



The Highlands Voice

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

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Atlantic Coast Pipeline in the Rearview Mirror

By Lewis Freeman, Executive Director, Allegheny-Blue Ridge Alliance

Dominion Energy and Duke Energy, partners in the Atlantic Coast Pipeline (ACP) project, announced on July 5 that they had decided not to proceed with the project. In a joint statement, the companies said: “This was a necessary decision given the legal uncertainties facing the project, and we deeply regret that we were unable to complete this project.”

The timing of the announcement was a shock to most, particularly since the owners of the project had won an important Supreme Court decision 3 weeks before that. But, the Dominion/Duke announcement was not a complete surprise. In March 2019 Duke CEO Lynn Good conceded in an interview with Bloomberg Television there was a possibility that the project might not be completed and that if that were the case Duke would need a “Plan B.” According to a recent post-mortem article in the Charlotte (NC) Business Journal about the ACP cancellation, consideration about abandoning the project began as long ago as late last year.

Construction status of the ACP at the time of cancellation

Construction on the ACP had been suspended in December 2018 due the project losing its permit from the U.S. Fish and

Wildlife Service (Biological Opinion and Incidental Take Statement, as required by the Endangered Species Act). At the time of the ACP cancellation announcement, only 72 miles (less than 12%) of the 600-mile route had been under construction), half of it in West Virginia and half in North Carolina. No construction was ever initiated in Virginia. In addition to the 72 miles of construction activity, trees had been felled along an additional 169 miles of the route.

Reasons behind the decision to cancel the ACP

There were many factors that contributed to the companies’ decision to pull the plug on the ACP. Among them were:

- Delays and cost overruns – The ACP was significantly behind schedule and projected costs were twice what had originally been announced. When initially proposed in May 2014 by Dominion as the Southeast Reliability Project (it was renamed the ACP in September 2014 when Duke Energy became a partner), the pipeline was to have cost \$4 billion and been completed by the end of 2018.

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Thoughts from our President

By Larry Thomas

July has been an exciting month for the West Virginia highlands and various projects that WVHC has been working on for so long. As we say on our web page we are “Preserving West Virginia for future generations”. Thanks to the continued support of our membership we are able to continue to promote, encourage and work for the conservation, appreciation, and ecologic integrity of the natural mountain landscape of West Virginia continually working for the cultural, social, educational, physical health, spiritual and economic benefit of present and future generations of residents and visitors alike.

Atlantic Coast Pipeline (ACP)

In a very surprising joint statement, on July 5, Dominion Energy and Duke Energy announced that they had decided not to proceed with the Atlantic Coast Pipeline project. Since 2014, WVHC has been a member and funder of “The Allegheny-Blue Ridge Alliance (ABRA), a coalition of over 50 organizations in West Virginia and Virginia that was formed to oppose the ACP. From the start, ABRA has contended that the ACP was not needed to meet the future energy needs of their customers, stating that it presented threats to the environment and the safety and prosperity of the communities through which it would have been built, therefore not justifying the project.

As stated above the July Voice article from the Southern Environmental Law Center “**It ain’t over ‘til it’s over**”. See the article “ACP in the Rearview Mirror and the Road Ahead” By Lewis Freeman, Executive Director of ABRA in which he explains reasons for the decision and what is required in the future. I predict there is a long road ahead before all of the required restoration is completed and the ACP finally goes away.

Land and Water Conservation Fund and the Great American Outdoors Act

Headlines from a July 22 National Parks Conservation Association blog stated “**A Conservationist’s Dream: Congress Passes Great American Outdoors Act**” The House of Representatives passed the Great American Outdoors Act, a bill that authorizes billions in funding for the much needed deferred maintenance backlog plaguing our nation’s public lands and permanent funding for the Land and Water Conservation Fund (LWCF). The bill fulfills a 1964 bipartisan commitment to safeguard our natural areas, water resources and cultural heritage, and provides recreation opportunities to all Americans. The bill has now been sent to the White House where President Trump, who tweeted his support and called on Congress to pass the bill, is expected to sign the bill into law.

As reported in prior Highlands Voice articles, WVHC, as a part of the West Virginians for Public Lands (WVPL) has been working with other groups, since long before the fund was allowed to expire on September 30, 2019, to convince Congress to permanently authorize and permanently fund LWCF. It is wonderful to see that the hard work come to fruition.

Bluestone Coal Company and its Red Fox Mine in McDowell County

July 27, the federal district court for the Southern District of West Virginia ruled that the Justice Group’s Red Fox coal mine was liable for more than 3,000 Clean Water Act violations.

This has been another long-fought battle by WVHC and partners with a sought-after conclusion. Certainly not all of them end that way. See the article “Bluestone Coal sings the blues” by Cindy Rank, Board Member and Chairman of the Extractive Industries Committee explaining the long process, the complaint and where it goes from here.

Allegheny-Blue Ridge Alliance and the Conservation Hub Program

In last months “Voice”, I talked about ABRA’s Construction Surveillance Initiative and Conservation Hub Programs. Lew’s article talks about the future plans for ABRA with respect to the ACP, the MVP and the developing Conservation Hub Program. Aggressive teamwork, from the beginning, has paid off and will continue to do so long into the future of protecting our highlands.

Monongahela National Forest Project Reviews

The WVHC Public Lands Committee continues to review current projects in the Mon and will continue to do so. As reported last month, the committee and other organizations are aware of another project called the Gauley Healthy Forest Restoration Project. The project is adjacent to, and east of Richwood and extends eastward to the Cranberry Mountain Nature Center.

<https://www.fs.usda.gov/project/?project=57335&exp=overview>

The Forest Service is planning to categorically exclude this project from the usual NEPA document, which means no public comment, so little or no information has been forthcoming about the project. The committee and other organizations are frustrated, after numerous attempts failed attempts to get information to review about the project. They will continue the efforts.

