



The Highlands Voice

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Atlantic Coast Pipeline Submits Cleanup Plan

Now that the developers (Dominion) of the Atlantic Coast Pipeline have abandoned the project, all that is left is to repair the disturbance that resulted from the partial pipeline construction. The developers have filed plans with the Federal Energy Regulatory Commission setting out how they plan to do the restoration.

Disturbance along the 600 mile long pipeline route ranges from none in some parts of the route to pipe installed and permanent restoration completed other places. Approximately 31 miles of pipe were installed and completed. In another 83 miles there was clearing and grading but no pipe was installed.

Along the route the developers had cut the trees on approximately 222.5 miles of the route; of this approximately 108.4 miles of trees are still lying on the right-of-way where they were cut.

In places where the pipe has been installed, the plan is to leave it there permanently. According to Dominion, this is standard practice in the industry. In its view it would be less destructive to

leave the pipe in the ground than it would be to remove it. In the majority of the right of way agreements, Dominion has the right to leave the abandoned pipes in place. In those where the right of way agreement does not provide for leaving the pipe in place, all of the landowners have agreed that pipe may be left. The ends of the installed pipe will be capped and buried.

Dominion also must address the question of what happens to the trees that were cut but have not been removed. Whether Dominion removes the trees depends in part upon what disturbance would be involved in removing them. If, for example, removing the trees requires construction of a road the additional disturbance would suggest that leaving the trees would be preferable.

Dominion is in ongoing discussions with landowners about this. Many have already agreed that the felled trees may be left.

(More on p. 3)

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Thoughts from our President

By Larry Thomas

Old man winter certainly has arrived in the highlands with freezing temperatures, strong winds (causing wind chills to drop below zero) and several snowstorms blanketing the mountains. It is impossible to predict Old Man Winter's plans for February and March, but we will have to deal with whatever we get. As mentioned in the January issue of *The Highlands Voice*, it is critically important that we continue our fight to preserve and protect the highlands, focusing on new and exciting opportunities. In addition, we continue to monitor unresolved issues that we have been working on as reported in *The Highlands Voice*.

West Virginia 2021 Legislative Session to Begin

We are fast approaching the 2021 legislative session, which starts February 10. The West Virginia Environmental Council (WVEC) is expecting things to be much different this year with access to the Capitol building being limited and the process for posting agendas and confirming public hearings remaining unclear.

West Virginia Environmental Council has been in preparation mode, reaching out to legislators and working with coalition partners. Starting February 12, WVEC will send out "Green Legislative Updates" each Friday to keep everyone informed. We also expect to send along more frequent action alerts as calling and emailing your legislators will be the best (only?) way to reach them this session.

There is a lot to tackle this year. Topping the list from member groups received as responses to a member survey taken last fall were water quality, climate change, and clean elections (changing the political rules that favor special interests and giving regular West Virginians an equal voice in our government).

Specifically, the focus will be on the following priorities:

- Water quality standards rule and the Safe Drinking Water bill
- Power Purchase Agreements legislation
- Expansion of recycling including styrofoam
- Protection of funding for DEP inspectors in the state budget
- Resolution to study energy use in state buildings
- Just Transition bill
- Disclosure of dark money political expenditures

In addition, every year as legislation is introduced, there are issues that arise which must be addressed. A great example was the "Logging in State Parks" legislation that was introduced three years ago. With a monumental effort, the coalition was able to convince the legislators that that was a terrible idea and the legislation stopped. I am hearing that this year it will be the allowance of motorized vehicles in certain state-owned public lands, an issue that the Conservancy has always opposed.

Additionally, WVEC expects to use a good deal of its resources to educate the large number of newly elected legislators, especially in the House of Delegates, and to provide fact sheets and grassroots outreach on any potentially harmful legislation as well as proactive bills.

West Virginia Highlands Conservancy is a member and supporter of WVEC.

Bear Rocks is Designated as a National Natural Landmark

The National Natural Landmarks Program recognizes and encourages the conservation of sites that contain outstanding biological and geological resources. Sites are designated by the

Secretary of the Interior for their condition, illustrative character, rarity, diversity, and value to science and education. The National Park Service administers the program and works cooperatively with landowners, managers and partners to promote conservation and appreciation of our nation's natural heritage.

The Bear Rocks and Allegheny Front, owned and managed by The Nature Conservancy, earned the coveted designation on January 19, 2021. It is the best example of a plateau within the Appalachian Plateaus Province. This stunning high-elevation plateau provides a vantage point from which to view the surrounding lands for miles. It also supports a diverse ecology, including cold-adapted, wind-swept spruce trees, normally found much farther north.

Public Lands Committee Starts Review of Another Project

The United States Forest Service announced the proposal of the Cheat River project on the Cheat-Potomac Ranger District on the Monongahela National Forest, which is in the beginning stages of development.

The 86,138-acre project area is located north of Parsons in Tucker County, and a small section of Barbour and Preston counties, and includes National Forest System lands within the Upper Cheat River watershed. This project aims to move the project area closer to the Forest Plan desired conditions by improving forest health and age class diversity, improving wildlife habitat, and enhancing stream and riparian corridors, potentially through the creation of early successional habitat, timber management, prescribed burning, and stream restoration.

Several members of the Board have met with representatives of the Forest Service concerning the proposed project and will continue to monitor this project as it moves forward.

West Virginia Highlands Conservancy will continue this important work:

(A) To preserve and protect areas of particular scenic, geologic, biologic, historic, wilderness, and/or recreational importance in West Virginia.

(B) To aid in the establishment of nature reserves or other protected areas for scientific, educational or aesthetic purposes.

(C) To conduct regional and resource use planning studies as a basis for the wise use of the various resources of West Virginia; to develop programs in conservation education; all to the end that the Conservancy shall serve the people of West Virginia as an agency for popular enlightenment, for cultural improvement, and for scientific advancement.

(D) To advocate governmental policies for the conservation and wise management of West Virginia's natural resources.

It is increasingly difficult to keep up as lots of good and potentially concerning information surfaces every day.

Please stay safe during this crazy time.

Picking up after the Pipeline (continued from p. 1)

Dominion is in the process of negotiating with the remaining landowners about whether felled trees will be left. Many of the trees will be stacked, chipped, or burned.

The status of rights of way agreements remains unsettled. Many of the agreements were entered into voluntarily. Others came as a result of vigorously contested eminent domain proceedings. Now that the pipeline will not be built, landowners have sought release of the right of way agreements. Dominion has said that it has no plans to release the rights of way agreements. At the same time, it also says that it has no plans to sell the rights of way to anyone else or make any use of them.

