



# The Highlands Voice

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

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Hand smacked but it's not enough

## Corridor H's Construction Company Facing Fines

By John McFerrin

From the project's beginning the West Virginia Highlands Conservancy has opposed Corridor H. Even when it was only an idea--with nothing on the ground—we thought it was a bad idea, a big slice across the highlands that would be destructive but of little benefit.

In *Fighting to Protect the Highlands: The First Forty Years of the West Virginia Highlands Conservancy*, David Elkinton describes it this way: "In essence, the Conservancy questioned the basic need for a controlled-access four-lane highway, preferring instead an upgrade of existing U.S. Route 33, U.S. Route 50, and other feeder routes." This was describing our position in 1974 and today. Indeed, our affiliated group Corridor H Alternatives has the same idea in its name and shares this view.

From time to time, however, we are reminded that Corridor H is not just a bad idea in its conception. The execution of that idea

has been destructive as well. This is one of those times.

The most recent indication of flawed execution of the idea appears in the enforcement action that the West Virginia Department of Environmental Protection has taken against Kokosing Construction, the construction company currently working on the project.

The enforcement action is summarized in a Consent Order No. 8893 agreed to in October, 2020, between the Department of Environmental Protection and Kokosing Construction. It sets out the company's violations and then sets out what the company has to do as a result.

The Consent Order is two hundred pages long. Much of this (over 160 pages) is tables and pictures. The part that sets out what Kokosing Construction actually did is about thirty pages.

(More on p. 3)

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## Thoughts from our President

By Larry Thomas

February continued the onslaught of freezing temperatures and strong winds (causing wind chills to drop below zero), along with snowstorm after snowstorm blanketing most of the highlands in a wintry wonderland. Unfortunately, Punxsutawney Phil saw his shadow and predicted six more weeks of winter. A flurry of activities also continued a flurry of activities as we continue our efforts to preserve and protect the highlands and monitor unresolved issues that we have been working on as are reported in this issue of the Highlands Voice.

### 2021 Legislature

In addition, the 2021 legislative session started February 10 and things have developed very confusing as predicted. It is very different this year with access to the Capitol building being limited, and the process for posting agendas and confirming public hearings remain confused and unclear.

The Conservancy is a member and supporter of West Virginia Environmental Council (WVEC) whose lobby team is busy monitoring legislation as it is introduced, reaching out to legislators, and working with coalition partners. See the article by Frank Young on page 5 of the February Voice for a description of the activities of WVEC. Already they have identified what is good and, of course, bad legislation for our fragile environment and those that make West Virginia their home.

### Water Quality Standards

- HB 2389: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards
- SB 137: DEP rule relating to requirements governing water quality standards

### Economic Development and Renewable Energy

- HB 2588: Creating the WV Energy Efficiency Jobs Creation Act
- SB 30: Permitting third-party ownership of renewable and alternative energy generating facilities.

### Altering the Above Ground Storage Tank Act

- HB 2598: Exempts certain oil and gas storage tanks from the Above ground Storage Tank Act

### Fully Funding the WVDEP Office of Oil and Gas

- HB 2725: Relating to funding for the DEP Office of Oil and Gas

### State Buildings Regarding Energy Efficiency

- HB 2667: Create a cost saving program for state buildings regarding energy efficiency.

You can subscribe to get action alerts and legislative updates at <https://wvecouncil.org/>.

### WVHC Public Lands Committee

The Public Lands Committee continues to be busy reviewing proposed projects in the Monongahela National Forest and submitting comments and suggestions as determined necessary. In addition, they are engaged in a new initiative to undertake a new program to help guide and engage the public in the management of the popular Dolly Sods Wilderness Area.

Dolly Sods, while always a popular tourist destination, has become a mecca for backpackers, photographers and other outdoor enthusiasts and adventure seekers. Its popularity has exploded in recent years, especially with the popularity of social

media. Numerous management issues ranging from overcrowding, resource damage, trail conditions and possible reintroduction of trout into Red Creek would all be better resolved with an active constituency of volunteers and public engagement. We foresee that having an established constituency will be crucial to our advocacy on that issue. It is a public lands management issue that is crying out for public engagement.

The program would organize volunteers, lovers, and users of the area and give them an outlet for organizing trail work outings, backpack excursions, campsite rehabilitation, wilderness and *leave no trace* education, and engage management on a number of issues of concern. It is an effort that is needed and sought after, and the Highlands Conservancy is the natural organization to provide the leadership to make it happen.

From day one, Dolly Sods has been a huge part of the WVHC heritage. It was WVHC who helped protect it, the Eastern Wilderness Act in 1975, and the Wild Monongahela Act in 2009. The Highlands Conservancy was instrumental in accomplishing the protection.

The Public Lands Committee is developing potential WVHC program activities which include:

- Wilderness stewards – Leave No Trace education, monitor and report backcountry conditions
- Trail and campsite maintenance/rehabilitation
- Monitor/replenish trailhead sign-in boxes
- Assist with backcountry campsite inventory
- Assistance with traffic monitoring/counting

The success of this program will depend on a lot of volunteers.

### WVHC Futures Committee

The Board of Directors approved hiring a full time Program Director at the January meeting and the futures committee has been working on the job description and other issues involved in hiring an employee. The job post is included in this months Voice and will be distributed to other environmental organizations and social media platforms to get as wide a distribution as possible. If you know anyone that might be interested in the position, please forward the information to them.

I want to thank all of the committees for their hard work and hope that our members and supporters continue to stay safe during this unusual time.

## Corridor H Enforcement Action (Continued from p. 1)

The description of the violations goes on and on for page after page in a dreary pattern: there was an inspection, some number (usually six or seven; Kokosing's personal best was fifteen) of violations were found, and a Notice of Violation was written.

Although there was one violation for installing tanks containing petroleum products in the wrong place and without spill containment, almost all were for allowing sediment to go to the streams. The affected streams were Panther Run, Haddix Run, Fools Run, Baldlick Run, Laurel Run, Wilmoth Run or their tributaries. They are located in Randolph County, near Kerens.

Many of the violations were for sediment in the streams. Most often, a day's violations included both sediment in the streams and failure to do some things that were designed and approved to prevent sediment. For example, the company is supposed to install structures to control sediment before clearing and grubbing an area. Kokosing did it the other way around, doing the clearing and grubbing before installing the sediment control. The company is supposed to have basins to catch sediment; Kokosing would have basins but they were too small, the sediment laden water was bypassing them, or they were otherwise ineffective. Slopes were supposed to be reseeded; they didn't do that.

