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# *The Highlands Voice*

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

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## **Business Owners Advocate for Northern Route for Corridor H to Protect Local Community and Economy**

By Olivia Miller

A coalition of 32 business owners from the small rural towns of Thomas and Davis in West Virginia have come together to advocate for the northern alignment of the proposed Corridor H highway section from Parsons to Davis, a move they believe is crucial to preserving the community's integrity and local economy.

In a letter addressed to U.S. Department of Transportation Secretary Pete Buttigieg, the business owners expressed their deep concerns about the currently recommended southern alignment (ROPA) for the 10-mile stretch of Corridor H between Parsons



*An aerial view of Davis, WV. (Photo by Frank Gebhard)*

and Davis. The group highlighted Secretary Buttigieg's recent remarks on the impact of past highway construction that divided and damaged neighborhoods, emphasizing that the ROPA alignment would similarly sever links within their community and disrupt their thriving, sustainable tourism economy.

"We represent a thriving, sustainable tourism economy based on our assets: scenic beauty, the Blackwater River and Canyon, trails, wildlife, mountains, and charming small towns alive

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# July 2024 Board Highlights

By John McFerrin

The July 13 meeting of the Board of West Virginia Highlands Conservancy was a momentous one. The meeting saw the end of one era and the beginning of what could be an exciting new direction for the organization.

The ending era was the resignation of Cindy Rank as chair of the Extractive Industries Committee. She has been the chair of that committee since the memory of man runneth not to the contrary (flowery way of saying as long as anyone can remember). Whatever the definition of “long enough” is, this is it. Her knowledge of the industries that committee deals with is encyclopedic. Her persistence in the face of frustrations, her knowledge, and her commitment have been inspirations to us all for decades. While she will continue to be an inspiration, that she no longer has the title of committee chair is momentous.

Stepping into Cindy's enormous shoes is Andrew Young, the new chair of the Committee. Rick Webb, Cindy Rank and John McFerrin will continue as Committee members.

The second big decision at the July Board meeting was another step toward changing the nature of the organization. For most of our history, the West Virginia Highlands Conservancy was an almost entirely voluntary organization. Almost from the beginning we

have paid small stipends to the editor of The Highlands Voice and a membership secretary to manage our membership list, send out renewal notices, etc. We moved toward having a professional staff with hiring a Director and expanding the duties of the membership secretary.

At the July meeting we took the next step. We adopted a plan to expand staff capacity. The big idea is that there are opportunities for grants and opportunities to grow the organization and make the organization more effective that current staff doesn't have time to pursue. To address this, we would hire a Communications Coordinator who would do much of the work of producing the Voice and managing the website. This would allow current Director and Communications Coordinator Olivia Miller to concentrate more on strategic and administrative activities, including fundraising.

The Membership and Operations Director, the position currently held by Crys Bauer, would change as well. She would still manage the membership and the store purchases. She would move more into helping with fundraising and organizational development.

The staffing would also increase by the addition of an Americorps Volunteer to help with our projects. We do not yet have a person for this position,



but the Board previously approved it and we will be advertising for someone.

With more staff comes a bigger budget. We have gotten a dedicated donation that would pay for the initial expenses of moving to a larger staff. We are assuming (and hoping) that having a larger staff will help the organization grow and that it will increase our capacity to get more grants. If our assumptions are correct, the larger organization could support a larger and more effective staff.

Had we had only these two developments, this would have been a significant Board meeting. We could have had lunch and gone home.

Instead, we did the usual Board business. It was not as momentous as Cindy's retirement or the staff expansion but significant, nonetheless.

Treasurer George Hack presented the report of the treasurer. He reported that our revenues from membership is largely flat. Our income is up because of the income from some grants.

We are going to buy another batch

of the I (heart) Mountains stickers. They are by far our most popular store item plus we have them wherever we set up a display table, so we always need more.

Luanne McGovern presented the report of the Grants Committee. This year, we have gotten three grants, including one to support the Mountain Odyssey outings program and one to support the Dolly Sods Stewards. We also have another grant that we have applied for. One of the grants that we got in 2023 was to produce a coloring book featuring highlands creatures. It is in process; Luanne had a sample page to give us an idea of what the final product will look like. Seeing that sample page was far and away the cuteness highlight of the meeting.

Planning for the Fall Review at Cacapon State Park on October 18-19 is coming right along. The speakers are largely confirmed with sessions on the state of the highlands, old growth forests, Corridor H, ecotourism, and more. To quote the great Briscoe Darling, “If

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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.

# Business Owners Advocate for Northern Route for Corridor H to Protect Local Community and Economy

*Continued from page 1*

with art and music,” the letter stated. “A last-century highway design could be a fatal blow to our new economy here on the mountaintop.”

“Dividing Thomas and Davis with a superhighway and the interchange with its associated corporate fast food, truck stops, and big box stores will detract from existing small businesses that have spent decades creating and establishing our unique tourist-based economy,” said Matt Marcus, manager of Blackwater Bikes in Davis.

Tucker County, home to these small towns, boasts two State Parks, a National Forest, two Wilderness Areas, and a National Wildlife Refuge, making it a prime destination for outdoor enthusiasts. The towns themselves are vibrant hubs of homegrown businesses, including coffee shops, art galleries, restaurants, specialty shops, and the iconic live music venue, The Purple Fiddle.

“We have this beautiful area—Blackwater Falls State Park and these two terrific vital small towns of Thomas and Davis—with local, dedicated people who have worked hard to revitalize this area after the lumber and coal companies left,” said Linda Reeves, owner of The Studio Gallery in Thomas. “Now, a state agency that doesn’t seem to care what a treasure we have here wants to jam a four-lane freeway between our two towns, ridiculously close to Blackwater Falls State Park, and wreck the reason why people love to live and visit here. It does not make sense. We are not saying don’t build the road; we are just saying Go North, a saner route that is a better route for the semi-trucks, too.”

