



The Highlands Voice

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

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Blackwater River Named Among America's Most Endangered Rivers for 2024

By Olivia Miller

On April 16, the Blackwater River, West Virginia's prized waterway renowned for its recreation opportunities and wildlife, joined the list of America's Most Endangered Rivers of 2024.

In its announcement, American Rivers named the potential construction of Corridor H's southern route—often referred to as Revised Original Preferred Alternative (ROPA)—for the Parsons to Davis project as a major threat to the Blackwater River because of the potential for acid mine drainage to be created during construction and unleashed into the North Fork of the Blackwater River.

The Blackwater River flows 34



The Blackwater River by Frank Gebhard.

miles through the High Allegheny Mountains of Tucker County, West Virginia, draining 142 square miles. The Blackwater River region is a popular outdoor recreational resource and destination for a growing sustainable tourism economy. The Blackwater is fed by the Canaan Valley Wildlife Refuge, Blackwater Falls State Park and Big Run Bog, a National Natural Landmark on the Monongahela National Forest. It is designated as a West Virginia Critical Resource Water for its exceptional ecological, recreational and aesthetic values. The river corridor is home to the endangered Cheat Mountain sala-

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Thoughts From Our President

By Marilyn Shoenfeld

Spring has finally arrived, but the weather has been dark and cold for the past few days. Yes, rain is needed, but flooding is a constant threat. I hope you are all safe.

I want to take a minute to review the resources available in the West Virginia Highlands Conservancy's online store. The history of our organization has been on my mind lately. Our efforts and achievements of today are based on what has been done in the past. As we continue our sixth decade of environmental advocacy, it's time to reflect on what was done years ago. *Fighting to Protect the Highlands* (Elkinton, 2007) describes the first forty years of our history. These battles may seem familiar (because we are still fighting them) and include protecting the Highlands through the Wilderness Act, fighting for clean and free-flowing rivers, to stop or reroute Corridor H, against Mountaintop Removal, against the Davis Power Project (and the establishment of the Canaan Valley National Wildlife Refuge) and much more. The book describes events through the mid-2000s. We have done a lot since then; if anyone is interested in continuing this research and updating the history, please let me know.

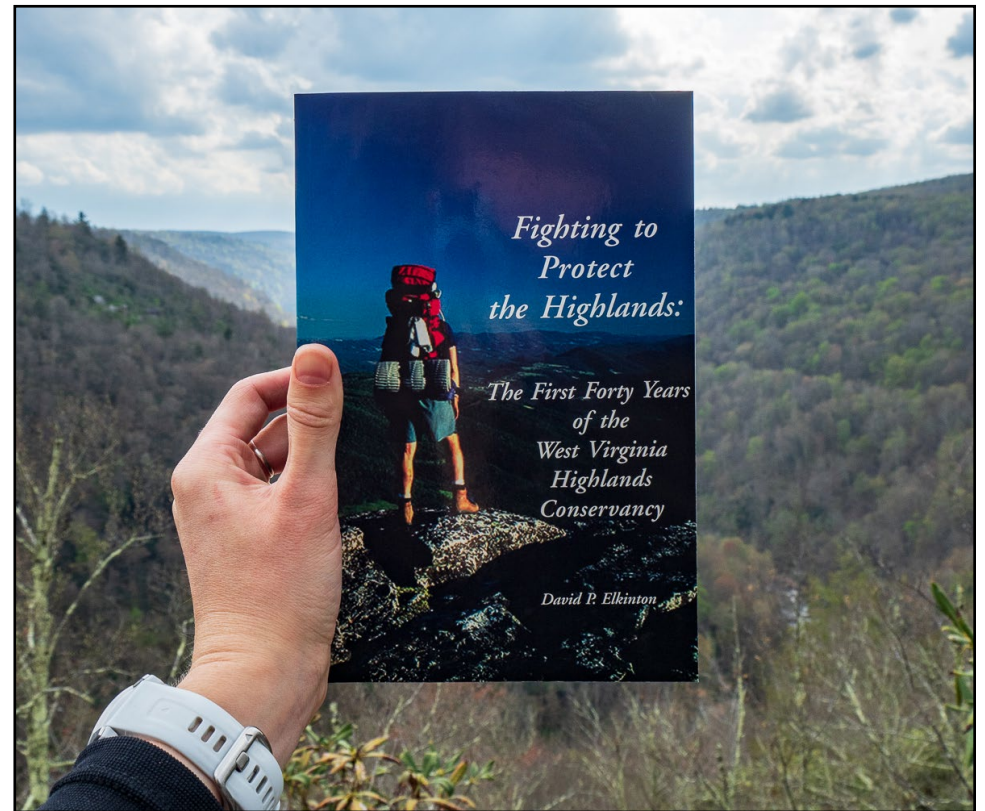
The Hiking Guide to the Monongahela National Forest was published in the early 1970s. Fifty years later, it is still considered a premier resource for hikers in the Mon. It is updated every few years, republished, and now in its ninth edition.

A new project for WVHC is the publication of Jim Van Gundy's *The Nature and Scenery of the West Virginia Highlands: A Motorists Guide* (2022).

The first part describes the geology, flora, fauna, and history of the Highlands. The second section details specific highway sections and their attractions. An updated version will be available soon. All of this and more is available through our online store.

April was a busy month for our Program and Membership directors and the Board and Committee chairs. Many folks worked many hours on a grant for the Dolly Sods Backcountry Stewards through the Appalachian Stewards Foundation. The grant was awarded and will fund the new program. An application for an Americorps Member to help with outings and other outreach was submitted. We also received funding from the American Water Charitable Foundation to support our West Virginia Mountain Odyssey Program: Outings, Outreach and Beyond program. We will kick off the outings program on Sunday, May 12 in Davis. We will be gathering at the Allegheny Trail trailhead (River Road Trail) at 10 a.m. Casey Rucker will lead the walk. We hope to see you there!

The Board meeting was held in April. Many issues were discussed, including the formation of a Climate Change/Renewable Energy Committee and a Board Resources Committee. We hope all directors (and members) can join us at our July meeting, which will be held at Blackwater Falls State Park on July 13. Planning is also happening for our next Fall Review, which will be at Cacapon State Park on October 18-20. The theme will be "The State of the Highlands" and will include many presentations on different aspects of the current state of the Highlands.



