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Carbon dioxide injection program approved over citizen objections

By John McFerrin

The United States Environmental Protection Agency has approved West Virginia's application as the primary agency for regulating Class VI injection wells for carbon dioxide.

The driving force behind this is that West Virginia may someday be the site for wells to dispose of carbon dioxide underground. If that day comes, the state of West Virginia wants to be the one who permits and regulates the wells, rather than the Environmental Protection Agency.

The Safe Drinking Water Act is one of several federal statutes-including the Clean Water Act and the Surface Mining Control and Reclamation Actthat allow states the opportunity to regulate an industry within their borders. The federal statute sets out the requirements. States have the option of sitting still and allowing the federal agency to regulate the activity. The other choice states have is to develop their own regu-



latory program. If the state's program is as effective as the federal one, the federal agency can approve that program and let the state take over regulation.

That is what happened here. West Virginia decided that it would prefer to develop its own program for regulating Class VI injection wells. The United States Environmental Protection Agency determined that West Virginia's program is as effective as the federal program, granting the state authority to regulate Class VI wells in the future.

Why this matters:

Carbon dioxide in low concentrations is a naturally occurring gas. With every breath, we inhale and exhale some amount of it.

At higher concentrations it is toxic and possibly fatal. Concentrated

carbon dioxide is used to kill pigs in slaughterhouses by replacing oxygen in the air. Mild exposure can cause headaches and drowsiness, while higher levels may lead to rapid breathing, confusion, increased cardiac output, elevated blood pressure and arrhythmias. Breathing oxygen-depleted air caused by extreme CO2 concentrations can lead to death by suffocation. If the exposure is not fatal, it can lead to months of breathing difficulties.

What people are saying:

The Gas and Oil Association of West Virginia and the West Virginia Manufacturers Association support the assumption of permitting authority by West Virginia, as does Senator Shelly Moore Capito. At the public hearing on West Virginia's proposal, they talked of how great having these injection wells would be for West Virginia. In a statement, Senator Capito emphasized the importance of activities being regu-

continued on page 2

9

What's inside:

Carbon dioxide injection wells Thoughts from our President **WVHC** store catalog Old growth forest protections

- New year, same climate disasters
- 3 **Ouote submission**
- 4 Go North Alliance newsletter
- WV data centers

- Monster "hellbenders" in WV
- Meet our newest Organizational Director 10
- - Protecting our public lands 11
- Board meeting highlights 12

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Carbon dioxide injection program approved over citizen objections

Continued from page 1

lated locally, not by the Environmental Protection Agency in another location.

Individuals and citizen groups—including the West Virginia Highlands Conservancy—opposed West Virginia taking control of permitting of Class VI wells for injecting carbon dioxide.

Prominent among the objections was West Virginia's enforcement record on other types of injection wells. West Virginia already permits wells that dispose of brine and other waste from fracking as well as wells that allow carbon dioxide to be injected to enhance oil and gas recovery. It at least nominally enforces requirements at these wells.

The National Resources Defense Council did a study of West Virginia's program. It found numerous instances of failures. It examined records of nineteen wells. At seventeen of those it found violations. It did not find any record of any fines being imposed upon the operators of those wells. You can see the whole study at https://bit.ly/3EkkTmp. With this type of track record, there is no justification for giving West Virginia a new responsibility.

There is also a question of resources. West Virginia has thousands of abandoned and orphan gas wells that need to be plugged. It has no plans to plug any meaningful number of these wells. The plans, such as they are, to plug these wells will not result in all—or even most—of these wells being plugged for decades. If West Virginia has no resources for this task, it is unwise to give it the additional task of regulating carbon dioxide injunction wells.

These unplugged oil and gas wells are a particular problem when considering a permit for injection of carbon dioxide. Unplugged wells provide an avenue for the injected carbon dioxide to leak.

The citizen groups also point out that the proposal to allow West Virginia to permit Class VI injection wells calls for a taking of property. Before a company can do the carbon dioxide injection, it must acquire the 'pore space"



Photo courtesy of Kent Mason

at the injection site (see accompanying box for more about "pore space"). West Virginia's proposal allows it to issue a permit when the applicant has only acquired 75% of the pore space. This results in the taking of the property of the owners of the remaining 25% of the pore space.

Finally, the citizen groups point to a lack of continuing responsibility by the well operator. Leaks or groundwater contamination from the stored carbon dioxide can occur any time, even after the well is complete and carbon dioxide is no longer being injected. Yet West Virginia's proposal issues a Certificate of Completion when the well is complete. There is no mechanism for holding the operator accountable for anything that happens after that.

What are "pore spaces" and why should we care?:

The expression "solid as a rock" to the contrary, rocks are not solid. All rocks have tiny spaces between the particles that make up the rock. These spaces are called "pore spaces." The size of the pore spaces depends upon the type of rock.

Before natural gas or oil is extracted, it is in these pore spaces. If carbon dioxide is injected for storage, it will be stored in these pore spaces.

These pore spaces have a value. Anyone who wishes to use the pore spaces to store carbon dioxide would have to acquire them. In 2023 the West Virginia Legislature authorized the West Virginia Department of Natural Resources to lease the pore spaces beneath state forests, wildlife management areas, and other areas within its jurisdiction for carbon dioxide storage. As a West Virginian, you should care because it is a piece of land you own being sold off.

If you own land yourself, you should care because people and companies are currently approaching landowners about buying their pore spaces. Since there are currently no concrete plans for any carbon storage facilities, they are probably speculating, hoping that—if carbon capture and storage ever comes to pass—they will own the rights to valuable pore spaces.