Walt Ranalli, of Sirianni’s Café,

has been a business owner in Davis for over 37 years. “I see the northern route as the best plan for Corridor H,” Ranalli said. “It allows for two exits, one for Thomas and one for Davis, which has great potential for more business development and will safely get the large truck traffic off Route 32 and the busy Thomas Front Street. It has taken many years for these communities to build the business that now exists here from the tourism industry. It does not make sense to build a highway that could jeopardize the economy instead of enhancing the growth and development of the area.”

The business owners warned that the ROPA alignment would greatly compromise these local resources, potentially unleashing acid mine drainage into the North Fork of the Blackwater River and damaging a National Register-eligible historic district.

The coalition urged Secretary Buttigieg to support the northern alignment to protect the local economy and way of life and prevent the negative impacts associated with a poorly planned highway project. They stressed the need for modern and thoughtful highway designs that enhance, rather than harm, the communities they serve.

**Learn more and get involved at [go-northcorridorh.org](http://go-northcorridorh.org)**

## July Board Highlights

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you’ve got time to breathe, you’ve got time for music.” There will be music.

Membership is holding steady; Crys and Olivia have made a goal of 100 new members this year (that would be more new members than we have ever had in a single year) and we are not quite half way there. Revenue from memberships is holding steady.

Olivia Miller presented her Program Director report. She continues to keep a running list of activities we have been involved with. It is now quite long and quite impressive. We have outings scheduled for this summer and fall with more to come. She has been doing tabling at events and has more tabling scheduled. She participated in a citizen inspection of a surface mine and is working on grant applications. All this and the Voice still comes out every month. Followers and Facebook and Instagram continue to increase.

Hugh Rogers reported on the work of the Highways Committee, entirely Corridor H. The Draft Revised Environmental Impact Statement is due out any time now and we will be commenting on that. The dynamic has changed in recent years with articulated concern spreading beyond just Corridor H Alternatives.

Susan Rosenblum reported on the work of the Rivers Committee. They are still training water testers of streams that would be affected by Corridor H construction. They need more testers. The need will become more acute if construction starts and it becomes advisable to do weekly testing.

Lame duck Cindy Rank reported on Extractive Industries. We are continuing to push the rock up the hill, with some litigation on enforcement of Federal Environmental Laws (Clean Water Act/EPA & Army Corps, SMRCA/OSM, Endangered Species Act, etc.)

Dave Johnston reported on the work of the Dolly Sods Stewards. The trailhead stewards resumed their work

in May. They had their picnic in May as well as additional training. They also presented gifts of appreciation for the stewards who have logged the most hours. The Stewards have been able to provide data that the Forest Service will use in decision making. The Forest Service will probably be closing some camping areas which have sprung up in inappropriate places.

The Solitude Monitoring program continues. One of the values that a Wilderness such as Dolly Sods is supposed to provide is the opportunity for solitude. The Solitude Monitoring program is designed to find out how well Dolly Sods provides that value. To do this, they had hikers recording the number of encounters on selected trails on randomly selected dates in May and June.

The crosscut sawyers and trail clearing team have done several projects. Because Dolly Sods is a designate Wilderness, power tools are not permitted. All the work is done using hand tools, including vintage crosscut saws.

The Backcountry Stewards program is getting started. In the past stewards only had contact with the public at the trailheads. The Backcountry Stewards expands upon this by having stewards roam about the backcountry, providing a similar service while also doing campsite inventory and occasionally doing campsite cleanup.

Rick Webb reported on the activities of the Allegheny-Blue Ridge Alliance. It is continuing producing detailed and layered web maps of various projects of interest to the Highlands Conservancy. Each contains a wealth of information about the project it focuses upon. In addition to the detailed project maps, the Alliance has several of what it calls Snapshot Maps. These are less detailed than the project maps, but they still provide a lot of helpful information. Rick is resigning as the executive director of ABRA, to be replaced by Dan Shaffer.

## 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

Please include \$5.50 shipping for Apparel items

### Drinkware

- WVHC Hydro Flask 20 oz. All Around Tumbler (Birch, Indigo, Black): \$35.00 + \$5.50 shipping
- WVHC Hydro Flask 21 oz. Standard Mouth Flex Cap Water Bottle (Pacific, Mesa, Indigo): \$45.00 + \$5.50 shipping

### Stickers

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

### Books

- Monongahela National Forest Hiking Guide, 9th Edition: \$21.95 + \$4.87 shipping

**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](http://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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## Send Us a Post Card, Drop Us a Line, Stating Point of View

Please email any poems, letters, commentaries, events, etc. to the Voice editor at [olivia.miller@wvhighlands.org](mailto:olivia.miller@wvhighlands.org) or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

# WVHC Comments on Deer Creek Project

By John McFerrin

On behalf of itself and Greenbrier Watershed Association, Center for Biological Diversity, Christians for the Mountains, and Friends of Blackwater, the West Virginia Highlands Conservancy has submitted comments on the proposed Draft Environmental Assessment (DEA) for the Deer Creek Integrated Resource (DCIRP) project in the Monongahela National Forest (MNF) Greenbrier Ranger District.

## What the Forest Service wants to do

The proposed Deer Creek Integrated Resources project covers 89,050 acres between Cass and Bartow. It is centered on the town of Green Bank, West Virginia, and contains Deer Creek, Greenbrier River, and a portion of Sitlington Creek headwaters.