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THE WAY THE VOICE WORKS

The Highlands Voice is the official publication of the West Virginia Highlands Conservancy. While it is the official publication, every story in it does not represent an official position of the Conservancy. While all of our members share the general goal "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," our members often have differing views upon the best way to do that.

As a result, stories in The Voice often reflect different points of view. The Conservancy itself, however, only speaks through its Board. The only stories that reflect the official policies of the Conservancy are those reporting Board actions, including litigation positions we have taken, comments on proposed regulations, etc.

Blackwater River Named Among America's Most Endangered Rivers for 2024 *continued from page 1*

By Olivia Miller

mander, Virginia big-eared bat, northern long eared bat and Indiana bat, the rusty patched bumble bee, and the rare West Virginia northern flying squirrel, eastern brook trout, and eastern hellbender.

The Blackwater River is a major draw for visitors to the area for fishing, hiking, biking and boating. These visitors drive the local tourism economy that supports the region.

As many readers of The Highlands Voice know, the West Virginia Highlands Conservancy has been working alongside community members and businesses in Tucker County to raise awareness of the many risks the southern route for Corridor H poses to the Monongahela National Forest, the Blackwater Canyon, and the communities of Thomas and Davis.

An alternate northern route, of which we are in favor, would preserve the unique mountain culture and connectivity of the sister towns of Thomas and Davis and will not trample through the Blackwater Canyon's intact landscapes, the historic coke ovens or rail trail.

The southern route was designed 30 years ago, with little thought to preserving the Blackwater River's unique cultural, historic and environmental integrity.

Over the years, the West Virginia Highlands Conservancy, and many of our partner groups, have attempted to raise the issue of the area's extensive abandoned mine lands to the West Virginia Division of Highways and Federal Highway Administration through public comment periods, meetings and letters. It is likely the West Virginia Division of Highways will encounter sources of acid drainage during construction if the southern route for Corridor H is constructed.

The southern route would pass across a large former strip mine underlain with a honeycomb of mine tunnels that are filled with acid mine drainage

pollution. The former strip mine is in the Upper Freeport Coal Seam, which is the same coal seam that, when exposed to air and water, creates acid mine drainage pollution. American Rivers has recognized that construction in this area would be a recipe for disaster for water quality and stability of structures as mine tunnels could collapse and spill polluted water into the river.

The northern route will also have to traverse a section of the Upper Freeport Coal Seam, however, it travels through far fewer abandoned mine land problem areas and identified mine discharge points.

Unearthing new sources of acid drainage will not only have immediate impacts on the Blackwater River, but it would ultimately have negative impacts downstream in the Cheat River, where tens of millions of dollars have been spent to restore water quality. This scenario has the potential to undue decades of conservation work to restore the Cheat River.

Supporters of the southern route contend that highway officials are doing all they can to avoid any known issues in this area. As the project moves forward in haste, it is unwise to rely purely on sentiments, especially considering the extensive damage Corridor H construction has caused to once pristine native brook trout producing streams in the nearby Kerens to Parsons project area.

The public deserves to see evidence that highway officials have done their due diligence and have studied the issue of the underground mine pools and high-risk sites along the project area in depth instead of expecting us to rely on conjecture.

On January 6, 2024, the West Virginia Highlands Conservancy and the Allegheny-Blue Ridge Alliance, filed a Freedom of Information Act request to the West Virginia Division of Highways and Federal Highway Administration. Among the many requested items were

Join us in protecting the Blackwater River: Send a letter to highway officials!

Local community members and businesses are insisting that policymakers, including the Federal Highway Administration, mandate an alternative northern route -- one that would safeguard river health and enhance the heritage, character, and economies of local communities.



data and reports for any surveys or investigations underway or completed concerning risks associated with highway construction and the existing coal mine workings. The organizations also asked for surveys regarding impacts to groundwater and drinking water sources and the risk of landslides given the instability of the steep mountain areas. The two agencies have thus far refused to fulfill the Freedom of Information Act request.

As part of the announcement,

American Rivers generated an online action alert to give the community the opportunity to send a letter to the Federal Highway Administration and urge them to support an unbiased and strong alternate northern route. If you would like to add your voice among ours, you can complete the action alert here: <https://bit.ly/3JmbNE0>

YOU CAN ALWAYS HEAR THE HIGHWAY

beneath the Eastern Phoebe. It hums alongside the Hermit Thrush and Indigo Bunting. It is almost like a river but it is not a river. It is not out-runnable. There are moments when the Marsh Wrens die down, and the highway fills them like the blood in your ears. There are no real lulls. You could call the highway a zipper because of the way it buzzes above the Ruby-crowned Kinglet and the Willow Flycatcher. You could call it a drone or a moan. I have never heard a Vesper Sparrow or a Dark-eyed Junco. A chickadee is hatching crisply from its egg, a Gray Catbird is ripping a millipede from the meadow, but how would you know. The highway's sound is like a strong wind, or like a heavy curtain being dragged along the ground. It is louder than the alarm call of any bird, louder than the noise a Barn Swallow makes when it is being eaten. I may never hear a Brown Thrasher, a Pine Warbler, a Rose-breasted Grosbeak, a Common Yellowthroat. There are 160,955 miles of highway in America.

Claire Wahmanholm

West Virginia Highlands Conservancy Online Store Catalog

Apparel

- **WVHC Cotton Hat (Black or Army Green):** \$22.50
- **WVHC Hemp Hat (Black or Green):** \$25.00
- **WVHC 100% Cotton T-Shirts (Coyote Brown, Kelly Green, Navy Blue, Black) Available in XS-XXL:** \$22.00
- **Black 50th Anniversary T-Shirt with "Celebrating 50 years" logo. Available in Small-XXL:** \$20.00
- **I Love Mountains T-Shirt Short Sleeve. Available in M-XXL:** \$18.00
- **I Love Mountains T-Shirt Long Sleeve. Available in S, M, L, XL:** \$22.00
- **I Love Mountains Toddler T-Shirts. Available in 18-months, 2T, 3T, 4T, 5/6:** \$20.00
- **Square Black Bandana:** \$5.00

Drinkware

- **WVHC Hydro Flask 20 oz. All Around Tumbler (Birch, Indigo, Black):** \$35.00
- **WVHC Hydro Flask 21 oz. Standard Mouth Flex Cap Water Bottle (Pacific, Mesa, Indigo):** \$45.00

Stickers

- **I Love Mountains Bumper Sticker:** \$3.00 for one, \$12.00 for 20

Books

- **Monongahela National Forest Hiking Guide, 9th Edition:** \$21.95
- **Fighting to Protect the Highlands:** \$15.95

To order by mail make checks payable to West Virginia Highlands Conservancy and send to P.O. Box 306, Charleston, WV 25321. Please indicate the item and relevant color and size if applicable. To view and purchase store items online, visit wvhighlands.org



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 two 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.)