If you are ever approached about selling pore spaces on your land, head over to the Surface Owners' Rights Organization website. (wvsoro.org). It has a lot of useful information about this.

The big picture:

The big picture in all this is the response to the climate change that carbon dioxide produces. Burning coal, oil, or natural gas releases carbon di-

oxide. Released to the atmosphere, this carbon dioxide results in climate change.

One way to reduce the carbon dioxide is, of course, to burn less coal, oil, and natural gas. That means energy conservation programs as well as getting energy from alternative sources such as solar, wind, etc.

If we want to keep burning coal, oil, and natural gas, one way to do it is to capture the carbon dioxide that is released and pump it deep underground where it can no longer contribute to climate change. Right now, this is not a realistic prospect in West Virginia. Installing carbon capture equipment on power plants may be a gleam in the eyes of Appalachian Power, the West Virginia Coal Association, etc., but there is no public information that says that there will be a real proposal in the future. The technology has never been shown to work on a large scale, making its adoption unlikely.

The more likely possibility is capturing and storing the carbon dioxide released when hydrogen is produced from natural gas.

Methane—by far the largest component of natural gas—is a combination of carbon and hydrogen. Hydrogen is potentially useful as a fuel and for other industrial purposes. One prominent source of hydrogen is taking methane and removing the hydrogen. The process results in substantial quantities of carbon dioxide, quantities that could be captured and stored underground.

The enthusiasm for storing carbon dioxide underground (and West Virginia's enthusiasm for controlling the regulation of wells to do that) comes from ARCH2 (Appalachian Regional Clean Hydrogen Hub). That is the program that the federal government has funded to develop several facilities in West Virginia that produce or use hydrogen. The details of the various projects are unknown; what we do know is that ARCH2 creates the potential for hydrogen production and the necessity to store the resulting carbon dioxide.

Coloring all this is the current situation in Washington. There are new

Thoughts from our president

As I write this, the sun is rising over Canaan Valley, illuminating the little snow that is left. We have gone from 70 inches of snow to about five inches, with the streams overflowing and ice dams charging down rivers.

This letter is a plea for help. We need all of our members and supporters to stand up for the mission of the West Virginia Highlands Conservancy. Please pay attention to what is going on in the environmental world and act accordingly. You can participate in our action alert campaigns, donate money, join a committee, write a letter to the editor, or devise your own methods. Tell a friend or family member about our organization and encourage them to become a member.

My topic today is "activism"—how do we get there, and what do we do? The definition is obviously changing as daily events overtake us. As someone recently said to me, "I am caught between reading the news and keeping my sanity." Those of us at the West Virginia Highlands Conservancy are working on strengthening our internal policies, strategizing on how to respond to attempts to undermine the environment and claw back progress to circumvent the worst effects of climate change, and continuing on with our current activities. But we are going to have to go further to deal with new challenges, and that way is not clear. Malcolm X's call to "act by any means necessary" comes to mind. We must do whatever is necessary to stand together to safeguard the environment; every wild place and species that remains is worth saving.

Many lawsuits are being filed, and



protests are being held. Calls to Congress have been minimally effective, and no action is being taken in a timely manner to influence negative activities. Government processes are being overturned daily with no consequences. This is already affecting environmental policies and laying the groundwork for a lot more deregulation, which endangers our air, water, forests, and wildlife, as well as the government organizations that protect and manage them.

So, what can we do? The first thing is to take care of yourself. Stress and frustration are hard to control, so make an extra effort to do so. Then, be informed. Listen to and read reliable sources of information. Next, decide how you are going to act. You can join or become more active in organizations like WVHC, donate to groups like WVHC or others who are pursuing law-

suits, or try to rally your community. Make your voice heard. This is not the time to sit back and let others do the heavy lifting; we may never get back what we are losing.

I also want you to know that your membership donations support two lobbyists for the West Virginia Environmental Council annually. This is critical, as these dedicated individuals work tirelessly to ensure that our environmental concerns are heard at the State Capitol. We are asking for more donations to help us strengthen our legislative advocacy. The more we can put into these efforts, the better equipped we are to protect our mountains, rivers, and forests from harmful legislation.

Finally, I'm happy to share that we have a new webpage with information on how to contact your representatives at the West Virginia Legislature and in Congress. It's easier than ever to find the names, phone numbers, and email addresses of those who make decisions affecting our environment. You can find it at wvhighlands.org/contact-your-representatives Please take a moment to visit our website, look up your representatives, and reach out to them. Let them know your concerns and ask them to act in support of our shared goals. Together, we can make a difference.

Thank you all-let's communicate!

Sincerely,

Marilyn Shoenfeld WVHC President

Carbon dioxide injection program approved over citizen objections, continued from page 2

PAGE 3

memos and Executive Orders every day; many talk about funding. Maybe the federal government will ask for the ARCH2 money back. Maybe it won't. Maybe the money will be already committed so it can't have the money back even if it wants it back. We will just have to wait and see. If the government does end up taking the ARCH2 money back, the impact upon hydrogen production in West Virginia, the need to dispose of carbon dioxide underground, etc., will be enormous.

One possible indication of the fate of ARCH2 was a Jan., 31, 2025 announcement by the United States Department of Energy. It has canceled the scoping meeting for ARCH2 that was scheduled for Feb., 5. A project such as ARCH2 would require an Environmental Impact Statement. An early step in the Environmental Impact Statement process is called scoping. In scoping, the agency decides what issues it will study; this includes opportunities for the public to suggest issues for study. That was the purpose of the scoping meeting that was just canceled. Maybe canceling the meeting means that the ARCH2 project is in jeopardy. Maybe it doesn't mean anything. We will have to wait and see.