These are not "alleged" violations. Although enforcement procedures allow the accused a chance to show that they did not do what they are accused of, we are past that. This is a Consent Order; this is what Kokosing Construction agrees that it did. Companies who enter into consent orders agree that they did the thing of which they are accused and agree to a penalty.

In this case, the remedy is that Kokosing will submit a plan for correcting the violations and then both correct the violations and the conditions that led to the violations. In addition, it will pay a fine of \$640,358.

The Consent Order is not yet final. With Consent Orders such as this, the Department of Environmental Protection is required to publish it for public comment and consider what the public has to say before the Order is final.

The West Virginia Highlands Conservancy, in cooperation with the West Virginia Rivers Coalition and the West Virginia League of Women Voters, had a lot to say.

Penalties in cases such as this are not just plucked out of the air. They are the result of the application of a formula. The formula lists several factors which are supposed to be used to increase or decrease the penalty. The groups contend that the appropriate enhancements were not applied.

The first of the enhancements the groups mention in their comments is the consideration of the sensitivity of the environment. Haddix Run is listed in the West Virginia Water Quality Regulations as a Tier 3 Stream. Tier 3 Streams are "outstanding national resource waters." They include waters in Federal Wilderness Areas, specifically designated federal waters, and high quality waters or naturally reproducing trout streams in state parks, national parks, and national forests. Kokosing discharged sediment into tributaries of Haddix Run. In spite of this, the calculation of its penalty considered the sensitivity of the environment to be minor. It should have been considered as the most sensitive. If a Tier 3 stream is not sensitive, what is?

Second, Kokosing is a repeat offender. In 2018 the Department of Environmental Protection issued a cease and desist order for this operation and required a plan of correction. The company's behavior did not change. The Consent Order lists twenty seven Notices of Violation. The penalty calculation rules allow for an enhancement of the penalties for repeat offenders. In spite of Kokosing's record, the Department of Environmental Protection did not enhance the penalty.

The DEP also failed to account for the loss of enjoyment of the environment as the rules require. In calculating the penalty, it acted as if no one lives there and that no one was harmed by having the streams filled with sediment. The South Fork of Haddix Run is a native brook trout stream. Those who fish there have lost the full enjoyment of that stream. In addition to the fishermen, local residents have experienced loss of their recreational opportunities. The penalty should reflect that.

Finally, DEP should account for its full staff investigative costs. In this case, it did include in the penalty a sum for its investigative costs, a move which the groups applauded. The difficulty was that it included only \$228. This does not remotely cover the extra investigative costs incurred by DEP because of Kokosing's conduct.

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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](http://www.wvhighlands.org).

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

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



**Forest Service Needs to Slow Down and Listen**

# Forest Service Gauley Project Scrutinized

By Kent Karriker

The Monongahela National Forest has proposed to conduct over 2,600 acres of timber harvest and several hundred acres of prescribed fire on the Gauley District near the town of Richwood. The project is called the Gauley Healthy Forest Restoration project, or GHFR for short (see the brief summaries in Larry Thomas' president's column in the August and September 2020 issues of the *Voice*; see Forest Service project update here: [project update](#); see ABRA Conservation Hub project page here: [ABRA GHFR page](#)).

The Forest Service describes the project as a set of activities that are designed to "reduce the expansion and threat of significant, damaging forest insects and disease; and reduce fuels buildup that cause uncharacteristic wildfire conditions" (see Schedule of Proposed Actions: [SOPA](#)). Of the 2,600+ acres of proposed timber harvesting, 351 acres would be clearcuts, and the rest would be various forms of commercial thinning. The prescribed fire areas partially overlap some of the timber harvest areas. In addition, over 60 miles of temporary roads would be needed to facilitate the timber harvest.

Early on in the project planning process, back in late 2019 and early 2020, the Forest Service raised the suspicion of environmental stakeholders when it abruptly cancelled the previously announced Gauley Integrated Spruce Restoration project (GISR) and substituted the Gauley Healthy Forest Restoration project in its place.

The GISR project would have involved noncommercial and commercial thinning to restore red spruce ecosystems, and it would have proceeded under the normal Environmental Assessment (EA) process, which includes multiple opportunities for public involvement. The Gauley Healthy Forest Restoration project, in contrast, focuses on even-aged management of hardwoods for timber production, and the Forest Service is proceeding under a Categorical Exclusion (CE), which limits opportunities for public involvement.

An Environmental Assessment is designed to determine whether the project would have any significant effects on the environment; if it would, an Environmental Impact Statement (EIS) must be prepared. A CE, in contrast, is used for certain categories of actions that the agency has already determined would not have any significant effects.

The Highlands Conservancy and several other environmental groups asked for basic information about the project, including the project boundary, locations of proposed timber harvest and fire units, and environmental resources in the project area, but the Forest Service declined to provide the information. Because of the difficulty in obtaining information through the normal informal channels, the groups, represented by the Allegheny-Blue Ridge Alliance (ABRA), filed a Freedom of Information Act (FOIA) request in July, 2020 ([ABRA FOIA](#)). Agencies are supposed to respond to FOIA requests within 20 working days, but due to a couple of requests for clarification by the Forest Service, the timeline dragged on, and the Forest Service finally responded to the FOIA request in November, 2020 ([FOIA response](#)). Although it was apparent that the Forest Service did not conduct a thorough search for information and failed to respond adequately to some aspects of the request, the information they provided was enough for us to identify several serious problems with the project.

## **The Project Does Not Fit the Proposed Categorical Exclusion**

The Forest Service is proposing to use a Categorical Exclusion that was created by Section 603 of the Healthy Forest Restoration Act, as amended by the 2018 Farm Bill. A project may use this Categorical Exclusion only if it "maximizes the retention of old growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease; considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity..." (direct quote from the Act).

Recall that the project includes 351 acres of clearcutting, which obviously does not retain old growth and large trees, nor does it restore structure, function, composition and connectivity. While clearcutting is not prohibited throughout the project area, and the Forest Plan encourages it in some parts of the project area, such even-aged management does not constitute ecological restoration and should proceed under the normal Environmental Assessment process rather than the Section 603 Categorical Exclusion.

Also, the Categorical Exclusion is intended for projects that are "designed to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas" (again quoting from the Act). But the response to our FOIA included information that said the project area does not have enough insect and disease activity to justify creating harvest units to address the activity. The information also said that only 10 percent of the trees to be harvested from clearcuts and 25 percent of the trees to be harvested from thinning units are expected to be dead or dying trees. And the agency's argument that the project would serve to prevent future outbreaks is weak and not supported by any factual information.

