



# *The Highlands Voice*

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

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## On Climate Change and the Arc of History

By John McFerrin

Even if we are past February--the month of predictions, the month that opens with Groundhog Day when we all at least pretend to listen to the weather forecast of a rodent—it is still a good time to look at a previous prediction or, more precisely, an analysis of a trend noted by then-President Hugh Rogers in January, 2008.

In his column of that month, Hugh observed:

Whether or not the president changes his policies to accord with his words in the year he has left in office, the words themselves mark a consensus that makes action inevitable. On this issue, it would seem, we have reached the final stage in the process that the philosopher Arthur Schopenhauer defined: “All truth passes through three stages: First, it is ridiculed; Second, it is violently opposed; and Third, it is accepted as self-evident.”

The President he was talking about was George W. Bush. The issue was global warming.

Hugh’s observation came toward the end of a remarkable change. The idea that global temperatures were changing and that humans were contributing to the change went from being a relatively obscure theory that scientists talked about to a widely accepted idea, one that most people knew about and one that most people accepted as true.

The transformation is all the more remarkable given that much of it came during the administrations of two Bushes. Upton Sinclair observed, “It is difficult to get a man to understand something, when his salary depends on his not understanding it.” The Bushes were oil men. By the time they reached the White House they were past the point where their salaries literally came from the oil business. At the same time, that is who they were. They were culturally, if not financially, predisposed to resist the idea that human activity--such as burning the product of the family business—could be harming the planet.

**(More on p. 3)**

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## Thoughts from our President

By Larry Thomas

April has passed with over a full year of dealing with the restrictions associated with COVID-19, even though many have now received the vaccine. Although the coronavirus has many of us still hunkered down, Mother Nature is on the move. Spring has arrived in our mountains. In the valleys, trees are greening with this year's leaves while higher in the mountains the trees are still the stately statues of winter waiting for it to get a little warmer. The birds have returned and are busy with their nesting rituals. Mammals who have been sleeping during the long winter have reappeared and are scurrying about filling long empty stomachs. Spring flowers and fruit trees are blooming.

All of this activity again reminds me of one of my favorite poems "Spring" by Susan Filson.

Spring appears in whispers  
and hushed tones  
as the bellowing winter  
bows away.  
Drowsy flowers come to  
attention,  
waking from their sleep-  
yawning,  
with heads turned upward towards  
the Maestro called sun-  
I watch with Anticipation  
As the concert begins.

The latter part of May will also bring another visitor. Buried — alive — for 17 years, the [Brood X](#), one of the world's largest swarms of giant fly-like bugs called cicadas, is ready to rise. When the ground warms to 64 degrees, they'll stop gnawing on tree roots and start scratching toward the surface by the hundreds of billions. As they emerge, birds, squirrels, chipmunks, skunks, ants, raccoons, snakes, frogs and possums will gorge themselves for about a week until they collapse into food comas. See more information on Brood X at:

<https://www.usatoday.com/in-depth/graphics/2021/03/30/a-visual-guide-to-2021-cicadas/4670176001/>.

### United States Forest Service

During April, the Service publish a final rule designating critical habitat for the candy darter (*Etheostoma osburni*) in Virginia and West Virginia.

The candy darter is a small, freshwater fish endemic to the upper Kanawha River basin, which is synonymous with the Gauley and greater New River watershed. The Service has designated 368 miles of occupied streams in five watersheds as critical habitat for the species. While the candy darter historically occurred in more streams, it currently occurs within a smaller number of streams within the Upper Gauley, Greenbrier, Lower Gauley, Upper New, and Middle New watersheds. The proposed critical habitat rule was open for comment in 2018, but comments did not lead to any changes to the designation.

Although streams designated as critical habitat are considered state waters, adjacent land is owned by a combination of federal, state, and private interests. The critical habitat designation does not affect landowner activities that do not involve federal funding or

do not require federal permits. It does not allow the government or the public access to private lands, nor does it require non-federal landowners to restore habitat or recover species.

The current distribution of the candy darter persists in half of its historical range. Major threats include hybridization with the variegate darter (*Etheostoma variatum*), water quality, and removal of high-quality habitat. We anticipate that recovery will require continued protection of existing populations and habitat. The Service is collaborating with our partners to develop science-based conservation plans that consider genetic and biological factors, which will best inform how to establish additional populations within the historical range.

The rule is effective on Friday, May 7, 2021. A link to the final critical habitat rule

Can be found at <https://www.fws.gov/northeast/candydarter/>.

See the Allegheny-Blue Ridge Alliance (ABRA) Conservation Hub project for information about for the Candy Darter at: <https://hub-dpmc-gis.opendata.arcgis.com/pages/the-candy-darter>. West Virginia Highlands Conservancy supports ABRA and the Conservation Hub. See also the article concerning the designation in this month's *Voice*.

### Off Road Vehicle And All Terrain Vehicle Use On Public Lands

Once again, legislators are active in promoting ORV/ATV recreation on public lands in West Virginia and introduced 8 bills and 2 resolutions during the recently completed session that were related to that end. The goal is to open the national forests, wildlife management areas and sections of state parks and forests to off road recreation. An interim study resolution was the result of the effort.

The West Virginia Jeep Club and West Virginia Off Highway Vehicle Coalition (WVOHVC) are the main groups behind this effort. The WVOHVC is new and very well organized with thousands of members and representatives assigned to each Senatorial District.

WVHC has long opposed ORV/ATV recreation on public lands in West Virginia and the board approved sending a request to the ABRA Conservation Hub Advisory Committee to establish a project concerning ORV/ATV recreation on our public lands. That request along with a detailed outline of the content has been sent.

### WVHC Public Lands Committee

Members of the committee continue to meet with representatives of the U. S. Forest Service to discuss the Dolly Sods program which 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. See the article in this month's *The Highlands Voice*, p. 5.

The target for initiating the program is Memorial Day.

### West Virginia Legislature Session

The 2021 legislative session has ended with some important successes and a few disappointments. See the article in this month's *Voice* with a complete wrap up of the session.

The WVHC board wants to thank all of our members and supporters for their continued support as well as the committees for their hard work and hope that all continue to stay safe as this unusual time continues.

## Some Welcome (but far away) Relief for Birds

The Bird-Safe Buildings Act has been re-introduced in Congress. It would require that new or substantially modified federal buildings be constructed to make them less of a hazard to migratory birds.

Each year between three hundred million and a billion birds die in collisions with buildings. The idea of the Act is to reduce this by requiring new or substantially modified federal buildings to be designed to reduce this risk.