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No Justice for Pinnacle Creek

By Andrew Young

To put it simply: two notorious coal companies, NUFAC and Bluestone, have been flagrantly desecrating Pinnacle Creek for years, and are pushing the critically endangered Guyandotte River crayfish to the precipice of extinction.

Both of these companies are owned by West Virginia Governor Jim Justice.

The Guyandotte River crayfish was once prolific across its historic range, but the hardy crustacean is now found in only two streams on Earth: Clear Fork and Pinnacle Creek. The decline of this species is largely due to unyielding, poorly regulated negative impacts from coal mining, as well as more recent sedimentation impacts from off-road vehicle use in the streams and riparian zones around its designated critical habitat.

The Allegheny-Blue Ridge Alliance (ABRA) and the West Virginia Highlands Conservancy (WVHC) became focused on the crayfish issues in Wyoming and Logan Counties after working with Appalachian Voices and the Center for Biological Diversity to lodge an Endangered Species Act lawsuit over West Virginia's failure to implement required Protection and Enhancement Plans for endangered species across the state.

Soon after that lawsuit was filed, WVHC worked alongside conservation partners to build a number of related cases in the South Fork Cherry and Laurel Creek watersheds that provide critical habitat for the endangered candy darter.

The constant hammering of candy darter and Guyandotte River crayfish critical habitat is emblematic of the threats that coal mining plays to all living species on Earth, and we must fight this rogue industry until the coffin is double-nailed and buried somewhere between six to 12 feet deep. We must finish this fight once and for all, or coal will finish us.

Appalachian Voices and Center for Biological Diversity's recent law-

suit is based on the fact that the United States Fish and Wildlife Service (FWS) has created a guidance document for agency staff acknowledging and explaining the extent of harm that coal mining activities inflict on downstream aquatic species, complete with references to numerous studies showing significant habitat degradation and population impacts via sedimentation and other effects up to 12 miles downstream from coal mining operations.

According to FWS, the best available science indicates that mines within 12 miles upstream of critical habitat or populations of aquatic species such as the Guyandotte River crayfish, Big Sandy crayfish, and candy darter certainly "may affect" the species and their critical habitat, and therefore require a Protection and Enhancement Plan to address and minimize such impacts.

Documented examples show how coal mining pollution is escalating the risk of jeopardy for listed species. For example, the two remaining occupied critical habitat segments for the Guyandotte River crayfish have been impacted by major coal pollution spills in recent years. FWS has documented at least four unpermitted sediment spills from the Eagle Surface Mine on Knob Fork of Clear Fork between February and May of 2017, which impacted critical habitat for the Guyandotte River crayfish with siltation and sedimentation impacts 14 miles downstream.

Likewise, in its 2023 Guyandotte River crayfish five-year review, FWS documented a 2018 coal slurry spill by an unidentified Surface Mining Control and Reclamation Act (SMCRA) permittee on Pinnacle Creek in another section of designated critical habitat for the Guyandotte River crayfish. This spill resulted in siltation and sedimentation impacts to the critical habitat, and is suspected of directly killing all Guyandotte River crayfish in one area of the stream.

These and other impacts from coal mining activities have devastated the crayfish populations in Appalachia.

The Guyandotte River crayfish has been wiped out from 93 percent of its known historical range. It only survives in Pinnacle Creek and Clear Fork in West Virginia's Wyoming and Logan Counties, both of which watersheds are heavily impacted by coal mining activities.

The U.S. Environmental Protection Agency has documented that neither Pinnacle Creek nor Clear Fork meet water quality standards for aquatic life. Amazingly, though, more than three years after the requirement to develop protection plans for Guyandotte River crayfish, of the 114 SMCRA facilities identified in the lawsuit, 112 lack the required PEP for the species. That is a non-compliance rate of 98.25 percent for a species that is perhaps the most at risk of extinction in the entire country.

The harm that the Guyandotte River crayfish has suffered due to coal industry pollution underscores the need for the Office of Surface Mining and Reclamation Enforcement and FWS to fashion and effectively implement an appropriate mechanism for compliance with the Endangered Species Act, including by implementing protective measures for permits that threaten these species and their designated critical habitat.

Yet at this time, more than three years after the issuance of the 2020 Biological Opinion, no protection plans are in place for the vast majority of coal mining facilities in West Virginia that threaten these listed species and their designated critical habitats. If regulators won't do their jobs willingly, we must force them to.

As these lawsuits play out, WVHC and ABRA have been hard at work chasing leads and filing information requests (FOIAs) to uncover a number of scandals associated with various state agencies and the Justice family of coal mines in Pinnacle Creek. What we have found is powerful information for the attorneys to show the continuing negative impacts to the species because of the inadequacy of the regulatory sys-

tem, and that individuals within the agencies are failing to live up to their obligations.

At the end of the day, it will hopefully be enough to prove our point to the courts and the public: these agencies need to protect endangered species no matter how tightly King Coal tries to manipulate his dying grip on the Appalachian coalfields.

Coal Truck Crash into Pinnacle Creek

The first incident ABRA and WVHC became aware of is about a Justice coal truck that crashed into Pinnacle Creek in December 2022. The coal truck was carrying 40 plus tons of raw coal. Because it was a Justice operation, it has unsurprisingly been covered up and largely kept from the public until now. Justice is even rumored to have flown in to help coordinate the cover up. The West Virginia Department of Environmental Protection (WV DEP) database includes a Notice of Violation with no photos and the only description being, "truck with a load of coal flipped into Pinnacle Creek, dumping load of coal into Pinnacle Creek. Stream was discolored. Black material has been deposited onto the banks of the creek."

