, in Pocahontas County. The project area covers part of the Headwaters of the East Fork Greenbrier watershed, in which the Forest Service has previously conducted extensive watershed and aquatic habitat restoration for the benefit of brook trout and other cold water species.

The Greenbrier Southeast project would focus on creating young forest habitat through the use of even-aged timber harvesting (popularly known as clear cutting). Such management is needed to meet Forest Plan objectives for the area, which include age class diversity, sustainable timber production, habitat for wildlife species that prefer early successional habitat, and long-term sustainable mast production (most mast-producing tree species require disturbance to regenerate). The project would also pursue a variety of other objectives:

- Pre-commercial timber stand improvement and wildlife habitat improvement in existing young forest stands. Basically, this activity would thin young stands to favor trees that are preferred for wildlife habitat and timber production.
- Site preparation in stands to be harvested to ensure that the stands regenerate to desirable timber and mast-producing tree species. Site preparation would involve a one-time use of herbicides to control over-abundant competing species, such as ferns, striped maple, and beech brush.
- Control non-native invasive plant species that threaten to spread in the areas of activity.
- Create additional areas of early successional wildlife habitat, such as savannas and cutback borders around timber harvest units.
- Construct approximately 8 miles of roads to facilitate management activities.
- Use prescribed fire to restore oak-dominated habitats that are slowly

converting to non-oak species due to decades of fire suppression.

- Restore red spruce in key locations where evidence suggests the landscape was part of the historic range. This would include planting red spruce or white pine in areas where hemlocks are being killed by the hemlock wooly adelgid.
- Conduct additional watershed and aquatic habitat restoration activities, including decommissioning unneeded old roads, adding large woody material to stream channel and riparian habitats, and planting trees in open riparian areas to provide shade.
- Develop the site of the former Smoke Camp Knob fire tower to include historic interpretation, dispersed camp sites, access road upgrades, and additional parking.
- Various enhancements to the visitor experience at the Allegheny Battlefield historic site.
- Provide dispersed camping opportunities above Lake Buffalo.
- Rehabilitate the historic Max Rothkugel plantation of Norway spruce and European larch. The Rothkugel plantation was one of the first attempts by trained foresters to re-forest cut-over areas in the eastern United States.

For more information on the proposed project, see the scoping notice that is posted on the Monongahela National Forest website: <https://www.fs.usda.gov/project/?project=55797>

The project's initial scoping period was just completed. Scoping is a process whereby the Forest Service solicits early public input on a proposed project. At this stage the project has not been fully designed; rather, the agency outlines goals and objectives for the project area, identifies ways in which those goals and objectives currently are not being met, and proposes to use certain activities to meet the goals and objectives. The scoping process serves to identify potential issues and concerns that the public may have, as well as to crowd-source ideas that the public has about ways to manage the project area. Participation in scoping is a great way for stakeholders to influence the early development of a project, and, hopefully, deal with issues before the

agency has invested a great deal of time and effort in the design of the project.

In our scoping comments we noted that the Forest Service appears to have correctly identified the management needs for the project area. We agreed that the activities that the agency has proposed are appropriate for meeting the desired conditions that are specified for the area by the Forest's Land and Resource Management Plan ("Forest Plan").

We recognize that the Conservancy's membership might hold a variety of opinions about timber harvesting and other forest management practices in the abstract. However, in the context of this project area, those proposed activities are in accordance with the management direction laid out in the Forest Plan, and therefore are appropriate for the agency to pursue.

Despite our overall agreement with the proposed project, we did raise several concerns. These concerns deal primarily with making sure that sensitive environmental resources are protected from adverse impacts.

- We expressed particular concern about the need to ensure that the proposed activities do not essentially "un-do" the good watershed restoration work that the Forest Service has already done in the area. Important components of watershed protection that we felt needed more attention include decommissioning skid roads after use, constructing new roads only to the extent that they are needed to replace existing bad roads, following Forest Plan limits on amounts of harvest activity, avoiding ground-based harvest activity on steep slopes, and protecting stream channel buffers from all activities (including early successional wildlife habitat enhancement).
- We asked the Forest Service not to refer to clearcutting as "ecological restoration." Although we agree that clearcutting is an appropriate technique for meeting the Forest Plan's management objectives, even-aged timber management would not restore the ecosystem to its natural condition.