The bill exempts from these requirements buildings and sites listed or eligible for listing on the National Register of Historic Places, the White House and its grounds, the Supreme Court building and its grounds, and the U.S. Capitol and its related buildings and grounds.

Much of the bill's focus would be on the use of glass, which is usually invisible to birds. The bill would limit the use of glass unless it is a special patterned glass that birds can see. The bill would also require that outside lighting be appropriately shielded and minimized. This is important because

birds often navigate by light and can become confused by bright lights.

The bill faces a long road ahead if it is to become law. It has been introduced in the Senate and assigned to a committee but there have been no hearings or other actions. A similar bill was introduced in the House of Representatives in 2019. It managed to gather forty six co-sponsors but never made substantial progress toward passage.



**Rose Breasted Grosbeak**

## More about Climate Change History (Continued from p. 1)

Their culture may have denied the idea of human influenced climate change but they embraced the idea anyway. When he was first running for President, the senior Bush declared: "Those who think we are powerless to do anything about the greenhouse effect are forgetting about the White House effect. As president, I intend to do something about it." After he was President he said, "We all know that human activities are changing the atmosphere in unexpected and unprecedented ways." The junior Bush said of global climate change "I take the issue seriously." As things turned out, Mr. Bush's actions did not exactly follow his words but at least the words were still there.

Following George W. Bush we had a president who did take the issue seriously, both in words and deeds. It appeared that Hugh had read the trend correctly. We had reached a "consensus that makes action inevitable."

Then we had an election. For four years we had President who thought that climate change was a hoax. He took the hopeful arc of history and wrenched it into a giant horseshow. At least on the Presidential level, he smacked us all the way back to the first stage of a truth's acceptance.

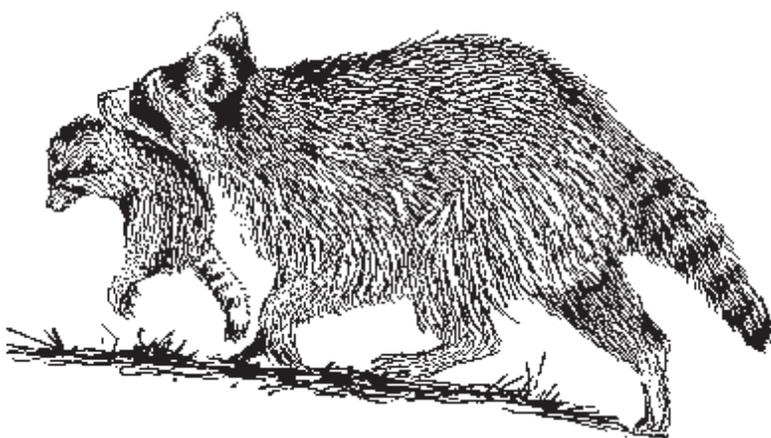
At the beginning of his term, there was at least hope that he would pass through the other stages of acceptance. That never happened. He pulled the United States out of the Paris Accord on climate change. He spent his whole term distracted by other things and barely said anything about climate change. When he did address climate change, he did it by taking a step backward. See the story on Methane on page 12 of this issue.

This does not mean that nothing happened in four years. States of the United States, other countries, and other individuals continued to work to deal with this problem. They just continued to work without any encouragement or assistance from the President.

Now we have a new President. He has turned us around again, resuming the long march toward solving the problem that the trend Hugh saw predicted. Because we spent the last four years marching in place or marching backward, we will have to march faster now than we otherwise would have. While it is unfortunate that we spent the last four years without any Presidential leadership on this issue, we are at least back to bending the arc of history in the direction Hugh foresaw.

**Note: This is a revised and updated version of a story that first appeared in the February, 2017, issue of *The Highlands Voice*. For a lot more about climate change, see the story on page 12 of this issue.**

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**Happy Mothers Day!**

**Nothing to see here: move along****What's Happening with the Mountaineer Express Pipeline**

By Cynthia D. Ellis

Our editor prompted me to write about what is new with the MXP...the Mountaineer XPress Pipeline...that mega pipeline that slashed through 14 counties in western West Virginia. He knew that I live about ½ mile from a portion of the 167-mile-long line and maintain a special interest in it.

The answer is, "Not much." The pipeline was deemed "completed" and went online in 2019. The gas is coursing through the line and surely profits must be occurring.

There is one thing though. Some of us concerned resident warned that slips would happen on the slopes in our counties. Slopes have migrated throughout the construction period and continue today. These have affected roads and streams and, of course, given the terrain, will likely not cease. West Virginia Department of Environmental Protection has levied small fines upon the offending gas company; environmentalists pointed out that the fines were too small...and the slips persist.

The gas company [TC, formerly TransCanada, formerly Columbia] is required to offer up regular reports to FERC [the Federal Energy Regulatory Commission]. Citizens can receive those reports. They have become quite repetitive. Recent accounts, on sections of the line called "spreads," and identified by mile post [MP] numbers, say things such as,

1. March 16, 2021, Spread 2, MP 29.74 ---A new slip was discovered in a restored section of the ROW. The land movement was observed to have originated near the toe of the slope, overwhelming ECDs and migrating off-ROW. The disturbed area is approximately 100' by 100'. No resources were observed to be impacted. The slip was reported to the DEP Spill Report Hotline, reference #52-13119. On March 23,

2021, the West Virginia Department of Environmental Protection Inspector conducted an inspection of the Spread 2 ROW in the company of Columbia's Environmental Inspector. Areas requiring attention were observed and are being addressed by the contractor. A Notice of Violation is anticipated following the inspection.

2. Also in March 2021, "slip tracker" noted new slips on 5 spreads with a total of 16 reported.

3. Feb 24 2021, Spread 7, MP 140, Putnam Co., "Hogsback" The slip is not impacting any resources and the LEI indicated that the slip will be monitored over the winter and will be permanently stabilized in the spring when mechanical crews return to the ROW. [Personal note: The Hogsback slip, 7 miles from my home, in its original collapse, caused the families in two residences to evacuate and eventually be relocated with compensation by Columbia, after litigation.]

4. And, in December through February, slips were reported in Wirt, Wetzel, Cabell, and Jackson Counties; with 2 slips reported in Doddridge.

So...these happenstances are nothing new, but landowners and communities along the route of the MXP have never stopped experiencing concerns and inconvenience due to the continued

movement of soil along its path.