Through a FOIA request, ABRA and WVHC learned that this accident was deemed an Endangered Species Act emergency by WV DEP, Office of Surface Mining Reclamation and Enforcement and FWS, but the accountability afterward remains to be seen. The photos are devastating (see above/below), and, moreover, the FWS West Virginia Field Office sent a biologist who collected water samples at five locations and then, inexplicably, never sent the water samples to a lab for analysis, as is standard procedure.

The FWS WV Field Office claimed in its initial FOIA response that WV DEP was the only agency who took water samples on site. In contrast, the WV DEPs response to the same FOIA included information on the exact locations and persons that took the water

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No Justice for Pinnacle Creek *continued from page 5*

By Andrew Young

samples on site from FWS.

The \$11,300 fine levied by WV DEP is a laughably inappropriate amount given the permanent damage done to the species and its critical habitat by this Justice operation, and we expect much more from our regulators.

It is simple: FWS cannot continue to take a back seat in this coal-dominated regulatory system if they are to legitimately ensure the survival of listed species in West Virginia.

Unpermitted Valley Fills in Guyandotte River Crayfish Critical Habitat

The second issue ABRA and WVHC are investigating is the widespread construction of unpermitted valley fills in the Guyandotte River crayfish critical habitat. Valley fills and mountaintop removal, according to the US EPA, impact streams in five principal ways:

1. Springs and ephemeral, intermittent and perennial streams are permanently lost with the removal of the mountain and from burial under fill;
2. concentrations of major chemical ions are persistently elevated downstream;
3. degraded water quality reaches levels that are acutely lethal to organisms in standard aquatic toxicity tests;
4. selenium concentrations are elevated, reaching concentrations that have caused toxic effects in fish and birds, and;
5. macroinvertebrate and fish communities are consistently degraded.

Because of these serious negative consequences, valley fill construction requires a Section 404 permit from the U.S. Army Corps of Engineers and a 401 State Water Quality Certificate from WV DEP. These permitting processes can be extensive and burdensome, but they are in place because of how serious the hydrologic impacts are.

Nevertheless, Justice operations are rumored to have constructed numerous valley fills in this critical habitat without Section 404 permits from the Army Corps. When we caught wind of this rumor, ABRA looked into a Bluestone coal mine that is coinciden-

tally up for permit renewal (S401301 the Poca Contour Mine) and our initial suspicions were confirmed. On this mine in May 2020, the Army Corps sent a Cease and Desist letter to shut down the unauthorized valley fill operation.

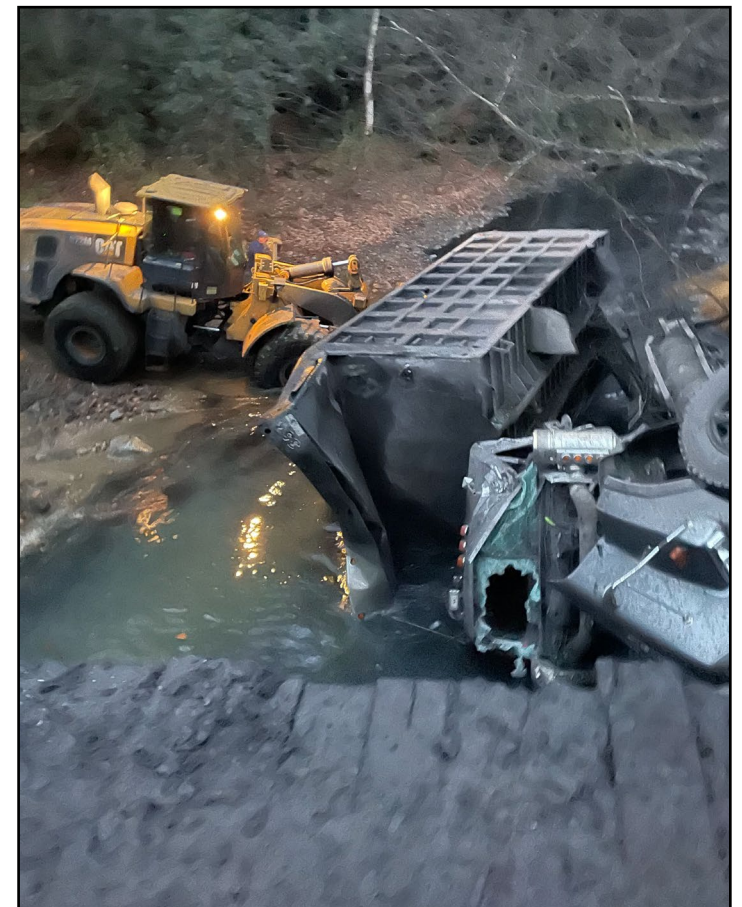
ABRA and WVHC are now looking into every SMCRA permit in the Pinnacle Creek watershed to determine the extent of the problem, and to ensure that the King knows he is under the microscope. We will let you know what we find out.

As with the last Highlands Voice series delving into coal mining impacts to candy darter critical habitat, this issue in Guyandotte River crayfish critical habitat will need to be broken into at least another part, stay tuned to learn more about the coal truck crash in Pinnacle Creek, and about the OSMRE and WV DEP years long Endangered Spe-

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A coal truck carrying 40 plus tons of coal crashed into Pinnacle Creek (critical habitat for the Guyandotte River Crayfish) in December 2022.



Putting Leave No Trace into Practice at Dolly Sods

By Dave Johnston

Most people are in favor of supporting and preserving natural areas and believe they are doing so when they visit those areas. Most people will agree that they support and practice Leave No Trace principles when visiting the wild areas of West Virginia. Yet the wild and natural qualities of such areas continue to be threatened or degraded.

Nowhere is this more evident than in the special wilderness of Dolly Sods, one of the jewels of West Virginia. That congressionally designated Wilderness and the Nature Conservancy's adjacent Bear Rocks Preserve have seen a dramatic and ever-increasing influx of visitors over the past decade or so. Though the vast majority are well-intentioned, their cumulative effect leaves an unavoidable human imprint on the wild character of these unique natural areas.

