



The Highlands Voice

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

Volume 58 No. 2 February 2026

WV lawmakers approve changes to microgrid, data center rules; vote down public transparency measure

By Caity Coyne, West Virginia Watch

After more than 900 public comments were submitted regarding proposed rules for how the West Virginia Department of Commerce will certify microgrids and high impact data centers in the state, the joint Legislative Rule-Making Review Committee approved several changes to the proposals during a meeting Wednesday.

The proposed rules relate to last year’s passage of House Bill 2014, which created the certified microgrid program and set policies for how certain data centers that come to the state may operate. In this rule-making process, the Department of Commerce was tasked specifically with creating rules for how the secretary should approach certifying



Tucker County residents attend the first town hall held in May 2025 regarding plans for a proposed data center in Tucker County. Fundamental Data co-founder Casey Chapman has yet to meet with the local community about it’s proposed plans. (Photo by Olivia Miller)

microgrids and high impact data centers and what information should be considered while doing so.

Throughout a public comment period in December 2025, 935 individual comments were submitted from residents who held concerns over portions of the rule as well as

the legislation as a whole. Nicholas Preservati, who serves as the deputy secretary for the Department of Commerce, told lawmakers that the agency split public comments into five main categories: economic concerns, environmental concerns, public transparency concerns, local

control concerns and infrastructure concerns.

According to a summary created by the Department of Commerce, a “significant number” of the comments submitted did not apply to the rules that were under review. Instead, per the agency, they applied to the legislation as a whole, which has already been enacted and stands as law. The rule-making process cannot change the law as it’s written; it can only clarify how certain portions of it will be applied.

Preservati said he and others at Commerce read through all of the comments and used them to inform changes to the rule.

Changes proposed by the Department of Commerce and ap-

Continued on page 2

What’s inside:

| | | | | | |
|--|---|--------------------------------|---|--|----|
| WV lawmakers alter microgrid rules cont. | 2 | Garbage Wars 2.0 | 6 | Groups trying to enforce Clean Water Act | 9 |
| Corridor H is still a road to nowhere | 3 | Congressional oversight of EPA | 7 | Join our mailing list | 10 |
| Store catalog | 4 | Restoring the Candy Darter | 8 | Board highlights | 10 |
| Thoughts from our President | 5 | Become a WVHC member | 9 | Legislative updates | 11 |

WV lawmakers approve changes to microgrid, data center rules; vote down public transparency measure

Continued from page 1

proved by lawmakers Wednesday included adding language clarifying that any high impact data center or microgrid must follow state and federal environmental laws, redefining “nearly contiguous property” for parcels within the districts and giving explicit authority to the Secretary of Commerce to request any information from applicants and work with other agencies before certifying, among other things.

Another change — perhaps the most material one — was the inclusion of how developers and the Department of Commerce will handle a potential “inordinate burden” posed by the potential high impact data center or microgrid.

Per the approved rules, developers who apply for certification must flag if their proposed project could place a significant and unreasonable burden on nearby property owners due to its location, environmental risks it may bring, the proximity to schools, homes or historic sites and more. Developers will have to share how they plan to offset those potential harms and the Department of Commerce will have the right to

independently verify or challenge claims made by the developers.

In committee on Wednesday, Preservati — who also serves as the director of the state’s Office of Energy — said the inordinate burden language was added in response to numerous public comments from individuals concerned that HB 2014 strips local governments from having the power to regulate how certified microgrids or data centers operate within their communities.

“There [were] a lot of public comments requesting, you know, how can we do this? Where’s the public? Where are they involved, and how are they protected?” Preservati told the committee. “So that was added in response to that.”

Sen. Patricia Rucker, R-Jefferson, and others thanked Preservati for including the language. While Del. Kayla Young, D-Kanawha, said she appreciated its inclusion, she shared concerns about how it was framed.

Based on the rules, the developers are the only ones responsible for flagging potential risks that their projects could bring. She said this could be especially concerning since the public is not required to be made aware of developers seeking certification or the projects they are proposing.

“Is it concerning?” Young asked Preservati. “What are your thoughts on the fact that the person who the burden is being placed upon is unaware of this entirely and the person making the determination (that something could be a burden) is the petitioner, not the person with whom the burden would be on?”