The problem, as the Forest Service sees it, is that this area was timbered in the early part of the 20th Century. The timbering and the wildfires that followed meant that tree growth had to pretty much start from scratch. Now the area has been largely left alone for much of the last century. This has resulted in what the Forest Service calls an “even-aged forest” of trees about the same age. The Forest Service thinks this type of forest is not as resilient as it could be. It wants to use some combination of “prescribed fire, commercial and non-commercial vegetation management, herbicide application, tree planting, soil restoration activities, and stream restoration activities” to change this. The term “commercial and non-commercial vegetation management” is a euphemism for timbering.

## Procedure and where we are (this part is pretty nerdy and dull; if you skip to the next section, life will still go on)

Before it makes any decisions about the Monongahela National Forest, the United States Forest Service has to consider the environmental impact of what they plan to do. It can't, of course, do a full environmental assessment of every single thing it does.

Some things have a trivial impact and warrant no full assessment. Others have a significant impact and warrant a full assessment.

There is a process for deciding which projects get a cursory look at the environmental impacts, how to reduce them, and which one gets a thorough review.

That is where we are now. The Forest Service has taken a look at the project. Based on that look, it is deciding whether to do a full assessment. It may decide that the project will not have a significant environmental impact. Full speed ahead. If it decides that the project will have a significant environmental impact, it will undertake a full environmental review. By their comments the groups hope to move that decision toward a full review.

The Forest Service could also decide, based on the limited review it has made so far, that the project is too destructive to the environment to continue. That is the result that the groups would prefer.

## What groups say is wrong with the proposed project and the study so far

### *The project doesn't protect old growth forests*

In April 2022, President Biden issued an Executive Order recognizing the value of old growth forests and making their protection and expansion a policy goal. Since then, the Forest Service has publicly recognized the role of forests on federal lands for their role in contributing to nature-based climate solutions by storing large amounts of carbon and increasing biodiversity, mitigating wildfire risks, enhancing climate resilience, enabling subsistence and cultural uses, providing outdoor recreational opportunities, and promoting sustainable local economic development.

The project proposes to cut timber on 1,801 acres. Of these acres, (100%) are in stands at least 60 years old, 288 acres (16%) are in stands at least 120

years old, and some acres within the harvest areas are suspected to be in stands established more than 150 years ago. This is inconsistent with a policy to protect and expand old growth area to cut down stands that either have now or are approaching old growth status.

### *Doesn't do anything to mitigate climate change*

It is a well-known scientific fact that the forests of the type found in West Virginia act as carbon sinks, absorbing the carbon dioxide that is driving climate change. The February 2022 Intergovernmental Panel on Climate Change Report recognized this. The forests cannot continue their role in mitigating climate change if they are cut down.

Contained within the argument that the project does not do anything to mitigate climate change is the observation that the Forest Service has not done what is necessary to reach any conclusion about the effects of the project on climate change. The National Environmental Policy Act requires that the Forest Service take a hard look at the climate change results of its decisions. So far it has not done that.

The groups dismissed the Forest Service's argument that it didn't matter that we cut down trees and release carbon. They will grow back. What the argument misses is that the forest will not grow back for a century. During

that century, the climate change mitigation will be missed.

### *The analysis, to this point, has been inadequate*

Much of the law surrounding environmental decision-making revolves around the idea of a “hard look.” Regulators—in this case the Forest Service—are allowed to make unwise decisions. They are just not allowed to make decisions based in ignorance. They must act only after taking what the law calls a “hard look” at the results of their actions. Before the Forest Service may act, it has to gather the relevant data and seriously consider (the “hard look”) all the information and implications of its actions.

Here, there are several things that the groups commenting think the Forest Service did not take a hard look at.

Within the area covered by this project are one of West Virginia's largest roadless areas. These are areas which have been identified as having no roads. By virtue of having no roads, they are inherently protected because the lack of roads means that there will be fewer people, fewer people to accidentally start fires, accidentally bring in invasive species, etc. The proposal has not adequately considered the effect it would have on roadless areas.

Completion of the project will

*continued on page 9*

## Become a WVHC member!

Help us continue our 50-year legacy of protecting clean air, clean water, forests, streams, mountains, and the health and welfare of the residents of West Virginia people and those who visit.

Purchase a membership online at [wvhighlands.org/membershiprenewals/](https://wvhighlands.org/membershiprenewals/)

# A Treasure Brought Back Into Print

By Hugh Rogers

For our members and for all who care for, are intrigued by, and like to explore the highlands, the West Virginia Highlands Conservancy is publishing an expanded second edition of Jim Van Gundy's brilliant, beautiful guidebook, **The Nature and Scenery of the West Virginia Highlands**.

This is the ideal companion to our Monongahela National Forest Hiking Guide. The Hiking Guide takes you inside the Forest on foot; Van Gundy's book tells you how the Highlands came to be the way they are (geology, history), describes them in detail (climates, ecosystems, forests, waters, plants and wildlife), and takes you to and through them on thirty-three highway segments. The latter half of the book, the Motorists Guide, explains the terrain, suggests places to stop, and points out detours worth taking.

When the self-published first edition came out in 2022, Van Gundy said he had first thought of writing it 40 years ago. He taught at Davis and Elkins College, becoming Chair of the Department of Biology and Environmental Science; raised a family, led outings for research and pleasure, and traveled. Not the least of his responsibilities was a stint on the WVHC board. Then Covid struck. Jim had retired, and he recognized the opportunity to write. It was a successful venture—half the print run sold in the first six months. The remainder were gone last year.

Fortunately, questions about the book's future stirred new conversations. Kent Mason, whose photographs add so much to the Hiking Guide, agreed to donate any Jim would like to use in a new edition. Jim considered several changes he'd imagined after the book came out. When the WVHC board signed on, he went back to work. The result is now in our hands.