None of the restoration work has begun. The Federal Energy Regulatory Commission must approve the plan before work may begin. Completion of the restoration will also require some environmental permits which Dominion has not yet secured. There must also be a consultation with the United States Fish and Wildlife Service about the effect of the restoration work on any endangered species. Dominion expects the restoration work to take about two years.

The pipe purchased for the pipeline but not installed is currently for sale.

If it's not one pipeline it's another

Concerns over Erosion Impact of Mountain Valley Pipeline Continue with Project in Limbo

By Mike Tony

West Virginia Rivers Coalition staff scientist Autumn Crowe has been closely following the Mountain Valley Pipeline since it was first proposed and says that pipeline construction through the steep slopes of West Virginia has taken a dangerous toll.

"They're trying to [work through] steep slopes with highly erosive soils, and we're seeing that over and over again where slopes are failing, erosion is occurring," Crowe said. "There's just nothing they can really do to control the amount of soil they've exposed."

A volunteer group that has been monitoring and reporting environmental issues related to the construction of the 303-mile natural gas pipeline from Northwestern West Virginia to Southern Virginia filed evidence with federal regulators Thursday suggesting that the pipeline is eroding areas along the pipeline right-of-way in Braxton and Lewis counties.

Mountain Valley Watch submitted three pages of aerial photos showing bare, unvegetated areas and slips long the pipeline route, reporting collapsing slopes and sediment in a stream crossing south of Copley Road in Lewis County.

"The photos are conclusive evidence of unvegetated areas requiring corrective action for lack of ground cover," Mountain Valley Watch wrote in the filing to the FERC.

Mountain Valley Watch cofounder Kirk Bowers noted that exposed soil surfaces increase runoff into streams.

"They need to go in and reseed the areas that are not under grass and don't have adequate vegetative cover," Bowers said. "It's that simple."

Mountain Valley Watch has been on watch before. The group submitted aerial documentation of what it concluded were inadequate ground cover and stabilization measures in Doddridge, Lewis, Braxton, Webster, Summers and Monroe counties last summer to the West Virginia Department of Environmental Protection, which in 2019 fined Mountain Valley Pipeline, LLC \$266,000 for more than two dozen notices of environmental violations, which included failing to operate and maintain erosion control devices, resulting in stream sedimentation.

But the project remains in legal and regulatory limbo. Mountain Valley said in a FERC filing Tuesday that it is changing its water permit strategy, announcing it would request individual water crossing permits from the U.S. Army Corps of Engineers after having waited for litigation to be resolved over a Corps-issued blanket water crossing permit [NWP 12] that a federal appellate court stayed [temporarily stopped] in November.

That filing came a week after a split vote among the FERC's commissioners stopped approval for Mountain Valley's request to bore under 69 waterbodies and wetlands along the northernmost 77 miles of the pipeline in West Virginia.

The move called into question Mountain Valley's goal of getting the pipeline in service by the end of 2021, a target date that already has been pushed back three years amid legal and regulatory challenges that have helped drive up the project's estimated cost to at least \$5.8 billion, over 50% more than its original price tag.

Height Capital Markets, a Washington, D.C.-based broker dealer, predicted this week that the pipeline won't begin service until 2022 due to expectations that the 4th Circuit Court will vacate the pipeline's "one size fits all" water permit authorization under Nationwide Permit 12 and the incoming Biden administration will force Mountain Valley to apply for individual permits.

The Florida-based energy company NextEra Energy reported in an earnings call this week that the carrying value for NextEra's investment in the pipeline now exceeds its fair market value, causing a \$1.2 billion impairment charge as legal challenges to the project have piled up.

"The handwriting is on the wall. The industry is on its way out," Bowers said. "It's probably not going to be around too much longer. We need to stop the madness because it's polluting our environment."

Crowe has heard from landowners reporting that the pipeline has caused sinkholes opening up on their properties and sediments running off hillsides into their pastures and contaminating the spring they get water from, in addition to traffic issues that include road blockages caused by construction.

"There's tons of inconveniences that these communities are facing," Crowe said.

Note: A slightly longer version of this article previously appeared in the *Charleston Gazette Mail*.

A Chance to Boost Small Scale Solar Power

By John McFerrin

There is a move afoot in the West Virginia Legislature to change the law so that it will be easier for small scale electrical power generation to operate in West Virginia. The change would come about by changing the law on who can enter into a Power Purchase Agreement.

Power Purchase Agreements (PPAs) are contracts for the sale of electricity, whether that electricity comes from the solar panels, wind turbines, coal fired steam turbines, or other electricity producers. Big utilities need them because financiers of electricity generating facilities won't loan any money unless they know that there is a market for the electricity. The Power Purchase Agreements are assurance of the market.

Under existing West Virginia law, only licensed utility companies can sell electricity on a retail level to a consumer of electricity. This means that electricity sold at retail (directly to consumers) in West Virginia is only sold by subsidiaries of either American Electric Power Co. or of First Energy Corp.

Currently Power Purchase Agreement contracts are exclusively wholesale level power sales contracts between electricity producers (for example owners of steam generated power plants like First Energy Corp) and their subsidiary retail marketers such as Monongahela Power Co. Power Purchase Agreements are also used by, for example, the owners of a wind energy facility (such as Invenenergy Corp., the owner of the Beech Ridge Wind Farm in Greenbrier County) that generate electricity for the wholesale electricity market. When that producer agrees to sell the electricity to a public utility electricity retailer such as Appalachian Power Co. or Monongahela Power Co. it uses a Power Purchase Agreement.

Right now there are businesses who would like to offer individual households, businesses, schools, public buildings, and apartment buildings the chance to have solar power. Under their business model, they would install solar panels on homes, schools, public buildings, businesses, or apartment buildings and then sell the power generated to the home, business, school, public building, or owner of the apartment building. The homeowners, etc. would get the benefits of solar power with no up-front

investment. The company installing the solar power would make money from the sale of the electricity.

A major flaw with this business model is that it is illegal, at least for now. Retail level Power Purchase Agreements are not allowed in West Virginia. Power Purchase Agreements are only allowed between producers of electricity and designated public utilities who then sell the electricity to individuals and businesses. A homeowner cannot make a Power Purchase Agreement (PPA) with XYZ Solar Co. to put solar panels on the roof of his or her home in order to sell the homeowner the electricity generated. XYZ Solar Co. is not a legally designated public utility that is set up to serve all customers in a designated service area.