Preservati said that the Department of Commerce “recognized” that concern. The letter of intent to

become certified as well as documents provided by developers seeking certification are kept confidential on purpose, he said, so it’s expected that the general public will not know whether an “inordinate burden” is coming to their communities.

But, he said, developers will be expected to include any things that “the average person should be able to recognize” — like schools and certain topography or environmental features — could be affected by the developments. If they don’t, he continued, the secretary has the “authority unilaterally” to investigate all claims made.

“We added that as part of this discussion to create a second check and balance for the secretary,” Preservati said.

Young proposed an amendment to the rules that would have required the Department of Commerce to create a redacted version of filings for the public to view and access when a developer sought out certification. She said this was necessary so members of the public would have enough information to appeal a certification or voice concerns about it before it became finalized.

Redacted information would have included confidential business information, which has become a key tension point in several communities as developers seek permits (separate from the certification process) to construct microgrids and data center complexes.

Her amendment addressed several concerns shared in public comments submitted during the rule-making process as well as comments from numerous residents who live in communities where data centers are being proposed. From Mingo County to Tucker County, residents have

been clear that they feel the state is not making a good-faith effort to be transparent during these proceedings.

Per Young’s amendment, it would have been up to Commerce to decide what information qualified as confidential business information and what could be made public.

Preservati, when asked his thoughts on the proposed amendment, did not support it.

He said that the information that would be redacted is owned by the company — not the Department of Commerce. If the public was able to view the information, he continued, it could impact what developers were willing to share with the state agency and lead to professional competition that could raise prices and potentially stop a company from seeking out parcels in West Virginia.

“I don’t think it’s good practice for the [Department of Commerce] to be determining what’s confidential and what’s not. That should be the determination of the company,” Preservati said. “(Public posting of information) would have a chilling effect on companies ... which could create a competitive disadvantage, which is a very significant issue for many of these data centers.”

Young’s amendment failed via voice vote.

With the approval from the joint Legislative Rule-Making Review Committee, the rules will now be turned into legislation that will likely be considered as part of a future rule-making bundle for the Department of Commerce this legislative session. The bundle will go through the regular legislative committee process and need to be approved by both chambers of the Legislature before becoming law.

Corridor H to the state line: When the road ahead goes nowhere at all

By C.A. Holmes, Wardensville Resident and Planning Commissioner

I live in a town defined by its geography. In Wardensville, every conversation about someone's day is spoken in relation to the land: over the mountain, across the ridge, up the holler, or through the valley. This way of speaking is not unique in West Virginia. It's the language of a state made up of small rural towns, with a handful of mom and pop shops, a Dollar General, and a few locally owned eateries. Wardensville is a near-perfect example. Home to roughly 200 people, it's a town where most commute elsewhere for work and where decline has outpaced growth since the 1970s.

Wardensville is not what most would call a destination. Yet it sees a steady stream of visitors—people heading to their weekend cabin getaway, the ski slopes a few counties over, or one of the many state and national parks just a stone's throw away. We are a pass through town, a conduit for out-of-staters experiencing our wild and wonderful landscape. So why should anyone care if the state wants to make that conduit a little faster? Because what makes West Virginia Almost Heaven, is at risk of being destroyed: our country



Corridor H overpass construction in the Kerens to Parsons section.

roads, our culture, and our tight-knit communities.

Appalachian Corridor H is, by any honest measure, a multi-billion dollar boondoggle. It has helped once-isolated communities gain better access to jobs, food, and services. That much is not in dispute. But today the giant four-lane highway ends on Wardensville's door step, just 6.8 miles from the Virginia state line. The state proposes to extend the highway those final miles at a cost of \$542 million, nearly \$79.7 million per mile.

The justification for the project dates back to the 1960s, when the Appalachian Regional Commission sought to move West Virginia coal east and bring goods into rural communities. In a pre-internet,

pre-modern logistics world, that vision made sense. In 2026, it does not. This segment of Corridor H has been planned by West Virginia since 2000, yet it has never appeared in Virginia's transportation or infrastructure plans. The road would end at the state line with no continuation beyond it—saving less than ten minutes of drive time. What's most frustrating is not that the state wants to improve transportation, but that it has refused to seriously consider lower-cost, lower-impact alternatives that could improve safety and access without destroying the town in the process.