**More on the next page)**



# Four Coal, Chemical Companies Sued for Clean Water Act Violations

By Kate Mishkin

One of Gov. Jim Justice's family mines is violating the Clean Water Act and Surface Mining Control and Reclamation Act, a coalition of environmental groups said in a lawsuit filed Tuesday.

The lawsuit, filed against Bluestone Coal Corporation, says the company is discharging pollutants into water near the Red Fox Surface Mine in McDowell County, violating federal water quality and surface mining laws. Specifically, the company is accused of discharging too much iron, selenium and aluminum.

"As a result, the environmental, aesthetic, and recreational interests of these members are adversely affected by Bluestone's excessive discharge of pollutants," the lawsuit against the Justice family's Bluestone Coal Corporation and filed U.S. District Court for the Southern District of West Virginia, says.

The suit comes almost two months after the company was first warned by the environmental groups that Red Fox Mine was repeatedly violating the Clean Water Act and its state Department of Environmental Protection permit. Red Fox Mine was also violating the federal Surface Mining Control and Reclamation Act, state Surface Coal Mining and Reclamation Act and state mining permit, [the letter, dated June 4, said.](#)

The groups warned that the company had 60 days to stop violating those permits,

or else they'd bring a citizen lawsuit against Bluestone.

Over the next 60 days, the U.S. Environmental Protection Agency, Office of Surface Mine Reclamation and Enforcement and West Virginia Department of Environmental Protection didn't do anything about the violations or penalize the company, the lawsuit states.

The environmental groups also warned other companies, including Consol and Murray American Energy, that they were also violating the Clean Water Act and Surface Mining Control and Reclamation Act. Tuesday, the group sued Lexington Coal, Dana Mining Company, Eagle Natrium and Bluestone Coal, all for Clean Water Act violations in West Virginia's rivers.

"For too long, coal companies have done business at the expense of clean water and the health and well-being of people living near mines," Erin Savage, central Appalachian program manager said in a statement. "We're ensuring that coal companies are held accountable for the water they pollute, so that they cannot leave the problem behind for local communities."

The governor's office directed questions to a spokesman for the company.

"This is a frivolous lawsuit brought by activist organizations who ultimately want to close West Virginia coal mines and put miners out of work," a spokesman for

Bluestone said Tuesday evening. "Bluestone has been operating under a EPA Consent decree since 2016, is in compliance under the terms set out in the decree and is proud to support dozens of jobs at the Red Fox mine."

The Department of Environmental Protection did not respond to requests for comment.

The groups are asking that Bluestone pay a civil penalty of up to \$54,800 per day for each Clean Water Act violation, comply with its permits and that the court grant an injunction that would prevent Bluestone from continuing to operate the mines and violate its permits.

**Notes: This story originally appeared in *The Charleston Gazette*. This is the same controversy that was reported on in the July, 2019, issue of *The Highlands Voice*. That story said that the West Virginia Highlands Conservancy had joined in a notice to the companies that they were violating the Clean Water Act and that, if they did not fix things, the groups would sue. Sharp eyed readers may notice that the list of companies in the July story includes more companies than this story says were sued. For the others in the July story, there may be details to be finalized or discussions going on. These are just the first, but not the last, to be filed as official complaints.**

## More about the Greenbrier South Project (Continued from previous page)

- We emphasized the need to require all logging and construction equipment to show up clean so that the equipment does not spread non-native invasive species.
- We expressed concern over the potential impacts on wildlife habitat of broadcast herbicide applications to control large areas of ferns.
- We asked the Forest Service to ensure that fire line management does not result in cutting up large woody material in stream channels and riparian areas.
- We noted the need for red spruce restoration activities to leave the tree canopy intact.
- We asked that the Forest Service share information on any specific proposed activity units that they have already developed.
- We asked for information on the process of delineating suitable habitat for the West Virginia northern flying squirrel, and we noted the need for all even-aged timber harvest and similar cutting activities to completely avoid suitable habitat for this species.

Now that the scoping period is over, the Forest Service will be using the input they received to help them finish designing the proposed project. The next formal opportunity for public involvement will be the release of the draft Environmental Assessment for a 30-day notice and comment period. However, we are hopeful that the Forest Service will respond to our informal information requests prior to the formal notice and comment period, so that we can continue the process of addressing potential issues before the agency reaches "crunch time" at the end of the formal process.