## **The Project Could Have Significant Effects on the Environment**

A Project can use a CE only if the agency is certain that the project would not have any significant effects on the environment. Information contained in the FOIA response suggests that several significant effects could occur. The project would further degrade watershed hydrology in the area because of inadequate decommissioning of the temporary roads that would be used to yard the timber. The effects of such degradation on the endangered candy darter, which inhabits the project area, have not been evaluated. The project could also harm long-term productivity of the landscape because of nutrient depletion impacts related to soil disturbance, timber removal, and burning of brush piles. And it appears that potential impacts to the Wild and Scenic River-eligible North Fork of the Cherry have not been evaluated.

## **The Public Involvement Requirements of HFRA Section 603 Have Not Been Met**

Unlike most other Categorical Exclusions, the Section 603 CE requires that the project be "scoped" (a public process that is used to help design the project). More specifically, Healthy Forest Restoration Act, section 603 states that projects must be "developed and implemented through a collaborative process that includes multiple interested persons representing diverse interests;

**(More on the next page)**

## More about the Forest Service Project (Continued from page 4)

and is transparent and nonexclusive..." HFRA section 603 also requires that a public notice be issued. Neither step has been completed. Instead, the Forest Service held private meetings or telephone conversations with five hand-picked stakeholder groups, none of which included any of the environmental stakeholders that have been actively involved in other recent Forest Service projects. Meeting notes indicate that in all of these interactions with the five stakeholder groups, the Forest Service basically told the groups what the agency had already decided to do, and largely ignored the groups' suggestions for changes to the project.

In response to these problems, the West Virginia Highlands Conservancy, along with ABRA and the West Virginia Rivers Coalition, sent a letter to the Forest Service requesting that the project be re-scoped as an Environmental Assessment, which we contend is the appropriate level of analysis ([EA request letter](#)). The EA process is transparent and will allow for meaningful public input into the design of the project and the analysis of environmental effects. So far we have received no response to this letter. Because the letter was not submitted during any official comment period (of which there have been none), the Forest Service has no legal obligation to respond in any way. But we hope they will do the right thing and allow the public involvement that should have been allowed all along.

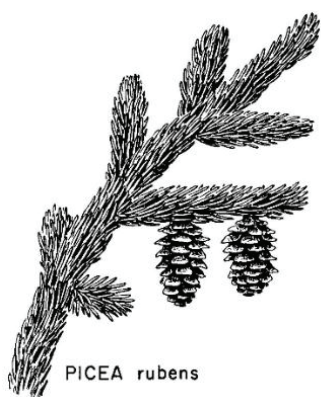
ABRA has also filed a formal appeal of the inadequate FOIA response ([FOIA appeal](#)), as well as a new FOIA request seeking new information ([new FOIA](#)). The agency has acknowledged receipt of the appeal, and we are currently within the 20 working-day response period allowed for both the appeal and the new request.

Meanwhile, the Forest Service's current Schedule of Proposed Actions projects a final decision on the project in February, 2021 (last month by the time you are reading this). However, in the past they have projected several decision dates that have come and gone. As of this writing, no decision has been published.

### To Learn More

The Allegheny-Blue Ridge Alliance Conservation Hub has lots of information about this project. To see it, go to [https://hub-dpmc-gis.opendata.arcgis.com/pages/usfs\\_gauley-healthy-forest-restoration](https://hub-dpmc-gis.opendata.arcgis.com/pages/usfs_gauley-healthy-forest-restoration). There are lots of maps with lots of information. It was my experience that, on my computer at least, it took a while for everything on the maps to appear. If they look bland at first, just wait. More stuff will fill in the map.

## 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](http://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](mailto:david.saville12@gmail.com)

To learn more about the Red Spruce Ecosystem, and our efforts to restore it, visit; [www.restoreredspruce.org](http://www.restoreredspruce.org)

If you cannot use any spruce seedlings, consider donating.



# Dark Sky Week Coming Up

By John McFerrin

International Dark Sky Week is coming up April 5-12. West Virginia has several reasons, and places, to celebrate.

Dark Sky Week is a project of the International Dark Sky Association. Since 2013 it has been held with a goal of raising awareness about light pollution's many negative effects. It is always held when the sky is darkest and the stars most visible.

Among its activities, the International Dark Sky Association designates locations where there is exceptional darkness. It does through a rigorous process that includes measures of darkness in a location as well as steps taken to protect the darkness of the place. Such steps could include such things as making sure that all light fixtures are designed so that they deflect light downward.

West Virginia has several places that are recognized, both formally and informally, as dark sky locations. Both Spruce Knob and the Calhoun County Park have been recognized by the state of West Virginia as dark sky locations. In addition, *Forbes* magazine has touted Eastern West Virginia as a destination where beleaguered Washington, D.C. residents could escape their city's light pollution. The West Virginia Tourism Office adds the Green Bank Observatory and Cranberry Glades to the list. While not officially promoted by the Tourism Office, wilderness areas such as Dolly Sods and various old fire towers also offer the experience of dark skies.

The West Virginia Highlands Conservancy has had a minor, supporting role in one effort at getting Dark Sky recognition. The Watoga State Park Foundation is in the middle of an effort to have Watoga State Park and the adjacent Calvin Price State Forest designated as a Dark Sky Park by the International Dark Sky Association. It is a long process with lots of data to submit, documents to complete, etc. that usually takes about two years. The West Virginia Highlands Conservancy wrote a letter in support of the application.

Of course, the very idea of dark skies and the idea that there could ever be something such as the International Dark Sky Association devoted to preserving them are modern ideas. Before electricity became common, all the skies were dark skies. The idea that there could be such a thing as "light pollution" was foreign.

Not any more. The International Dark Sky Association has sections on Wildlife and Ecosystems; Energy Waste; Lighting, Crime and Safety; Night Sky Heritage; and Human Health. Just in the section on Wildlife and Ecosystems it says this:

For billions of years, all life has relied on Earth's predictable rhythm of day and night. It's encoded in the DNA of all plants and animals. Humans have radically disrupted this cycle by lighting up the night.

Plants and animals depend on Earth's daily cycle of light and dark rhythm to govern life-sustaining behaviors such as reproduction, nourishment, sleep and protection from predators.

Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants.

## **Artificial Lights Disrupt the World's Ecosystems**

Nocturnal animals sleep during the day and are active at night. Light pollution radically alters their nighttime environment by turning night into day.

According to research scientist Christopher Kyba, for nocturnal animals, "the introduction of artificial light probably represents the most drastic change human beings have made to their environment."

"Predators use light to hunt, and prey species use darkness as cover," Kyba explains "Near cities, cloudy skies are now hundreds, or even thousands of times brighter than they were 200 years ago. We are only beginning to learn what a drastic effect this has had on nocturnal ecology."

Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations.