What it would do, however, is permanently reshape Wardensville. The proposed route would bypass the town entirely while dominat-

ing its landscape, burdening a quiet rural community with the constant noise of high-speed traffic echoing off surrounding ridgelines. It would cut through multiple family homes and farms, redefine Anderson Ridge and Great North Mountain, and slice through the George Washington National Forest. And in the process, it would remove the very traffic that keeps local businesses alive.

Kerr's True Value, a grocery store and gas station, is the first stop for travelers coming in from Virginia and the only gas station with a restroom. It depends on visitors stocking up before heading deeper into the mountains. The Lost River Trading Post, a cafe, general store, and gallery featured in *The Washington Post* and *West Virginia Living Magazine*, thrives because it is a delightful, unexpected discovery along a country road. Under the proposed plan, it would become an inconvenient detour two miles from the nearest exit.

The Wardensville Garden Market faces even steeper consequences. This farmers market and bakery is a part of a non-profit that employs Appalachian youth, offering life skills and above-market wages. Travelers

Continued on page 5

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.

West Virginia Highlands Conservancy
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- Fighting to Protect the Highlands: \$15.95 + \$5.38 shipping
- The Nature and Scenery of the West Virginia Highlands, 2nd Edition: \$29.95 + \$5.38 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

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.



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Corridor H to the state line: When the road ahead goes nowhere at all

Continued from page 3

make up a majority of its customers. Without them, the organization's business model would be nearly impossible to sustain. Is all of this worth pushing traffic five minutes down the road? A four lane highway here doesn't solve a transportation problem. It simply moves the traffic from the valley floor to the top of a mountain, forcing a major lane convergence at the crest of Great North Mountain—directly through the Tuscarora Trail and public forest lands. This is not smart planning; it is stubborn adherence to an outdated map and concept.

Compounding these concerns, the proposed route would be built directly atop Wardensville's wellhead protection area—the source of the town's drinking water. Like many small communities across West Virginia, Wardensville has long struggled with aging water infrastructure. The town is now under a permanent boil water notice and has experienced frequent service interruptions during periods of drought. Residents have repeatedly raised concerns about the risk this project poses to an already fragile water supply, yet the state has offered no plan to address existing problems, no contingency plan if construction disrupts the system, and no assurances that the town's drinking water will be protected.

I am fed up, because West Virginia is not like every other state. We are surrounded by some of the oldest mountains in the world, which the state loves to blow up, by the way. We have had our resources taken from us for the better part of the last century for the benefit of others, while our communities have been asked to accept the consequences. Our culture and simple way of life are romanticized by some, and demeaned by others. I chose to live here for the culture, the scenery, and that same “wild” that our state motto champions.

Now, the state is using aggressive eminent domain tactics to take land from some of Wardensville's oldest families in order to finish a road that leads nowhere. The project would erase what makes this place unique, leaving behind a small community cloaked in defeat and anger. After generations of being pushed aside by state decisions and outside industries, many residents no longer have the appetite to fight back. This is not how you build pride in a place, it's how you cultivate defeatism.

All of this is so state officials can declare a decades-old project complete. Some call it a road to nowhere. I call it tone-deaf. It is blind adherence to a 70-year-old plan with little regard for the people it harms and their quality of life. It is a governor claiming there's no money for new roads while keeping nearly half a billion dollars earmarked for this one. It's the Appalachian Regional Commission that too often serves corporate convenience over Appalachian communities. And it is exactly how a state continues to shrink.

We don't want to live in a metropolis or the suburbs. We want to keep our roads country.

Thoughts from our President

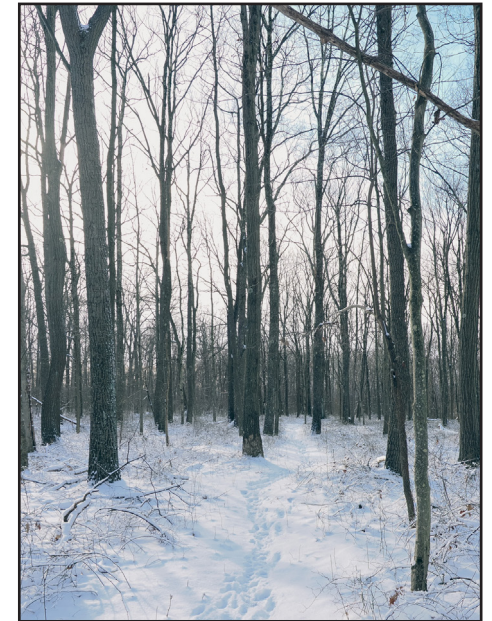
Old Man Winter is giving us a run for our money this year. Snow and ice blanket Canaan Valley and we have recorded the lowest temperatures in the contiguous 48 states (-28 degrees).