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.

THE HIGHLANDS VOICE FEBRUARY 2025 PAGE 4

West Virginia Highlands Conservancy Online Store Catalog

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- WVHC Cotton Hat (Black or Army Green): \$22.50
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- The Nature and Scenery of the West Virginia Highlands, 2nd Edition: \$29.95 + \$5.38 shipping

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How the U.S. got no old growth forest protections from the Biden Administration

By Dominick A. Dellasala, Mongabay

Wikipedia <u>defines</u> a 'nothingburger' as "a situation that receives a lot of attention but which, upon closer examination, reveals to be of little to no real significance." That unfortunately applies to the Forest Service's <u>national</u> <u>old-growth amendment</u> (NOGA), which despite President Biden's executive order <u>directing</u> the agency to conduct an inventory of mature and old-growth forests (hereafter called "old") on federal lands for "conservation purposes," did nothing to move the needle on old forest protections.

While the president was a signatory to the <u>Glasgow Leaders' Declaration</u> to end deforestation and forest degradation globally by 2030, and was committed to the Paris Climate Agreement, including maintaining "carbon sinks and reservoirs," the Biden Administration is now ending without a single forested acre protected by NOGA, and the related Northwest Forest Plan amendment, with severe forest degradation consequences.

All sides are to blame for a failed NOGA policy that was the result of: (1) definition paralysis that delayed action; (2) rebranding strategies by the timber industry that positioned logging as the solution to all "forest health" issues rather than the problem itself; (3) questionable agency threat assessments that supported the industry narrative; and (4) the lack of a unified vision for forest protection by conservation groups. Let me break the failure to act down, piece by piece.

Paralysis over old growth forest definition:

The NOGA process initially got bogged down in a so-called wicked problem, considered by some in the Forest Service as too complex to define and solve. Definition paralysis, especially how to distinguish old growth from mature, and rebranding of active management (see more on that below) contributed to a weak NOGA policy for old growth, and the exclusion of ma-



ture forest protections.

For over a century, however, foresters have used precise methods to determine when trees are mature enough (as growth rates slow down) to maximize their return-on-investment by cutting them down in time. So, if they can do it for profit, why not for protection? However, the agency likely freaked out when it realized that despite definition delays, its old forest inventory wound up identifying 45% of national forests in mature condition and another 18% as old growth. That is, nearly two-thirds of their forest base would face the prospects of management for "conservation purposes."

As covered by Mongabay, before the agency conducted its own inventory, my team of scientists was already independently obtaining LiDAR (light detection and ranging) data from the GEDI instrument array on board the space station and other data on forest conditions. LiDAR was used to create three-dimensional images of tree height, canopy density, and forest biomass that we used to define and map old forests compared to their younger and less structurally complex counterparts. We and others since have had no trouble mapping forests structurally as either young, mature, or old growth.

To localize this issue of definition importance, I was asked by the <u>Yaak Valley Forest Council</u> to visit the <u>Black Ram project area</u> in NW Montana, which the council was proposing as an old-growth climate refuge. The Forest

Service disagreed and was going to cut it down. However, in the field, I spied classic old growth features, including towering trees, dense and layered forest canopies, and large, dead standing trees (snags) and downed logs. After a lawsuit was filed by the council, a judge agreed with the plaintiffs and the timber sale was temporarily halted for completion of an environmental impact statement (EIS).

Thus, whether from space, on the ground, or for profit, we have known for sometime how to classify these forests. However, while the Forest Service was doing its old forest mapping, they were also irresponsibly advancing at least a dozen timber sales on endangered old growth sites.

What role did timber industry rebranding play?

The timber industry <u>claims</u> that it 'isn't in the business of harvesting old-growth trees' anymore, and is instead going to save forests by 'active management' from burning up, getting eaten by insects, or falling apart from natural causes.

While rates of old forest logging have certainly plummeted on federal lands in recent decades due to previous overcutting of old trees, endangered species protections and other factors, federal agencies continue to put up oldgrowth timber sales rebranded with terms like fuels reduction, restoration, forest health, and forest resilience. So, if the industry is not cutting old growth anymore, then why are the agencies

still putting up the sales? The answer in part lies in the art of rebranding.

PAGE 5

Notably, I have testified at numerous congressional forest health hearings where the timber industry and congressional allies used the rebranding argument on everything from preventing forest fires to saving spotted owl habitat from burning, though I knew those issues well, having served on the US Fish & Wildlife Service's spotted owl recovery team. As a reminder, the very reason the owl was listed under the Endangered Species Act (ESA) was because of logging in old forest habitat. A similarly specious argument to save forests from burning up is being played out not only in the NOGA process but in every dry forest region of the country, as logging is rebranded as community fire protection, even as fires race across logged landscapes.

Role of agency threat assessment:

In the Forest Service's introductory report on forest threats, the agency proclaimed fires and insects as the top "threats" to old forests and logging as only a "minor" (incidental) threat. They stacked all natural disturbances on the same graph alongside logging showing much greater "forest losses" from natural processes in comparison to logging – an apples to oranges comparison.

While on an acre-for-acre basis logging has resulted in fewer old forest acres lost, the impacts to ecosystems from logging are far greater than acres alone, accumulate over space and time, and continue to reverberate for decades. The emissions from logging, for instance, eclipse that of all natural disturbances combined and are amplifying the effects of climate change (cumulative effects). Putting natural disturbances on the same graph as logging hides the ball on the true threat to forests.