Inescapably, the author must begin with his definition of "the Highlands." Many are possible. Narrowly,

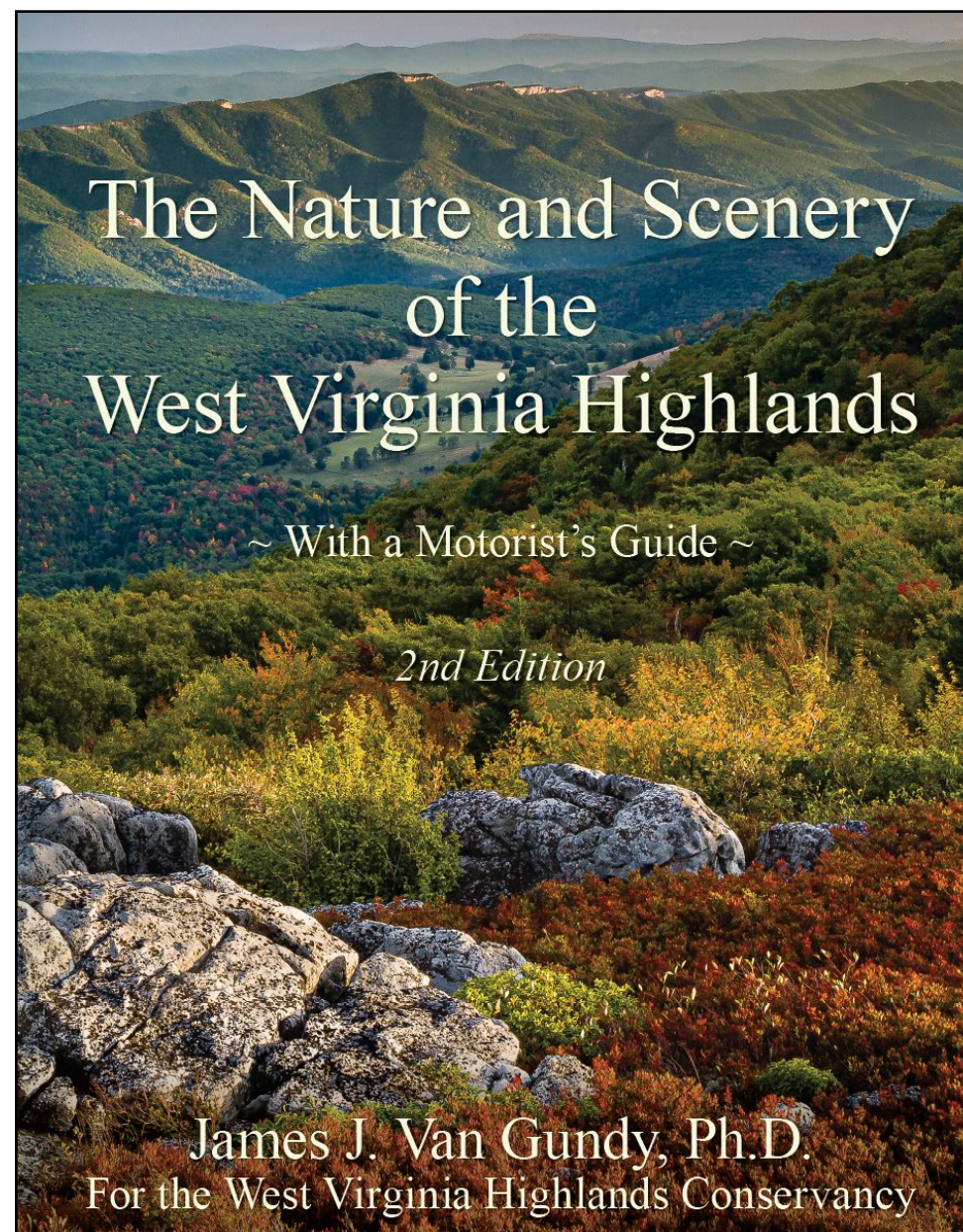
we'd leave out everything west of Laurel Mountain, the final ridge of the Allegheny Mountains. (At the latitude of Elkins, I'm showing my bias.) Beyond that is a lumpy plateau.

Van Gundy's approach to his subject is both wide and deep, so it's not surprising that his definition is expansive. It does include a portion of the Allegheny Plateau. His boundaries are drawn by the highways: everything "east of I-79 from the Pennsylvania border south to . . . US 19 near Sutton, then to the east of US 19 to Beckley. Then to the east of I-77 between Beckley and the Virginia state line near Bluefield."

The introduction lays out the topography, introducing several basic terms and concepts with diagrams and illustrative photos. The deeper (millions of years) and wider (global) history are found in Chapter Three. This is fascinating for an old head whose only reading about geology since one college semester was John McPhee's series, "Annals of the Former World," in the 1980's. As with geology, so with history, climate, forests, waters, and the other main topics, Chapter One whets the reader's appetite for more detailed coverage in the nine following chapters.

For this brief review, I'll skip between material in Section I and the narratives of road segments in Section II, sharing some tasty bits.

Human history, unsurprisingly, begins and concludes with controversy. The first addresses the permanence or transience of native settlement before European colonization. Van Gundy cites evidence of human habitation as early as 19,000 years ago. Mounds date back more than 2,000 years. Just before "contact," at least five tribes occupied parts of West Virginia. Yet the earliest non-native explorers did not find large numbers of native people present. A likely possibility is that European diseases, against which natives had no



immunity, arrived before their carriers, transmitted by the few natives who happened to meet the recent arrivals. In recent years, indigenous people, some affiliated with an inter-tribal tribe, have been outspoken about their presence. For present controversy, see "energy production," especially fracking and wind turbines.

**Dark skies get a shout:** the Highlands' combination of sparse population and high elevation makes it "the best place in the mid-Atlantic region to

see a clear night sky." For Watoga State Park, it's official: in 2021, it was recognized by the International Dark-Sky Association as a Dark Sky Park. Bonus: every year there, from mid-May to late June, stars and meteors are eclipsed by a synchronous firefly display.