“Larry Thomas has moved the Conservancy to the forefront of environmental activism in West Virginia. Under his leadership, the organization has thrived and grown. Not only has he started many activities for the organization, but he has imbued the board and the membership with a new spirit and energy by both personal example and inspiring group actions. It is going to be difficult to fill his shoes, but I am going to try.” I wrote those words in June 2023 when Larry ended his tenure as President of WVHC, and I still wonder if I am filling his shoes.

Last week, Larry resigned from our Board as he moves on to other endeavors. He will still remain active in the organization, but we will all miss his steady presence. Over the years, he has filled many roles, including policy maker, Chair of the Public Lands Committee, President, Past President, and wise elder—always managing the details the rest of us forgot. Thank you, Larry!

It is with great pleasure that I announce the Board of Directors has approved the promotion of Olivia Miller to Interim Executive Director. She has excelled as Program Director, and we are confident she is the right choice to be the face of our organization.

Times continue to be difficult,



Winter landscape at Coopers Rock State Park. (Photo by Olivia Miller)

as you will see in this issue of The Voice. The West Virginia Legislature is in session and proposing many anti-environmental bills. Our lobbying team is working overtime to push back, and the session is now about half over.

Corridor H in Wardensville is moving forward, with bids expected to go out in March. There is also an update on the Air Quality Board hearing on the microgrid/data center in Tucker County. The Air Quality Board denied our appeal and allowed the permit to stand, but we are evaluating next steps—the fight is far from over.

So, as always, we need your support and input as we navigate these challenges. Please contact me with any questions or comments, and thank you for being members!

See you in the Highlands,

Marilyn Shoenfeld
President
West Virginia Highlands
Conservancy

Garbage Wars 2.0: More false promises of economic development in West Virginia

By Morgan King, West Virginia Watch

You may have heard of the “garbage wars” of the late 1980s and early 1990s and think of them as the past. Private companies proposed massive landfills filled with out-of-state waste transported by West Virginia coal trains returning empty from East Coast cities. Our state would export coal to power big cities, and, in exchange, we would take their trash for mega-dumps, many proposed to contain more trash than our entire state produced.

West Virginia would power the country and serve as the dumping ground for urban waste — an unfair exchange for our communities and a continuation of the extractive tradition of our state’s “resource curse.” Thankfully, environmental organizations and impacted community members refused to accept that fate and organized to demand action at the West Virginia Legislature. The result was the passage of the West Virginia Comprehensive Solid Waste Act in 1991 making it too costly for trains to transport and dump garbage on our land. Another positive outcome of this environmental organizing and advocacy was the creation of the West Virginia Division — now Department — of Environmental Protection, also in 1991.

The 2020s bring a new era of “garbage wars” across our country in the form of so-called “advanced, or chemical, recycling.” This time, the garbage we face is plastic, and the industry claims it will clean up the land and waters of plastic pollu-



tion. In reality, advanced recycling will bring plastic waste from out of state to West Virginia for incineration into a fuel that requires significant refining to be useful in industry. Using a lot of energy and producing significant toxic waste, advanced recycling is greenwashing at the expense of West Virginia’s health and economy.

In 2023, Clean-Seas West Virginia, a subsidiary of Clean Vision Corporation, signed an agreement with the state of West Virginia to build an advanced recycling facility near Belle in eastern Kanawha County. The company received \$1.75 million in forgivable loans as part of \$12 million in state incentives from the Economic Development Authority under Gov. Jim Justice’s administration. The next year, the company received a \$15 million five-year bridge loan from the state. Despite these state handouts from our taxpayer dollars, Clean-Seas experiences mounting debt and likely brings false economic promises to

the taxpayers footing their bill.