## **Artificial Lights Can Lead Baby Sea turtles to their Demise**

Sea turtles live in the ocean but hatch at night on the beach. Hatchlings find the sea by detecting the bright horizon over the ocean. Artificial lights draw them away from the ocean. In Florida alone, millions of hatchlings die this way every year.

## **Artificial Lights have Devastating Effects on Many Bird Species**

Birds that migrate or hunt at night navigate by moonlight and starlight. Artificial light can cause them to wander off course and toward the dangerous nighttime landscapes of cities. Every year millions of birds die colliding with needlessly illuminated buildings and towers. Migratory birds depend on cues from properly timed seasonal schedules. Artificial lights can cause them to migrate too early or too late and miss ideal climate conditions for nesting, foraging and other behaviors.

## **Ecosystems: Everything is Connected**

Many insects are drawn to light, but artificial lights can create a fatal attraction. Declining insect populations negatively impact all species that rely on insects for food or pollination. Some predators exploit this attraction to their advantage, affecting food webs in unanticipated ways.

For more about the effect of light in other ways, go to [darksky.org](https://darksky.org). While there, be sure to click the links to play with the way cool map showing the level of darkness in different parts of the world. See how West Virginia compares with the rest of the Eastern United States (way darker) or the big states out west where there are fewer people (about as dark).



Join Now !!!

Name

Address

CityStateZip

PhoneEmail

Membership categories (circle one)

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

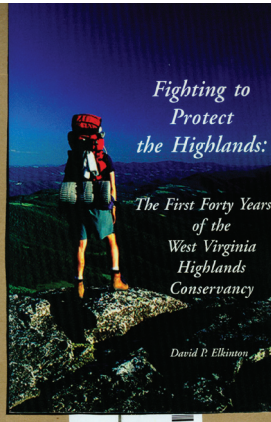
Mail to West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321

West Virginia Highlands Conservancy  
Working to Keep West Virginia Wild and Wonderful  
  
You may also join on-line at [www.wvhighlands.org](http://www.wvhighlands.org)

GET A GREAT HISTORY BOOK

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

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



518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$15.95, plus \$3.00 shipping, visit the Conservancy's website, [wvhighlands.org](http://wvhighlands.org), where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

SUCH A DEAL!  
Book Premium With Membership

Although *Fighting to Protect the Highlands, the First 40 Years of the West Virginia Highlands Conservancy* normally sells for \$15.95 plus \$3.00 postage. We are offering it as a premium to new members. New members receive it free with membership.

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

Tell a Friend!

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

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

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

Email \_\_\_\_\_

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

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

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

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.

# National Academy of Sciences Makes Recommendations for Addressing Climate Change

By Perry Bryant

In a recently released report the National Academies of Sciences, Engineering and Medicine (Academy) recommends that the United States adopt a modest carbon tax, use clean energy standards and energy efficiencies measures, as well as adopting other policies, in order to achieve net-zero emissions in the U.S. by 2050. Net-zero emissions means that we will continue to emit carbon dioxide (CO<sub>2</sub>) into the atmosphere even in 2050, but we will be taking out of the atmosphere at least as much CO<sub>2</sub>, through planting trees for example, as we emit. Net-zero emissions, while an ambitious goal, is what is needed if we are to avoid the worst impacts of global warming.

This is no ordinary report. Many consider the Academy to be the nation's leading scientific organization, and their recommendations deserve careful consideration.

The proposed carbon tax is paid by CO<sub>2</sub> emitters and passed along to consumers in the form of higher energy costs. It starts at \$40 for every ton of CO<sub>2</sub> emitted, and increases by 5 percent a year. A portion of the tax would be rebated to low-income families to offset their higher utility bills. The Academy rejected a \$100 per ton CO<sub>2</sub> tax, which many economists believe is needed in order to decarbonize the U.S. economy, because of the negative impact that the much higher energy costs would have on energy consumers.

The recommended clean energy standard for electrical utilities would require CO<sub>2</sub> emissions to be reduced by 75 percent by 2030 and to net zero by 2050. Currently, West Virginia generates over 90 percent of its electricity from coal, the most carbon intensive fuel used in generating electricity. Achieving a 75 percent reduction in less than 10 years is a heavy, but necessary, lift.

The Academy recommends that 50 percent of all new car and SUV sales and 30 percent of trucks sales be electric vehicles by 2030. All these electric vehicles will require development of an extensive charging infrastructure: think replacing the gas stations that are currently on every other corner with charging stations for electrical vehicles.

The proposed energy efficiency

standards include requiring new buildings to be designed and constructed to use 50 percent less energy.

The Academy also recommends revitalizing American manufacturing to produce high-paying jobs with solid benefits. Creating manufacturing jobs in solar, wind and batteries is essential, in my opinion, if addressing climate change is going to attract wide-spread support among Americans.

These policies proposals are designed to achieve the overarching strategy of: a) emphasizing energy efficiency; b) removing carbon dioxide from the production of electricity; and c) then electrifying as much of the U.S. economy as possible, including the transportation system (electrical vehicles), the heating and cooling of buildings (installing heat pumps), and heavy industries (wherever it's possible to switch from fossil fuels to electricity).

Consider for a moment the magnitude of the changes that are being proposed in order to avoid the worst impacts of climate change. In the next 15 to 30 years, we will have to replace the current coal- and most of the gas-fired power plants with energy from sources other than fossil fuels: solar, wind, hydro, geothermal, and nuclear. And we also have to replace all the energy that we currently use driving our cars, SUVs and trucks; as well as replacing the energy currently used in heating and cooling our homes and commercial properties; and replace the energy used in making everything from aluminum to pharmaceuticals.

Given the massive expansion of the use of electricity, it's not surprising that the Academy recommends statutory changes in order to upgrade the electrical grid making it more resilient, and to make it easier to construct significant miles of new transmission lines. The report does stress the need to preserve the opportunities for meaningful public input in siting these transmission lines and other infrastructures.

The need to build massive new miles of high-voltage transmission lines can be reduced through installing rooftop solar, which the report barely mentions. United Solar Neighbors (SUN), a nonprofit

organization that supports solar installation, has begun an initiative to install solar on 30 million homes. If successful, that would be about one in four houses in America, and would reduce the need for some of the proposed new high-voltage transmission lines.

Another contentious infrastructure recommended by the Academy is the construction of CO<sub>2</sub> pipelines to transport capture CO<sub>2</sub> from industrial plants to places where it can be sequestered underground. Some existing natural gas pipelines could be repurposed to carry CO<sub>2</sub> reducing the need for construction of new pipelines, although this will only ameliorate, not eliminate, the need for new CO<sub>2</sub> pipelines.