In the bigger picture, there have been some possible pro-citizen changes in FERC itself, which issues permits for these pipeline projects. On March 18, FERC held its first hearing toward establishing an Office of Public Participation. Some general remarks were made about the MXP, and West Virginia was represented by Maury Johnson, who has been active in opposition to the Mountain Valley Pipeline in our state and in Virginia.

But we are also watching the appointment of Sarah Venuto, an executive with Duke Energy and a former natural gas industry lobbyist, as director of the office of FERC's external affairs. Ms. Venuto had been an aide to WV Senator Joe Manchin whose views on energy trend toward continued use of fossil fuels.

WV Congressman David McKinley recently held a "forum" on energy. He lamented the opposition to gas pipelines and spoke of job opportunities, but, as part of reporting on that forum, "According to West Virginia University's Bureau of Business and Economic Research, employment for pipeline construction in the state fell considerably in 2020 as the Mountaineer Xpress pipeline finished construction in 2019 and the Atlantic Coast Pipeline project was canceled due to mounting legal challenges."

I'm reminded of the high numbers of out-of-state license plates on the construction trucks that we saw here. I do not know of anyone who has gained a long-term job related to the MXP.

The water testing surveys, of our local streams, do continue with helpful volunteers enlisted by Trout Unlimited and the West Virginia Rivers Coalition and they are now using a new smartphone map app to automatically upload photos of creek conditions along with the other data collected.

Some of us who have maintained contact with the gas company have received a booklet titled "Pipeline Safety Information for Excavators and Farmers." In it, warnings are issued for events such as leaks and ruptures.

This may show that they expect there could be more problems.

So do we.



**Hogback Slip**

## Dolly Sods Project Moves Closer to Action

The West Virginia Highlands Conservancy Dolly Sods project is getting close to the point where we can begin calling for volunteers for the first phase of activity, which will be educating visitors at trailheads about wilderness principles and Leave No Trace practices. Look for an announcement and details about signing up in early to mid May.

The Dolly Sods project grew out of discussions in the Public Lands Committee about the need for West Virginia Highlands Conservancy to respond to the increased visitation and consequent greater impact on the Dolly Sods Wilderness and surrounding areas. The growing popularity of Dolly Sods is a long term trend, but has increased dramatically during the pandemic, as has been noted at many parks and outdoor locations throughout the country. WVHC was instrumental in the creation of the Dolly Sods Wilderness and has a special sense of stewardship for the area.

The Public Lands Committee has worked with the Forest Service to identify areas where volunteers would be most needed and effective. The result is a plan to provide volunteer opportunities in several different ways:

- Helping construct, maintain and replenish voluntary hiker sign-in boxes at trailheads;
- Monitoring and documenting parking pressures and roadside camping along forest roads;
- Assist with periodic backcountry campsite inventory and condition assessment;
- Develop a program of “Wilderness Stewards” to educate visitors at trailheads and the backcountry about what makes Dolly Sods special, Leave No Trace and wilderness ethics, and do minor trail and campsite housekeeping; and
- Sponsor crews for trail rehabilitation and maintenance projects directed by the Forest Service.

In addition, West Virginia Highlands Conservancy will provide the materials for the hiker registration boxes to be placed by the Forest Service at each trailhead. A placard inside the box will acknowledge WVHC’s contribution and include the logo, and encourage Leave No Trace practices.

WVHC and the Forest Service have signed a Memorandum of Understanding to reflect these plans and executed an agreement

to cover our mutual interests and potential cost sharing. Once these documents have cleared federal processing we will be able to start gearing up to put the plans in action.

The first phase to be implemented is the Wilderness Stewards aspect. Initial plans call for volunteers to be stationed at the most popular trailheads on Friday evenings and Saturdays, and greet visitors with information about Dolly Sods and the principles of its wilderness designation. WVHC and the Forest Service will be developing “key messages” to reflect the most important points to get across during a brief encounter.

No special skills or educational background will be needed to participate as a Wilderness Steward. This is an opportunity for those who are passionate about wilderness, and Dolly Sods in particular, to support the wilderness and help other people learn how to appreciate and preserve it. Volunteers should be comfortable approaching strangers and engaging in low-key, non-confrontational conversation.

Volunteers will be asked to take two short self-guided online courses: one on the principles of designated wilderness areas, and the Leave No Trace Awareness course. Certificates are provided for completion of each course. The Forest Service will then hold an online class on the history and unique characteristics of Dolly Sods in particular, and on the details of this outreach program.

Scheduling will be arranged based on the availability of volunteers. We hope to provide a free WVHC T-shirt or other means of identifying Wilderness Stewards to each volunteer.

Currently we expect to start offering an opportunity to sign up by the middle of May, with a goal having volunteers at trailheads by mid to late June. Watch for further announcements in *The Highlands Voice*, WVHC’s Facebook page, and other social media. To be put on a list of potential volunteers, or for any other questions, feel free to email Dave Johnston at [dsjohnstonWV@gmail.com](mailto:dsjohnstonWV@gmail.com).



Photo © Jonathan Jessup

## Another sign of spring

It must be spring; the woodpeckers are drumming.

Woodpeckers make two distinct types of sounds. One is the irregular pecking, with a couple of thumps, a moment of silence, and then a few more pecks. These are the working sounds; the woodpeckers make them when they are looking for bugs or excavating a nesting cavity. The pauses come as they figure out the best angle to strike for cavity building or listen for the sounds of the bugs they are pursuing. We hear them occasionally at our house.

The other sound is drumming, the long series of evenly spaced pecks. These are for communication. The woodpeckers do it to claim a territory and attract a mate.

Most species of woodpeckers don't migrate so they are around all winter. From what I have noticed, however, they don't drum much in the winter, if at all. Now that it is spring, the woods are alive with woodpeckers drumming. It's a sure sign of spring.

It is possible to identify the species by the sound of its drumming. For instructions, try <https://bangordailynews.com/2020/03/19/paymeter-categories/free/how-to-identify-maine-woodpeckers-by-how-they-drum/>. It is the *Bangor Daily News* and the author focuses on Maine woodpeckers but they are mostly the same species as West Virginia woodpeckers. The tone is encouraging, making a reader believe that identifying woodpeckers by drumming sound is not some arcane science, available to only some sort of woodpecker savant, but that you, too, could learn to do it. For another source, with more pictures and short videos try <https://www.dailykos.com/stories/2020/2/2/1915827/-Dawn-Chorus-Spring-s-Different-Drummers>.



## New Reporting on Fracking and Public Health

By John McFerrin

The Environmental Health News has announced the results of the effects of hydraulic fracturing (aka fracking) on public health. The results were dramatic.