Again, I want to say to everyone please stay safe during this coronavirus situation which seems to be escalating. In the past months, the coronavirus has turned our world into a most unusual place. We really need to follow the precautions recommended by the Centers for Disease Control and Prevention along with local health and other safety guidance. I continue to see many individuals traveling to the mountains. I assume they want to get out and away from it all, as is now being recommended. Maybe I will see you on the mountains.

Atlantic Coast Pipeline in rearview mirror (Continued from p. 1)

- Changed market conditions – The original cited need for the ACP was to provide natural gas for new power plants. 80% of the gas that would have been carried by the ACP was earmarked for such plants. Since 2014, market conditions for natural gas have dramatically changed and numerous new plants that were planned were cancelled. Further, the overall demand for natural gas diminished considerably in the intervening years, creating a supply glut.
- The loss of 8 key permits – In addition to losing its permit from the U.S. Fish and Wildlife Service, the ACP had lost court challenges that vacated permits from the U.S. Forest Service, U.S. Park Service, four districts of the Army Corps of Engineers and the air permit for a compressor station in Buckingham County, VA. As the Dominion/Duke joint statement noted, there was ongoing uncertainty as to when and if all the necessary permits would be restored. This is despite the companies' successful appeal to the U.S. Supreme Court on one issue involving the Forest Service permit: the ability to cross the Appalachian Trail.

Contributions of ABRA and its members to the cancellation of the ACP

The circumstances that contributed to the cancellation decision for the ACP didn't occur in a vacuum. The efforts over the last six years of ABRA and its member organizations, including West Virginia Highlands Conservancy, and many allied groups helped shape circumstance.

- The numerous successful legal challenges that delayed the project were brought by two law firms that are ABRA members – Southern Environmental Law Center (SELC) and Appalachian Mountain Advocates (Appalmad) – on behalf of client groups that were primarily member organizations of ABRA and in conjunction with several allied organizations, in particular the Chesapeake Bay Foundation. The Sierra Club and the Natural Resources Defense Council, both ABRA members, provided important legal assistance.
- ABRA's Compliance Surveillance Initiative (CSI), created in early 2018 as a program to monitor construction activity on

the ACP provided valuable research and intelligence that helped SELC and Appalmad in the legal cases they filed. West Virginia Highlands Conservancy has been among those groups providing strong financial support for the CSI program.

- The thousands of impacted landowners and volunteers in Virginia and West Virginia who were recruited and organized by ABRA and its member organizations applied critical commentary and public pressure to responsible regulatory agencies, legislators and the media. These combined, coordinated efforts were critical to influencing Dominion and Duke's decision to abandon the ACP project.

And there's more . . .

This is not all there is to say about the Atlantic Coast Pipeline. See pages 5 and 14 for more stories.

Still Hunkered Down

Because the pandemic is ongoing, the West Virginia Highlands Conservancy has cancelled its events.

The quarterly Board meeting set for July was cancelled. Because some of our Board contains some persons of a certain age, we thought it best not to chance it.

We have also cancelled our Fall Review, originally set for October. It was scheduled to include both the regular quarterly Board meeting (blah) as well as speakers and activities (fun). Although we don't know what things will be like in October, it could have the potential as a super-spreader event. Best not to chance it either.

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

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

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

Making Connections

By Cindy Ellis

“Intersectional environmentalism” is a new phrase that recently has gotten some attention.

What is it? **Intersectionality** is the belief that oppressions are interlinked and cannot be solved alone. So, intersectional environmentalism is an **inclusive version of environmentalism that advocates for both the protection of people and the planet**. It identifies the ways in which injustices happening to marginalized communities and the earth are interconnected. Some add “environmental justice” to the mix and remind it is the intersection of both social justice and environmentalism, where the inequity in environmental degradation is also considered.

New ideas deserve examination, and current events encourage that.

To begin, here are some comments to consider by Teresa Baker, a hiker instrumental in movements such as “African American National Parks Event” and “Hike Like a Girl”:

“People ask me why I turn the conversation about the outdoors into a conversation about race. Why can’t a nature essay just be a nature essay? The answer is simple. There are boundaries on communities of color, boundaries that we’re now working diligently to erase. It’s hard to convince someone they belong in a place that they’ve historically been excluded from. That’s why I talk about equity, diversity, and inclusion with such ferocity and consistency—not to divide a country more than it already is, but to bridge a gap that’s been in place for far too long.

My hope is that one day we can do away with this diversity movement. But until then, let’s work together to be inclusive in empowering the next generation of environmentalists. Let’s do it so our kids can connect with their land, learn their purpose, and redefine their own ‘wild spaces’.”

It is not difficult to use her notion of boundaries for our own place and our struggles. Our history is replete with examples of our efforts to eliminate exclusions for communities and our Mission Statement lays that out:

“The West Virginia Highlands Conservancy promotes, encourages and works for the conservation – including both preservation and wise management – and an appreciation of the natural resources of West Virginia and the Nation. We focus primarily on the Highlands Region of West Virginia, but our work is for the cultural, social, educational, physical health, spiritual and economic benefit of present and future generations of residents and visitors alike.”

We don’t specify that we want clean water, air, and conserved public lands with access for ALL, but our actions show that we do. We have repeatedly worked against harms in a wide variety of settings and with a broad circle of allies.

My own volunteering with WVHC, in the recent past, did introduce me to a wide circle of new faces. Those new friends, in turn, shared new ideas and more new faces. I learned of Dr. Robert Bullard, “The Father of Environmental Justice”, whose work has extended to Institute, WV, and of the Rev. Dr. William Barber, founder of Moral Mondays and opponent of the Atlantic Coast pipeline.

Through our ally group, the Allegheny Blue Ridge Alliance, I learned of The Virginia Environmental Justice Alliance. Its coordinator, Queen Zakia Shabazz, said, “Climate and energy policy must directly benefit the communities who have borne the greatest

environmental and economic impact of our energy choices. Policies must reduce pollution, help our communities better handle all climate-related disasters and provide equitable access to benefits from public investments in low-carbon goods and services. We can no longer allow executives at powerful utility monopolies to be the only ones in the room when making decisions that impact all of us.”