These intrusive infrastructures need to be weighed against the benefits of adopting clean energy. We will not only mitigate the effects of climate change (less severe hurricanes, fewer wildfires, shorter droughts, etc.) but also put an end to mountaintop removal, end black lung, greatly reduce the need for fracking, and vastly improved air quality, particularly in our inner cities. Harvard University and other universities, for example, released a report last month linking almost one in every five deaths worldwide with fossil fuels emissions.

PDF copies of the Academy report, *Accelerating Decarbonization of the U.S. Energy System*, can be found at <http://nap.edu/25932>. The report states that the transition to net-zero emissions by 2050 "provides an opportunity to build a more competitive U.S. economy, to increase the availability of high-quality jobs, to build an energy system without the social injustices that permeate the current system, and to allow those individuals and businesses that are marginalized today to share equitably in future benefits." That is a wonderful vision. But it will not be easy.



# Overappreciated Prognosticators; Underappreciated Interior Designers

By John McFerrin

Now we have a few more data points in the ongoing effort to determine if groundhogs really can predict the weather. Punxsutawney Phil—the national groundhog by virtue of his cinematic career and superior public relations efforts—predicted six more weeks of winter. In West Virginia, however, both of our groundhogs—Concord Charlie and French Creek Freddie—predicted an early spring. From the recent ice storms and snow it appears that Phil got the better of that prediction.

In Texas, on the other hand, the groundhog at the Dallas Arboretum predicted six more weeks of winter. Sounds about right.

Even with these additional data points, we are no closer to answering the question of whether or not groundhogs can predict the weather. Is Groundhog Day a real thing, or just another excuse for the imminences of Punxsutawney to dress up in their top hats and terrify a hapless rodent?



For a more rigorous examination of the question, we can look to a study published in *Scientific American* last year. According to the article the cute little rodent is lousy at predicting. It can predict the coming of spring no better than a coin flip. To see the whole article, go to <https://blogs.scientificamerican.com/observations/groundhogs-dont-have-a-clue/>.

Even if the groundhog's skill as a weatherrodent is questionable, it is a master at interior design. Its burrows are used for safety, hibernating, sleeping, and as a nursery. There are separate rooms for each, including a separate room that serves as a toilet. There is one main entrance plus up to five other holes, handy for use either as an emergency exit or an entrance when danger looms.

All groundhog burrows are basically laid out in the same way. When digging a burrow, the groundhog starts digging inward for several feet, then inclines the tunnel upward for a few feet. After that, they dig horizontally for 15-25 feet. This design will prevent the tunnel from flooding. From the main tunnel, two to three side tunnels are dug, leading to separate areas for sleeping, rearing young, and use as a toilet. After the toilet is full, the area is sealed off and another toilet area is dug.

Groundhogs usually have both a summer and a separate winter burrow. The winter one is deeper, deep enough to assure it is below where the ground freezes. Groundhogs are true hibernators. Unlike some animals who only go into a deep sleep in winter, groundhogs lower their body temperature to as low as 35 degrees Fahrenheit; their heart rate falls to 4–10 beats per minute and breathing rate falls to one breath every six minutes. If their deep burrows did not put the hibernating groundhog below the frost line they could freeze.

## Other groundhog facts:

- Groundhogs probably don't drink water. They sustain themselves on the liquids found in the food they eat and dew on that food.
- Groundhogs may double their body weight as they prepare for hibernation. They don't store food for the winter; they eat until they have enough nutrition stored in their fat.
- To accommodate its large appetite, groundhogs grow upper and lower incisors that can withstand wear and tear because they grow about a sixteenth of an inch each week.
- Groundhogs are used in medical research on hepatitis B-induced liver cancer. A percentage of the groundhog population is infected with the woodchuck hepatitis virus (WHV), similar to human hepatitis B virus. Humans do not receive hepatitis from groundhogs with WHV but the virus and its effects on the liver make the groundhog the best available animal for the study of viral hepatitis in humans.
- Abandoned groundhog burrows provide shelter for a number of wildlife species, including rabbits, raccoons, foxes, skunks, weasels, and opossums. Groundhogs also move large amounts of subsoil when digging their burrows, which helps to aerate and mix the soil.
- Except when they are breeding or raising young, groundhogs are solitary. Males emerge first in the spring when they go looking for burrows where there is a female (probably what Phil, Charlie, et al had in mind when they saw, or didn't see, their shadows). They often move into the female's burrow for a period of getting acquainted before mating begins.

## West Virginia Highlands Conservancy Seeks Program Director

WVHC, now in its 54<sup>th</sup> year, currently serves approximately 1,500 members and supporters with a strong history of promoting, encouraging, and working for the conservation and an appreciation of the natural resources of West Virginia focusing primarily on the Highlands Region. Protecting clean air, clean water, forests, streams, mountains, and the health and welfare of the people that live here and those who visit is what the Conservancy is all about.

The responsibilities of the Program Director would be Organizational Development, Committee Coordination, and working with the Public Lands Committee to establish an advocacy program for the Dolly Sods Wilderness in the Monongahela National Forest.

Responsibilities:

- 1.) Organizational development 50% - Develop and implement strategies to effectively increase WVHC membership and revenues. Establish a "Brand" for the organization and work to standardize this brand across all organization communications, publications, website, and social media, etc. Activities would include developing relationships with, and communications with the press, communicating directly with our members and the public by writing articles for the Highlands Voice (presently our most important developmental tool), develop fund appeals, and institute membership development and maintenance activities. Assist with the quarterly Board of Director meeting planning and preparation, including agendas, financials, packets, mailings emails etc. and attendance of the meetings providing reports on recent efforts and relevant developments.
- 2.) Committee support - Facilitate Committee Activities by helping to coordinate inter-committee communications, meetings, fund raising, membership engagement, press communications, volunteer coordination, and public outreach activities. Engage elected officials to advocate our position on Legislative matters.
- 3.) Establishing a Dolly Sods Advocacy Program - Work with the Public Lands Committee, to develop a program to help guide and engage the public in the management of the Dolly Sods Wilderness. This program would include service and educational outings, help to coordinate volunteer activities with the Forest Service, and advocate for strong protection of the Resources of this popular Wilderness Area.

The Program Director is a full-time position. Compensation would be commensurate with experience, with negotiable benefits. The Director would also have an operational budget which would cover travel, office, and operational expenses.

Qualities we are seeking for a successful candidate would include:

- strong communications and writing skills
- previous Organizational Development experience
- familiarity with the social and political landscape of West Virginia
- familiarity with the places where we work, and the issues we are engaged in
- experience working with the press
- experience working with Federal and State Land Managing and Regulatory Agencies
- A firm understanding of Wilderness
- experience organizing volunteers

Please send resume to [larryvthomas@aol.com](mailto:larryvthomas@aol.com). Deadline is April 15, 2021.