The goal of the reporting was to provide information on the effects of living near fracked wells. Its core was the testing of families who lived near fracked wells. It describes the testing program this way:

In the summer of 2019, we collected air, water, and urine samples from five nonsmoking southwestern Pennsylvania households. All of the households included at least one child. Three households were in Washington County within two miles of numerous fracking wells, pipelines, and compressor stations. Two households were in Westmoreland County, at least five miles away from the nearest active fracking well.

Over a 9-week period we collected a total of 59 urine samples, 39 air samples, and 13 water samples. Scientists at the University of Missouri analyzed the samples using the best available technology to look for 40 of the chemicals most commonly found in emissions from fracking sites (based on other air and water monitoring studies).

The results of the sampling showed chemicals such as benzene and butylcyclohexane in drinking water and air samples, and breakdown products for chemicals like ethylbenzene, styrene, and toluene in the bodies of children living near fracking wells at levels up to 91 times as high as the average American and substantially higher than levels seen in the average adult cigarette smoker.

The reporting acknowledges that this is a relatively small sample and that it would be difficult to make broad generalizations about the entire population based upon these results. At the same time, however, the chemicals found are linked to serious health risks. They deserve to be taken seriously.

The sampling is the starting point for a four part series. There are discussions of the health impacts of living near gas wells, the stresses involved, frustrations with regulators, and efforts by citizens to respond to the threats.

The study was done by Environmental Health News. It describes itself as "a publication of Environmental Health Sciences, a nonprofit, nonpartisan organization dedicated to driving science into public discussion and policy on environmental health issues, including climate change."

To read the whole story, go to <https://www.ehn.org/fractured-series-on-fracking-pollution-2650624600.html>. The story is in four parts; it also has links to more detailed studies of similar problems.

**Join Now !!!**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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

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

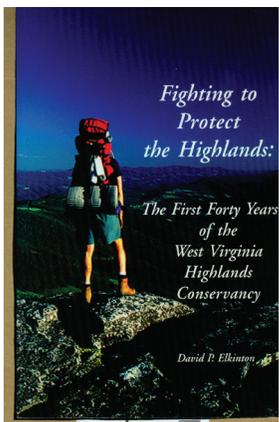
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**West Virginia Highlands Conservancy**  
**Working to Keep West Virginia Wild and Wonderful**

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

**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.

**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.

# An Initial Examination of National Forest Management Response to Endangered Species Listing of the Candy Darter

By Rick Webb

The candy darter is a brightly colored 2 to 3-inch fish of mountain streams in the Gauley and New River watersheds of Virginia and West Virginia. Streams that maintain the habitat requirements of the candy darter are now mostly limited to the upper reaches of its former range in relatively undisturbed forested watersheds of the Monongahela National Forest (MNF) and Jefferson National Forest (JNF). The future of the candy darter largely depends on preservation of watershed integrity in these National Forests.

This article provides a brief initial examination of Forest Service management response to listing of the candy darter based on the Gauley Healthy Forest Restoration (GHFR) project, a proposed resource management project in the Monongahela National Forest involving up to 3,000 acres of timber harvest and 60 miles of logging road construction and reconstruction. Most of the information concerning this project was obtained through a Freedom of Information Act (FOIA) request.

*Access to documentation for the Greenbrier Healthy Forest Restoration project has been limited, as described below, and this assessment is necessarily incomplete. The perspectives of more-informed experts, including those directly involved in Forest Service project review, would be valuable and welcome.*

If the Greenbrier Healthy Forest Restoration project serves as a representative example, it seems there has been little if any actual response by MNF management to endangered species listing of the candy darter. Although multiagency restoration studies and initiatives are underway, the MNF is not directly addressing the need for preservation and restoration of the candy darter and its habitat at the project-development level.

The Endangered Species Act requires the Forest Service to ensure, in consultation with the Fish and Wildlife Service (FWS), that any project it undertakes is not likely to result in destruction or

adverse modification of designated critical habitat. Timber harvest projects, such as the Greenbrier Healthy Forest Restoration, pose a significant risk to aquatic habitats because they involve extensive ground disturbance on steep slopes, usually including a network of log-skidding trails, log-landing areas, and both newly constructed and reconstructed logging roads. The resulting stream sedimentation, soil damage, and hydrologic alteration

to prevent soil loss and stream sedimentation on steep-slope timber operations.

During the review process for the GHFR project, MNF scientists cited sediment reduction efficiencies between 53% and 94% for standard BMPs on timber operations. The review documents suggest that this unreliable degree of control will be considered acceptable because impacts will be temporary. The Forest Service, however, uses a ten-year window for evaluating most direct and indirect effects to aquatic resources. This limited timeframe fails to account for more-persistent sedimentation impacts associated with the failure of control measures over time, runoff from unrestored logging roads, and channel erosion resulting from altered drainage patterns.

Planning for the Greenbrier Healthy Forest Restoration project has also been limited by a lack of information concerning existing stream sedimentation sources and impacts in the project area. The North Fork of the Cherry River, which would receive most of the runoff from the GHFR project area, already has a higher degree of embeddedness (infilling of streambed gravel and cobbles with sediment) than most other streams in the MNF. Actual integration of candy darter preservation and restoration objectives with the GHFR project would prioritize investigation and reversal of this existing degradation of designated critical habitat before accepting additional degradation.

## Soil damage

Soil compaction and depletion of soil base nutrients will result because of the Greenbrier Healthy Forest Restoration project. Soil compaction, associated mainly with heavy equipment use on roads and landing areas, alters runoff properties by reducing infiltration and water retention capacity. Depletion of soil base nutrients, or base cations, is a significant existing problem in the GHFR project area and in much of the upper Gauley River watershed.

**(For more, dart on over to the next page)**



**Candy Darter**

Photo by Todd Crail, University of Toledo

***More than half of the original range of the candy darter has been lost, primarily due to stream sedimentation and other impacts associated with deforestation and changes in land use. A combination of continuing habitat degradation and hybridization with the introduced variegate darter is pushing the candy darter toward extinction. The candy darter was listed as an endangered species in 2018. Critical habitat for the candy darter was designated on April 6, 2021.***

can directly and indirectly degrade stream habitat.

A reading of the available review documents for the proposed Greenbrier Healthy Forest Restoration project suggests that Monongahela National Forest management intends to minimize the significance of these risks to critical habitat.