And here is more food for thought by Natalie Isaacs, founder of One Million Women: “Fighting for climate justice doesn’t mean just protecting nature and the environment. It also means fighting for racial justice and social justice. The wellbeing of the planet and the people on it are interconnected. We cannot strive to repair climate damage without addressing racial injustices and actively working to deconstruct the current ‘way of doing things’ the ‘systems’ that are at work around the world.”

When I think of intersectionality and justice, I recall our own actions. I think of our group work and that by members. I recall those who labored long in writing, research, and lobbying. For lobbying, I know we treasure the work of the West Virginia Environmental Council and the women and men who, though vastly outnumbered, work for the under-represented.

Our 40 Year History book notes that a WVHC president urged, “...where possible try to come up with a plan favored by those living and working in the area...”

I also remember the actions by our group and individual members which have included arrests, planting symbolic corn with indigenous representatives, marches [including 2 commemorating Blair Mountain [in one, 84-year-old Ken Hechler was roughed up] and protests [the one at Marsh Fork Elementary had a SWAT team on the roof]. Folks who align with WVHC seem to root for underdogs.

Those examples can suffice for a beginning. The pandemic we find ourselves in can be a very good time to reflect on history and the future...and on actions and words.



What's Next for the Allegheny-Blue Ridge Alliance

By Lew Freeman

The masthead of the Allegheny-Blue Ridge Alliance states that the organization's mission is: "*Protecting the heritage, resources and economy of the Allegheny-Blue Ridge region.*" ABRA was organized to fight the Atlantic Coast Pipeline and that effort has dominated its activities for the duration of our existence. However, ABRA has never lost sight of the broader mission of promoting the integrity of this very special geographical region of the United States. In keeping with that broader mission, in coming months and beyond, ABRA will be focusing its energies and resources on three initiatives.

- ABRA and its members will closely monitor actions required to be taken to wind down the ACP project, with particular attention to the restoration of the lands that have been disturbed by construction activity. Dominion and Duke have asked the Federal Energy Regulatory Commission for a year to complete that work. Reporting on restoration progress will be made in future issues of our newsletter, *ABRA Update*. When necessary, ABRA will communicate with responsible regulatory agencies to assure that the required restoration is done properly.
- ABRA is assisting those who are still fighting the Mountain Valley Pipeline, including the POWHR (Protect Our Water, Heritage, Rights) coalition and many others. ABRA continues to believe that natural gas pipelines are incompatible with the integrity of the mountain regions of West Virginia and Virginia and that new natural gas pipelines are not needed in the region.
- ABRA is launching in August a new program designed to significantly enhance the capabilities of environmental, conservation and citizen groups to assess impacts of projects in the greater Allegheny-Blue Ridge region and to help assure that the overall environmental integrity of the region is maintained. The program, named the *Conservation Hub*, will employ some of the same technological tools that formed the basis of the ABRA Compliance Surveillance Initiative program that was developed to monitor ACP construction activities

ABRA's Conservation Hub program aims to promote responsible resource management by providing data-focused tools that enhance a project's transparency, strengthen its accountability to permitting and regulatory agencies and facilitate public participation in the evaluation process. It is a regional information and mapping portal, tailored to specific projects within the Hub's principal study area: 26 counties in West Virginia and 26 counties in Virginia. Projects beyond the designated study area will be considered on a case by case basis. ABRA believes this new initiative will be a valuable, long-term asset for the greater conservation community.

The road ahead for the Allegheny-Blue Ridge Alliance will bring new challenges as we endeavor to promote, protect and preserve the incredible natural resource attributes of this region. Notwithstanding our success with the ACP project, we can never take for granted that other projects in the future could undermine the integrity of the region. We must remain ever vigilant.

The West Virginia Highlands Conservancy has been a vital part of ABRA's efforts to date. We look forward to a continued, strengthened partnership in the future.

The Atlantic Coast Pipeline: What's Really at Stake?

By John McFerrin

Looming over the question of the building of the Atlantic Coast Pipeline is the question of the impact of the pipeline on climate change. The decision to build, or not build, this pipeline is a very long term one. An investment of five to eight billion dollars does not pay for itself in a day, or even a year or a decade. To justify the investment, it would have needed to be in use for decades.

Even if natural gas is a useful stepping stone to a future without fossil fuels, do we really want an investment in natural gas infrastructure that will be in use for decades?

Consider the history of the coal industry. Beginning over a century ago, someone invested in the railroads, the tipples, the loading docks that make the coal industry possible. Had they not done that, there would not be a single ton of coal mined in West Virginia today. People have strong opinions about the coal industry, both positively and negatively. Regardless of how one feels about that industry, it is a simple fact that those investments made it possible. They made it possible in 1910; they make it possible today.

The Atlantic Coast Pipeline was a similar investment. Just as the railroads, tipples, and loading docks were a long term commitment to coal, the Atlantic Coast Pipeline is a long term commitment to natural gas. If a movement away from fossil fuels is part of the long term strategy for fighting climate change, is an investment in a pipeline that commits us to natural gas for decades a wise one?

The developers of the Atlantic Coast Pipeline have now decided that they will cancel the project. Although their public statements do not mention climate change, they may have just struck a blow for a more liveable climate in the future.

Mind Boggling Mine Bonding

By Cindy Rank

In the May 2020 issue of *The Highlands Voice* and again in June we talked a lot about chickens coming home to roost, how the bonding program in West Virginia has been inadequate from the get-go when it was first approved in the early 1980s and how it has only gone from bad to worse over the years with WV Department of Environmental Protection (WVDEP) merely tweaking it in response to public pressure and, more often than not, lawsuits.

Well, there's no question that those chickens are quickly flocking to the doors of regulatory agencies all across states where coal mining has been the bread and butter of economies large and small.