Visitors are welcome in most natural areas. In fact, one of the underlying purposes of the National Wilderness Preservation system is to provide for and protect places where people can experience wildness as a refuge from the distractions of civilization. But especially in heavily visited areas, it becomes more important for each person to minimize the traces of their visit. By applying best practices in our outdoor behavior, we can collectively limit our overall impact on natural areas.

Which brings us back to Leave No Trace principles. While most people will readily subscribe to the idea of Leave No Trace, putting those ideas into practice may be another matter. Many people have a vague notion that Leave No Trace has something to do with picking up your trash (and indeed, that is one of the principles) but aren't really tuned in to the meaning or intent of all the guidelines. So, they aren't really prepared for applying the concepts to real-world situations.

The Dolly Sods Wilderness Stewards can help people apply these concepts. Trailhead Stewards are stationed at the busiest trailheads on weekends



and holidays to greet visitors, introduce them to the wilderness, and help them plan for a successful and low-impact visit. Part of our job is to interpret the Leave No Trace guidelines in a way that highlights their applicability to Dolly Sods.

For instance, one of the Leave No Trace principles is to travel and camp on durable surfaces. Obviously, a nice, compacted, and dry trail is both a pleasant and durable surface to hike on. But large sections of the trails in Dolly Sods are poorly drained and become extensive mud holes. Bypassing the trail means treading on the vegetation and habitat next to the trail, which kills the vegetation and degrades the soil so that it now becomes part of the mudhole, and the mucky trail becomes ever wider. In Dolly Sods, the most durable surface available may be the mud itself, and applying the LNT principle means celebrating the muck!

Similarly, the Leave No Trace principle of "Be considerate of other visitors" seems obvious; perhaps just something your mother taught you. But in a wilderness, which is in part created to provide an opportunity for solitude and an intimate encounter with nature, consideration of others may take on extra dimensions. Setting up camp near another party's campsite may not be welcome, nor may be socializing. Leaving your gear in the middle of the view at an overlook may affect the experi-

ence of others at that overlook. Consideration of other visitors to an increasingly busy wilderness invites visitors to think of ways they can have their experience while minimizing their impact on others, and vice versa.

The Trailhead Stewards' encounters with visitors are necessarily brief, and we can't give even a short course on Leave No Trace principles at the trailheads. But by being aware of the particular vulnerabilities of Dolly Sods, as well as the most misunderstood Leave No Trace principles, we can work into most conversations some of the more critical special considerations for Dolly Sods Wilderness.

No single conversation will cover all the things people need to know to 'do Leave No Trace' in Dolly Sods, and preserving its wilderness character in the face of overwhelming levels of usage will always be a challenge. But we believe that planting seeds of Leave No Trace consciousness in visitors will incrementally affect visitors' collective behavior and foster a more proactive attitude toward personal responsibility for wilderness preservation. In the long run, this increases the odds of future people being able to experience wilderness as wilderness.

The Trailhead Stewards are trained not only in the seven Leave No Trace principles and how they apply to Dolly Sods but also in techniques for communicating them to visitors. We

use a method called 'authority of the resource' to appeal to the natural good will and desire of most visitors to protect nature. As distinct from the 'authority of the agency' ('because it's the law'), this method enlists visitors in wilderness-compatible behaviors for their own reasons. The keys to this approach are to establish common ground, provide reasons for Leave No Trace actions based on the protection of the resource, and offer realistic alternatives to 'less than Leave No Trace' behavior.

We will be kicking off our 2024 season at the Dolly Sods trailheads in mid-May. Stewards will be stationed at the busiest trailhead on weekends and holidays and have the opportunity to influence the behavior of several thousand visitors.

You can learn about applying Leave No Trace principles and the authority of the resource at the next training for new Trailhead Stewards on Saturday, May 18, at Seneca Rocks. The training will be followed by our annual all-Stewards picnic, which provides an opportunity to interact with veteran Stewards and learn from their experience as well.

Being a Trailhead Steward requires no specific background, skills, or expertise other than a desire to support Dolly Sods. There is no minimum time commitment, and those who live far away or can only occasionally volunteer their time are welcome. The Conservancy provides a convenient means for volunteers to schedule themselves online for trailheads and shifts that work for their schedules. Stewards can join a private Facebook page and occasional gatherings for Stewards to share experiences and learning are planned.

To learn more about what we do, go to the Conservancy home page at wvhighlands.org and follow the links for the Dolly Sods Wilderness Stewards. Use the signup form to join the Stewards, and we will send you more information on the Trailhead Stewards and the training.

Board Highlights *April 2024*

By John McFerrin

The spring Board of Directors meeting of the West Virginia Highlands Conservancy was, as usual, a mixture of boring, businessy stuff and interesting stuff: reports about what we are doing. Along the way, President Marilyn Shoenfeld led us in a lament about meeting on Zoom. We are a sociable bunch, so we would have liked to meet in person. We will have another opportunity at the July board meeting at Blackwater Falls.

We had a report from the treasurer (not exciting, but he did report that our revenues are over budget for both membership and the fund appeal). We also had reports on the endowment and the special cash fund. He attributes this to our investment in staff. Our revenue is still less than our expenses, but this was planned for in the budget.

We also cleaned up our roster of officers. For decades, we have had a Vice President for Federal Affairs. In the past, we had a Board member who lived in Washington, D.C. and kept us informed about developments in Washington. In the last few years, we have not had anybody to fill that position, so we will just eliminate it. Since it is in the bylaws, we must wait for the annual meeting to eliminate it.

In more business stuff, Membership and Operations Director Crys Bauer presented a report on membership, donations, and sales from our online store. We are on track to have about the same number of new members this year as last year, and donations are up substantially.

We have not been charging shipping on our store sales. We never wanted to make money on the store sales. We always thought it was worth it to have a store since that is one way our organization becomes better known. If we don't charge for shipping, there is some possibility that we will lose

money on some of the items. So, we are going to start charging shipping. It will take a while to weigh each item, determine the shipping, etc., but that is on its way.