## 2,700+ Towers Update Lighting Systems, Saving Migratory Birds and Expenses

Over the past two years, thousands of communications tower operators have updated their lighting systems by turning off steady-burning (L-810) side-marker lights that attract birds and cause millions to die from collisions each year. (Flashing lights remain atop these towers, ensuring aviation safety.) Since 2016, more than 2,700 of about 13,900 tall towers have made this change, stemming from December 2015 guidelines by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) pertaining to towers over 350 feet in height and their impact on aviation safety and birdlife.

“Every year in the United States, approximately 7 million migratory birds collide with tall communications towers and die,” said Steve Holmer, American Bird Conservancy’s (ABC’s) Vice President of Policy. “These birds, namely migratory species such as Yellow-billed Cuckoos and Blackpoll Warblers, are attracted to and disoriented by the steady-burning red lights on towers. Simply turning off the lights can reduce a tower’s rate of bird mortality by as much as 70 percent and save the tower operators money.”



Following a 2012 FAA report confirming that turning off the steady-burning lights maintains aviation safety, the FAA and FCC have since created a simple process for tower operators to request and receive official permission to adjust their

current lighting systems. Operators are now increasingly taking these steps to reduce electricity and other tower operating costs, as well as to protect migratory birds.

Robert Davis, who works for the city of Savannah, Georgia, commented on the tower lighting change his team embraced eight months ago: “We sought and received approval from the FCC and FAA to turn off our waist (side-burning) lights on our 400-foot radio tower.... The FCC and FAA seemed to be aware of the program and were very cooperative and responsive to our request to discontinue the lights.”

“American Bird Conservancy commends tower operators who have turned off their steady-burning lights,” says Holmer. “Thanks to their individual efforts, hundreds of thousands of migratory birds are now being saved each year as a result.”

ABC will be diligently working this summer to help U.S. tower operators embrace lighting adjustments on the remaining 11,228 towers that have yet to make the change.

**Editor’s note: This is a press release from the American Bird Conservancy. Why am I telling you about this? It is not about the West Virginia Highlands Conservancy and is not an issue that we have ever worked on. It is just a reminder that things do get better. The Voice has a lot of stories about environmental problems--protections being rolled back or widespread non-compliance with the Clean Water Act. Here is something good that is happening, a step forward. There was a problem; somebody took a simple step. Now it is better. It’s not perfect but it’s better. “So it goes like it goes and the river flows and time it rolls right on And maybe what’s good gets a little bit better And maybe what’s bad gets gone” (From *It Goes Like It Goes* by David Shire and Norman Gimbel)**

### Annual Membership Meeting!

Among the activities that will take place during the West Virginia Highlands Conservancy Fall Review are the Annual Membership Meeting and the quarterly Board meeting. The Annual Membership Meeting will be held at 9:30 AM on Sunday, October 20th at the location indicated for the WVHC fall review. The Board meeting will follow immediately afterward.

The main item of business at the Annual Membership Meeting will be the election of at large board members. There will be no officers elected at this year’s Annual Meeting. Officers serve two year terms and are elected in even-numbered years.

We have a nominating committee: Frank Young, Cindy Ellis and Randy Kesling. If you wish to suggest someone, or volunteer yourself, for the Board, please contact one of the members of the committee. Contact information is on page 14. Nominations will also be taken from the floor at the Annual Meeting.

The Directors-at-Large, who shall be individual members of the Conservancy, shall be elected by the members of the conservancy to terms of two years, more or less, to coincide with the annual meeting.

The Annual Meeting also offers a time when any member may bring anything to the attention of the Board and the membership. If there is anything you would like to bring to the attention of the membership, this is a time to do it.

The Board Meeting immediately follows the Annual Meeting. All Conservancy members are welcome at the Board meeting. Although they are not allowed to vote or make motions, they are welcome to participate in the discussion.

Meanwhile, over in North Carolina

## North Carolina Citizens Try New Approach in Opposing Atlantic Coast Pipeline

Citizen groups in North Carolina are trying a new tactic in their opposition to the Atlantic Coast Pipeline. They contend that conditions have changed so that North Carolina must now reconsider its 401 Certification.

Activities such as filling a stream or a wetland, crossing a stream or a wetland, etc. require a permit under the Clean Water Act. For the Atlantic Coast Pipeline, such a permit would be issued by the United States Army Corps of Engineers.