The Legislature is considering fixing this. By statute, it could allow a solar power company to install solar panels on a home and sell the electricity (a Power Purchase Agreement) to the homeowner without being considered a public utility subject to the requirements of the Public Service Commission.

Retail level Power Purchase Agreements would, of course, be voluntary. Those who wished to continue buying electricity from public utilities would continue to do so. Neither would allowing retail Power Purchase Agreements introduce retail solar power to West Virginia. There are already people in West Virginia who have chosen to buy their own solar panels and produce some or all of the electricity they need.

Changing the law on retail level Power Purchase Agreements would change the way the equipment to change sunlight into electricity is financed. Now anyone who wishes to pursue that option must pay for the equipment and installation. If retail level Power Purchase Agreements are authorized, a company could pay for the equipment and installation and then sell the electricity to the homeowner, school, etc.

This would be a revolutionary approach to how electricity is produced, distributed and marketed. The big utility companies currently display no interest in furnishing their customers rooftop generated electricity. Each person who chooses rooftop solar power is one fewer customer. As a result, the existing electric utility companies fight against legislation

to allow contracts (Power Purchase Agreements) between consumers and rooftop solar panel leasing companies.

This will not be the first attempt to allow retail Power Purchase Agreements. There were bills in both the 2019 and 2020 session of the Legislature that addressed this problem. Neither of these was able to make it across the finish line.

This time around the prospects may be better. Many new ideas need a year or two or three to get introduced, get talked about, etc. before they finally pass.

The times are also different. Not that long ago solar power was thought of as a niche product, suitable for lighting remote road signs and heating some hippy's hot tub. Things have changed. While it is still not common, solar power is more mainstream. As more and more people get it, or think about getting it, allowing a new way to finance it starts to seem like the sensible things to do.

There is also more interest in the West Virginia Legislature in addressing climate change. After all, the words "climate change" were first spoken on the floor of the West Virginia House of Delegates in 2019. The West Virginia Legislature being the West Virginia Legislature and all, there may be almost no interest but almost none is still more than none. Allowing retail Power Purchase Agreements will not fix the problem of climate change. It is, however, a small, concrete step we can take in that direction.

Note: Frank Young contributed to the writing of this article. This is a roundabout way of saying that when I sat down to write I pilfered shamelessly from something Frank wrote last year.

West Virginia Legislature Convenes

February 10th

By Frank Young

The 2021 legislative session is just around the corner, and we have our work cut out for us. The West Virginia Environmental Council (WVEC)--of which WV Highlands Conservancy is a several decades long member and fiscal supporter--is the lobbying arm of the West Virginia environmental advocacy community.

Starting February 10th, we will be closely but “virtually” watching and acting upon the relevant environmental bills that run through the WV legislature. Our own legislative priorities for this session will focus on the following priorities developed with our legislative allies:

- Water quality standards rule and the Safe Drinking Water bill
- Climate change, including Power Purchase Agreements legislation (see the story on p. 4)
- Expansion of recycling, including styrofoam
- Continuation of funding for Department of Environmental Protection inspectors in the state budget
- Resolution to study energy use in state buildings
- Just Transition bill- The purpose of this bill is to assist areas of the state where the coal industry has receded to rebuild their economies by diversifying the economic base of those areas
- Clean elections- changing the political rules that favor special interests and giving regular West Virginians an equal voice in our government, and disclosure of dark money political expenditures

We also expect to use a good deal of our resources to educate the large number

of newly elected legislators, especially in the House of Delegates, and to provide fact sheets and grassroots outreach on potentially harmful legislation as well as proactive bills.

As always, this will be a team effort and we need all hands on deck. WVEC will be sending out weekly legislative updates. We will also send more frequent action alerts as they become relevant.

We expect things to be much different this year. Since the capitol building is closed to the public, calling and emailing your legislators will be the best (only?) way to reach them this session. If you are not already on WVEC's Green Legislative Update list, just ask to be by sending a one sentence request and your e-mail address to info@wvecouncil.org.

Access to the Capitol building will be limited and the process for posting agendas and confirming and holding public hearings is still unclear. So it will be extremely important to keep a close eye on legislation and to reach out to legislators and voice your opinions. If you or your organization are able to contribute to our efforts with fact sheets, relevant literature, outreach or with a donation, we would greatly appreciate it! You can donate to support WVEC's lobbying work by clicking the “Donate” button at www.wvecouncil.org.

The WVEC is reaching out to legislators and working with our coalition partners. All events in the rotunda are cancelled this year, so our annual E-Day will be a virtual event on Wednesday, **March 10**. If you are part of an organization that would like to be involved, please e-mail Lframe@gmail.com. Last year we had over 20 groups travel to Charleston and we hope you can join us virtually this year!

Free Market Conservatives of the World, Unite!

Whenever anybody says anything about solar power, climate change, and the like, the first thoughts of many run to stereotypes about squishy liberals, not living in the real world, probably vegan, etc. After a bit more thought, they decide that whatever the idea was can be filed away under “stuff not worth thinking about.”

The proposal to allow retail Power Purchase Agreements (story on p. 4), however, is a perfect issue for free market conservatives. Here we have an entrepreneur who wants to make a living out of installing solar power equipment on homes and businesses. Those homes and businesses want to have that solar power equipment installed.

The only thing that is stopping those two willing parties from reaching an agreement and getting the equipment installed is the government.

Isn't this exactly what free market conservatives complain about? Private parties want to do something; they are not hurting anybody; to the extent they help address global warming they are helping society. Isn't it time to get the government out of the way, allow retail Power Purchase Agreements, let freedom ring, etc.?



What is West Virginia's Energy Future?

By John McFerrin

"Coal, is West Virginia", or so goes the radio jingle that the Friends of Coal sponsors. The tune that goes with it swells; even if some might disagree with the words, it is the kind of music that inspires, makes us want to charge forth, do great things.

While not literally true, the jingle does contain a kernel of truth: coal has been the major force in West Virginia's economy for over a century. Considering our current economic ranking there could be vigorous disagreements over whether hitching our economic wagon to the coal industry was such a good strategy. That is, however, the past, something economic historians can argue about. What we have now is the undeniable fact that coal has been the dominant factor in West Virginia's economy for over a century.

Now we are in a time when the industry is declining. The coal industry realizes the decline is happening. Coal Association representatives routinely whistle past the graveyard, saying that it's "never going to be as good as it was." They follow up with the assertion that coal will remain a major force for a long time but they know. President Trump came to office on a promise to revive the coal industry. He made some efforts but he couldn't do it, any more than he could have commanded the tide not to come in.