**At Bear Heaven,** a Forest Service recreation area on Stuart Memorial Drive east of Elkins, a small campground sits near a "jumble" of sandstone blocks. For years, our chil-

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# New Developments in South Fork Cherry River

By Andrew Young

There have been a number of developments in the time since the last South Fork Cherry River update in *The Highlands Voice*. First and foremost, there has been some movement in the ongoing litigation against the U.S. Forest Service (USFS) for the agency's failure to follow the Endangered Species Act and the National Environmental Policy Act when it authorized the South Fork Coal Co. to conduct extensive road-reconstruction work — such as regrading and widening the road and removing and replacing culverts — and daily coal hauling on Forest Service Road 249 (FR 249), which runs on steep slopes above the South Fork Cherry and Laurel Creek in the Monongahela National Forest (MNF), without doing any of the required environmental review. Coal hauling imperils the critically endangered candy darter by causing sedimentation and polluting the river below. South Fork Coal Co. has an extensive, ongoing record of water quality-based violations that have, and continue to, adversely modify candy darter designated critical habitat.

The first movement in the United States District Court for the Southern District of West Virginia was when the USFS finally responded to the allegations in the complaint. In that response, the agency unsurprisingly denied everything for which a “response is required” for 163 lines and maintained all “affirmative defenses.”

The other movement in the case is that South Fork Coal Co. motioned to “dismiss with prejudice for lack of standing” and filed a supporting memorandum with the court. Essentially, the coal company is attacking the conservation groups' ability to be in court by going after the individual members “standing declarations.” This is a fairly typical move when dealing with aggressive extractive industry litigation tactics. Still, it is important because the organizations need their individual member's connections to the issue to be sincere and the injury to be an actual and concrete harm suffered. Our standing is strong here, but Judge Volk will have the final say.



Based on these actions and the fact that the Forest Service does not seem interested in approaching the conservation groups for settlement talks, it appears as though both the coal company and the Forest Service are dug in for the long haul. Beyond the millions of immediate profits on the line for the company, this case is of extreme importance at a national policy level because the use of Forest Service lands in the eastern United States for surface mining activities (which includes haul road construction) is supposed to be defacto prohibited under the Surface Mining Control and Reclamation Act (SMCRA) at 30 U.S.C. § 1272(e)(2).

Because the coal haul road is permitted by both the USFS and by U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE)/West Virginia DEP (WV DEP) and under a SMCRA permit for the section on the MNF, the West Virginia Highlands Conservancy and Allegheny Blue Ridge Alliance sent OSMRE a number of ten-day notice (TDN) requests that have resulted in at least four TDNs to be issued to South Fork Coal Co. and the WV DEP.

These TDN requests came about

during a meeting with OSMRE Deputy Director Sharon Buccino, as well as other OSMRE executive leadership, in which WVHC was invited to participate through the Alliance for Appalachia. In that meeting, WVHC brought up the organization's concerns about the improvidently granted SMCRA permit for Haulroad #2 (O302211). The Haulroad #2 is permitted across the MNF for approximately 1.24 miles, which means that it is subject to the prohibitions on surface mining for certain lands under SMCRA and W.Va Code § 22-3-22(d)(5). According to federal law, federal regulation, and West Virginia State Law, subject to valid existing rights, no surface-mining operations shall occur on any federal lands within the boundaries of any national forest unless “the surface operations and impacts are incident to an underground mine,” and the Secretary of the Interior (currently Deb Haaland) “finds that there are no significant recreational, timber, economic or other values which may be incompatible with the surface-mining.”

Instead of going through this arduous and uncertain process, South Fork Coal Co. chose to defraud the state

and Federal government and the American People who own the land by falsely claiming in the original SMCRA permitting documentation that “there are no lands within the proposed permit area which lie within or are adjacent to the boundaries of the National Park System, National Forest, National Wildlife Refuge system of trails, and/or the National Wilderness Preservation System, and areas under study for inclusion in these systems.” In response to a FOIA specifically asking for documents produced in connection to Haulroad #2 and W.Va Code § 22-3-22(d)(5), WV DEP provided no responsive documents and only sent general permit materials that did not address the scope of the information request.

After making a citizen complaint laying this all out, OSMRE appears to agree with us and issued a Ten Day Notice on July 31, 2024, for “Permittee failed to seek a determination that mining is permissible for permit O-3022-11.” WVHC cited Reg 22-3-22(a), 22-3-22(d)(5), 38-2-3.21.c as the State Law, Regulation or Permit Condition believed to have been violated. We will know more in the coming days, and although that language from OSMRE sounds overwhelming, it is a big deal that the Feds are acknowledging that they believe a violation has occurred here, it's not just rogue environmentalists. WV DEP is fully expected to provide an overwhelming and disappointing explanation, but rest assured we will keep the pressure on until FS 249 is permanently shut down to coal hauling as Congress intended when it explicitly included the prohibition on using National Forest lands for surface mining operations in SMCRA. The MNF is a treasured place that all of us rely on. Nobody should be above the law, especially not a rogue coal company submitting knowingly false critical information to get around the de facto prohibition on using our Public Lands to feed their mountain-destroying greed.

Until next time, keep the faith, comrades...

## Where are We in the Process? Corridor H: Parsons to Davis

*From the Go North Corridor H Alliance*

### Background

On February 6, 2024, the Federal Highway Administration (FHWA), in coordination with the West Virginia Department of Highways (WVDOH), announced their intention to prepare a new Draft Environmental Impact Statement (DEIS) for the Parsons to Davis section of Corridor H. This was followed by a public meeting at Tucker County High School on February 27 and an opportunity for public comment until March 27.