To add insult to injury, the Forest Service "threat analysis" shows how the agency intends to continue logging old forests even as it claims to be restoring

continued on page 7

THE HIGHLANDS VOICE FEBRUARY 2025 PAGE 6

New year, same climate disasters and enemies of the environment

By Morgan King, West Virginia Watch

The first week of 2025 brought extreme fire and ice across the United States. The West Coast is experiencing horrific wildfires and evacuating more than 100,000 people from their homes, and the mid-Atlantic is recovering from back-to-back winter storms. These "natural" disasters put our communities at extreme risk and are a result of climate change.

Meanwhile, two enemies of the environment will be inaugurated just one week apart. Former West Virginia Attorney General Patrick Morrissey was sworn into the West Virginia Governor's office on Monday, Jan.13, and Donald Trump will re-enter the United State's President's office on Jan. 20. Both are a nightmare for our collective climate future and achieved their positions of power by riding the backs of corporate interests.

In particular, Morrissey's success is thanks to one of the most effective and cruelly motivated political organizations, the Republican Attorneys General Association (RAGA), which focuses on electing Republicans for state attorneys general. RAGA is notorious for playing the long game in climate obstruction and the diminishment of reproductive and LGBTQ rights. They are responsible for overturning the Chevron Doctrine in 2024 and winning West Virginia v. Environmental Protection Agency (EPA) in 2022.

These Supreme Court cases prevent the ability of federal agencies like the EPA to set rules and enforce environmental protections and limit the authority of the EPA to regulate emissions from power plants, respectively. Put simply, these efforts by RAGA hin-



der the environmental experts in our country from protecting our health, air, water, and land.

West Virginia's new governor is simply an extension of RAGA's political machine having no original ideas and putting the bottom-line of corporations first. This legal game of enabling polluters to evade accountability for their harm to the environment and public health is one that has tangible and negative consequences to local and global communities. We know that human activity, especially the burning of fossil fuels, is the cause of increased greenhouse gasses in the atmosphere leading to climate change. Even more, we know that climate change is a key driver of worsened wildfires and winter storms.

Climate disasters have cost our country more than \$2.785 trillion since 1980. The frequency, intensity and price of these disasters are increasing

every year and will continue to do so as the climate crisis goes unaddressed. The wildfires in Los Angeles are projected to be the "costliest fire on record" in American history at a preliminary estimate of more than \$50 billion.

Most concerning is that our state and country are not investing adequately in preventing these disasters nor in responding to them. During this latest winter storm, West Virginia had the highest power outage rate in the country. This comes as no surprise given that West Virginia ranks 50th in power grid reliability and infrastructure.

Our forced reliance on fossil fuels can be connected to why we have the weakest electrical grid in the United States. Almost 90% of electricity generation comes from coal-fired power plants, and three in five power stations are at risk of flooding in the state. Both of these figures represent the highest numbers nationwide.

On the national level, last year was the second year straight that the Federal Emergency Management Agency (FEMA) went into hurricane season low on funding just before Hurricane Helene caused catastrophic damage to the Southeast and became one of the costliest and deadliest hurricanes in history. FEMA announced a \$9 billion shortfall for hurricane relief efforts in October 2024, the same week that the United States sent nearly the same amount (\$8.7 billion) to Israel for military funding to commit genocide in Gaza.

Under our state's new governor and country's new president, investment in climate mitigation and adaptation measures is unthinkable, while the reversal of the insufficient climate regulations and laws established by the previous federal administration is probable.

This sounds grim, and there is no sugarcoating it — it is atrocious. That is why it is more critical than ever to hold those in power accountable for the threats they created to our collective future, regardless of the political party or office. Given the threat that our governor and president pose to our planet, there is still an opportunity to make change locally.

Our counties, cities and towns must lead in the face of more frequent and severe climate disasters and new project proposals by fossil fuel interests. Investing in clean energy and climate resilience projects, making a declaration of climate emergency that accelerates local initiatives, or passing local ordinances that prevent climate change-causing companies to pollute our neighborhoods are all ways that local governments can and should put our communities first in this new year.

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 jordan.howes@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.

Quote submitted by Jackie Burns

"Never underestimate the power of a small group of thoughtful and committed citizens to change the world. Indeed, it is the only thing that ever has."

-Margaret Meade

How the U.S. got no old growth forest protections from the Biden Administration (commentary) continued from page 5

them. Most of the logging would be in younger and mature forests, and a lesser, but still significant amount, would come from old growth. In other words, the agency is ramping up logging as climate change accelerates and the policy baton is handed off to Trump II, which no doubt will want to be even more aggressive as it presumably follows the Project 2025 agenda.

What role did the environmental community play?

Throughout my four-decade career I have been employed by both big national and small grassroots organizations working tirelessly to protect the forests that they love, which thankfully has resulted in some of the nation's greatest conservation accomplishments (like roadless areas).

I have also learned that a unified vision that reserves the right to compromise only as a last-ditch effort is the best way to trade risk for big rewards (like the roadless policy).

However, prior to NOGA, a compromising split already was taking shape early on within the environmental community's approach over what age of trees should be protected from logging based on whether fire was frequent or not. Old forest protections were proposed mainly within infrequent-fire forests (e.g., coastal areas) with some old tree logging proposed in frequent-fire forests even though this questionable dichotomous scheme would result in extensive collateral ecosystem and climate related damages to millions of acres of dry forests. Their approach was later revised to embrace no-commercial exchange of large trees but it came far too late and conservation groups remain divided on this issue going forward.