Here in WV, as recently as March, WVDEP filed an emergency motion in Kanawha Circuit Court to force the coal company ERP Environmental Fund into receivership. WVDEP documents submitted to support that action clearly indicated that the agency fears the ERP fiasco will lead to the ruination of the bond fund/pool despite a rosier picture painted by a December, 2019 Special Reclamation Advisory Council report.

The Federal Surface Mine Control and Reclamation Act (SMCRA) requires states to "promptly notify the Office of Surface Mining (OSMRE) of any significant events or proposed changes which affect the implementation, administration or enforcement of the approved State program. At a minimum, notification shall be required for...(6) Significant changes in funding or budgeting relative to the approved program."

West Virginia never notified OSMRE of its dire assessment of the Bond fund upon the failure of ERP. In fact, the agency's response to a Notice of Intent to sue (NOI) for its failure to notify OSMRE, it denied that solvency was an issue.

West Virginia Highlands Conservancy (WVHC) Ohio Valley Environmental Coalition and Sierra Club sent the Notice of Intent on May 8th and have followed up with an official Complaint on July 9, 2020 when neither the state or federal agency had diligently pursued actions to address the violations alleged in the notice letter.

Citing not only the recent ERP situation but also several other threatened insolvencies including Murray Energy, Revelation Energy, and Southeastern Land – companies that hold dozens of permits and whose bonds are woefully inadequate to cover the cost of land reclamation and water treatment, our Complaint asserts the current bonding program is in deep doo-doo.

Even the Special Receiver appointed via WVDEP's state court action indicated ERP funds are not sufficient for reclamation needed at their mine sites.

Unfortunately, as ERP abandoned its responsibilities, operation also ceased at several of the company's selenium treatment systems that were installed as a result of court orders we had won in previous lawsuits.

Of course, no one should have the impression that West Virginia is alone in this morass of inadequate bonding programs. There are at least six nearby states that have adopted a pooling system as part of their coal mine bonding programs. And all of these states are experiencing problems similar to that of West Virginia.

An interesting article in the July 24, 2020 issue of the Virginia Mercury describes some of the difficulties that state acknowledged years ago. ([https://www.virginiamercury.com/2020/07/24/coal-is-in-](https://www.virginiamercury.com/2020/07/24/coal-is-in-crisis-can-virginias-pool-bond-system-handle-the-collapse/)

[crisis-can-virginias-pool-bond-system-handle-the-collapse/](https://www.virginiamercury.com/2020/07/24/coal-is-in-crisis-can-virginias-pool-bond-system-handle-the-collapse/))

"The program has sufficient resources to withstand the forfeiture of one or two smaller permits," wrote actuaries in a 2012 report commissioned by Virginia's Department of Mines, Minerals and Energy. "The more significant risk to the Fund is from the exposure to companies with multiple permits and possibly from larger parent companies should they forfeit multiple permits simultaneously."

Favored by the mining industry, the bond pool system allows a company to put up a smaller bond that would partially cover reclamation costs as long as it also paid into a pool of funds that the state could draw from in the event that a mine failed.

"When SMCRA was passed, the system made sense" said Joe Pizarchik, who between 2009 and 2017 served as the longest-running director of the U.S. Office of Surface Mining and Reclamation "we didn't have the consolidation and the huge monolithic companies that we have now." In the Appalachian basin, which has long been home to a patchwork of mines — unlike the larger but less numerous operations found in the West — the bond pool seemed to offer a solution that put less pressure on business while spreading risk out.

Still, said Pizarchik, the longer state governments and regulators delay in grappling with the problem, "the more severe and dangerous it becomes."

"Eventually these bond pools are going to fail," he said. "And when they fail, the state and federal government will probably be sued, and ... then the state will have to come up with the money to complete reclamation."



After a couple of months of chickens, we are altering the image so as to more accurately reflect the current status of West Virginia's Special Reclamation Fund

Water Works

By Cindy Ellis

In 2012, the West Virginia Highlands Conservancy and allies hosted a “Wellness and Water” conference in Morgantown, followed by similar day-long or weekend meetings in Buckhannon in 2013 and in Charleston in 2017. There were many fruitful exchanges of ideas and emotions; attendees were gratified to make friends and feel supported.

Some subtopics of the conferences have now come to be researched by two WVU professors of geography, both with career histories of exploring water issues in diverse locations. Dr. Martina



Dr. Martina Angela Caretta in Africa

Angela Caretta and Dr. Jamie Shinn have conducted studies in Africa and Appalachia. They want to add to what is known about securing water, protecting it, and about recovery from flood waters. And their work also focuses on the roles of women in these matters.

Soon to be published is their accounting of their work in Greenbrier County on floodwater recovery. They note the very helpful presence of faith-based groups as part of their scrutiny of the social effects from disastrous floods, and they hope this

work complements that of others on environmental and economic impacts.

Additionally, in another study, Dr. Caretta made use of interviews of volunteers... many of whom she met through our conferences. In *Ecology and Society*, her interview findings were explained under a title which reads, in part, “the opposed and unpaid work of women water stewards in West Virginia, USA”.

Hurdles faced by women working to improve water quality and access here are documented.

“Almost every interviewee mentioned that their gender has played against them in one instance or another.” Struggles of women lobbyists are shown too. “They lobby for increasing water quality standards, but more often fight against the consistent attempts to lower these standards allegedly geared at attracting extracting industries.”



Dr. Jamie Shinn

Martina Caretta closes this paper with a dedication to the memory of water warrior, April Pierson-Keating of Buckhannon. But the work continues as Shinn and Caretta are now recruiting interviewees of those affected by the proliferation of gas pipelines here. Anyone interested telling of their experiences may arrange an outdoor meeting at their home or nearby; here is contact information~martina.caretta@mail.wvu.edu

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 or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

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.

Join Now !!!