In parts of West Virginia the decline is visible. In the 1950s Welch was a thriving city, the capital of the Free State of McDowell. People in that area did not have to consider a trip to Charleston for serious shopping. They had Welch.

In 1950 McDowell County was the third most populous county in West Virginia. The mechanization of the mines dealt the first blow to Welch. Population fell dramatically and the county began to decline. The next big blow was the overall decline in the coal industry. Now the Free State is the thirty third most populous county in West Virginia and one of the poorest counties in the entire United States. There are efforts in McDowell County to rebuild an economy, an economy that does not depend on coal, and they have had some success. It's a long way back.

So is this our future? Does the decline of the coal industry inevitably send us all down the path that, through no fault of its own, McDowell County has taken?

No, at least not according to a new report by the Center for Energy and Sustainable Development at the West Virginia University College of Law.

The report, entitled *West Virginia's Energy Future* and subtitled *Ramping up Renewable Energy to Decrease Costs, Reduce Risks, and Strengthen Economic Opportunities for West Virginia*, paints a hopeful future. It concludes that we if we move toward renewable energy and energy efficiency we can avoid the pain that will come from the decline of the coal industry and emerge with a more diverse, stable economy.

The report reaches this conclusion by first looking at the costs of renewable energy. Since 2009, the cost of solar energy and wind energy have decreased by 90 percent and 71 percent respectively.

The report cites a study that found that by 2025 every single coal fired power plant in West Virginia could be replaced by renewable energy with a resulting cost savings. The report recommends that utilities begin relying more upon renewable energy sources so as to achieve cost savings.

Having renewable energy available is also important because companies demand it. As an example of the strong demand from businesses for renewable energy, the report points to the RE100 Initiative. The RE100 Initiative represents over 250 major companies, including businesses like Anheuser-Busch, General Motors, Kellogg's, Trane, and PNC, that have committed to procure 100 percent renewable electricity. The RE100 group includes Walmart, Procter & Gamble, Target, and General Mills. Looking beyond the RE100 initiative, other major employers in West Virginia with significant renewable energy procurement efforts include Amazon, AT&T, Home Depot, Lowe's, PepsiCo, Toyota, and UPS.

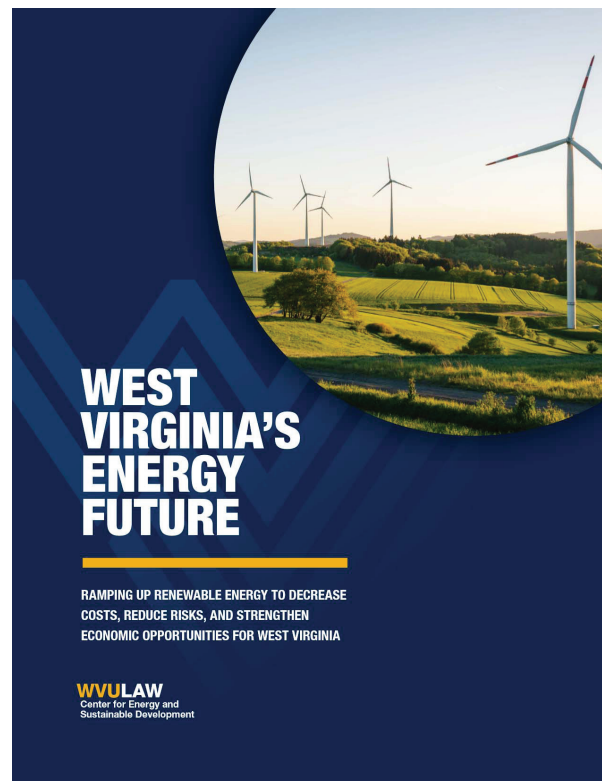
Other than force of habit, the chronic argument against moving away from fossil fuels has always been jobs, jobs, jobs. Friends of fossil fuels have always said with great certitude that any diminution of those industries would be devastating to our economy. The report addresses this issue.

The report concludes that getting our energy from renewable sources would be between a little less than five percent more expensive than it is now and a little less than five percent less expensive. The difference in whether renewable sources would be more or less expensive is whether there is a fee on carbon. Nationwide there is a good deal of support for a fee on carbon as a tool for combatting climate change, both among the public and among political leaders. If such a fee is enacted then renewable sources will be less expensive than energy from fossil fuels.

On the questions of jobs, the report concludes that moving toward renewables would create thousands of renewable energy and energy efficiency jobs. On the whole a move toward renewable would have a positive impact on overall employment in the state through 2030, and has an almost neutral (-0.0002%) net-impact on overall employment through 2035.

In addition to the economic benefits of moving away from fossil fuels, the report also addresses the health cost that would be avoided if we no longer relied upon fossil fuels. The report estimates the avoided hospital admissions for such things as heart, lung, and respiratory diseases. For example, in 2035 relying upon renewable energy avoids approximately 44 respiratory-related hospital admits, 54 cardiovascular-related hospital admits, and 76 asthma-related emergency room visits.

The report places a monetary value on avoided health costs, including both health care costs and the lost productivity of those



(More on the next page)

Ongoing Pursuit of Selenium Cleanup

By Cindy Rank

Responding to another in what seems to be a never-ending number of coal mines that continue to pollute streams throughout the state with toxic levels of selenium West Virginia Highlands Conservancy recently joined in another legal challenge.

JMAC Leasing's Briar Mountain operation, a 970 acre mine in Kanawha County, is but the latest of mines to face scrutiny of Appalrad in a legal challenge meant to bring companies into compliance with the terms of permits and reduce the level of selenium being discharged.

Discharge from the mine site enters Cabin Creek of the Kanawha River not far downstream of Dakota and upstream of Leewood. The excessive selenium discharges are contributing to the impairment of the receiving streams.

Based on JMAC's record of non-compliance, West Virginia Highlands Conservancy joined sister organizations Ohio Valley Environmental Coalition (OVEC) and Sierra Club to send a Notice of Intent to Sue in November 2020.

The company has not corrected its actions, nor has any state or federal regulatory agency taken enforcement action or diligently prosecuted the company following our notice. Hence, and on our behalf, Appalrad proceeded to file legal action on January 21, 2021.

The lawsuit was filed in the U.S. District Court for the Southern District of West Virginia and alleges that JMAC's Briar Mountain Surface Mine has been discharging pollutants into waters near the mine in violation of both the federal Clean Water (CWA) and Surface Mine (SMCRA) Acts.