That split threw dry forests under the 'active management' bus. The appearance of a willingness to compromise instead of asking boldly for exactly what forests need in a changing climate – proforestation that allows forests' slow development into old growth

over time – likely doomed any chance of a big win on forests.

What can be done to move forward?

It is doubtful that NOGA, even with all of its blemishes, will see the light of day from the incoming Trump Administration. Had the Forest Service acted sooner with a clear conservation conscience, rather than suffering definition delays and 'old forest inventory freak out,' and conservation groups presented a united front from the getgo, it would have been harder to overturn a big forest win. Just like the Clinton roadless legacy, we would have rigorously defended it for decades as the nation's best natural climate solution.

And while we need wood supply, only a tiny fraction (~4%) comes from the national forests, and none of it needs to come from old forests, if prudent investments are made to retool industry to accept small logs for value-added manufacturing. The Siuslaw National Forest in Oregon was an early adopter of the Northwest Forest Plan's emphasis on previously cut but reforested second growth, and the Tongass National Forest in Alaska, with the nation's most carbon dense old forests, has been transitioning into second growth on a much smaller logging footprint since 2016 (derailed by Trump part 1 and restored by Biden).

Sound forest-climate policy would have protected all old forests nationwide - frequent and infrequent fire systems alike - while applying appropriate prescribed fire and cultural burning practices as needed. This would allow old forests to function as fire and climate refugia, whether they succumb to fire or insects eventually. Agency 'active management' would be redirected to <u>flammable tree plantations</u>, road closures, and road obliterations to reduce human-caused ignitions and begin healing heavily damaged watersheds. Redefining the wildfire problem as responsible home ownership, as some scientists are now doing, is a more prudent investment in risk reduction, by working from the home and outward, instead of agency treatments that are often located more than a kilometer from the nearest structures.

As a conservation scientist/advocate, I have experienced two Reagan terms, three Bush terms, and a Trump term where conservation groups united in throwing sand in the gears of bad forest policies. And I have lived through two Obama terms and a Biden term, where conservation groups could not agree on a unified strategy that has now contributed to the deja vu of hav-

ing to defend forests all over again, with nothing gained. We must all now unite, put aside our differences, and get ready for the fight of our lives.

At the same time, independent forest assessments need to be included in ongoing federal inventories to monitor changes in old forests overtime. This also means further establishing the scientific means for finally ending the commercial logging of old forests on federal lands as the only disturbance to forests that we can realistically do something about.

December/January Go North Alliance Newsletter: The year that was, and the year ahead

Some end-of-the-year news:

Finally, at the end of December, we got news from the West Virginia Division of Highways (WVDOH): The new target date for the public issuance of the Parsons to Davis draft Supplemental Environmental Impact Statement is June 20, 2025 (originally May 2024). The updated target date for the public issuance of the Wardensville Environmental Assessment is now Feb. 21, 2025.

And some very good news: On Dec. 30, 2024 the Crites family signed over the deeds and sold their property in the Blackwater Canyon to the Monongahela National Forest! After a 25-year campaign, the ENTIRE Blackwater Canyon has become a publicly owned natural and recreation resource.

Go North Alliance kept the pressure on in 2024:

Our Alliance kept the pressure on WVDOH to align and design the highway in a way that best serves the needs of our communities and the sensitive environmental and historical areas that surround them. In response, the WVDOH finally announced they would study a northern alternative to the ROPA.

On the other hand, WVDOH was still tweaking the ROPA to address our demands rather than adopting a northern solution. They have made some design changes to the ROPA based on comments from the Alliance and many concerned local citizens. But tweaking a bad route doesn't make it the best route.



2025 focuses:

As 2025 begins, the Go North Alliance will continue our push to ensure WVDOH designs the best highway for our community's needs. Here's what's on our agenda-

Continue to remind the WVDOH that they have overlooked serious considerations to road safety by ignoring foglight technology, a heated roadway to combat icy conditions, and ensuring cellular connectivity through the dangerous mountainous terrain.

Evaluate the impact of Corridor H on Blackwater Falls State Park as the park expands its footprint and seeks International Dark Sky Park certification.

Champion our belief that the roadway footprint is too big and impinges on the Monongahela National Forest, old-growth forest stands, and Big Run Bog, and that it has potential serious impacts on water quality, local residents, and tourism.

More than ever, we will continue to emphasize what a sustainable, home-grown economy looks like, and will continue to reiterate Edward Mc-Mahon's quote: "21st century economic development is based on what we already have...don't give away the store."

West Virginia isn't ready for data centers

By Quenton King, West Virginia Watch

In early December, <u>news broke</u> that lawmakers were asked to come to the Capitol for a special session to pass a bill. <u>That legislation</u>, which was never officially sponsored or released, would have built upon a 2022 law that allowed private companies to skirt around our Public Service Commission and our coal-entrenched electricity market and either build their own renewable energy sources or choose to get power from one.

The special session was never called, likely because of poor understanding of our state code and its requirement that newly elected lawmakers be sworn in. Since then, people involved have said that the goal of the bill was to attract an unnamed, multinational company to build a data center and renewable energy supply in Logan County.

I wrote before how the 2022 law that opened up the opportunity for Berkshire Hathaway to come to West Virginia and build an industrial park and renewable energy microgrid was a form of corporate favoritism. The Legislature changed the rules for large companies like Berkshire Hathaway who want lower-cost, renewable energy. Yet, it's still difficult for average West Virginians to get solar energy unless they can put panels on their roofs.