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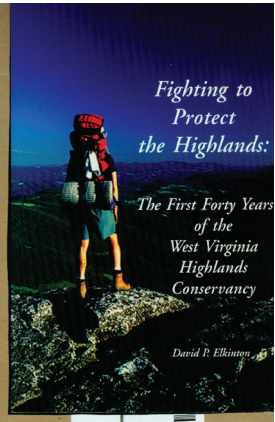
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You may also join on-line at www.wvhighlands.org

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, 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.

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.

Leer Mine Revision Threatens the Tygart

By Cindy Rank

For the past ten years readers of *the Highlands Voice* have seen a multitude of articles about Arch Coal's ICG Tygart Leer mine next to the Tygart Lake and State Park in Taylor County and the impacts of that operation on the water and homes and properties that overlie the 6,000-acre longwall mine. Especially poignant were those forceful but heartbreaking stories by Beth Baldwin who took us on the journey as her family farm was subsided and their home destroyed.

Our reports have been fewer, but the mine hasn't stopped. In the June 2020 issue of the Voice Save the Tygart Watershed Association (STTWA) wrote about three current threats to the Tygart River near Grafton WV. -- One of those threats is the most recent revision/addition to the Leer mine.

Save the Tygart has been a strong ally during the several years of water testing by West Virginia Highlands Conservancy, the local group TEAM (Taylor Environmental Advocacy Membership) and Downstream Strategies. And though our own monitoring efforts are now dormant and the communities within the thousands of acres of land being undermined by Arch Coal are consumed with the immediate personal problems of subsidence, well water impacts, and restoration for damages, Save the Tygart Watershed Association volunteers continue to actively monitor several points downstream of the Leer operation.

As their concerns grow the most recent mine revision #21 is particularly alarming as it threatens to impact Three Fork Creek, a tributary to the Tygart River that STTWA has been actively working -- and successfully - to bring back to life.

In his article in the June Voice, Stan Jennings, President of STTWA, wrote:

"As part of the extension, Arch is proposing to drain the mine by drilling two boreholes ... which will result in a predicted artesian discharge of 3,465 gallons per minute into Three Fork Creek. According to the revision, water chemistry in the existing Leer mine pool is as follows: pH 7.19, Fe 8.44 mg/l, TDS 2156 mg/l, sulfates 902 mg/l, and specific conductance of 3120 umhos/cm.

The company proposes to build two large ponds to treat the discharge from the mine pool. The company also theorizes that treatment will be required for 38 years before the iron concentration will be reduced to 1.5 mg/l. We are very concerned about this very long term treatment proposal, plus the TDS, sulfates, and conductivity levels of the discharge.

Originally the permit called for "first mining" only under Little Sandy Creek and some of its tributaries, but the latest revision completely removes these protections [i.e. potentially causing subsidence and dewatering as well as contamination of the streams]. We requested an informal conference and over 40 people attended, but we think it's likely that the revision will be approved."

Indeed, the likely scenario happened; the revision was approved; and now STTWA is appealing that decision to the WV Surface Mine Board.

Save the Tygart Watershed Association is asking the appeal Board to review whether or not WVDEP adequately considered the essential questions of fact and law before issuing the revision and to direct the agency to modify its decision accordingly.

QUESTIONS OF FACT

1. Whether the permitted mining activity will subside and dewater streams, causing significant disruption to stream flow or causing stream collapse.
2. Whether the permitted mining activity will create polluted mine discharges without a defined endpoint.
3. Whether the permitted mining activity will create polluted mine discharges in perpetuity.
4. Whether ICG Tygart's projected total cost of \$7,423,877 is an accurate calculation of the amount necessary to meet all anticipated treatment needs.
5. Whether ICG Tygart's projected total cost of \$7,423,877 guarantees sufficient money will be available to fund perpetual postmining pollutional discharge treatment or postmining pollutional discharge treatment with no defined endpoint.
6. Whether the bond amount is sufficient to guarantee money is available to treat pollutional discharges, and conduct reclamation at the site?

QUESTIONS OF LAW

1. Whether Revision #21 unlawfully permits mining activity that will violate water quality standards.
2. Whether Revision #21 unlawfully permits mining activity that will create off-site material damage to the hydrologic balance and significant adverse impacts to the hydrologic and biological components of aquatic ecosystems.
3. Whether Revision #21 unlawfully permits mining activity that creates polluted mine discharges requiring treatment with no defined endpoint.
4. Whether Revision #21 unlawfully permits mining activity that creates polluted mine discharges requiring perpetual treatment.
5. Whether Revision #21 improperly allows for an alternative bonding system that cannot meet all anticipated treatment needs.
6. Whether Revision #21 improperly allows for an alternative bonding system that cannot guarantee sufficient money will be available to fund perpetual treatment of postmining pollutional discharges.
7. Whether the sample submitted by ICG Tygart constituted a sufficient basis for determining an endpoint for pollutional discharges

Dewatered streams, mine pools, polluted headwater streams, insufficient bonding, long term toxic drainage -- all are issues that the Conservancy has long been concerned about in many other places across the state and certainly here at the Leer mine in particular.

We will be watching as the appeal makes its way through the process.

Bluestone Coal Sings the Blues

By Cindy Rank

Voice deadlines often rattle my brain as I puzzle over how to relate a recent development in some one of our, by now, four score and umpteen legal actions against coal companies that are polluting the environment.

Take for example our actions with regard to Bluestone Coal violations at its Red Fox mine in McDowell County. (Bluestone is a subsidiary of the Justice Group, which is controlled by the family of West Virginia Governor Jim Justice.)

On June 4, 2019 West Virginia Highlands Conservancy (WVHC) joined the Ohio Valley Environmental Coalition (OVEC), Sierra Club and Appalachian Voices in sending a Notice of Intent (NOI) to sue if after 60 days Bluestone Coal Company did nothing to address its selenium pollution of tributary streams to the Tug Fork River.