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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.

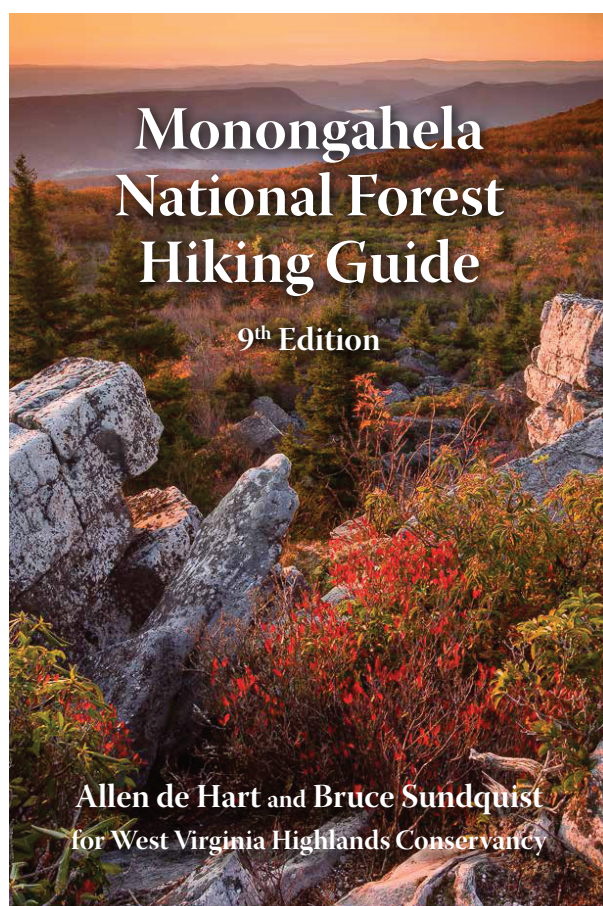
**Send \$18.95 plus \$3.00 shipping to:  
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**P.O. Box 306**

**Charleston, WV 25321**

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**Order from our website at  
[www.wvhighlands.org](http://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](mailto:WVHC50@gmail.com). With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived.

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.)





# Board Highlights

By John McFerrin

For the latest of what seemed like too many times in a row we gathered in our little Zoom boxes to take care of the West Virginia Highlands Conservancy’s business. Some of the meeting was uneventful with people saying things such as, “we did stuff; read about it in the *Voice*.” While that was routine, we also moved forward with a dramatic change for the Conservancy.

In matters legislative, for example, Frank Young reported that he had previously distributed a report which would be in the February, 2021, issue of the *Voice*. In extractive industries, Cindy Rank reported that the committee had been active, as reflected in stories in the February *Voice*.

In matters of public lands, Kent Karriker reported on various projects that we are involved in reviewing, commenting on, etc. See his story on page 4 of this issue as well as in President Larry Thomas’s story on page 2. He also talked about problems at Dolly Sods. There are problems with overuse and other issues. The Forest

Service is preparing a plan to address these issues. There is a meeting scheduled to discuss this.

In matters of highways, Hugh Rogers reported that Corridor H Alternatives is sending a letter reminding the Department of Highways that interested citizens remain interested, even after all these years, and reminding it that the crossing of Blackwater Canyon remains controversial.

We did manage to make some small decisions. Larry has been the West Virginia Highlands Conservancy representative to the West Virginia Environmental Council. We switched out Larry for Frank Young.

We also decided to join the West Virginia Climate Alliance. It is comprised of environmental organizations, faith-based organizations, civil rights organizations and young adults. The primary purpose of the Climate Alliance is “to provide science-based education on climate change to West Virginia citizens and policymakers.”

Having warmed up with the smaller decisions, we moved on to the big decisions: the budget.

Most of the budget discussion was focused on three main items: (a) should we create an administrative position such as a Program Director; (b) should we provide additional support for the National Forest Mapping project and follow-up monitoring of the reclamation of Atlantic Coast Pipeline and the Mountain Valley Pipeline by the Allegheny Blue Ridge Alliance (West Virginia Highlands Conservancy is a member); (c) should we increase our support of the Central Appalachian Spruce Restoration Initiative by supporting a Red Spruce Outreach Coordinator to assist Dave Saville in his efforts with the CASRI coalition.

We decided to continue support for the Allegheny Blue Ridge Alliance. This is an ongoing effort although our support will be less than in the past.

Questions remained about the Red Spruce Outreach Coordinator position especially from newer board members who aren’t familiar with the specifics of the inner workings of the Red Spruce program and WVHC’s role in the effort. Larry is to meet with Dave Saville to help prepare a presentation for the board describing in greater detail the who what and how of the CASRI coalition, what are the roles and contributions of the many organizations and

agencies involved in the effort, the specific role of WV Highlands Conservancy and Dave in the overall project, etc.

The big decision was to put funding for a Program Director in the budget. In all of our existence we have never had that type of position. We have paid a stipend to the editor of *The Highlands Voice* and have paid someone to manage our membership list,

fulfil store orders, etc. We have never had anyone to direct our programs. This is a big step in that direction, a big step for the organization.

Even though this is a big step, the Board thought it was the right one. We have talked about it a lot, had a Futures Committee talk about it, and thought this was the best route to take. We are confident that this will make us more effective in carrying out our goal of preserving and protecting the highlands of West Virginia.

For more information on what a Program Director would do, see the job posting on p. 10.



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

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



## **From The West Virginia Hills** by Lenore McComas Coberly; reviewed by Cindy Rank

A journey through a life well lived

The song of Lenore McComas Coberly's life is sung in brief stories that span some 95 years.

Ever-delightful, always thought-provoking and sprinkled with kind humor, Lenore McComas Coberly comes to us once again with her gift for story telling in her recent book **From The West Virginia Hills**.

This time she takes us on a journey of what she recalls as an amazing life, an autobiography of sorts, but not written in a narrative style that one might customarily expect.

From Madison Wisconsin February 1, 2020 Ms. Coberly introduces us to her newest book this way:

"The memory of one's life is not a narrative, rather, it comes back piecemeal. I am a teller of stories and these are some that I remember. .... my remembrances are by chance not by design. Already I itch to write more. I am, after all, only 95 years old."

What follows is like a journey through old family photo albums that spark memories warm and sometimes sad but amazing at every turn and full of wonder at where we've come from, and where all we've been, and what we have become.