Noted in the complaint are at least 98 times the company has exceeded permit limits since it began reporting selenium levels in March 2015. The West Virginia Department of Environmental Protection approved constructing a passive biological treatment system to treat and remove selenium from discharges at the outlet following a September 2015 administrative consent order from the DEP that required JMAC to address its selenium noncompliance, but the violations and pollution continues and the agency has not acted to enforce the schedule of compliance granted in the consent order.

Our complaint requests the court find JMAC to be in violation of the Clean Water Act, and the Surface Mine Act; issue an injunction prohibiting the company to continue operating in a manner that results in further violation of its permits and to immediately comply with those permits; compel JMAC to pay an appropriate civil penalty of up to \$56,460 for each CWA violation; award Plaintiffs their attorney and expert witness fees; and grant any other relief as the Court deems just and proper.

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.

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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.

More on West Virginia's Energy Future (continued from previous page)

who are sick. The estimates range from \$16 to \$36 million in 2021, increasing to from \$77 to \$174 million in 2035.

The report is realistic in its recognition of how hard a transition will be. We have been a coal mining state for a long time. Our state seal features a coal miner. It is not as if everybody will read the report, say "sounds good to me" and all of a sudden we are getting our energy from solar panels. Big change is hard. Moving in a different direction will require deliberate planning and sound leadership.

It is also useful to remember that this report (like many reports) is a projection of what its authors believe, based upon available evidence, will happen in the future. Since it is in the future, we cannot be sure that the projections are accurate. The projections of costs to build renewable energy facilities may be more (or less, for that matter) than the authors assume. The report does, however, suggest a way forward.

The report was prepared by GridLab (a non-profit that provides technical grid expertise), Synapse Energy Economics (a research and consulting firm specializing in energy, economic, and environmental topics) and Downstream Strategies (an environmental and economic development consulting firm located in Morgantown, West Virginia). To read the whole thing, go to <https://energy.law.wvu.edu/files/d/b1ff1183-e9ae-4ad0-93bf-aa3afa1da785/wv-s-energy-future-wvu-col-cesd-final.pdf>.

Bad News (but some hope) for Birds

By John McFerrin

On its way out the door the departing administration has taken one final shot (metaphorically speaking) at migratory birds. It has made final a regulation which narrows the Migratory Bird Treaty Act so that it is less effective in protecting birds.

What this is all about

The Migratory Bird Treaty Act is the United States' effort to implement a 1916 treaty between the United States, Mexico, and Great Britain (agreeing on behalf of Canada) to protect birds that migrate among the three countries. The treaty was later expanded to include Russia and Japan. It prohibits pursuing, hunting, taking, capturing, killing, or attempting to do the same migratory birds, their nests, or their eggs.

For a century everybody--agencies, the birds, the public, everybody--assumed that the Migratory Bird Treaty Act protected birds from all killing, whether specifically intended or not. Going out and intentionally killing a bird was, of course, prohibited. Doing something such as destroying habitat that also resulted in the deaths of birds was also prohibited, even if the primary purpose of the habitat destruction was something other than killing birds.

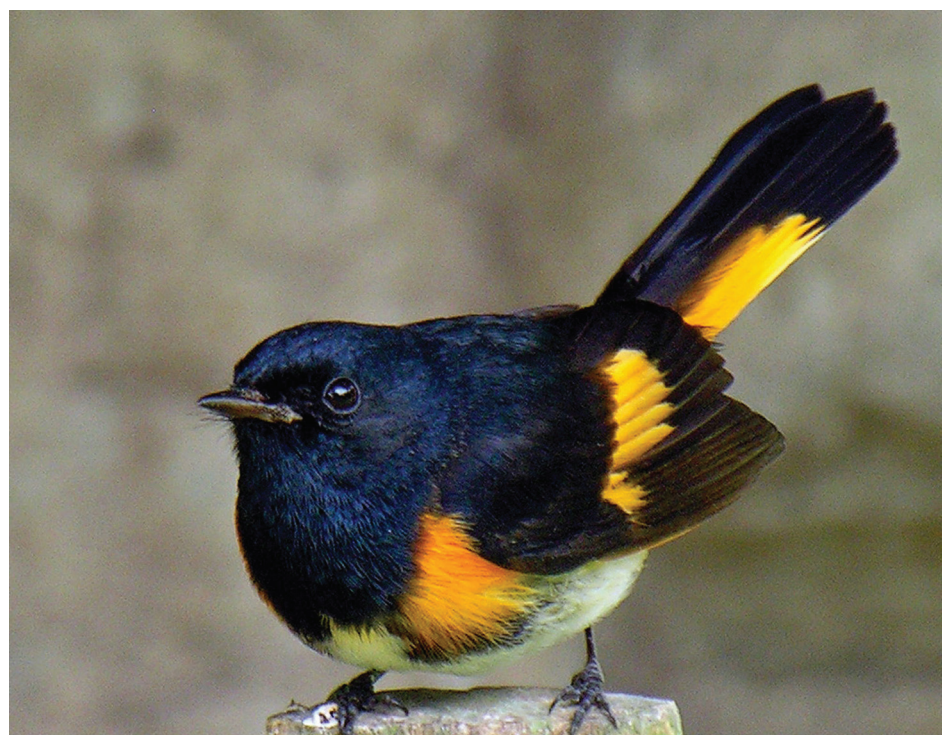
This fight is over what the Act means. Does it protect birds just from intentional killing? Or does it protect birds whose deaths are a result of activity that had another purpose but birds just had the bad luck to get in the way?

For example, neither the Atlantic Coast Pipeline nor the Mountain Valley Pipeline had as an objective killing birds. They just want to get gas from one place to another. If birds get killed, they get killed. It's just their bad luck to be in the way. The Migratory Bird Treaty Act (as interpreted before 2017) required both pipelines to take steps to avoid killing birds, steps which they both took without squawking, at least in public.

The new interpretation is a disaster for birds. Having four and twenty blackbirds baked in a pie is so 18th Century. I have never even seen a hat adorned with a Snowy Egret plume, a fashion trend once a serious threat to Snowy Egret populations. If the Act only protects birds from being baked into pies or hunted for their feathers—

things that are not happening anyway—it is meaningless.

The accidental threats to birds are enormous. There are oil pits and spills, high-tension power lines, communications towers, etc. Birds can die when they land on an uncovered oil waste pit that appears to be an ordinary pond, or run into an unseen power line. According to studies, power lines kill up to 64 million birds a year. Communications towers are estimated to kill up to 7 million birds



per year, and uncovered oil waste pits account for up to another 500,000 to 1 million bird deaths every year. Data on wind turbines are harder to come by, but current estimates are approximately 234,000 bird deaths a year.