Clean Vision Corporation is a publicly traded company. This means anyone can view its and Clean-Seas West Virginia’s financial information through the Securities and Exchange Commission’s EDGAR database via annual and quarterly reports. Clean Vision Corporation’s recent filings indicate weak economic viability, significant total debt at over \$28 million, and negative shareholder equity. If I were responsible for attracting new business to our state, I would be extremely hesitant to hand out taxpayer dollars and benefits to a company with these financial statistics.

Clean Vision Corporation has a history of delayed business in the United States. It proposed an advanced recycling facility in Templeton, Massachusetts, which was present in the company’s 2023 filings, but not in 2025. At the end of 2024, residents of Templeton voted overwhelmingly to pass a one-year moratorium on new plastic incineration

facilities for officials to study the potential impacts — this effectively halted the project. In 2022 Clean Vision engaged and co-located with MacVallee, LLC to secure mixed plastic feedstock from material recovery facilities and industrial suppliers, which was originally meant to work with the, now failed, Massachusetts site. In the 2025 third quarter report, Clean Vision indicates that MacVallee will provide the plastic feedstock from Massachusetts for incineration at the proposed West Virginia plant. Questions remain around how the material will travel to our state.

Even more, the SEC filings demonstrate a lack of transparency to the public. Clean Vision’s commitments regarding operation start dates and the amount of plastic the facility will “process” continue to shift. Since the facility’s announcement and press events with the governor’s office in June 2023, Clean Vision promised the public that the plant was expected to operate by the first quarter of 2024. By the 2023 annual filings filed late in April 2024, the operation date shifted to the second quarter of 2024. The next month in May 2024, the report indicated that the operation date was pushed back to the second quarter of 2025.

By the 2025 third quarter report, Clean Vision claimed that operations were expected to begin by the end of 2025, which never happened. The company’s application for an air construction permit, required before the facility lawfully

Continued on page 7

Garbage Wars 2.0: More false promises of economic development in West Virginia

Continued from page 6

operates, has not even been opened for public comment. Once it is, there will be at least 30 days before that comment period can close. In the earlier filings in late 2023, Clean Vision claimed it will convert 100 tons per day of plastic feedstock to begin with plans to expand to greater than 500 tons per day over the next three years, i.e. by 2027. Over time, and in official SEC filings, this claim shifted to only 50 tons per day.

The lack of transparency and follow-through on promises made in the SEC filings and press releases to the public makes me leery that the company can be trusted at its word. Twice already, in October and December 2025, Clean-Seas West Virginia's application for an air permit has been deemed incomplete by the state Department of Environmental Protection in email correspondence. West Virginians deserve better than this.

Community organizing protected our mountains and waters from the impacts of mega-dumps over three decades ago, and it can do it again in the face of advanced recycling. Kanawha County residents have an opportunity to push back against this boondoggle and demand alternatives that will make our communities thrive.

West Virginia Highlands Conservancy joins call for Congressional oversight of the EPA

By Jordan Howes, West Virginia Highlands Conservancy

The West Virginia Highlands Conservancy recently signed on to a national community letter urging Congress to hold the U.S. Environmental Protection Agency (EPA) accountable to its core mission: protecting human health and the environment.

The letter, organized by Moms Clean Air Force and joined by organizations across the country, calls on congressional leaders to exercise their oversight authority by holding hearings on the EPA's recent actions and decision-making. Specifically, it asks that EPA Administrator Lee Zeldin be called to testify before Congress on policies that are moving the agency away from its longstanding responsibilities under laws such as the Clean Air Act and the Clean Water Act.

For decades, the EPA has served as a critical safeguard for public health, clean air, clean water, and the protection of natural places. The sign-on letter expresses deep concern that the agency's current direction represents an unprecedented departure from its mission. Recent actions by the EPA would roll back protections that limit toxic air pollution, weaken safeguards against



Winter scenery at Blackwater Falls State Park. (Photo by Jonathan Jessup)

dangerous chemicals, and dismantle science-based climate policies that protect communities now and for generations to come.