### The next steps in the process

The February announcement included a project schedule for the subsequent steps:

- Availability of the DEIS: May 2024
- Public Hearing: June 2024
- End of DEIS Comment Period: July 2024
- Issue Combined Final Environmental Impact Statement/Record of Decision (FEIS/ROD): December 2024
- Issue all remaining project permits and authorization decisions: March 2025

As of this writing, we are still awaiting the publication of the DEIS. As you can see, FHWA/WVDOH is currently almost three months behind their proposed schedule. In response to a recent request from Bill Peterson for an update, Travis Long, Technical Support Director at WVDOH replied that collecting the data on the northern alignment has taken longer than expected, but “We do now have a draft that is in review in my office and will be go-



ing to FHWA next week. After that review process is over ... it will be published to our webpage. I will let you know when that happens.”

This is not a bad thing, as the initial proposed schedule was very ambitious. We hope the delay means that both the WVDOH’s preferred R-ROPA (southern) route and a Northern Route are being given equal, fair, and complete evaluation.

The DEIS will describe the selected route and the reason that route was chosen. The announcement will include the date and location of the required public hearing, and the date the comment period ends.

Publication of the DEIS triggers another opportunity for those who are concerned about the specifics of the route to speak up. Our hope, of course, is that the Northern Route is chosen. Even if it is, there will be opportunity to help refine the route to lessen any environmental and quality of life impacts. And if the R-ROPA is chosen, the public meeting and comment period will be another chance to voice your concerns.

For now, we wait for the announcement. Stay tuned; we’ll let you know as soon as we hear more.

**Learn more at [go-northcorridorh.org](http://go-northcorridorh.org)**

## WVHC Seeks Applications for AFNHA AmeriCorps Position

**Do you love the West Virginia Highlands and have a passion for environmental stewardship and conservation? The West Virginia Highlands Conservancy is seeking applicants for the 2024-2025 Appalachian Forest National Heritage Area AmeriCorps position!**

The Outreach and Education Coordinator will work closely with WVHC leadership to coordinate outreach efforts and engagement opportunities throughout the West Virginia Highlands region and beyond, in-person and through various media outlets, with the overarching goal of fostering a culture of environmental stewardship in the Mountain State.

From facilitating the West Virginia Mountain Odyssey: Outings, Education and Beyond program to assisting the Dolls Sods Wilderness Stewards program, the Outreach and Education Coordinator will be essential in the planning, development, and volunteer management of events that aim to protect the unique character of the Highlands, educate the public about regional environmental issues and create opportunities for people to explore the great outdoors. The Member will also play a much-needed role in external communications, including contributing to our monthly publication, the Highlands Voice, and the occasional press releases, one-pagers, and social media posts.

**Details:** This is a full-time, one-year position that will start in September 2024. The position will be based out of Davis, West Virginia. Grads can earn an education stipend and may be eligible for a WV Public Higher Education Tuition Waiver.

Email us at [info@wvhighlands.org](mailto:info@wvhighlands.org) for more information about the position, the West Virginia Highlands Conservancy’s mission, or any questions you might have!

**View the position and apply online at: [appalachianforestnha.org/conservation](http://appalachianforestnha.org/conservation)**

## West Virginia Scenic Trail Association 50th Anniversary Celebration

Connect with your tribe and enjoy September in the mountains of West Virginia! The West Virginia Scenic Trail Association will celebrate its 50th anniversary in the heart of the Monongahela National Forest in Greenbank on Sept. 6-8. The celebration will be a weekend of hiking, workshops, live music and more. Free camping will be available on-site.

**WVSTA members will receive a discount on ticket prices. Register for the event at [hikethealleghenytrail.org](http://hikethealleghenytrail.org).**



# A Treasure Brought Back Into Print *continued from page 6*

dren and now our grandchildren have climbed all over and through its “labyrinth of narrow clefts.” We can confirm the caution (which is also an attraction) that “it is possible to get lost.”

**Cliffs** in general draw attention by contrast to the predominant forest cover. Seneca Rocks and the walls of the New River Gorge are icons familiar to tourists and rock climbers alike. Bare rock is largely protected from human-induced stresses—fire, logging, grazing, development—and its endurance contributes to biological diversity. What lives there? For starters, lichens, mosses, salamanders, the Flat Spired Three-Toothed Land Snail (an endangered species), and the Allegheny Woodrat, aka pack rat. Van Gundy goes into some detail about these “harmless, charming, and inquisitive animals.” Some colonies persist in the same location for many thousands of years; scientists have studied their middens for information on ecological conditions over the past 25,000 years.

**Waterfalls** are another iconic attraction, so much that our Department of Tourism has devised an app called the Waterfall Trail that will guide visitors to 40 of them around the state. But did you know about “lost waterfalls?” Water emerges as a spring, cascades down the surface of insoluble rock (usually sandstone) and sinks back into the ground where it finds a lower bed of limestone. See the magical photo, “A Lost Waterfall in Randolph County,” on page 91. Place names: Van Gundy enjoys curiosities, and finds a group along US 19 near Birch River. There are Nikola Tesla Road, Polemic Run, and on the other side of Powell Mountain, the village of Muddlety—almost too cute.

**Cranesville Swamp** is featured twice in highlighted side trips, from US 50 between I-79 and Gorman and from US 219 between I-68 and Elkins. The former describes a 28-mile jaunt along the Cheat River, up Briery Moun-

tain to Terra Alta, and north again past Alpine Lake. The latter, a shorter departure from the designated route, takes the traveler through Maryland’s Swallow Falls State Park.

Cranesville is a Nature Conservancy preserve with a 1,500-foot-long boardwalk and other trails. Van Gundy informs us that it’s not technically a swamp, lacking trees in its open wetland area, but more properly a boreal bog or southern muskeg. Its location in a “frost pocket” surrounded by highlands keeps it cool year-round. Look for porcupines, northern water shrew, and Tamarack, as well as the insectivorous Sundew.