Courting a mega data center to come to the coalfields and changing laws to allow it to do so is favoritism on steroids, at the expense of West Virginians. Data centers are energy, resource, and land-intensive. The proliferation of artificial intelligence and the powerful data centers needed for them has broken the gains the United States made in reducing energy demand.

Now, utilities across the country are saying they need more natural gas plants to meet the needs of projected energy growth, led by data centers. That fossil-fuel generation will lead to



more carbon emissions, and ultimately hurt our chances at reducing global warming. Just last week, scientists said 2024 was the hottest year ever recorded. So was 2023 before that.

Neighboring Virginia has been grappling with data centers for years, and lawmakers there have started to push back and demand more transparency and accountability. A recent study from the legislative auditors at the Virginia Assembly estimated that the infrastructure needed for data centers could cost Virginians up to an additional \$37 per month on their power bills by 2040 under certain conditions.

While the data center in Logan County would supposedly run on renewable energy, it still has the potential for other concerns, particularly water usage and fairness. Data centers are water hogs, using up to 5 million gallons per day according to some estimates. It feels unconscionable to bend the rules to allow a company to build a facility that would require so much water in a place whose residents have so little access to clean water.

I don't just mean Logan County. Much of the coalfield counties have lacking water and sewage infrastructure. On top of the long-standing water issues in West Virginia, the recent news that the state's Water Development Authority awarded a \$5 million grant to a private, religious college in Ohio to expand into West Virginia indicates to me that the state doesn't have much interest in addressing the area's water woes.

Gov. Patrick Morrisey has expressed interest in making West Virginia a state open to data center business. In his adopted West Virginia area of Jefferson County — and my home county — the fight over data centers in Virginia and the power lines needed for them has gained traction. People there are upset that West Virginia land is being used for transmission lines for data centers in Virginia. I suspect that people in the southern part of the state wouldn't like the transmission lines even if the data centers were in West Virginia.

Data centers aren't going away, quite the opposite it seems. While they can provide substantial tax revenue if done correctly, I worry that our officials are not prepared to grapple with the environmental issues they'll bring. I also fear that in the race to the bottom against other states that want large

companies to move in, West Virginia will cut tax breaks that companies like Amazon don't really need.

In Virginia, lawmakers are considering a package of transparency bills, specifically concerning that data centers publicize water usage and that counties conduct an environmental study before approving a data center. I hope ours will consider the same and not let another industry run rampant in our state.

And when the centers do ultimately come, I support them using renewable energy. But yet again here we were looking at an example in which the rules were going to be walked around for a deal, behind closed doors, just like the Berkshire Hathaway deal three years ago. Meanwhile most West Virginians are still getting their energy from expensive coal while other states have moved toward pro-renewable energy policies and generation that will bring costs and pollution down. If we expand access to renewable energy for corporations, we should do it for every day West Virginians too.

Make your voice heard!

We've added a new page to our website where you can find contact details for state and federal representatives at wwhighlands.org/contact-your-representatives.The West Virginia Legislature's interim session is set for Feb. 10-11, with the 2025 regular session starting on Feb. 12.

If you're ready to advocate for the environment, this resource makes it simple to get involved!

Monster "hellbenders" are lurking in West Virginia's cleanest streams

By David Sibray, WV Explorer

Beneath the surface of clean-flowing streams in <u>West Virginia</u>, a multitude of strange creatures lurk, but none is perhaps more shocking to encounter than the hellbender.

Also known as the devil dog, the mud devil, and the Allegheny alligator, its names testify to the strangeness of what turns out to be an giant aquatic salamander that is at once both repulsive and magical, depending on who you're discussing them with.

Lisa Stansell Galitz says she thinks the creatures are indeed magical as they've been indigenous to a specific region for so long, though they're often hard to find, living among rocky river bottoms.

"Anytime you have something that has this kind of longevity, it almost automatically becomes magical," she says. "They've been around for a long, long time, and we should pay attention to what they telling us."

She refers to the delicate nature of the indelicate-looking beast, which thrives in only the most healthy streams. They are thus indicators of poor water quality, a concern in parts of West Virginia where the hellbender, or <u>Cryptobranchus alleganiensis</u>, lives.

The slimy brown monsters are the largest salamanders in North America and the fourth-largest aquatic salamander species in the world and employ an unusual system of respiration that allows them to breath underwater. They can grow to 29 inches long.

Due to the impact of disease and habitat loss, the animals listed as a vulnerable species though groups like the New River Conservancy, for which Galitz serves as marketing director, are working to reverse the condition.

"Here's this ugly little monster, but if we never found them in our waters again, I feel like that would be devastating on a lot of different levels."

The conservancy is urging people in the <u>New River</u> watershed and beyond to comment on a proposal by the U.S. Fish and Wildlife Service to designate it as endangered.

The animal is considered a "habitat specialist," she says, and has "adapt-



A hellbender waits for a meal beneath the surface of a stream. (Photo courtesy Orianne Society)

ed to fill a specific niche within a very specific environment."

Its survival depends on a consistent flow, temperature, and availability of dissolved oxygen—circumstances found only swift waters, which limits its habitat from the outset.

Within the watershed in Virginia, West Virginia, and North Carolina, state governments have listed the hellbender as a species of "great conserva-

Mountaineer

tion need," Galitz says.

Andrew Downs, executive director of the conservancy, says the hellbender is also culturally important; though few people encounter the creature, many native Appalachians know of it.

"Not only does the presence of hellbenders indicate the rivers we rely on for drinking water are clean," Downs says, "but this sometimes-strange-looking and beautiful creature is part of the identity of our region," he says."