Many of these rollbacks would have direct consequences for West Virginia and Appalachian regions. Increased air pollution from coal-fired power plants, weakened oversight of toxic chemicals, and reduced protections for national parks and wilderness areas all threaten the health of our communities and the integrity of the Highlands we work to defend. The letter also highlights the growing health and economic costs associated with these changes, including higher medical expenses, increased rates of asthma and other chronic illnesses, and long-term economic harm.

Of particular concern is the EPA's attack on the Regional Haze Rule, a cornerstone of the Clean Air Act that protects visibility and air quality in national parks and wilderness areas. For West Virginia, where

public lands and scenic landscapes are central to our identity and economy, weakening these protections undermines decades of bipartisan environmental progress.

By signing this letter, the West Virginia Highlands Conservancy is standing with parents, health advocates, conservation organizations and community groups nationwide who believe that the EPA must remain grounded in science, public accountability and its legal mandate. Changes in administration should not mean abandoning the agency's fundamental purpose or placing communities at risk.

Congress has both the authority and the responsibility to oversee federal agencies and ensure they serve the public interest. We joined this letter to affirm that protecting human health, clean air, clean water and our shared natural heritage must remain at the heart of EPA's work, for West Virginia and for the nation as a whole.

From hatchery to headwaters: Restoring the Candy Darter

By Cameron Layne, West Virginia Highlands Conservancy

The Appalachian mountains are widely considered one of the most biodiverse regions in the United States, with West Virginia high in the ranks of organismal variety. West Virginia is home to over 32,000 miles of rivers and streams that hold nearly 200 fish species, two of which are federally listed as endangered. One such fish, the Diamond Darter, is referred to as one of the 12 most imperiled species in the southeastern U.S. and can only be found in West Virginia.

Additionally, nearly a dozen freshwater mussels and two species of crayfish that occur in our state are federally listed. Fishes and freshwater mussels are some of the most imperiled organisms in the nation, with some species already lost to extinction. Imperiled species such as these can tell us much more than simply threats to our native biodiversity but often act as some of the first indicators of such threats, allowing for early intervention.

A handful of native fishes in West Virginia are often referred to as “hidden gems.” This typically applies to many of our eye-catching species, such as Brook Trout and Candy Darter. These organisms can serve as benchmarks of water quality, play pivotal roles in their ecosystems, and add a unique identity to the regions in which they inhabit. Their presence alone is enough to make one appreciate the allure of their respective town or the watershed in which they live. They deeply embody what it means to be a jewel



Candy Darters that were propagated at the White Sulphur Springs hatchery and stocked in their native range. (Photo provided by Cameron Layne)

of Appalachia. However, in White Sulphur Springs, West Virginia, amidst the brick and concrete lies a true gemstone.

The U.S. Fish and Wildlife Service (USFWS) operates a unique fish hatchery in this charming town that specializes in endangered freshwater species propagation. This facility aims to “raise fish and other aquatic species to support recreational fishing, tribal subsistence fisheries, and the recovery and restoration of imperiled species.” Although this hatchery also raises desired angling species, like Rainbow Trout, it also provides a distinct service towards aquatic endangered species’ recovery.

The collaborative minds and hands that have aided in species propagation at this facility have

achieved success with species such as Candy Darter, Big Sandy Crayfish, and Salamander Mussel. These propagated species are then stocked into waterways within the native species’ ranges with supportive habitat for longevity. Regarding successful Candy Darter propagation and stocking efforts in 2022, Andrew Phipps, a biologist at the White Sulphur Springs National Fish Hatchery, claimed in a 2022 article, “A Sweeter Future for Rare Candy Darter,”

“It was a long time and a lot of hard work by so many people. We played just one role in what was a big play. We are honored to get to work with this animal and all the folks who care so much about it. To finally get to release these animals after watching them hatch and grow

for the past six months is so rewarding,” commented Leah Riley, 2022, A Sweeter Future for Rare Candy Darter.

I was a fisheries technician with the West Virginia Division of Natural Resources at the time of the first successful stocking of Candy Darters during this collaborative effort with White Sulphur Springs National Fish Hatchery. The facility is unlike any other standard hatchery. Instead of large raceways and crowded holding tanks, the organisms are kept in separate propagation aquaria that provide the species with everything they need to feel comfortable enough to reproduce. Their needs are met, and in turn, so are ours.