In the July 2019 *Voice*, editor John wrote a brief article about this NOI and several other NOIs sent to a variety of coal companies guilty of similar violations in different watersheds.

Then in the September 2019 *Voice*, John included an article from the Charleston Gazette-Mail by Kate Mishkin about the actual complaint that was filed on August 6, 2019 which asserted Bluestone was in violation of both its Clean Water Act Permit (NPDES) and its Surface Mine Permit.

Bluestone’s response to Kate’s questions was predictable: *“This is a frivolous lawsuit brought by activist organizations who ultimately want to close West Virginia coal mines and put miners out of work.”*

Fortunately, the Southern District Court in Bluefield wasn’t so easily swayed and on June 3rd of this year the Judge denied Bluestone’s motion to dismiss and held that our case against the Justice group could proceed.

On July 27th the Court issued an order affirming Bluestone’s liability for the violations of law asserted in our complaint.

The next step is for the Court to determine what relief should be required of the company.

Relief requested in our complaint includes: an injunction against Bluestone from operating its facilities in a manner that would result in further violations of its permits; an order that Bluestone immediately comply with the effluent limitations contained within its NPDES permit (WV1006304); an order that Bluestone immediately comply with the terms and conditions of its surface mine permit (WVSCMRA S007282); an order that Bluestone pay an appropriate civil penalty of up to \$54,833 per day for each CWA violation.

A Court hearing for that phase of the case was to be held in August, but the Judge recently granted Bluestone an extension until later in September.

And so, as we so often say, stay tuned.

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Some Hope for Migratory Birds

One of the perils facing migratory birds is collisions with buildings. Estimates on how many birds die annually from collisions with buildings vary widely but, in the United States, it is certainly more than a million and possibly as many as a billion. Now there is a partial solution to this problem working its way through Congress: the Bird-Safe Buildings Act.

The Bird-Safe Buildings Act requires each public building constructed, acquired, or substantially altered by the United States Government to meet certain standards designed to prevent bird collisions. The Act requires the use of bird friendly materials, including restrictions on the use of glass and the type of glass used. The Act passed the House in early July and now must be approved by the United States Senate.

The Act also would supply federal agencies with a design guide, helping to ensure that bird-safe design techniques and materials — like patterned glass — are effectively applied to all federal buildings purchased, built, or significantly altered.

Many bird-friendly design techniques — such as installing screens or grilles on windows and minimizing the use of glass on lower floors — are already used in some federal buildings to control heat and light, or for security. The proposed Act would require the General Services Administration to apply similar measures, where practicable, to all new and existing federal buildings.

The Act would also promote smarter lighting practices, decreasing light pollution, saving energy, and averting nighttime collisions. The Act is designed to be cost neutral and would be carried out with no additional cost to tax-payers.

The Act would not solve the problem of migratory birds colliding with buildings. The United States government does, however, manage nearly 10,000 buildings. Even if it does not solve the problem, making nearly 10,000 buildings more bird friendly is a big step forward.

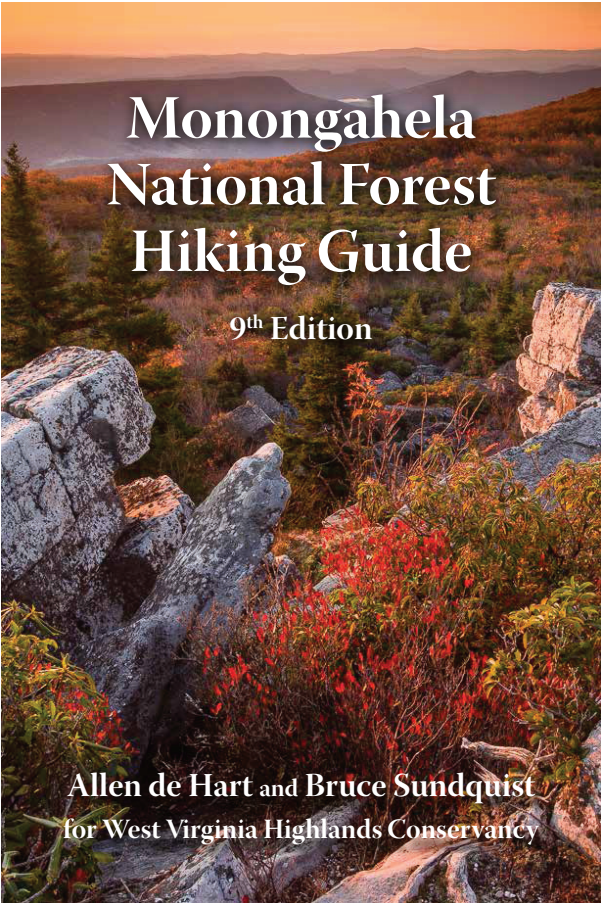


When you just chased them out of the pantry, then see them sprinting through the house with a snack.



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

The Highlands Voice: It’s Not Just for Reading Any More

The Highlands Voice is the main way that the West Virginia Highlands Conservancy communicates with its members. But we would like to communicate with more than our members. We have a valuable perspective and information; we would like to communicate with everybody. We still offer electronic delivery. If you would prefer to receive it electronically instead of the paper copy please contact Dave Saville at 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.

No matter how you receive it, please pass it along. If electronically, share the link. If paper, hand it off to a friend, leave it around the house, leave it around the workplace. It’s not just for reading. It’s for reading and passing along.

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.)



Trout Unlimited and Forest Service Team Up to Reconnect Trout Stream in Virginia

By Dylan Cooper

An important historical site in Virginia got a long-awaited face-lift after more than 70 years of being hampered by the presence of man-made barriers to aquatic organism passage.

Bob Downey Branch, a Class III wild trout water, is once again open for trout thanks to efforts by Trout Unlimited and the George Washington and Jefferson National Forest.

The Longdale Furnace Recreation Area is located between Clifton Forge and Lexington, just a few minutes from Interstate 64.