## Stream sedimentation

The Forest Service generally relies on standard best management practices (BMPs) for erosion and sediment control, despite recognition that standard BMPs fail

## More about the Candy Darter (continued from p. 8)

Due to the lack of base nutrients in bedrock, together with losses of soil base nutrients caused by historic disturbance and acidic precipitation, many of the streams in this area are too acidic to support fish and most other aquatic life without neutralization by routine limestone treatment.

As described in the review documents, most of the base nutrients in GHFR area soils are concentrated in the organic soil horizon. Removal of this upper soil layer by construction and use of roads and log landings reduces watershed acid-neutralization capacity and contributes to ongoing acidification of soil and stream water.

The review documents suggest that concerns about soil compaction, base-nutrient depletion, and acidification due to loss of the upper soil horizon will be dismissed based on the calculation that the surface area of new project roads and landing areas is only 3.6% of the surface area of the entire project. Regardless of how this is cast, some amount of damage will be accepted. Again, a focus on preservation and restoration of the candy darter and its habitat would first investigate existing habitat degradation and potential mitigations before accepting additional habitat degradation.

### Hydrologic alteration

Logging roads on steep mountain sides intercept and divert both surface and soil water, rerouting flow, causing erosion and sedimentation, and contributing to loss of water retention function in the watershed. As described in the GHFR review documents, this is a long-term impact.

The Greenbrier Healthy Forests Restoration project area was heavily impacted by industrial-scale timbering in the early 20<sup>th</sup> century, and there are hundreds of miles of historic logging roads in the project area. The proposed GHFR project would involve reconstruction and use of about 30 miles of these existing logging roads and construction and use of about 30 miles of new logging roads. Although these roads will be considered temporary, plans for restoration are unclear. There is apparently no plan to restore the original contour or do much more than install waterbars after project completion.

Consistent with the approach for discounting concerns about soil damage, the GHFR review documents suggest that the Forest Service will dismiss the significance of hydrologic alteration by logging roads based on a relatively small area of direct impact (new road surface) compared to the area of the overall project.

This line of thinking fails to account for problems associated with reconstruction and reuse of old logging roads, and it again ignores the real nature of the problem. As well described by MNF scientists in the review documents, the impact of roads on steep mountain slopes is due to interception and diversion of surface runoff and soil water, and not simply a matter of road surface area.

It appears, though, that the Forest Service is likely to accept further road-related hydrologic impact in watersheds that maintain candy darter habitat without first investigating the continuing impact of existing roads and the options for restoration.

### FINDING

Although long-term adverse modification of candy darter habitat through stream sedimentation, soil damage,

and hydrologic alteration is a likely outcome of the GHFR project, the project may nonetheless be approved.

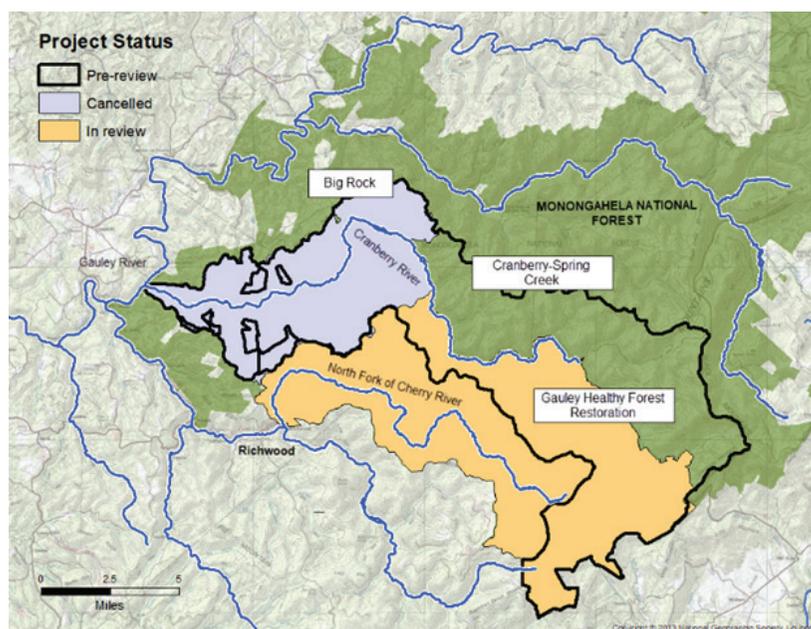
The Forest Service, or at least the administration of the MNF, has avoided real consideration of candy darter preservation and restoration requirements. There has been no evident change in Forest Service policy and management in response to endangered species listing. Rather than prioritizing the preservation and restoration needs of the candy darter, the MNF administration is taking a business-as-usual approach, relying on existing standards and guidelines to provide “favorable direction for the conservation of candy darter habitat on the Forest.”

Requirements for preservation and restoration of candy darter habitat should be a priority objective of MNF management, rather than a secondary objective or a problem to work around.

It seems telling that planning for the Greenbrier Healthy Forests Restoration project has been marked by a lack of transparency, starting with the development of the project without the usual public review process of the National Environmental Policy Act. There has been a determined resistance to providing basic project information to the public. The initial Forest Service project announcement failed to even identify the specific project location.

A Freedom of Information Act (FOIA) request for project review documents was submitted to the MNF in July of 2020. Four months later an incomplete set of documents, without requested GIS information layers, was provided. Following an administrative appeal and an additional FOIA request, it now appears that the requested project documents and map layers will finally be provided, about nine months after the original request. This information should prove critical for informing further review of the GHFR project and other National Forest projects proposed for watersheds that support the candy darter.

*For more information about the GHFR project, including access to review documents, see the ABRA Conservation Hub's [GHFR Map Page](#). For a description of conservation group concerns about the GHFR project, see the [March 2021 Highlands Voice](#).*



**The proposed Gauley Healthy Forest Restoration project and other recent National Forest resource management project proposals are located in watersheds that support designated critical habitat for the candy darter. The Big Rock project was withdrawn to avoid analysis of potential candy darter impacts. The proposed Cranberry-Spring Creek project would include all the former Big Rock project area and much of the Gauley Healthy Forest Restoration project area.**

## Spring

Tree buds a bloomin  
 Spring is a zoomin  
 To turn the world green  
 The leaves will be poppin  
 There just ain't no stoppin  
 That photosynthetic scene

Tree roots are a suckin  
 Ground water that's been truckin  
 From the surface down into the ground  
 Sap's been a climbin  
 Up tree trunks for primin  
 Tiny leaves that will soon abound

It happens quite quickly  
 It's done very slickly  
 The springtime eruption of green  
 From the winters bare branches  
 To springs new leaf ranches  
 What a magical transformation is seen

--Lowell "Bud" Frantz

### 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.

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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.