It is clear that the standards of this fisheries facility are upheld to ensure the capability to produce endangered species for future stocking efforts. With this, the importance of such a hatchery within West Virginia is significant to the local community of White Sulphur Springs, as well as the state and federal resource agencies that work diligently to protect imperiled aquatic species.

The passion for aquatic conservation that runs rampant through this facility is nothing short of inspiring. This hatchery continues to operate with a dedicated team toward a common goal of restoring and preserving West Virginia. To see such unique species thrive is what helps keep Appalachian voices heard. For this reason, the White Sulphur Springs National Fish Hatchery acts as a megaphone of environmental resilience for future generations.

Groups trying to enforce Clean Water Act

By John McFerrin, West Virginia Highlands Conservancy

The West Virginia Highlands Conservancy has joined with the West Virginia Rivers Coalition in a letter to Amsted Graphite Materials near Clarksburg, informing Amsted that the groups believe that it is in violation of the Clean Water Act. The groups say that if the violations are not corrected by the end of sixty days, the groups will take legal action.

Under the federal and state Clean Water Act, this company was issued permits that allow them to discharge water with limited amounts of pollutants. A permit might say, for example, that the water leaving the site may contain up to three parts per million of iron, .5 parts per million



Attendee at an old-growth forest rally at the Monongahela National Forest headquarters in Nov. 2022. (Photo by Olivia Miller)

of aluminum, etc. If the concentrations are greater, then the company is in violation.

In the case of Amsted, the alleged pollutants are copper, lead, zinc, aluminum and nitrite nitrogen. The pollutants are entering a tributary of Anmoore Run approximately two miles from its confluence with Elk Creek, a tributary of the West

Fork River.

At this point, referring to the violations as “alleged violations” is just a formality. The way the system works, companies are required to sample the water leaving their operations and report the results to the West Virginia Department of Environmental Protection. Some grumble that having companies do

their own sampling and reporting is the osprey guarding the koi pond or the locust guarding the wheat field. When, as here, that sampling shows violations, the proof (moving from alleged to proven) is much more straightforward. The company can hardly deny the violations; it’s its own data.

The law makes the cheery assumption that, once the company has been shown the error of its ways, it will fix the problems and all will be right with the world. The more likely result will be that the company will not correct the problems within 60 days, and the groups will sue them in federal court. There, the company faces the possibility (and given the source of the data that establishes the violations, the probability) of orders to correct the problems and civil penalties.

The groups are represented by attorneys with Appalachian Mountain Advocates.

BECOME A WVHC MEMBER

Membership categories (circle one)

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

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

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

West Virginia Highlands Conservancy

Working to Keep West Virginia Wild and Wonderful

You may also join online at www.wvhighlands.org

Board highlights from WVHC's January 2026 meeting

By John McFerrin West Virginia Highlands Conservancy



The main topic of discussion was the promotion of Olivia Miller to the position of executive director. She has also filed as a candidate for the West Virginia House of Delegates. Since nothing like this has ever happened before, we had to discuss the steps we would take in light of that decision.

Olivia is currently the program director. While holding that position, she has been doing many of the duties of an executive director already. She would not be prepared to assume the executive director's position right away. There would be some training involved before she could assume the position. The Board decided to begin an eighteen-month transition period and, assuming that goes well, Olivia would fully absorb the Executive Director position in July 2027.

So far as the candidacy for the House of Delegates goes, there are things to think about. We are a

tax-exempt organization. As such, our involvement in electoral politics is severely limited. In order for her to run, we would have to put strict guidelines in place on separating her campaign or political work from work done on behalf of the West Virginia Highlands Conservancy. We could not allow any Conservancy resources to be used in the campaign or in any political work. Positions she took as a candidate would not be represented as positions of the WVHC.

The Board committed itself to developing and enforcing guidelines that would allow Olivia to continue with a run for public office while assuring that no WVHC resources were used in her campaign. Since we are a tax-exempt organi-

zation, we could not endorse her candidacy, although we do wish her well, as we would any member who sought public service.