"If we fail to protect it, we fail to protect a part of ourselves and the character that makes our Appalachian communities unique."

In addition to perishing from poor water quality, she says hellbenders can also be killed or injured and their homes destroyed when anglers and swimmers move rocks in the streams.

"Leave the rocks alone," Galitz says. "I wasn't taught, and I did not teach my kids, that the river rocks are somebody's home. We need to do better."

\$500

\$750

\$1000

BECOME A WVHC MEMBER

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			Senior	\$15		
Address			— Student	\$15		
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City	State	Zip	Other	\$15		
		Zip		\$25	\$35	\$50
			Associate	\$50	\$75	\$100
Phone	Email		Sustaining	\$100	\$150	\$200
			Patron	\$250	\$500	\$500

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

THE HIGHLANDS VOICE FEBRUARY 2025 PAGE 10

Meet our newest Organizational Director for the West Virginia Rivers Coalition, Mike Jones

Q&A Conducted By Jordan Howes

Go ahead and introduce yourself.

I'm Mike Jones, currently based in Morgantown, and work all over the state as the Conservation Manager for the West Virginia Rivers Coalition. As Conservation Manager for WV Rivers, I am responsible for convening West Virginians for Public Lands, educating the West Virginia public and agency and elected officials about our public lands and threats to our public lands, and working with a variety of stakeholders to protect the right of private owners of family farms and forests to protect their land and future with meaningful conservation easements. I am delighted to be the WV River's representative on the WVHC.

Where are you from, and how are you connected to West Virginia?

I lived and worked in Florida for way too long! I was looking to relocate into the Appalachian Mountains to New England area and was offered an opportunity to attend West Virginia University. I thought 'how bad could it be?' I fell in love with West Virginia, its beauty, its challenges, and its people. I am not leaving.

Where did you go to school, and what did you study?

I am currently at West Virginia University part-time, completing my dissertation for a Ph.D. in political science and public policy. My dissertation topic is whether Appalachia should be recognized as a distinct geographic location with its folks have statistically significant differences over 15 years of survey data in response to a political attitude question (approval of the president) and a series of environmental policy questions. I also have a Master's in Political Science from West Virginia University; a Master's in Environmental Politics from University of Central Florida; a law degree from the University of Florida; and a Bachelor's from the University of Chicago (political science).

Care to share any hobbies you enov?

I love living in Morgantown, near downtown, as I can walk about anywhere (except groceries!). I really enjoy walking or more formal hiking! Both connect me to the world, to nature, and to some peace and calm!

What is your favorite natural landscape to visit in West Virginia? Why is it your favorite?

Honestly, this question is like being asked 'which one is your favorite child?" It is impossible to pick! I am a hiker, and I love taking hikes and pictures on any WV Public lands!

How did you get involved in environmental advocacy? Was there a



Photo provided by Mike Jones.

turning point in your life where you knew you wanted to pursue this?

I have always been interested in environmental policy and advocacy, and devoted time to environmental advocacy while working full-time as an attorney. I decided to end my legal practice and explore full time environmental policy work. As I was studying at West Virginia University for the Ph.D., I became involved with a variety of WV environmental advocacy non-profits; and ultimately applied to WV Rivers for full time employment.

How did you learn about the West Virginia Highlands Conservancy? How long have you been involved with the organization?

I became aware of (and a sup-

porter/member of) WVHC almost as soon as I arrived in West Virginia. Since gaining employment with WV Rivers, I have worked closely with WV Highlands on a variety of WV Public Lands projects and a variety of legislative bills we supported or opposed.

What do you most look forward to as West Virginia Rivers representative to the Highlands Conservancy Board?

I look forward to continuing to work closely with WV Highlands in our conservation, rivers, and public lands work. Being on the WVHC's board as a member representative gives me an opportunity to be working even closer with WVHC to keep our WV public lands protected, to work for water quality, and to work for permanent safeguards for Mon Forest waterways.

What is the best advice you could give to someone who is looking to get involved in environmental advocacy?

Never, ever, think that you cannot make a difference. My best advice is get involved: join some environmental advocacy groups in your area, take part in their activities, answer the action alerts! You'll quickly be "involved in environmental advocacy!" Looking to be employed in environmental advocacy? Don't sell your experiences short in volunteer and advocacy skills - I guarantee you know MORE than you think you do!

Leave a legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard for years to come.

Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life in the mountains. Contact crys.bauer@wvhighlands.org

Are you on our email list?

Signing up to receive emails from the West Virginia Highlands Conservancy is your gateway to staying actively engaged in conservation efforts and volunteer opportunities in West Virginia.

Staying informed with our action alerts will empower you to advocate for environmental policies that matter the most. Sign up today at bit.ly/ WVHCemailsignup

A call to protect our public lands—and our future

By Olivia Miller, West Virginia Highlands Conservancy

The Monongahela National Forest is among West Virginia's most cherished places—a realm of misty spruce groves, deep hollows, and pristine mountain streams that sustain local communities. Its headwaters supply clean drinking water and support aquatic life, including native brook trout and the endangered candy darter, a dazzling fish found only in a handful of Appalachian waterways. Generations of visitors have come here to fish, hike, and camp. It deserves our best stewardship.

Right now, the Monongahela is threatened by the activities of South Fork Coal Company, which is illegally transporting more than 100,000 tons of coal annually through the forest along "Haulroad #2." The law prohibits surface coal mining in national forests unless a mining company had "valid existing rights" before the Surface Mining Control and Reclamation Act of 1977. South Fork Coal never proved such rights. Instead, it claimed its operation wouldn't affect federal land, yet the company now runs a private, industrial-scale road across the Monongahela to transport coal from the 1,100-acre Rocky Run Surface Mine on what is supposed to be a public Forest Service road.