**WV 72** gets the highlight treatment twice, befitting its split personality. North of Parsons, it’s the Cheat River Highway. Past US 50 (beginning the longer route to Cranestown), it hugs the Cheat for twelve miles, a park-like stretch with scattered turnouts for boaters, fishers, and travelers who don’t want it to go by too fast (the road or the river).

A contrasting piece of 72 turns off US 219 east of Parsons. It also follows a river, not the main stem of the Cheat but its Dry Fork (aka Black Fork below Hendricks, where the Blackwater enters). Van Gundy writes: “Route 72 . . . at first hangs precariously on the north side of the canyon of the Dry Fork River and then climbs onto what amounts to a dissected limestone plateau 400 to 600 feet above the valley. The many curves . . . are the result of its winding in and out of the numerous small stream valleys that have cut into the plateau surface.” This tortuous road offers access to the north trailhead of the Allegheny Highlands Trail, the south trailhead of the Blackwater Canyon Trail, and the south trailhead of the Otter Creek Trail. Beyond them, one can leave Rt. 72 on the River Road (CR 26), no wider but far more direct, and rejoin 72 closer to Canaan Valley.

**Maps:** You’ll find maps for highway segments, bird flyways, forest ownership, and many other topics sprinkled throughout the book. Best of Show is the brilliantly colored “Geologic Map from Elkins to Seneca Rocks,” which gains a full page in the new edition. It’s a work of art.

**Down South:** Two-thirds of the highway segments are in the northern section, but there’s plenty to see down south. Take US 219: it’s the one Highlands highway that goes border to border. As you approach Union, the paradoxically-named county seat of Monroe County, there’s a Confederate rifleman’s monument our kids called “the man out standing in his field.”

The hike, a mile and a half from

Limestone Hill Road at the top of Peters Mountain, brings you to Hanging Rock Raptor Observatory in the George Washington and Jefferson National Forests. It’s on the Continental Divide at 3,800 feet with an eye-level view of migrating hawks, eagles, and ospreys. You’ll see the most at the end of September.

What I wrote about the first edition is truer for the second: “This well-written guide will be equally useful to day-trippers and determined explorers, and even those of us lucky enough to live here will find there’s more to discover.” The book will soon be available in WVHC’s online store. Watch the Highlands Voice and our social media for updates.

## WVHC Comments on Deer Creek Project

*continued from page 5*

inevitably have some impact on water quality. Since this is the case, it would only be prudent to collect information on the current condition of the streams. While there is some data, there is not enough to form a complete picture of what stream quality is like now. The project also contemplates some measures to mitigate damage to water quality. It is not clear from available material that the measures are adequate.

Many streams in the project area are home to Brook Trout and the endangered Candy Darter. The timbering will take place in what appears to be the habit of the Northern Flying Squirrel. Streams in the area have already been degraded because of past activities. Before allowing more degradation in this project, we should consider the impact that this project would have on these fish species. The Northern Flying Squirrel has—in the view of the Fish and Wildlife Service—come back from the brink of extinction and is no longer considered an endangered species. The

Forest Service has special protocols to protect it and aid in its continued comeback. These protocols were not followed here.

Beyond the impacts on old growth forests, climate change, and things not sufficiently considered (the “hard look”) there lies a fundamental question: is there a need for this project? The groups do not believe that a sufficient need for the project has been established.

Finally, the groups call for a consideration of all alternatives, including the alternative of not doing anything. The point of environmental review is to consider all the environmental consequences and then pick the best course of action. To be an honest consideration it must include doing nothing, something which might be the best course of action. The groups do not believe that the Forest Service has weighed all possible courses of action, including doing nothing.

# West Virginia Mountain Odyssey Upcoming Events

**Old Growth Forest Hike in Watoga State Park, August 10:** Join the West Virginia Highlands Conservancy on the next stop of the West Virginia Mountain Odyssey for a guided four-mile hike through the majestic old-growth forests of Watoga State Park in Marlinton. This adventure offers the perfect escape to connect with nature, explore a stand of towering trees that have stood the test of time, and learn about the importance of old-growth forests in the West Virginia Highlands!

Registration is extremely limited for this adventure so don't miss your chance to be part of this exploration!

Learn more and register here: <https://bit.ly/WatogaHike2024>

**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 Vir-

ginia, 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!

Learn more and register here: <https://bit.ly/UpperCheatHike2024>

**Old Growth Forest Hike at Audra State Park, November 9:** Visit the old growth tract in Audra State Park near Phillipi, West Virginia, on November 9 from 9 a.m. to 11:30 a.m. The old growth tract here is easily reached and explored. Naturalist and ecologist Doug Wood will lead this hike.



## Thank you for all the fun so far this summer!

Throughout July, the West Virginia Mountain Odyssey made stops at the Old Hemlock Farm in Bruceton Mills and Blackwater Outdoor Adventures in Parsons. We would like to thank all of our incredible hosts for sharing their knowledge of the Mountain State, and for those who joined us for some good ole' fashioned fun in the mountains. We hope to see you out in the Highlands on an upcoming hike!

*The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose: The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.*

# Making a Difference: Practical Actions That Individuals Can Take To Reduce Their Impact on Climate

## Food

While estimates vary, as much as 30 percent of food produced is not eaten. Any organic material that ends up in a landfill will decay, and without oxygen, it will produce methane, a very powerful greenhouse gas (25 times more potent than carbon dioxide over 100 years). Here are some suggestions:

- **Don't waste food:** This is one of the activities that we can all do to ensure that food is not wasted and thrown away.
- **Compost:** Compost scrap food, grass clippings and other yard waste. This organic material forms methane when landfilled.
- **Eat locally produced and organically grown food whenever possible.**
- **Eat less red meat and dairy:** Cows are a ruminant and like all ruminants have several stomachs. In the first stomach, their food ferments producing methane. When the food is transferred to the sec-

ond stomach, methane is released into the atmosphere. The U.S. Environmental Protection Agency estimates that "enteric fermentation" is the largest source of methane emissions in the U.S. (more than the natural gas industry, although this data is disputed by the Environmental Defense Fund, a non-profit environmental organization, and others).