While the Migratory Bird Treaty Act has not saved all birds from these threats, it has acted to reduce the threats. It has done so both by the rare prosecution (14 in the last two decades) and by encouraging companies to come up with innovative ways to avoid bird deaths. If the new interpretation stands, that protection is gone.

Legal twists and turns

Before 2017 the interpretation of the law was largely stable. It protected birds in the rare instances when their killing was the goal of the activity. It also protected birds from killing when some other activity with some other goal resulted in their deaths.

The 2017 interpretation changed that. It said that the century of interpretation was wrong and that the Act only prohibited killing of birds when that was the purpose of the activity. If someone wanted to build a pipeline (or a windmill, an oil well, etc.) and happened to kill birds, that was just the birds' bad luck.

The new interpretation appeared in two forms. First, the lawyer for the Fish and Wildlife Service issued a formal opinion, saying that only intentional killings were prohibited by the Act. At about the same time, it proposed a new regulation interpreting the Act as prohibiting only intentional killings.

Opinions of lawyers are the most ephemeral of interpretations. A new lawyer, a new set of political priorities, etc. can come along and along comes another opinion saying that the law means something else.

Regulations are sturdier. They take longer to put in place but are harder to change.

The opinion of the Fish and Wildlife lawyer was smacked down, and smacked down hard, by a United States District Court. Several groups sued the Fish and Wildlife Service, claiming that

(More on the next page)

Bird News (Continued from previous page)

its interpretation was incorrect. The Court agreed. It ruled that the Act meant what most people had always thought it meant. Birds were protected in all circumstances, not just when someone set out with the goal of killing them.

The regulation, however, plodded ahead. The Fish and Wildlife Service did an Environmental Impact Study, took and considered (more or less) comments from the public, and made final the rule with the more restrictive interpretation of the Act. It became final in early January, 2021.

Hope for the birds

One source of hope is that many companies have reacted to the change by saying that they like birds as much as the next person and that they will continue with past practices to protect them. Relying upon companies for protection when those companies no longer face even a remote threat of prosecution is a thin twig to perch on but if that's what birds have then that's what they have.

A more substantial basis for hope is that we have a new President. The new regulation does not take effect until early February. A new President could direct that the Fish and Wildlife Service not implement the new rule immediately and that it needs further study before implementation. The rule could then disappear into the great governmental black hole labeled "further study." The Fish and Wildlife Service would continue operating as it always had pending the results of the "further study."

If the rule does become effective, a new administration could always change it. This involves a long, detailed process. It took the Trump administration almost four years to change the rule. While many rules

do move faster than that, it would still be a long process.

This hope became more substantial when the President Biden made an executive order "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." As part of this Executive Order, it distributed a fact sheet listing the regulations that it wanted to review. The list included The Regulations Governing Take of Migratory Birds.

An Executive Order with a fact sheet is not a thunderbolt. Being on the list does not assure that the new regulation will disappear. The Fish and Wildlife Service and the Department of the Interior could review it and decide that it likes the new, restricted regulation. At the same time, if the Biden administration thought the new regulation was entirely satisfactory it would not be on the list. If it ain't broke, etc.

Congress could also take action under the Congressional Review Act. This Act allows Congress to review regulations promulgated by agencies. While this Act became law in 1996, it was seldom used until 2017 when Congress used it to revoke some dozen regulations promulgated late in the term of President Obama. Both the House and the Senate must act within 60 days and the President must sign a resolution overturning a regulation. It requires only a majority, with no filibuster allowed.

With President Biden having an agenda of his own and the usual hurly burly in Congress, it is impossible to predict whether Congress would use the Congressional Review Act but the tool is there if anyone wants to pick it up and use it.

The birds also have lawyers riding to the rescue. Several groups—most prominently the National Audubon Society—have filed suit challenging the new regulation.

Finally, there is the Migratory Bird Protection Act. It would amend the Migratory Bird Treaty Act to make it perfectly clear that it protects all migratory birds, even when their death is not the purpose of the activity. It was introduced last year but never made much progress. It could be introduced again. Now that there is a new President, a new Congress, etc. it might do better.



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.

Here we go again**POTUS Reviewing WOTUS?**

By John McFerrin

President Joe Biden (President of the United States, or POTUS) has directed that the Environmental Protection Agency review the Waters of the United States (or WOTUS) rule. It's time for another round in what has been a decades long battle.

What this is all about

This all started in 1972 with the passage of the federal Clean Water Act. That Act prohibited discharging pollution into the "waters of the United States."

It left undecided exactly which waters were covered. Of course it covered big rivers, rivers like the Cuyahoga in Ohio. Its catching on fire in 1969 was one of the things that embarrassed us into passing the Clean Water Act in the first place; it had to be covered. Nobody disputes that rivers such as it and substantial rivers and streams are "waters of the United States."

The trickier part comes in figuring out how far beyond major rivers and streams the jurisdiction of the Clean Water Act extended. Big rivers are just the sum of smaller tributaries and the discharge of groundwater. The smaller tributaries are just the sum of even smaller waterways, including some that don't run all the time (called ephemeral streams). Sixty percent of streams are dry for part of the year but then connect when it rains. Any pollution dumped into those waters could affect key ecosystems. Should they be protected?

Then there were wetlands. Some are adjacent to major rivers; some drain to larger rivers, or even not so large streams and rivers. Most are hydrologically connected to larger bodies of water. What about them? Are they "waters of the United States"?

Since the enactment of the Clean Water Act in 1972 there have been efforts to define what waters are protected. There have been proposed rules, comments (including some by the West Virginia Highlands Conservancy) on proposed rules, final rules, etc. Courts have been involved, including rulings by the Supreme Court of the United States (SCOTUS, if you will).

For a more extensive version of this history, see the January, 2019, May, 2019, and October, 2019 issues of *The Highlands Voice*.

What just happened

In February, 2017, President Trump had issued an Executive Order requiring a review of the Waters of the United States rule. This kicked off a long process which resulted in the present rule becoming final in January, 2020.

On January 20, 2021, President Biden signed an Executive Order which revoked President Trump's Executive Order. This will begin another long process which will probably result in changes to the Waters of the United States rule.

The rule which became final in January, 2020, was the subject of much litigation with the United States Environmental Protection Agency defending the rule. Now that there is an indication that a new administration disagrees with the rule, the Environmental Protection Agency may quit defending the rule in court.

Note: Normally *The Highlands Voice* eschews acronyms unless they are extremely well known or defined several times in the story. Since an opportunity to have a headline with an internal rhyme doesn't come along that often, this story is an exception.