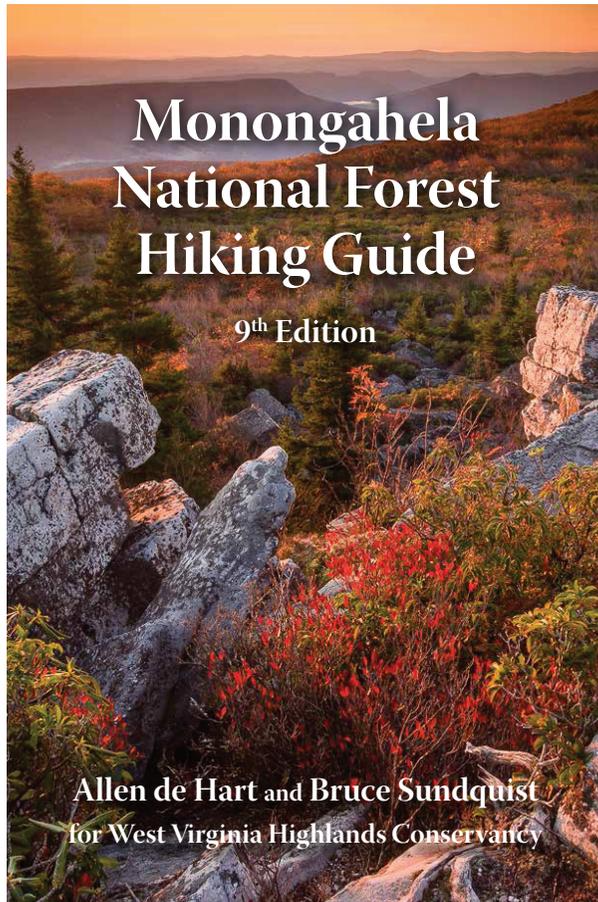
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### The Highlands Voice: It's Not Just for Reading Any More

*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](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.)



WEST VIRGINIA HIGHLANDS CONSERVANCY, PO BOX 306, CHARLESTON, WV 25321-0306 • [www.wvhighlands.org](http://www.wvhighlands.org)

# Conservancy Votes to Support Climate Change Legislation

By Perry Bryant

In late March, President Biden proposed an infrastructure initiative that included major provisions addressing the climate crisis. Central to the President's proposal on climate reform is a clean energy standard requiring electrical utilities to generate with 100 percent clean energy by 2035. Clean energy are energy sources that do not emit carbon dioxide or other greenhouse gases including solar, wind, geothermal, nuclear, and biomass. Although not specified in the President's infrastructure initiative, most clean energy standards have an interim standard requiring, for example, 80 percent clean energy generation by 2030.

What makes the proposed clean energy standard so important is that the President did not include other overarching methods to reduce greenhouse gases such a carbon tax, cap-and-trade initiative, or the Green New Deal approach. The clean energy standard is the one major "stick" in the President's proposal. Almost everything else are "carrots", primarily tax credits for purchasing clean energy.

And there are a number of carrots in the President's proposal, including:

- Extending the tax credits for installing solar and wind projects, and making these credits "direct pay" so that taxpayers don't have to wait to file a tax return in order to receive payment.
- \$100 billion in direct pay tax credits for individuals to purchase electrical vehicles. Currently, there is a \$7,500 tax credit for the purchase of electrical vehicles, but Tesla and other manufacturers have reached a limit on the number of electrical vehicles that qualify for the tax credit. The President's proposal lifts that cap.
- \$15 billion building a network of 500,000 charging stations for electrical vehicles.
- \$25 billion to retire 50,000 diesel transit buses.
- \$20 billion electrifying at least 20 percent of the nation's school buses.
- Replacing federally owned fleet of car and truck, including the post office's vehicles, with electrical vehicles.
- An immediate up-front investment of \$16 billion to reclaim abandoned mine lands and plug orphaned oil and gas wells.
- \$10 billion to establish the Civilian Climate Corp to conserve our public lands and water, and implementing projects that increase resiliency to protect communities from the impacts of climate change.
- A true transition plan that provides a \$40 million investment in job retraining and other benefits to workers who are impacted by the transition away from fossil fuels and to clean energy.
- \$35 billion in research and development for reducing emissions such as small modular reactors and advanced energy storage.
- \$100 billion to improve the electrical grid and make it more resilient.

In general, the Conservancy Board voted to support the provisions of the President's infrastructure initiative. However, both when the Climate Change Committee was drafting a position on the infrastructure initiative and when the Conservancy Board considered the Committee's recommendations, concerns were expressed over the emphasis on large-scale utility projects in the President's proposal. These projects will consume significant amounts of land, including potentially forested lands. Additionally, large utility-scale projects will necessitate transportation by high-voltage transmission lines and the inevitable siting problems.

The Conservancy would support more emphasis on distributed energy. Distributed energy, which is primarily rooftop solar, requires no new land for construction and reduces the need for additional high-voltage transmission lines. The Conservancy's position on the President's infrastructure proposal also called for greater research on the siting of clean energy sources to limit damages as much as possible, and research into the adverse impacts from the extraction of rare earth elements used in electrical vehicle batteries and other clean energy applications.

The United States has tried for years to address climate change, and frequently we have lacked the political will to institute the significant changes needed to address this crisis. Now we are rapidly running out of time. The UN Intergovernmental Panel on Climate Change (IPCC) has determined that we need to reduce greenhouse gas emissions by 45% by 2030 in order to avoid the worst impacts of climate change. Had we acted earlier, the changes to a low-carbon economy could have been smoother. But now we must act. Please contact Senator Manchin (202-224-3954) and urge him to support a clean energy standard which is the glue that holds together President Biden's attempt to address climate change. Thanks, and if you would like a copy of the Conservancy's position on the President's infrastructure initiative as it relates to climate change, send me an email at [perrybryantwv@outlook.com](mailto:perrybryantwv@outlook.com) and I'll be happy to send you a copy.

## Methane

Methane is a powerful greenhouse gas, trapping heat in the atmosphere 30 times greater than carbon dioxide over a 100-year time frame. But unlike carbon dioxide that can impact the atmosphere for hundreds of years, methane breaks down in about a decade. That means reductions in methane today will have climate benefits in 2031, something that reductions in carbon dioxide are unlikely to achieve.