At this point, we started talking about things we were doing, so things started to get more interesting. In 2022, Jim Van Gundy, former West Virginia Highlands Conservancy Board member and longtime friend of the Highlands Conservancy, published a book, *The Nature and Scenery of the West Virginia Highlands: A Motorist's Guide*. It has chapters on the Highlands' history, climate, geology, botany, wildlife, and more, followed by 32 highway segments and what's to be seen, explored, and understood along the way. Several Board members have read it and given it rave reviews. Of course, we are his friends and would always give rave reviews. For a more objective opinion, see its five-star rating on Amazon, although the book is currently unavailable.

The first printing has sold out and he would like to turn it over to the West Virginia Highlands Conservancy to publish a second printing. We would pay for another printing, take over the distribution, etc. Since the last Board meeting, we have investigated the cost of printing, etc., and remain committed to going ahead with the project.

This is where things started to get really interesting. Program Director Olivia Miller made a report on all the things that she had been doing. It was a lot. She and Crys are working to develop our outings program. They currently have five outings planned through November 2024, with more in the works. She also has some tabling at events planned. She has been very active in the Go North campaign for Corridor H. The Blackwater River has been named one of America's most endan-

gered rivers so she is working on publicity and advocacy around that.

Our social media presence continues to expand with new followers on Facebook, Instagram, etc. Unlike in the bad old days, when we had something new on the website infrequently, there is something new on Facebook or Instagram almost every day. Those who want to follow us will always have something new to look at.

Olivia also keeps a running list of things we have done or been involved in all year. It is a long list, one that gets longer every month. One of the computer programs we use for communicating with members has a feature that makes advocacy easier, so we are going to get that.

Jackie Burns reported on planning for the Fall Review. The date and place are all set: October 19-20 at Capon Resort State Park. The theme is "What Is the Condition of the Highlands?" The program is jam-packed with interesting topics, possibly more than our brains can absorb. They will include the overall condition of the highlands (with Jim Van Gundy, the guy who wrote the book), Corridor H, and old-growth forests.

Hugh Rogers reported on the work of the Highways Committee. The chronic question is whether there will be a serious effort to study the alternative route that we think would be better. Years and years ago, the West Virginia Division of Highways picked a route it liked. The question is always whether it is going to study alternate routes seriously or just go through the motions so it can choose the route it liked all along.

The formal procedure for deciding what to study is to publish a Notice of Intent to Prepare a Revised Environmental Impact Statement. In order to get our preferred route included, we commented on that Notice. At this

stage, the West Virginia Division of Highways has to decide what it is going to study.

The Federal Highway Administration says that lots has changed since the last Environmental Impact Statement and West Virginia has to consider all those changes. The Division of Highways is now doing a draft Environmental Impact Statement. It will come out at the end of the summer, and we will comment on it then.

Susan Rosenblum presented the report of the Rivers Committee. Along with the West Virginia Rivers Coalition and the Friends of Cheat, it has continued to do citizen stream monitoring, particularly in streams where present construction and any future construction on Corridor H will have an impact.

One person who came to be trained as a citizen monitor told a story of the present construction of Corridor H. It had accidentally opened up an abandoned mine, which is now leaking acid mine drainage into nearby streams. The Division of Highways did not know the mine was there.

Core drilling is part of the study of possible routes. The part that was on private land has been completed. The part that will be on the Monongahela National Forest is yet to be done; the Committee made comments on plans to do that.

Dave Johnston presented a report on what the Dolly Sods Stewards have been up to. He has been tracking the number of volunteer hours (1,900 last year) contributed to the effort by stewards; 59 people have contributed at least some hours. Dave is planning awards for those who have contributed the most hours. There is a picnic planned for May.

The program is about to expand with the addition of Backcountry Stew-

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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.

Dominion Energy Donates 847 Acres to The Nature Conservancy to Expand Protection Along Allegheny Front

Reprinted from The Nature Conservancy

Dominion Energy has donated 847 acres to The Nature Conservancy in West Virginia (TNC) to expand conservation protection along The Allegheny Front. These acres, when added to Dominion's previous donation of 477 acres that is known as Bear Rocks Preserve, doubles the size of the Bear Rocks/Allegheny Front Preserve Complex, bringing nearly 2,000 acres of West Virginia's most scenic and ecologically significant habitats into conservation protection.

Protection of this tract of land provides significant conservation value by conserving key areas adjacent to the Monongahela National Forest on Dolly Sods. It also helps ensure habitat connectivity for species migration from valley bottom to mountain top.

"Dominion Energy's donation will have a huge impact on conservation of this ecologically important landscape," says Thomas Minney, executive director of The Nature Conservancy in West

Virginia. "This landscape is one of the most visited places in West Virginia, and the fourth most visited TNC preserves in America. It is important we continue to work with partners like Dominion to increase protection efforts in this key landscape."

This landscape plays an outsized role in the recreation industry in West Virginia. Expanding protection along the Allegheny Front adds new potential for public access and recreation opportunities, adding to the overall ecotourism experience.

"We're thrilled to continue our longstanding collaboration with The Nature Conservancy," said Ed Baine, President of Dominion Energy Virginia. "This is a great example of how the private sector and conservation community can work together to preserve natural landscapes in the communities we serve."

In 2021, the Bear Rocks/Allegheny Front Preserve Complex was named the 600th National Natural Landmark in the United States.

No Justice for Pinnacle Creek *continued from page 6*

cies Act stream assessment report that has been kept from the public because of how bad the data is for the coal industry.

ABRA, the Center for Biological Diversity, and WVHC found out about this water monitoring program from an obscure OSMRE Budget Justification document and have engaged in months of back and forth FOIA negotiations with state agencies to get ahold of the data and push the OSMRE to publish their final report.

Until next time, please check out the ABRA map showing mining impacts to Pinnacle Creek and you can

see more information about the coal truck crash, unpermitted valley fills, ESA stream assessment data locations, and other relevant contextual information.

Board Highlights *continued from page 8*

ards. Up until now, Stewards had been interacting with visitors only at trailheads. Now we are going to train Stewards to roam about the backcountry, offering advice to visitors and keeping an eye on conditions in the Wilderness Area.