Law School (in a nutshell)

Law schools routinely enthrall (or bore) students with a course called Administrative Law. In the part where they talk about how regulations get made, the lesson is that nothing happens quickly. Agencies announce that they have an idea, that maybe they want to change a regulation. People who have an opinion chime in.

Then there is a proposed regulation. The public comments. Sometimes there are public hearings. Many times the agency does an Environmental Impact Statement, considering the environmental effects of the new regulation. The Environmental Impact Statement first comes out as a draft. The public comments; the Environmental Impact Statement is published in final form.

Then the final regulation comes out. If there is controversy, and someone feels strongly enough about it, someone goes to court. There they often allege, among other things, that all the steps in the process of proposing and enacting the regulation were not followed.

The story on the previous pages about the regulations implementing the Migratory Bird Treaty Act as well as the other story on this page illustrate this. It is apparent that the Trump administration came into office with the idea that the interpretation of the Migratory Bird Treaty Act should be changed. President Trump left office with the efforts just being completed. President Trump campaigned on changing the definition of the waters of the United States. That took most of his administration.

It's useful to remember this as President Biden approaches environmental regulation. Major newspapers regularly publish lists of environmental regulations that the Trump administration rolled back. Most lists put the number at close to one hundred. One of his Executive Orders, *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, lists environmental policies he wishes to review. There are a lot, including the Migratory Bird Treaty Act and the waters of the United States rule. To see the whole list, go to <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>.

It is easy to hope (or dread, depending upon perspective) that soon after he takes office President Biden will sign an executive order or two, walk to the Rose Garden for an announcement, and Poof!, the regulation changes are gone.

Those who hope for this are sure to be disappointed. Those who dread it will be relieved. Administrative law does not work that way. It is a plodding process, one that takes years. It took years to make the changes; it will take years to undo them.

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Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

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

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

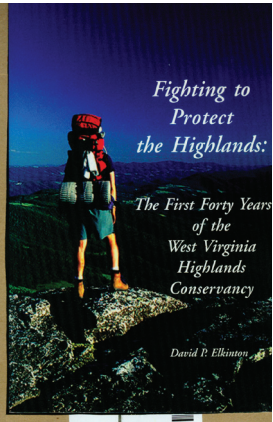
GET A GREAT HISTORY BOOK

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.

Support a Healthy Environment at No Cost to You!!!

If you shop at Kroger stores and you support West Virginia Highlands Conservancy you can add to that support at no cost to you.

Kroger has a program called Community Rewards that donates to non-profit organizations a portion of your purchase amount! This does not affect the fuel points that you earn on your Kroger card or cost you anything extra.

To do this, sign up for a Kroger Plus card and then sign up for the Community Rewards program, naming West Virginia Highlands Conservancy as the organization you want contributions to go to. This must be renewed once a year for Kroger to continue making these contributions.

To sign up: (If you already have a Kroger card, go to step 2.)

- 1) Get a Kroger Plus card, either, a) by going to a Kroger store and asking for one at the customer service desk, or b) Go to Kroger.com and click on "Register" and fill out the information and click "Create Account." Next, add a Plus Card by clicking on "Get a Digital Plus Card online today," fill in your name, and enter your ten-digit phone number where it says "Alt ID", and click "Save."
- 2) If you already have Kroger Plus card, but have not created an account on-line, go to Kroger.com and click "Register" and enter your existing Kroger card number, the number below the bar code on your card. Click "Save."
- 3) After you click on "Save" in one of the above, an "Account Summary" screen will come up. At the bottom of that screen is "Community Rewards." Click "Enroll" and fill out the required information there, click "Save", and it takes you to a new page, then click "Search" and click on button in front of West Virginia Highlands Conservancy, then click "Enroll." You're done!

Thank you for your support of West Virginia Highlands Conservancy!

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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.

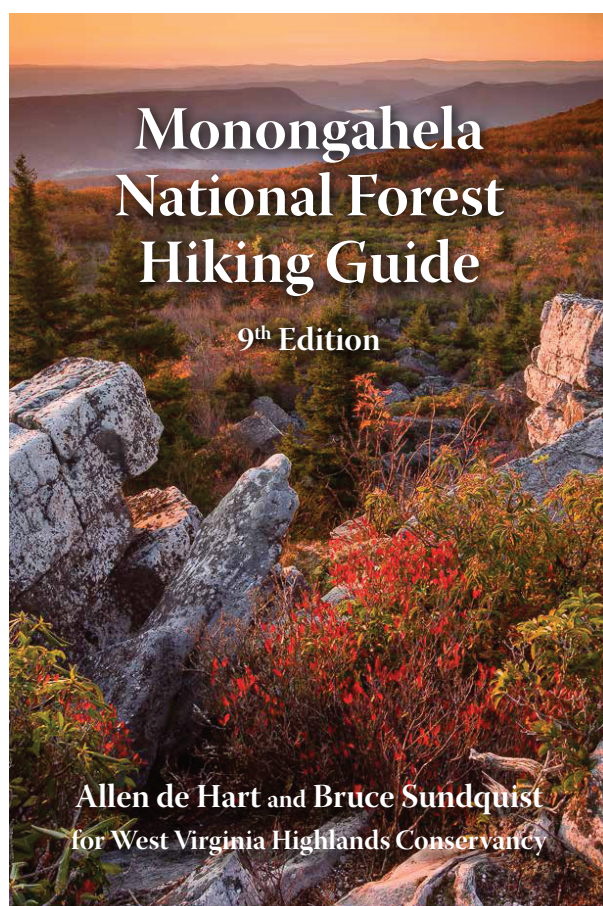
**Send \$18.95 plus \$3.00 shipping to:
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The Highlands Voice: It's Not Just for Reading Any More

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.)



Untapped Resource - a Hiker/Outdoor User Voluntary Fee

By Linda Cooper

Hikers, skiers, campers, RVers, photographers, bird watchers, canoeists and kayakers, plant collectors/ florists, rock climbers, horseback riders, cavers, festival goers, they are all here en masse and they love West Virginia's outdoors and wildlife. Visit any of our state parks or other wild protected areas and you will see them. By the hundreds. And they are very welcome, for many, especially, economic reasons.

Our state parks host an estimated 7 million visitors per year;¹ our national parks in West Virginia host an estimated 1.6 million visitors;² our national forests and wilderness areas, 728,000.³ Projections are that visitorship will continue to increase (with or with COVID-19) as West Virginia is discovered by more and more close-by urbanites who can't get enough of this "last frontier of the East." At the same time, all our natural areas and facilities have backlogs of maintenance and other management issues.