Methane is the main ingredient in natural gas and is emitted throughout the process of drilling, transporting, and processing natural gas. When oil and gas developers fix leaks and capture escaping methane, they can sell the capture methane offsetting the cost of containment measures.

President Obama developed a regulation requiring periodic inspections to find leaking methane and then requiring the leaks to be fixed in a timely manner. President Trump repealed this regulation. Because the repeal occurred during the last six months of the Trump administration, Congress can repeal the regulation restoring the Obama area rule. Many in the oil and gas industry including Shell, BP, and the Edison Electric Institute (they represent investor-owned electrical utilities) supported reinstating the original rule. The repeal of the weak methane regulation passed the Senate (although 42 Senators voted no), and now goes to the House of Representatives where it is expected to pass, which is a significant step in the right direction.

**Note: This is not our first rodeo on this issue. For more background and details (or for more than you really wanted to know, take your pick) see the September, 2020, issue of *The Highlands Voice*, <https://wvhighlands.org/2021/01/04/2020/>.**

## New Climate Goal for the US; Will Others Follow?

On Earth Day, President Biden announced a new United States goal for meeting our obligations under the Paris Climate Agreement. The United States will reduce its carbon dioxide emissions by 50 to 52% by 2030. Regretfully, China and India, the world's largest and third largest emitters of carbon dioxide, did not announce new goals for reducing their emissions.

The Paris Climate Agreement requires countries to submit new emission reduction goals every five years with ever increasing reduction goals. New goals were due last year, but most countries postponed submitting new goals due to COVID. It is expected that new goals will be announced in November at the UN climate conference in Glasgow, Scotland. If China does not announce a new goal with significant emission reductions, it will be a serious blow to any chance that the Earth can stay below 1.5 degree Celsius of global warming above preindustrial levels, which is what is needed to avoid the worst impacts of climate change according to the IPCC.

*The Highlands Voice* is published monthly by the West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by the last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor elsewhere in this issue. Electronic submissions are preferred.

*The Highlands Voice* is always printed on recycled paper. Our printer uses 100% post consumer recycled paper when available.

The West Virginia Highlands Conservancy web page is [www.wvhighlands.org](http://www.wvhighlands.org).

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

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

## They're back!

By John McFerrin

Brood X of the seventeen year cicadas will be emerging in the eastern panhandle of West Virginia in late May.

This is happening only in the eastern panhandle and not all of West Virginia because there are different broods of cicadas that are in different parts of the Eastern United States. In 2016 most of West Virginia had the spectacle/excitement/snacking opportunity of Brood V. Now it is eastern panhandle's turn, as well as the turn of much of Maryland, most of Indiana, and big chunks of Pennsylvania and Ohio. Those areas have Brood X.

The Broods are designated with Roman numerals. It feels appropriate that such a dramatic event as a seventeen year emergence would be designated X. Unfortunately, this does not indicate anything spooky or ominous. It is just the way the Romans wrote numbers.

The huge numbers are a species survival strategy. Individually, they have nothing that would help them survive. They are slow; they don't bite or sting; they have no prickles, no hard shell. They don't have coloring that would help them hide or blend in. They are, as it were, sitting ducks for any predator that comes along.

The only thing they have is numbers. Because they emerge all at once, they overwhelm their predators. There are so many of them that even the most voracious of predators could not eat them all. Even after predators eat their fill, there will still be plenty left to mate (the point of all the noise), lay eggs, etc. This strategy only works if they all emerge at the same time.

In the Eastern panhandle, etc. at least, they will be emerging soon. It's dramatic and even a little ominous to have billions of insects appear all at once. But they are harmless and even edible if that's your taste (They are both low carb and gluten free. Personal experience: they don't have much taste. They will never replace gingerbread, Fudgesicles, or anything else that makes life worth living but they are not terrible. The internet is full of recipes). Time to relax and enjoy the show.



## Board Highlights

By John McFerrin

Once again the Board members (and a couple of their cats) climbed into their little Zoom boxes for the quarterly Board meeting. We are thinking that this may be the last Zoom Board meeting for a while and that it may be safe to meet in person at the next one, scheduled for July.

We are still up in the air about a Fall Review. It may be that the pandemic will be mostly over by then but we can't be sure. We are going to wait a while longer before deciding.

We had the usual report on our finances, getting and spending. It was pretty much as it usually is. We are taking in enough money to meet our bills. Administrative Assistant Dave Saville reported that our revenue from members, through dues and the annual fund appeal, is showing an upward trend.

Much of the meeting was taken up with reports on actions we are involved in. Frank Young reported that there were successes in the Legislature. The bill to authorize power purchase agreements (making it easier to install rooftop solar energy systems) passed; the bill which would have exempted a large number of oil and gas storage tanks from most regulation did not pass. What he said and more is contained in his story on page 15 of this issue.

Kent Karriker reported on projects that we are involved in reviewing, commenting on, etc., particularly the Gauley Healthy Forest Restoration. The Public Lands Committee has been tussling with the Forest Service over the release of information. In response to a Freedom of Information Act request the Forest Service released some of the relevant information. From that information, the Committee has concluded that the project should not be categorically excluded from the NEPA process, as the Forest Service has sought to do. (A "categorical exclusion" from the NEPA process means that the project would not be subject to the same kind of public participation found in most projects. It is only supposed to be available in limited circumstances).

All the controversy surrounding this project has slowed things down so that there is little chance of a decision until later this year.

He also talked about problems at Dolly Sods. There are problems with overuse and other issues. We are going to partner with the Forest Service to address the problems. We will shortly enter into a Memorandum of Understanding with the Forest Service, including a cost sharing agreement in which we agree to pay \$1500. This will pay to support sign in stations at trailheads. To acknowledge our support and participation, the West Virginia Highlands Conservancy logo will be on the sign in stations. This will help collect data on trail use. We will also recruit volunteers to do education on leave no trace practices. West Virginia Highlands Conservancy member David Johnston will coordinate the effort. See the story on page 5.

Kent also reported that we continue to participate in the Conservation Hub sponsored by the Appalachian Blue Ridge Alliance, particularly the Monongahela National Forest mapping project. Later in the meeting Rick Webb displayed a map showing the projects that the Conservation Hub is working on.

Kent and Larry have also been participating in West Virginians for Public Lands. Kent reported that the West Virginia Rivers Coalition has begun gathering information on how the public would like to see the Monongahela National Forest managed. There is also some interest in reviving the effort to create a Birthplace

of Rivers National Monument. There was considerable activity around this several years ago but the effort became dormant when it appeared that the political climate would not welcome such an effort.