- **Support local farmers and regenerative farming whenever possible.**

## Reuse and Recycle

It has been estimated that 29 percent of U.S. greenhouse gas emissions result from the "provision of goods," which means the extraction of resources, manufacturing, transport, and final disposal of "goods," which includes consumer products and packaging, building components, and passenger vehicles, but excludes food (See [neefusa.org/nature/land/reduce-and-reuse-through-recycling](https://neefusa.org/nature/land/reduce-and-reuse-through-recycling)). By buying used

products and reselling or recycling items you no longer use, you dramatically reduce your carbon emissions from the "provision of goods."

## Forestry

Protecting old growth forest and planting trees are some of the most effective means of keeping and pulling carbon dioxide out of the atmosphere. The West Virginia Highlands Conservancy has been in the vanguard of protecting old growth forest in the Allegheny Highlands and is an active member of Central Appalachian Spruce Restoration Initiative (CASRI, [restored-spruce.org](https://restored-spruce.org)) and their efforts to plant red spruce trees in Central Appalachia.

Another organization that protects trees is The Nature Conservancy ([nature.org/en-us](https://nature.org/en-us)). The Nature Conservancy has developed the Family Forest Carbon Program that pays family landowners who have at least 30 acres to sequester carbon by preserving trees. The Nature Conservancy provides a professional forester to develop a man-

agement plan that allows the landowner to manage his or her property and only allows sustainable timbering. See [familyforestcarbon.org](https://familyforestcarbon.org)

Additionally, the West Virginia Land Trust protects forest and other special places. Their website and the website of other land trusts can be found at [findalandtrust.org/land-trusts](https://findalandtrust.org/land-trusts)

## Water Use

We can lower the amount of energy used to pump, treat, and heat water by only running a washer or dishwasher when full, fixing water leaks promptly, washing your car less often, using climate-appropriate plants in your garden, installing drip irrigation so that plants receive only what they need, and making water-efficient choices when purchasing shower heads, faucet heads, toilets, dishwashers and washing machines.

View our climate guide online at [wvhighlands.org/climate-change/](https://wvhighlands.org/climate-change/)

## Mark your calendars for WVHC's 2024 Fall Review + Annual Membership Meeting

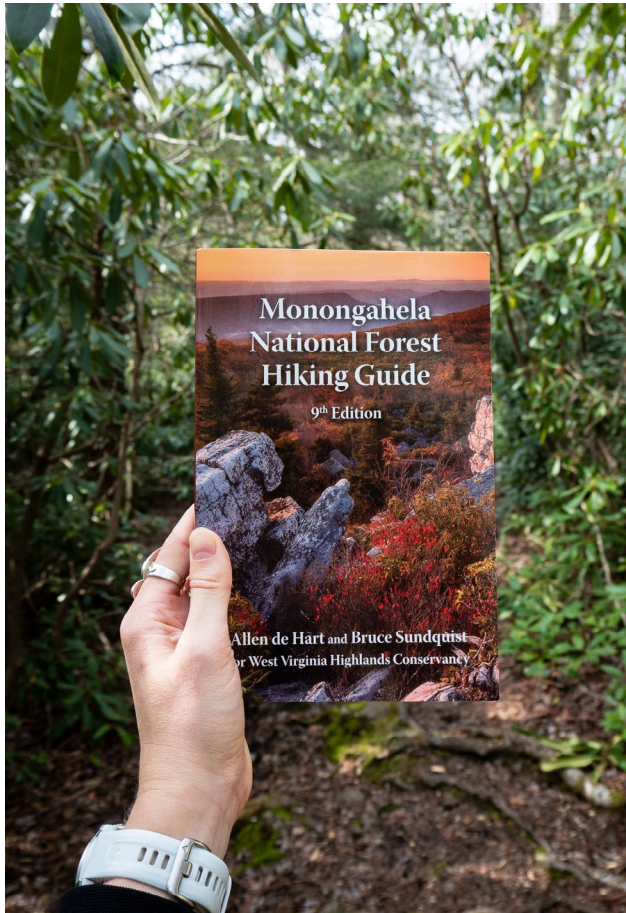
West Virginia Highlands Conservation Efforts: Exploring the Past and Present to Build a Sustainable Future

**Oct. 18 - 19 at Cacapon Resort State Park**

The West Virginia Highlands is a region steeped in rich history and natural beauty, with its old and mature forests, scenic vistas, and diverse wildlife. However, it is also a region facing significant environmental challenges, such as the construction of Corridor H and the potential loss of natural habitat. To address these challenges and more, it is essential to explore this unique region's past and present conditions, including its history, current conservation and preservation efforts, and how communities are responding to the ever-changing environment. **Join us to explore these topics at Cacapon Resort State Park in Berkeley Springs on Oct. 18-19!**

WVHC's Annual Membership meeting will be held on the morning of Sunday, Oct. 20 at 10 a.m., to be followed by the quarterly WVHC Board of Director's meeting. **Please register for the Fall Review here: <https://bit.ly/WVHC2024FallReview>**

# 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 \$21.95 plus \$4.87 shipping to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321 OR order from our website at [www.wvhighlands.org](http://www.wvhighlands.org)**

## Get your I ❤️ MOUNTAINS and WVHC gear at our online store!

Show your love for the mountains with our range of bumper stickers, cotton tees, hats, onesies, toddler tees and Hydro Flasks. Shop now at [wvhighlands.org](http://wvhighlands.org)



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