Rick Webb reported on the activities of the Allegheny-Blue Ridge Alliance, highlighting four areas:

- Working to stop the mining on the South Fork of Cherry River. A coal company is using a Forest Service road as a haul road without proper environmental review or protection.
- Working to procure data on the National Forest streams being degraded by sedimentation. This is part of the challenge to the Greenbrier Southeast Project by the Forest Service.
- Supporting efforts to protect the Pinnacle Creek (upper Guyandotte) watershed. This stream provides habitat for the Guyandotte Crayfish.
- Developing and organizing information on Red Spruce ecosystem.

Luanne McGovern reported on the legislative session. Most of the legislative time and energy went to arguing about putting librarians in jail, posting In God We Trust in classrooms, etc. It never got around to any of the issues we wanted to address. Nothing terrible happened, but the problems we would like to address remained unaddressed.

Luanne also reported on the activities of the grant writing committee. The grant to produce and distribute a coloring book featuring highlands creatures is moving along. The coloring book is about 50 percent complete. We got to see a sample of a page that is finished, and the pictures are cute. We were awarded a grant to support the Backcountry Stewards program that was described in Dave Johnston's report.

We discussed the Climate Change Committee. We had a big success with the booklet on what people can do to prevent climate change. Since then, the Committee has yet to identify a new focus. We are going to try to revive the Committee, including giving it a sharper focus.

An Update on South Fork Cherry

By Andrew Young

[After filing our challenge](#) in the United States District Court for the District of Columbia on January 10, the Trump appointed judge, Timothy J. Kelly, has done little other than give the government more time to think about its forthcoming response, and let the coal company join the proceedings as defendant-intervenors. On the other side, the Department of Justice attorneys for the Forest Service have also asked to transfer the case to U.S. District Court in West Virginia, apparently a more appropriate venue in the Federal Government's eyes.

While Judge Kelly weighs the various merits of the Government's request to transfer the case, South Fork Coal Company filed an unsolicited answer to the complaint denying everything and claiming that compliance with the

state Surface Mining Control and Reclamation Act rules (WV DEP) satisfies the independent federal obligations of the U.S. Forest Service under both the National Environmental Policy Act and the Endangered Species Act. If you think that is weird and incorrect, that's because it is both. Moreover, even if that alternative regulatory universe existed, the coal haul road at issue still does not have a protection plan for the candy darter and, as a result, is not in compliance with the requirements necessary to legally operate under the Surface Mining Control and Reclamation Act. But apparently the agencies involved don't have the spine or the principal to shut this travesty down until it can comply with the law.

As these officials twiddle their

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West Virginia Highlands Conservancy Awarded American Water Charitable Foundation 2024 Water and Environment Grant

By Olivia Miller

The West Virginia Highlands Conservancy is thrilled to announce that it has been awarded an American Water Charitable Foundation 2024 Water and Environment grant, focused on launching the West Virginia Mountain Odyssey: Outings, Education, and Beyond program.

This initiative is aimed at connecting people with the natural wonders of the West Virginia Highlands and creating a culture of environmental stewardship within local communities.

Through outdoor excursions, educational programs, and community

engagement, the Mountain Odyssey Program will offer a range of activities that will help participants learn about the unique natural resources of West Virginia and the importance of environmental conservation.

“We are thrilled to be partnering with the American Water Charitable Foundation on this program,” said WVHC Program Director, Olivia Miller. “Their support will enable us to increase outdoor recreation access to Appalachian communities throughout West Virginia and encourage the empowerment of good neighbors, citi-

zens, and stewards.”

The Water and Environment grant is part of the American Water Charitable Foundation’s Keep Communities Flowing Grant Program. The Foundation is a 501(c)(3) organization established by American Water, the largest regulated water and wastewater utility company in the U.S., and aims to support high-impact projects and initiatives that further American Water’s commitment to ESG, as well as inclusion, diversity and equity.

“The American Water Charitable Foundation is committed to participat-

ing and investing in organizations and programs that benefit the diverse communities served by American Water,” said Carrie Williams, President, American Water Charitable Foundation. “We take pride and are proud to further American Water’s ongoing commitment to being a good neighbor and strong partner in the community.”

The program will kick off in 2024 on Sunday, May 12 with a bird walk at Blackwater Falls State Park.

Learn more about the program and view all upcoming events at wvhighlands.org

West Virginia Mountain Odyssey *Upcoming Events*

Birding in Blackwater Falls State Park, May 12: Join us for a Mother’s Day bird walk at Blackwater Falls State Park on Sunday, May 12. We will meet at 10 a.m. at the Allegheny Trail trailhead (aka River Road Trail) by the bridge on Route 32 in Davis, West Virginia. This is a rain or shine event! Please bring your own rain gear, water and snacks/lunch. If you have binoculars and books feel free to bring those as well, but they are not required. This walk will be led by local bird expert Casey Rucker.

Register for the bird walk here: <https://bit.ly/3vGM7Qe>

Bird Walk and Banding Demo + Old Hemlock Farmhouse Tour, July 14: Spend the morning with us at the Old Hemlock property in Preston County for a bird walk, farmhouse museum tour, and optional bird banding demonstration on Sunday, July 14 from 9:30 a.m. to noon.

Old Hemlock was the home of George Bird and Kathryn Harris Evans. The Old Hemlock property contains virgin hemlock trees and is maintained in its natural state with multi-age woodlands as a nature and wildlife preserve. The property was added to the National Register of Historic places in 2015. Learn more about the history of this property at oldhemlock.org

The excursion will include a gentle bird walk (one mile) through mature and young forest habitat, a tour of the historic house, an overview of George and Kay’s life, a short presentation on the scientific management of 232 acres, and visitors may have an option to stay longer to walk the trails, visit the virgin hemlock forest and watch a bird banding demonstration. This tour will be led by LeJay Graffious, administrator of the Old Hemlock Foundation. We suggest you bring a bagged lunch. Restrooms will be available.

Old Growth Forest Hike and Tree Survey in Tucker County, August 17: Hike to the site of the proposed Upper Cheat River timbering project in the Monongahela National Forest near Parsons, West Virginia, and learn about the old growth characteristics of this site from ecologist and local resident John Coleman of Speak For The Trees Too. We will meet at the Horseshoe Recreation and Campground Area Day Use parking lot at 10 a.m.