Larry reported on the plethora of bills in the recently completed legislative session designed to promote the All Terrain Vehicle industry, particularly on public lands. The only things that actually passed were resolutions. One was a study resolution, directing the Legislature to study the issue during interim sessions between now and the time the Legislature meets again. Another was a resolution supporting construction of an ATV trail parallel to the Appalachian Trail. Resolutions are not statutes and do not appropriate money or bind anyone to do anything. Often they are storm clouds on the horizon. A study resolution is an indication that an idea has some support and can be a portent of legislation next year.

In light of our long time opposition to All Terrain Vehicles on public lands, Larry suggests that we begin gathering information and preparing materials for a probable controversy.

We also considered an idea, presented by one of our members, that we support an effort to solicit money for the support of public lands by leaving donation envelopes at trail heads, equipment stores, or any place where users might gather. The envelopes would include a suggestion that the users send money to support the public lands.

There was extensive discussion with the following points made. First, we don't know if it is even legal for a private group to solicit money on public lands. Second, it would be difficult to give money directly to the Forest Service. It is organized to operate on taxpayer money and does not have a well established mechanism for accepting donations. This difficulty is most commonly avoided by donating to various friends groups such as Friends of the 500<sup>th</sup> (supports Canaan Valley National Wildlife Refuge) which are set up to take donations. The Board took no action.

Larry noted that the renewable energy committee has been inactive of late but he wants it to be more active, including getting new members. Anyone who wishes to join would be welcome.

The climate change committee had prepared a response to the climate related portions of infrastructure proposal prepared by the Biden administration. In general, the committee recommends that we support the proposal although there are some concerns. The proposal could, for example, provide more support for distributed energy. Committee chair Perry Bryant's summary of our response to the infrastructure report is on page 12 of this issue of the *Voice*.

Larry reported on the search for a Program Director. The announced deadline for applications has recently passed; we have received several applications. The committee will be setting up interviews.

# WV Legislature- Win Some, Lose Some

By WVHC & WV E-Council legislative committees

Sort of like a high stakes poker game, the fate of environmental related bills in the West Virginia State Legislature is both chancy and sometimes unpredictable. In the just ended 2021 legislative session, WV Environmental Council (WVEC) lobbyists scored a couple wins where most odds-makers would have predicated losses.

## Solar Power

Perhaps the most surprising success was passage of a bill allowing “rooftop solar” generated electricity Power Purchase Agreements between homeowners and small businesses and a developer who arranges designing, permitting, financing and installing of a solar energy system on a customer’s property. The customer buys the system’s electric output from the solar services provider for a fixed rate, while the solar services provider gains tax credits and income from electricity sales. But there are customer on-site generator limits to meet only the electrical needs of the premises of the retail electric customer and which are 25kW for residential customers, 500 kW for commercial customers, and 2,000 kW for industrial customers.

For details about why solar energy related Power Purchase Agreements are helpful to the environment, see a related article in the December, 2019 *Highlands Voice* on page 6 here: <https://wvhighlands.org/2020/01/02/2019/>

## Storage Tanks

Another big win this session was helping defeat a dangerous bill that would have exempted many oil and gas tanks from regular inspection under the Aboveground Storage Tank Act. The tanks that were going to be exempted on this bill were located in Zones of Critical Concern, which is only 5 hours (water flow time) or less upstream of drinking water intakes. This is a huge win for water quality, as this would have posed a threat with tanks potentially leaking toxic pollutants directly into our water supplies. This means that more than 880 oil and gas industry storage tanks will remain under the protection of the Aboveground Storage Tank Act! Although we are happy that it is defeated this session, it could well make its way back during the next legislative session. Our lobbyists will continue to work to try to keep these tanks under strict inspection.

## Oil & Gas

Unfortunately, only one of the bills we were favoring that focused on funding the DEP Office of Oil and Gas passed. SB 404 provides for an application fee of \$2,500 to modify an existing well work permit issued by the DEP’s Office of Oil and Gas. This is a relatively minimal fee, as it is only a one-time fee expected to bring in \$500,000 annually. We are still very concerned about the lack of funding the Oil & Gas office is facing, as they only have 11-12 inspectors, with around 75,000 active and abandoned wells to inspect, and a \$1.3 million budget shortfall.

## Energy Efficient Government Buildings

HB 2667, the bill that creates a program for state buildings regarding energy efficiency, passed out of both chambers and is also on the governor’s desk to sign. This will allow for cost savings to taxpayers and will establish a program to reduce overall energy usage by 25% in state buildings – a win for taxpayers and a win for the environment!

## Public Lands & ATV Trails

Our public lands were under attack this session, as many resolutions introduced sought to allow off-highway vehicles to traverse on public lands and trails. SCR 3, urging the U.S.

Congress to reopen West Virginia public lands to off-highway vehicles, was adopted in both legislative chambers. This resolution will be sent to West Virginia’s congressional delegation. And SR 43, which was also adopted by both chambers, requests the construction of a licensed off-highway vehicle, semi-contiguous trail parallel to the Appalachian Hiking Trail on the western side. Although these are just resolutions, they are concerning as they are attempts to gather support



for our public lands and ecosystems to be destroyed and damaged by off-highway vehicles. A lead sponsor of these off-road vehicle on public lands bills and resolutions- repeatedly introduced year after year- continues to be Senator Mark Maynard of Wayne County.

## Regulatory Agency Funding

Going into this year’s session there were a lot of concerns regarding budget cuts to various agencies and programs for Fiscal Year 2022. While we usually seem to focus our attention on legislative issues, the budget process plays a significant role in our ability to achieve our priorities. But after reviewing Enrolled Committee Substitute for [HB2022](#) we found that most agencies funds, and boards important to our members were funded from Fiscal Year 2021 levels. Working with our representatives we were able to keep these programs from sustaining cuts and kept at prior-year funding levels. Continued agency funding included: Mountaintop Removal Fund \$1,959,808; Air Pollution Control Fund- \$7,715,495; Solid Waste Reclamation Fund- \$4,511,448; Oil and Gas Reclamation Fund- \$2,500,000; Mining and Reclamation Operation Fund- \$5,970,191; Environmental Quality Board- \$133,483; West Virginia Drinking Water Program- \$647,500; West Virginia Conservation Agency- \$1,023,235; West Virginia Air Quality Board- \$76,053; Underground Storage Tank Admin. Fund- \$814,817; Division of Forestry- \*\$5,449,688.

# 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