Dawn Kirk, Forest Fisheries Biologist for the George Washington and Jefferson National Forest, said collaboration with Trout Unlimited was a key for the project's success.

"The partnership with Trout Unlimited increased our capacity, by bringing people with time and expertise to the table, so that we could reconnect 2.5 miles of stream, restoring it to a more natural form and function, while maintaining access to an historic recreation area," Kirk said. "TU personnel were integral to the project, all the way from thoughtful planning through implementation."

Originally named Green Pastures Recreation Area, it was built by the CCC between 1938 and 1940 to serve the region's African American population when the nearby Douthat Lake State Park was designated a whites-only facility. It included a small swimming lake and beach, bathhouse, toilets, and picnic shelters.

The area was closed in 2014 and listed as "Ten Buildings that Changed Black History in Virginia" by the Virginia Society of the American Institute of Architects.

The Simpson Creek watershed, in which Bob Downey Branch is located, is a priority watershed for the George Washington and Jefferson National Forest and their 2014 Revised Land and Resource Management Plan with the goal of promoting functional riparian corridors for aquatic and terrestrial organisms.

The stream had two weirs installed in the middle of the 20th century. They had not been in use since the 1970s.

Historic fish population monitoring (1979, 1986, 1995) in Bob Downey Branch showed the presence of native brook trout in low numbers, but in June 2018, monitoring efforts by VDGIF did not indicate a presence of brook trout at any of their sampling locations in the creek.

Installed in the 1960s, a concrete vented ford on a forest service road over Bob Downey Branch was clogged and collapsing, preventing fish passage and making vehicular crossing unsafe to the point where the road was closed to public access.

During the project, all concrete and pipe materials were removed from the stream, and a new wet ford was put in place using Articulated Concrete Block (ACB) mats. The ACBs allow for a non-erodible, stable driving surface that permits stream flow and aquatic organism passage across it.

Immediately downstream of the new ford is a 100-foot-long series of step-pools made of boulders and logs harvested from the forest by Forest Service personnel. This alleviated the elevation change in a controlled manner of steps averaging 9 inches while allowing for fish passage all the way up and over the new ford while enhancing pool habitat locally.

The lower weir was replaced with log step structures.

Approximately a half-mile upstream in Bob Downey Branch were two concrete weirs about two 2 feet and 3 feet tall, installed in

the 1940s and 50s to provide water to the downstream recreation area, small motel, and Forest Service residence. They proved to be inadequate for the water needs and were abandoned in the 1970s, but unfortunately remained in place as aquatic organism passage barriers.

Crews from local contractor Shenandoah Streamworks removed the weirs using a hydraulic hammer attached to an excavator but left the ends of the old weirs in place per a request by the Virginia Department of Historic Resources.

The upstream weir was replaced by boulder step-pool structures due to the shallow underlying bedrock. The lower weir was replaced with log step-pool structures, once again allowing for easier aquatic organism passage and pool habitat creation.

Plans for helping brook trout repopulate the stream are being developed. Options include allowing trout to naturally return to the stream from Simpson Creek, or to possibly relocate wild brook trout from a nearby stream, such as what TU, the Forest Service and the Virginia Department of Wildlife Resources did after a restoration project on Passage Creek in 2017.

Dylan Cooper is a stream restoration specialist with Trout Unlimited. A graduate of Virginia Tech, he is a licensed professional engineer. This article originally appeared in Trout, the national publication of Trout Unlimited.



The previous ford was a complete barrier to aquatic organism passage.

They fought the law, and the law won

The Atlantic Coast Pipeline and the Law

By John McFerrin

Now that the Atlantic Coast Pipeline has been cancelled, there will always remain the question of whether it was ever really possible.

Of course, anything is possible if you have enough bulldozers and a certain attitude. The real question, however, is whether it was possible without cutting legal corners and inflicting unacceptable havoc upon the woods, people, and waters in its path.

Building the pipeline would always have been a challenge. Parts of the route are steep as a horse's face (see story in the November, 2019, issue of The Highlands Voice). Just getting heavy equipment up and down such slopes would be grueling. Keeping the slopes stable and preventing erosion would be difficult.

Then there are the water crossings. There were 739 spots in West Virginia alone where the pipeline would have crossed a stream or wetland and more in Virginia and North Carolina. Each crossing would have presented its own problems, some more challenging than others.

It has been my experience that engineers think they can do anything. With enough resources and a sound plan, there is no mountain they cannot scale, no water they cannot cross.

The developers of the Atlantic Coast Pipeline seemed to agree. Even to the end they never wavered from the belief that the mountains and streams presented no barrier. Instead, they blamed the cancelation of the project on legal and economic barriers.

Although I am in no position to know, the economic barriers seem real enough. Markets for all sorts of energy are changing. Eight billion dollars is a lot to bet on an investment that the market may not support.

The American Petroleum Institute jumped in to blame legal requirements that resulted in "a barrage of baseless, activist-led litigation, undermining American energy progress." The U.S. Energy Secretary Dan Brouillette blamed a "well-funded, obstructionist environmental lobby" for the pipeline's lack of success.

Let's look at the record.

There was not a single time when any regulator flatly told the developers that they could not build the pipeline. Every single time

that the pipeline failed to prevail in court, the ruling was that the Atlantic Coast Pipeline had cut corners, failed to submit adequate plans, or something. The Federal Energy Regulatory Commission—the overarching permitting agency—said, "sure, go ahead." After some initial noise, the Forest Service gave permission to cross the National Forest. The Corps of Engineers gave approval to cross waterways. When West Virginia had a chance to review the pipeline for compliance with West Virginia water quality standards, it declined the opportunity.

The only exception was the decision by the United States Court of Appeals that the pipeline did not have the proper permission to cross the Appalachian Trail. There was no suggestion that the Atlantic Coast Pipeline go back to the drawing board and do a better job of planning how it could cross the Trail safely. The Court of Appeals ruled that it had no permission.