The hike will involve measuring trees to determine their age. A small grove of trees documented in this area are over 200 years old. The hike will require a 0.5 mile hike up a steep ridge. Total time for hike and survey 3-4 hours. We suggest you bring a bagged lunch!

Registration links forthcoming. Mark your calendars!

Meet Our New Board Member: Cindy Slater



The West Virginia Highlands Conservancy is happy to announce that we have recently welcomed Cindy Slater to the Board of Directors as an organizational director representing the Brooks Bird Club.

Slater's birding journey began with her parents, who were active in the Brooks Bird Club and many other nature organizations in West Virginia. Her childhood vacations were spent camping and exploring areas like

Spruce Knob, Gaudineer Knob, Seneca Rocks, Dolly Sods Wilderness Area, Blackwater Falls, Middle Mountain, Olsen fire tower, Big Run Bog, Otter Creek Wilderness Area, and many other West Virginia treasures. As a kid, it felt like her own personal playground.

"My first Bird Club Foray was at Camp Thornwood in Pocahontas County, which took my love for nature to a whole new level," she said. Before that foray, my passion was in plants because the plants stood still. The way the Brooks Bird Club studied birds was very scientific, with study plots and breeding bird surveys; it really opened my eyes to the natural world. The way folks took me under their wing to help teach me what they knew was something very special."

These opportunities allowed her to learn all aspects of nature and understand how important preservation is.

"I think supporting public lands, natural habitats, and sensible management styles for habitats is also very important in the big picture, yet it never seems like we do enough to help protect them for future generations," Slater said. "We really need to be smart about

our decisions as a whole. The natural resource economy and recreational growth are important, but we must also be mindful and compatible with ecological needs."

Slater is a life member of the Brooks Bird Club, serving multiple terms on the board, and is currently the Club's immediate Past President. She resides in Bridgeport, West Virginia, and works for the Monongalia County Health Department as a Nutritionist II for the state.

She has been a West Virginia Wildflower Pilgrimage Leader for over 25 years, has taught bird identification at Oglebay Institute's Junior Nature Camp, and is on the Oglebay Institute Friends of the Schrader Center board.

Slater admitted that it is undoubtedly difficult to pinpoint a favorite place in West Virginia. Still, she conceded, "I am very fond of Tucker and Pocahontas County, although I have not yet found a place in West Virginia that I didn't love."

An Update on South Fork Cherry

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thumbs in ornate buildings, trying to figure out how to avoid the expectations of the American people and their duties under law, South Fork Coal has been busily hammering the candy darter and adversely modifying its critical habitat with numerous water quality violations (including at least one imminent harm cessation order for serious negative environmental impacts), showing a flagrant disregard for environmental laws when there is dirty money to be made. Worse still, the company knows full well that we are onto them, so they are racing to get as much coal to market before we have our day in court. Essentially, it looks like the coal company is trying to moot our case by making a legal remedy impossible. Can't shut down a coal mine if the coal is already gone. What a strange version of American justice.

No matter the hurdles, we will continue to speak truth to power. We will win this case in any Federal jurisdiction because we have the facts and the law on our side, monied political influences be damned.

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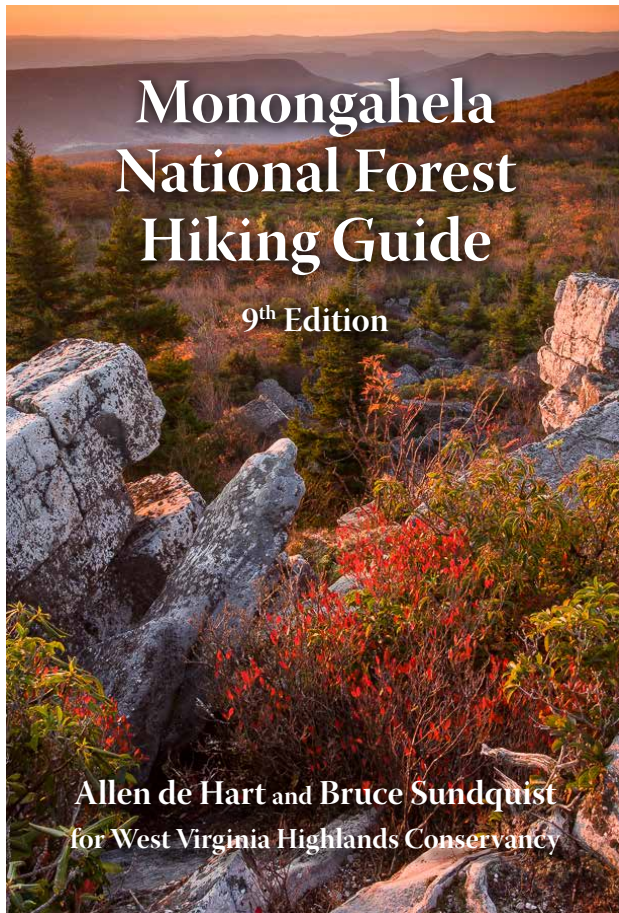
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Mail to West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321

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

You may also join online at www.wvhighlands.org

Hit the trails with our Mon National Forest Hiking Guide



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

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

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

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

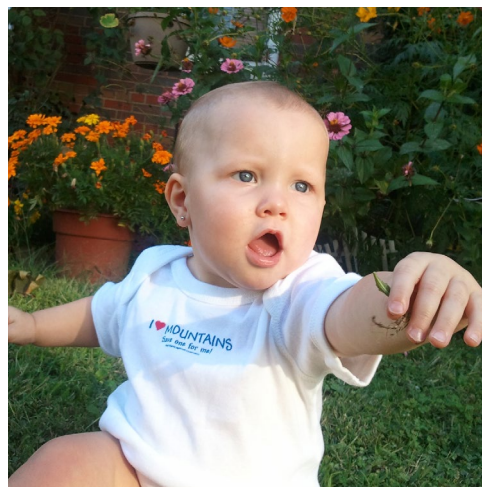
The Monongahela National Forest has long been known as a 'Special Place.' The hiking, backpacking, and cross-country skiing opportunities it provides are among the best in the eastern U.S. New wilderness and backcountry trails have been added to the outstanding areas we have appreciated for decades –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

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

Send \$18.95 plus \$3.00 shipping to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321 OR order from our website at www.wvhighlands.org

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