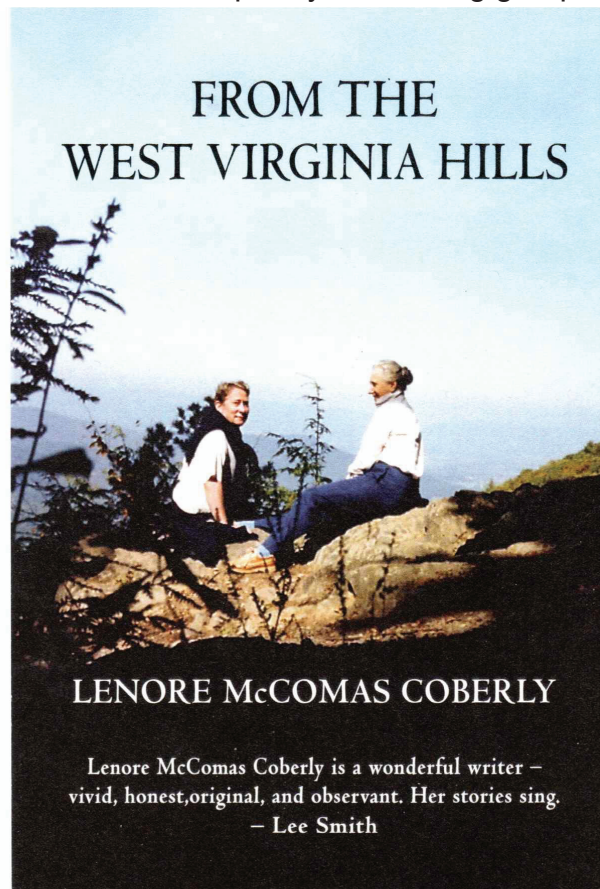
Lenore takes us on an adventure that starts with her roots in Big Ugly, West Virginia and with her family and friends growing up in the rugged hills and gurgling streams in Lincoln County WV. She speaks with deep warmth and respect offering her words as "a tribute to the character and strength to be found in the people of Lincoln County."

Many stayed in those hills but as she relates in a reference to her neighbor Chuck Yeager, "Charles Yeager, the first man to fly faster than sound, grew up on the same hillside that I did and his autobiography reveals his reluctance to leave, but also the reality of our World War II generation – we would be the first to leave."

For Lenore the future led to West Virginia University in Morgantown WV and far beyond through a life that even now amazes and delights.

In **From The West Virginia Hills** Lenore weaves memories of her early days and family in Big Ugly and Hamlin throughout her own evolving story of marriage, children, moving with her beloved husband Cam to Pittsburgh Pa, St Louis, and finally Madison, Wisconsin.

After their four children were grown, traveling with Cam provided opportunities to visit and talk with literary greats in Indonesia and China and even a brief meeting with Deng Xiaoping. Lenore continues to expand her career in creative writing and encouraging other writers via poetry and writing groups.



Though not a major focus in any of Lenore's stories, her observations and experiences overseas as well as happenings here in the United States – her own early childhood, racial unrest in St Louis, the Vietnam War, politics just prior to publication of this book in 2020 – have led her to accept of the ambiguities of life, a quality that underlies much of her writing.

She cites advice from psychiatrist Seymore Halleck "The extent to which we accept ambiguity is the extent to which we are sane."

We end with Lenore's own words from near the beginning of the book:

"Big Ugly was a delight to the child who was me. Today mountain top removal threatens the creek and the lives of the people living there, an amazement that breaks my heart even as I observe the desperate need for jobs for people living there.

Now, sitting on my screened porch with birds and chipmunks sharing my green yard, I am still amazed by beauty and sorrow, by understanding and war, by love

and indifference, by hearing aids and vitamin supplements, by today and yesterday, and by all that is and that will be."

Lenore has been a graceful and grace-filled presence in our lives. May she continue to share hers with us.

[Personal note: I had the pleasure of meeting and spending a bit of time with Lenore in 2006 and wrote articles about two of her other books that appeared in *the Highlands Voice*: *A Big Ugly Book*, May 2007, and *For I Am Mountainborn*, December 2015]

### **Ordering Information**

Published by Fireweed Press. \$28.  
Order from Lenore McComas Coberly,  
412124 N. Sunset Court, Madison, WI  
53705. Postage free to readers of *The  
Highlands Voice*.





## Ever Wonder What's the Best Way to Off Set Your Carbon Footprint? Or What Organizations Are Highly Rated for Addressing Climate Change?

### There's a Website for That

There are a number of places on the Internet where you can purchase "carbon offsets" by planting trees or other activities to take out of the atmosphere as much carbon dioxide (CO<sub>2</sub>) as you are responsible for putting into the atmosphere. Giving Green ([www.givinggreen.org](http://www.givinggreen.org)) a nonprofit organization has rigorously investigated organizations that claim to provide carbon offset, and has made three recommendations.

- Climate Works ([www.climeworks.com](http://www.climeworks.com)) specializes in direct air capture. Direct air capture take CO<sub>2</sub> out of the ambient air and permanent stores the CO<sub>2</sub> deep underground. It's expensive, however. Very, very expensive at about \$1,000 per ton of CO<sub>2</sub>. Considering that the average American is responsible for 16 tons of CO<sub>2</sub> a year, it's unlikely that many people will avail themselves of Climate Works services. They are, however, the gold standard for direct air capture.
- Tidewater (<https://tradewater.us/>) is a much cheaper option. They find old refrigerators worldwide and captures and destroys the greenhouse gases in these refrigerators for \$15 per ton of CO<sub>2</sub> equivalent.
- Burn (<https://burnstoves.com/>) makes and distributes fuel-efficient stoves to women in Kenya. The reduced wood fuel means less deforestation, less money spent on fuel, and fewer emissions in houses for \$10 per ton of avoided CO<sub>2</sub>. This not only helps the environment, and protects trees, but also makes the lives of women in Kenya easier. That's a pretty good deal.

Giving Green also makes recommendations on which national organizations are the most effective at getting policy changes made. Their two recommendations are pretty much polar opposite.

- Clean Air Task Force ([www.catf.us](http://www.catf.us)) uses an "inside the beltway" approach. They provide research and advocacy at the national level, taking "a pragmatic approach in an effort to garner support from politicians across the spectrum."
- Sunrise Movement Education Fund (<https://actionnetwork.org/fundraising/donate-to-sunrise-movement-fund>), supports the Sunrise Movement, a climate activism group that seeks to mobilize popular support and political will for a more aggressive climate-change policy under the Green New Deal framework.

These are the recommendations of Giving Green who has spent a fair amount of time researching what organizations can help you offset your carbon footprint, and what organizations are effective in bringing about policy changes to address climate change. Hope this is helpful.