Approval by the Corps of Engineers is not, however, the final approval. In addition to the permit, before a project may go ahead the state where it is located must determine that there is “reasonable assurance” that the project will not cause a violation of state water quality standards. The goal is to assure that, even though federal authorities approve a project, state authorities have a chance to make sure that local water quality standards are not violated. This approval is referred to as a “401 Certification”, named for the section of the federal Clean Water Act which requires it.

North Carolina had previously issued a 401 Certification for the Atlantic Coast Pipeline. Now North Carolina environmental advocates have filed a petition seeking to revoke the Certification. They can do this because North Carolina has a rule which allows state officials to cancel the certificate if the conditions around its approval change, or if the information justifying it turns out to be wrong. The petitioners say that the Certification should be revoked because the developers underestimated its environmental effect, especially in Robeson County.

Home to the Lumbee Tribe, the largest community of Native Americans east of the Mississippi, Robeson is one of the most racially diverse rural counties in the U.S. It is one of several along the pipeline route that has more people of color and Native Americans than the state as a whole.

Nearly all of the county’s streams and wetlands, part of some 300 in the state crossed by the pipeline, drain into the Lumber River, a slow-moving stream that’s been the center of Lumbee culture for millennia.

Robeson is also one of the nation’s poorest counties, with public health threats, rising poverty rates and an affordable housing crisis all exacerbated by two recent hurricanes. And the county is already home to two existing gas projects: a smaller pipeline and a compressor station.

Duke and Dominion didn’t account for the environmental impact of these two existing facilities combined with a new compressor station and new connecting pipeline. Plus, petitioners say, the companies didn’t calculate damage from five other projects it claims are related to the project, including a liquified natural gas storage facility and a possible extension into South Carolina.

**Note: Much of the information for this article came from an article by Elizabeth Ouzts for the *Energy News Network*.**

## Songbirds Helping Spread Hemlock Wooly Adelgid

Hemlock wooly adelgid, a tiny insect pest, was discovered in the western United States in the 1920s and was first observed in the East in the early 1950s near Richmond, Virginia, perhaps having traveled on nursery plants from Japan. The hemlock wooly adelgid is a serious invasive in the East and it now can be found at least from Georgia to southern Nova Scotia. The tiny aphid-like insect that threatens the health and sustainability of eastern and Carolina hemlock is smaller than a ladybug. Small, white, cottony



**Hemlock wooly adelgid**

sacs at the base of the hemlock needles usually indicate the insects’ presence. But sap-sucking adults can assault entire hemlock stands. As Hemlock health declines, tree mortality usually occurs within four to ten years.

The main vectors aiding the spread of hemlock wooly adelgid are storm winds, nursery trees, and firewood. Migratory birds, which assist hitchhiking adelgids are thought to be long

distance transporters. A recent article in *Biological Invasions* by four Connecticut researchers strengthened the migrant-bird premise.

Of 456 captured birds, examined with the aid of small jets of compressed air, 40 individuals of 22 species carried adelgid crawlers, the flightless nymph phase of the adelgid. The bird species included hemlock-loving black-throated green warblers and blue-headed vireos.

This confirmation raises the stakes. Avian-assisted travel could mean much faster spreading adelgids and, significantly, crawlers are at peak abundance during active spring migration. Moreover, temperatures are warming and more adelgid eggs are surviving the winters.

The migration pattern of songbirds, particularly those that favor hemlock habitat, may help to detect at least early-spreading populations of adelgids

**This was originally published in a “Quick Takes” column by Paul J. Baicich in *Bird Watcher’s Digest* Vol. 41, No. 6, July/August 2019.**



# HIGHLANDS CONSERVANCY BOUTIQUE



- The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is “I ♥ Mountains Save One for Me!” Onesie [18 mo.]---\$25, Infant tee [18 mo.]---\$20, Toddler tee, 2T,3T,4T, 5/6---\$20
- Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes S-XL [Shirts run large for stated size.] \$ 25.00, 2XL \$26.50

To order by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Online Store, PO Box 306, Charleston, WV 25321-0306

The same items are also available at our on-line store: [www.wvhighlands.org](http://www.wvhighlands.org)

## 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 \$18 by mail; **long sleeve** is \$22. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Online Store, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



## HATS FOR SALE

We have West Virginia Highlands Conservancy baseball style caps for sale as well as I ♥ Mountains caps.

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

The I ♥ Mountains The colors are stone, black and red.. The front of the cap has ♥ 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 \$20 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306