Had that decision remained in place, the Atlantic Coast Pipeline might have needed Congressional action to get permission to cross the Trail. While a bill granting permission would not be the wildest thing that happened in Congress this year (or even this week), it never came to that. The United States Supreme Court reversed the Court of Appeals and the pipeline got its approval to cross the Trail. The only flat no the ACP ever got had been turned into a yes.

A perfect example of the kind of problems that the pipeline kept having is its experience in getting approval to cross the Monongahela National Forest. During the initial consideration of the request for approval, the Forest Service had expressed

serious concerns that it didn't have necessary information to evaluate landslide risks, erosion impacts, and degradation of water quality. It further lacked information about the effectiveness of mitigation techniques to reduce those risks.

So that it could evaluate these risks, the Forest Service had asked for ten site specific stabilization designs. It took the position that these were necessary and that it could use these ten designs where necessary to determine whether the pipeline could avoid the potential risks and impacts. The Forest Service also questioned the quality of the designs that were submitted and the assumptions behind those designs.

The pipeline developers submitted designs for two sites.

When it came time to decide on granting permission to cross the Forest, The Forest Service did not question this inadequacy of information, or why it never got the information it asked for. Instead, it accepted the data and approved the Forest crossings. At the time there were rumors of political influence in the Forest Service decision.

When the decision to allow the crossings was appealed, the Court focused upon the failure of the developers to submit adequate data, and the Forest Service's failure to demand the data that it said it needed. The Court relied upon these failures to conclude that the decision to approve the crossings was arbitrary and capricious.

It wasn't any "well-funded, obstructionist environmental lobby" that advised the developers to submit less than was necessary to satisfy the Forest Service that the pipeline could cross the mountains without plans to avoid landscape risks, erosion impacts, and degradation of water quality. It wasn't any "well-funded, obstructionist environmental lobby" that whispered in the Forest Service's ear that it should approve the crossing even if the information submitted was inadequate. The developers tried to slide by on halfway measures with a possible boost from friends in high places. When someone called them on this, the Court sent them back to the drawing board.

(More on the next page)



Phew! Close call

A Little Update

As reported in the May issue of *The Highlands Voice*, a United States District Court Judge in Montana has voided Nationwide Permit 12, an important permit that is necessary for waterways and wetland crossings for pipelines. Because the permit which the Court declared void was nationwide, this has an impact upon all pipelines, including the Atlantic Coast Pipeline and the Mountain Valley Pipeline.

The Corps of Engineers has appealed the decision of the District Court for Montana to the Court of Appeals. As part of that appeal, it asked the Court of Appeals to stay the decision while the appeal was being considered. After the Court of Appeals turned down the request for a stay, the United States Supreme Court stepped in granted the stay.

This means that the Nationwide Permit 12 (upon which the Mountain Valley Pipeline will depend and upon which the Atlantic Coast Pipeline would have depended) remains in effect while the appeal is being considered by the Court of Appeals.

As with everything else concerning the pipelines, there are complications. The United States Supreme Court's grant of the stay means that Nationwide Permit 12 remains available to the Mountain Valley Pipeline. Even if Nationwide Permit 12 remains in effect and available, there is controversy over whether the Mountain Valley Pipeline is eligible for that permit and should be allowed to use it.

More Climate Change Survey Data

As reported in earlier issues of *The Highlands Voice*, the West Virginia Highlands Conservancy has published a survey (March, 2020) on climate change and published the results of the survey (May, 2020).

At about the same time as West Virginia Highlands Conservancy was conducting its survey, Trout Unlimited was conducting a survey of its own. Because Trout Unlimited is a national organization, its sample size was dramatically larger than was the Conservancy's. Trout Unlimited had already done two surveys in the past. This gave it the ability to compare current attitudes with past attitudes and look for trends.

Here are a few high points from the survey:

- More than 85 percent of TU member respondents think climate change is either caused by humans or is the result of a natural cycle intensified by human activity. This is up from 64 percent in 2014 and 77 percent in 2017.
- Nearly nine in 10 Trout Unlimited members acknowledge that climate change is happening, and three in four are worried about global warming.
- About 80 percent of members expect that climate change will lead to extreme heat, droughts, wildfires, severe storms and degraded coldwater habitat.
- Over 40 percent have recently noticed a decline in their fishing experience.
- Members support a wide range of steps our country can do to mitigate climate change, but only 77 percent of respondents were familiar with TU's position and national activities around climate change, suggesting that we have some work to do in building support for legislation to address the problem.
- Members trust national TU staff (88 percent) and TU scientists (89 percent) above other sources when seeking climate change information.

The Atlantic Coast Pipeline and the Law (continued from previous page)

This is not a "barrage of baseless, activist-led litigation." It is a system working as it should. It is a system that prevents the developers from doing an admittedly hard thing—crossing the mountains—without adequate planning.

Early on in this pipeline controversy there was speculation in the industry that the construction of the pipeline was a foregone conclusion, that the citizens' groups had given up on opposing the pipeline and would be content with monitoring its construction.

To this speculation West Virginia Highlands Conservancy Board member Rick Webb replied, "No, we certainly do not think it's a foregone conclusion that the pipeline will be built. My view is that Dominion, its investors, and its contractors will only pursue this project if they can count on the relaxed implementation of environmental laws that they have grown used to. Our job is to make it clear that the "business-as-usual" model does not apply."

Five years later it appears that Rick was right. No court ever finally and definitively told the developers that they could not build the Atlantic Coast Pipeline. What the courts did tell the developers was that the laws enacted to protect the land and water would be taken seriously.

The decision to abandon the Atlantic Coast Pipeline may have been purely economic, rooted in market uncertainty. To the extent that the law and the courts were involved, it was not in stopping the project but in demonstrating that the law would be taken seriously. If taking the law seriously made the project impossible then maybe it was not such a good idea to begin with.

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

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 I ♥ 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