## Through Our Native State

By Lenore Coberly

We drive down the Little Kanawha late in life,  
enfolded by green hills in spring leaf, at speed limits  
forty on curves, a constant in these parts.

At Dolly Sods we climb to see calypso orchids in  
deepest red and boulders piled across the top, the  
heart of the world's oldest mountains laid bare by  
fires that burned the cedar mulch of centuries. Firs,  
one-sided from wind, and berries grow in crevices  
among old rocks at 3,500 feet. Mr. Dahle from Germany  
cut the trees and grazed sheep here, found a place  
that was home, never dreaming land could burn.

Uncle Bob, ninety-four now, understands the strange  
volatility of mountains. He drills for gas, remembers  
feuds and deaths and going for a job in fifty-cent  
overalls when the railroad came up the Guyan to get coal  
that burned hotter than peat. The foreman asked what  
he could do and he said nothing so they made him a  
tie-tapper on a twelve mile section of track for \$2.10  
a day while the men were fighting in Germany. "Not  
one of them from Harts Creek got killed," he says, "they  
were used to gun fire—whatever happened to that Kaiser?"

The cousins and their children's children gather to laugh  
and talk about how easy it is to make mistakes in this  
life and how important it is to forgive and be forgiven.  
When the burning sun sets  
there is light  
beyond the next mountain.

**Note: Being on the subject of Lenore Coberly (book review, p. 13) reminded me that we had not had one of her poems for a while. This is not from the book reviewed; it is from her earlier book of poetry *For I Am Mountain Born*.**





A monthly publication such as *The Highlands Voice* is a lousy place to get legislative news. This early in the session things change day to day. Later on, they will be changing minute to minute. With that understanding, here are some things that are going on (or not going on) in the West Virginia Legislature:

### **Oil and gas tanks**

When we had the Freedom Industries spill near Charleston several years ago, the Legislature sprung into action (more or less) and passed laws regulating storage tanks. Now that the enthusiasm of the crisis has worn off, the Legislature wants to undo some of the regulations.

More specifically, HB 2598 would exempt tanks located closest to public drinking water intakes from the Aboveground Storage Tank Act. Approximately 1,016 oil and gas waste tanks across 27 counties would become unregulated.

Just on its face this sounds bad: tanks holding dangerous stuff; somebody should be checking up on them.

If you want more information about this issue before deciding (or deciding to contact your legislator), the West Virginia Rivers Coalition has most excellent information. Go to <https://wvrivers.org/wp-content/uploads/2021/02/HB2598.pdf>.

### **Power Purchase Agreements**

SB30 would allow companies to install solar power on homes, schools, factories, etc. and sell the power to the homeowner, etc. without having to be regulated as a public utility under the direction of the Public Service Commission. There was a big story about it in the February issue of *The Highlands Voice*. <https://wvhighlands.org/highlands-voice-mag/>. So far it has been introduced and referred to the Senate Committee on Economic Development but nothing else has happened.

### **Water Quality Standards**

Like all states, West Virginia law requires, in general terms, that waters be kept clean. We then fill in the details with what are called water quality standards. After considering such factors as impacts on human health and the uses being made of the water, the West Virginia Department of Environmental Protection sets standards. These standards then must be approved by the West Virginia Legislature. This is where we are now.

The original water quality standards were established decades ago. They are required to be periodically renewed or amended to account for new research or other developments. Each time they are up for renewal, there is a tussle involving users of water, entities which potentially pollute the water, and others. This piles political issues on top of all the technical issues involving different pollutants, what concentrations are safe, etc. It ends up being almost more than an ordinary human can comprehend.

Fortunately, the West Virginia Rivers Coalition has some extraordinary humans who do understand this and can explain it. Here is what they say:

How much toxic pollutants are allowed in our rivers and streams before the water becomes harmful to public health? This legislative session, lawmakers are tasked with making that important decision as the state updates the human health criteria included our water quality standards. The human health criteria establish a safe level for pollutants, where the concentrations of chemicals in our water will not harm the

public's health. These criteria regulate some of the most toxic chemicals known to man, including DDT, chloroform, and cyanide.

In 2015, EPA updated the values of the human health criteria for 94 pollutants based on the amount of water we drink, number of fish we eat, and the average body weight. They also relied on other factors, such as cancer risk. Their rec-calculation used the best available science at the time and resulted in some of the values for pollutants decreasing and others increasing.

In preparation for the 2019 Legislative Session, the WV Department of Environmental Protection proposed updates to 56 of the 94 pollutants using a state fish consumption rate that was half of the national average. Since the state decided we ate less fish, we could be exposed to higher levels of chemicals. During the Legislative Session, there was heated debate on the criteria updates. Ultimately, the [lawmakers decided to delay updates for further study](#). That has led us to the 2021 Legislative Session.

Over the past 2 years, WV Rivers Coalition has studied this issue in depth. In the fall of 2019, WVDEP invited proposals on how the state should proceed. WV Rivers submitted a [proposal that made 3 recommendations](#): 1) don't weaken any existing standards, 2) use a fish consumption rate that is consistent with neighboring states, and 3) adopt all the criteria that would strengthen our standards including pollutants that are not currently regulated.

Last summer, the [WVDEP submitted their water quality standards recommendations](#) that the 2021 Legislature is now considering. The WVDEP took one step in the right direction, but the majority of their proposed changes don't go far enough to protect public health. Fortunately, WVDEP is now using the national average fish consumption rate that is more protective of public health and in line with our neighboring states.

However, of the 94 chemicals EPA has recommended updating limits for, WVDEP has selected only 24 to update. Unfortunately, not all of the standards would be stronger, 13 of the 24 would be weakened. And some of them would be weakened quite drastically, allowing more toxins in our water.

Public health experts agree that any additional exposure to these toxic chemicals would be more harmful to public health. **In a state with the 3<sup>rd</sup> highest cancer death rate in the nation, do we really want to take that risk?**

These are only some of the proposals that are before the Legislature. Things change too quickly and the forces that move the Legislature are too varied to include anything helpful on present status, prospects, etc. To keep up, you can go to the Legislature's website to track proposed laws that interest you. It is <http://wvlegislature.gov/>. In addition, you can subscribe to legislative updates through the West Virginia Environmental Council at <https://wvecouncil.org/>, through the West Virginia Citizens Action Group <https://wvcag.org/>, and from the West Virginia Rivers Coalition [www.wvrivers.org](http://www.wvrivers.org).

# 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](http://www.wvhighlands.org)

## T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. “West Virginia Highlands Conservancy” in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$18 by mail; **long sleeve** is \$22. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Online Store, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



## HATS FOR SALE

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

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

The I ♥ Mountains The colors are stone, black and red.. The front of the cap has 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