Numerous West Virginia environmental organizations, including the West Virginia Highlands Conservancy, along with national partners, have challenged these operations in the courts and through regulatory agencies for years. We filed an enforcement action against South Fork Coal for repeated water quality violations at mines near the Forest. We also sued the Forest Service for allowing South Fork to use these roads without properly assessing the environmental impacts, including harm to the endangered candy darter,



as required by the Endangered Species Act and the National Environmental Policy Act. Although court cases and permit reviews take a frustratingly long time, we cannot let clear violations continue—especially on federally owned lands in the east, where surface coal mining is largely prohibited.

What's needed now is decisive action by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE). Sharon Buccino, OSMRE's Principal Deputy Director, has the authority to order an immediate stop to this illegal coal hauling. If she acts before leaving office on Jan. 17, Haulroad #2 could be shut down until (and only if) South Fork Coal proves it has the legal right to haul coal through public lands and until the Forest Service's unlawful commercial road permit, issued without the required environmental review, is resolved. This is what justice demands.

Like any large-scale project, coal mining affects more than the compa-

nies that profit. It shapes our communities, waterways, and local outdoor economies, which depend on clean streams and intact forests. Nearby areas such as the Cranberry Wilderness and the Falls of Hills Creek Scenic Area draw tourists and recreation enthusiasts who support local businesses, build ties with our towns, and return home with stories of West Virginia's natural splendor.

When sediment and pollutants from South Fork Coal's massive Rocky Run Surface Mine—and its illegal haul road—enter the Cherry River, these opportunities slip away. The endangered candy darter cannot withstand ongoing contamination in the streams it needs to survive. Neither can the native brook trout, beloved by anglers and central to local economies. Further habitat loss would weaken Appalachia's unique biodiversity and undercut the hard work of those striving for a sustainable local economy that benefits everyone, not just a single coal company's sharehold-

ers

We've long fought to hold agencies accountable for enforcing community and environmental safeguards, but laws mean little without officials willing to uphold them. Buccino can reinforce that principle by ordering the immediate closure of Haulroad #2. This would be consistent with her record as a public lands advocate and with the federal mining law's core purpose of protecting communities and the environment from reckless mining practices.

Over the years, West Virginia has grappled with difficult conversations about coal's role in our economy. Supporting an industry and its workers does not mean disregarding our laws, waterways, and public lands. We must not sacrifice the Monongahela and downstream communities for the short-term gain of one coal operation. Our region's long-term prosperity depends on preserving and promoting our public lands, which attract families, visitors, and businesses seeking a place that values its natural legacy and future-oriented development.

Deputy Director Buccino should seize this chance to shut down Haulroad #2 and protect our national forest, its wildlife, and the communities that depend on it. Standing firm now will help safeguard the Monongahela National Forest for the benefit and enjoyment of all Americans—today and for generations to come.

Olivia Miller is a native of Hendricks, West Virginia, and now resides in Morgantown. She is the program director of the West Virginia Highlands Conservancy.

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.

Hit the trails with our Mon National Forest Hiking Guide



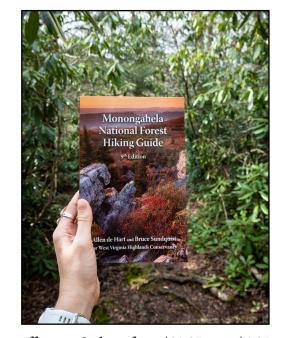
Celebrating 50 years of the West Virginia Highlands Conservancy, the updated *Monongahela National Forest Hiking Guide* now features brand-new topographic maps and stunning full-color photos by Kent Mason.

Revised with input from National Forest officials, this edition reflects the past decade's changes, including:

- New wilderness areas and trails near campgrounds
- A new interconnected trail system on Cheat Mountain
 - Rerouted and discontinued trails
- Updated difficulty ratings, water access, and more

This definitive guide covers history, wildlife, safety tips, and recreation options like horseback riding, biking, and skiing. The Monongahela remains a premier outdoor destination, with classic trails and hidden gems in Otter Creek, Dolly Sods, Blackwater Canyon, Spruce Knob, and beyond.

Guide sales support conservation



efforts. Order for \$21.95 + \$4.87 shipping from West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321, or online at www.wvhighlands.org.

Board Meeting Highlights

By John McFerrin

It was a limited—but important—agenda at the most recent meeting of the Board of the West Virginia Highlands Conservancy. President Marilyn Shoenfeld limited the agenda so that each of the items would receive the attention it deserved.

The first item was our conflict of interest policy. We had a proposed policy but wanted to make sure it said exactly what we wanted so we went through it carefully.

Next, we discussed our investment policy. In the past, and to some extent now, we have had our savings in certificates of deposit in various banks. There was concern that some of the banks where we had savings in certificates of deposit had loaned money for fossil fuel extraction. In this way, some of our savings might have gone to finance things such as coal mines which we have, as a matter of policy, opposed.

There was universal agreement that we should not help finance activities that are contrary to policy goals. Despite the agreement on the goal, there was much discussion on how we might achieve that goal. We already have a policy that requires that our investments consider our values. It is a complicated issue, one that raises many questions, including how we know who is loaning money to mining companies. We will discuss this more and may undertake a complete review of our investment policies.

The only ordinary thing we did was to consider the financial report for 2024. On the whole it was a positive report.

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