Further, West Virginia has nearly 500 animal species--70 mammals, 85 reptiles and amphibians, 336 birds;⁴⁻⁵ 281 fish

species,⁶ and some 3,000 plant species.⁷ Of the wildlife species, 37 are hunted/game



species.⁸ The West Virginia Department of Natural Resources is charged with caring for, protecting, and managing our state's wildlife. The funds made available to them for this purpose come almost exclusively from fees

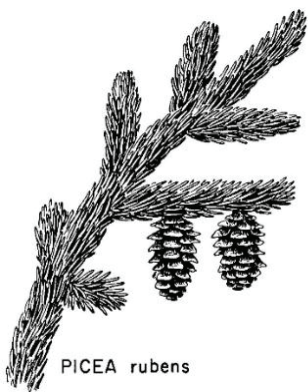
collected from some 12% of our population and any number of those beyond our borders who purchase hunting and fishing licenses.

There is a bit of a glitch here, however. With these collected fees almost exclusively dedicated to management of just the hunted/ game species, what's happening with all the others 46 wildlife species (500-37)? What about the threatened and endangered ones? And what about the lost recreational opportunities for those who love them as much as hunters love their hunted species? Are they all doing okay? And what about their habitat, including those 3,000 plant species that provide sustenance for both hunted and unhunted species. Do they need no protection, management? How is the well-being of all these "others" seen to?

Some might view the issues raised above as having something to do with fairness. Others may see it more like pandering to a well-endowed but ever decreasing special interest group (again, 12% of West Virginians purchase hunting and

(More on user fees on the next page)

Red Spruce Seedlings Available for Spring 2021



The West Virginia Highlands Conservancy currently has a limited number of Red Spruce seedlings available for Spring 2021. Quality container-grown seedlings, grown from seeds collected in the West Virginia Highlands for forest restoration and research purposes.

When we have a surplus, we make them available to the public. All proceeds support our Red Spruce Ecosystem restoration efforts.

Quantities Limited

Red Spruce (Picea rubens)

2 year plug, 10-15 inches tall. These quality container-grown seedlings are the same product we have been using in restoration projects very successfully for nearly 20 years. CASRI Partners have planted nearly a million of them!

For 2021 we have an extraordinary opportunity to offer Red Spruce plugs from 5 different seed sources: Dolly Sods, Spruce Knob, Stuart Knob, Panther Knob and Top of Allegheny. Or you can order a mix of available sources.

100 - \$250 (FOB Morgantown), 100 Shipped (via UPS) - \$300, 1,000 - \$1,250 (FOB Morgantown)

Plants are available for pick-up April 15-30, 2021 in Morgantown, WV.

Limited availability - Minimum order 100.

Trees can be purchased online at www.wvhighlands.org, or send a check to;

West Virginia Highlands Conservancy, PO Box 306, Charleston, WV 25321. Specify source preference.

For more information contact: Dave Saville at david.saville12@gmail.com

To learn more about the Red Spruce Ecosystem, and our efforts to restore it, visit; www.restoredspruce.org

If you cannot use any spruce seedlings, consider donating.



Public Lands User Fee (Continued from previous page)

fishing licenses). One may also ask, does this current system really work? Are game species being managed well? For example, with no natural predators, deer, in particular, are overrunning many parts of the state causing severe harm to ecosystems, rare plants, other wildlife species, gardens and landscapes, automobiles, and humans as victims of auto accidents. In fact, according to carinsurance.com, West Virginia leads the nation as the state where you are most likely to hit a deer.⁹⁻¹¹ Some 20,000 deer-vehicle crashes occur annually in West Virginia and have for decades. At an estimated cost of \$2,423 per claim, that is \$52 million a year, or nearly \$30,000 each for every man, woman, and child in the state.

Interesting statistics and also a bundle of problems for recreation and wildlife managers. How do we ensure the protection of what we have? How do we make and maintain sustainable budgets? Are there no other options?

Given the opportunity, as with licenses and hunters, might not these other recreationists and wildlife enthusiasts wish to help care for these natural areas, their wildlife, and their habitat? But how can we? And why is no one asking us to do so and providing a convenient mechanism to make it possible?

Perhaps it is time to look for a way to enable equal opportunity giving. Perhaps not all but surely some of these thousands of visitors like our environment so much that, if asked, they will voluntarily contribute to keeping it wild and wonderful.

I have a suggestion: why doesn't WVHC or some other viable, responsible state organization sponsor and coordinate the printing, distribution, and collection of specially designed envelopes in which visitors can place a voluntary contribution for the purpose of protecting our wildlife, plants, all wildlife forms, and their precious habitat. A dollar or two, five, ten, a hundred? It would

pay for its own management, add up over time, and givers/users would thus be even more invested in an area and cause they cherish.

The envelopes could be made available at state agencies, stores/businesses; hunting and fishing license purchase locations; in appropriate boxes located at popular trailheads; and other places throughout the Monongahela National Forest, our Refuges, and all tourism-related venues. The envelopes could be postage-paid and returned via the U.S. Postal Service. The envelopes themselves could be small and unobtrusive, perhaps like those made available at Forest Service kiosks in which camping site fees are deposited. A message something like the following could be enclosed:

HIKER and OUTDOOR USERS VOLUNTARY FEE

Hiking, skiing, canoeing, watching birds and wildlife, caving, or spending time in other ways here; we are SO glad to have you. We hope you are enjoying it as much as we who live here do.

We work really hard to keep it as wild/natural as possible, but it is not easy. Right now, only hunting and fishing license fees are available for this difficult work. And that is not enough for all that needs to be done to keep it this way.

If you love our wild areas as much as we do please chip-in. Tuck this envelop away for now and conveniently mail it with a contribution when you return to full civilization (postage paid).

"A message and effort by the WVHC in cooperation with the West Virginia DNR Wildlife Resources Section, the U.S. Fish & Wildlife Service, the U.S. Forest Service, and numerous state and local

conservation organizations. For more information: [web address]"

Why don't we get on with it?

1. <http://wvstateparks.com/EconomicResearch2015.pdf> accessed 11/16/20.
2. <https://www.nps.gov/state/wv/index.htm> accessed 11/16/20.
3. <https://www.fs.usda.gov/sites/default/files/2019-National-Visitor-Use-Monitoring-Summary-Report.pdf> accessed 12/7/20.
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Linda Cooper is a past WVHC President. She holds both an MSW and an MBA degree. Native of Canaan Valley, she operates a B&B, Bobolink Cabin, on the family farm there. She currently lives in Anchorage, AK, and can be reached at lcooperak@gmail.com.



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 M-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