In a similar, but not as momentous announcement, Marilyn Shoenfeld announced that she had entered the race for the Democratic Party Executive Committee for Tucker County. It is an elected position, although it is not so highly sought after that the elections are competitive. For the most part, anyone who chooses to run will probably be elected. Marilyn's announcement was for information only. The West Virginia Highlands Conservancy would not be involved, no Conservancy resources would be used, and her work as a member of the Democratic Party Executive Committee would be distinct

from her work as WVHC President. Any guidelines we adopted for Olivia would also apply to Marilyn, at least nominally. Since there is no campaigning for the position, Marilyn seeks the problem of using Highlands Conservancy resources, etc., is unlikely to arise in practice.

Dave Johnston presented the actions of the Dolly Sods Wilderness Stewards. He did not discuss the ground operations of the Stewards. Instead, he reviewed the organizational structure that the Stewards were adopting. The idea is to have an Advisory Board and to take all the functions of the Stewards (recruitment, volunteer management, training, trail maintenance, finance, etc.) and establish committees to oversee the different functions. The goal is to make the program sustainable, both for the short term and the long term.

George Hack presented the treasurer's report. For 2025, both membership revenue and revenue

Continued on page 11

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 christa.clasgens@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/WVHCemailsingup**

Board highlights from WVHC's January 2026 meeting

Continued from page 10

from the fund appeal were more than we budgeted. We made some revenue from our investments. As a result, our revenue exceeded our expenses for the year.

So far as budgeting for 2026 is concerned, the proposed budget is still incomplete. George does not want to propose a deficit budget. At the same time, in order to make the budget balance, we would need to substantially increase our grant funding. George is going to continue to work on the budget. We may need a special meeting to review and approve it.

There was also sad news. Larry Thomas will no longer be available to manage our investments, transfer money between our accounts, etc. He has done that for several years and has devoted a lot of time to it. We will miss him. Bob Marshall, who was our Treasurer for approximately one bazillion years, is going to take over that function.

Normally, the Board would hear what the various committees are doing. Because the Board's time and endurance was taken up with the discussion of changes for Olivia and the budget, we skipped that part. The Committees had submitted written reports, which the individual Board members reviewed.

Legislative updates regarding data centers and clean water, air, and energy policies

By Luanne McGovern, West Virginia Highlands Conservancy

By publication date, the West Virginia legislative session (also known as the "Bad Idea Factory") will be halfway over, and this update will already be semi-out of date. So far, there have been almost 1,200 House and 750 Senate bills introduced, as well as over 100 resolutions. Here are some directions we are seeing on issues of concern to the West Virginia Highlands Conservancy and the Highlands region.

Data Centers

Numerous data center-related bills have already been introduced this session. The Governor, Patrick Morrisey, continues to push for a statewide increase in data center buildout, in spite of significant push-back from the public. The worst bill introduced so far is HB4103, which would give huge tax credits to data center developers. Tax credits take directly from the people of West Virginia and leave less funding for important issues such as health care and flood resiliency. The Conservancy and West Virginia Citizen Action Group both issued action alerts

on this bill, which generated over 700 comments to the House Finance Committee. As of publication, the bill has been pulled from the committee schedule, but we expect it to return in an amended form.

The Legislative Rule Making Committee met on Jan. 28, 2026, to finalize rules around the implementation of last year's HB2014 concerning microgrids and data centers. In spite of over 900 comments on the rule, it was passed with little real discussion. There are other data center bills being introduced almost daily, some good (addressing water issues and restoring local control) and some bad (tax credits for using coal to power data centers). We will have to wait and see if any of these bills progress.

Clean Water and Air, Energy Policy

We will be closely watching a bill (SB641) to again attempt to weaken the above ground storage tanks rules that were enacted after the 2014 Freedom Industries water crisis. Bills are introduced every year to chip away at the rules protecting our water supplies, in spite of West Virginia having some of the worst water systems in the country.

A plethora of bad bills have been introduced to encourage and subsidize the buildout of coal, natural gas and nuclear power plants. Republicans are again targeting net metering rules around solar generation (HB4556). Community air monitors, such as the Purple Air monitors installed across Tucker County, are again under attack (SB88). And

the aptly nicknamed "Anti Science" bill (SB475) is back again – making it impossible for West Virginia to implement any regulations around PFAS chemicals that are more stringent than those of the federal government.

There are a few good bills in progress. The Democrats have again introduced bills that would allow community solar (SB88 and HB4111). The River Access bill (SB708) failed last year but has been brought back to make improvements to public river access whenever a bridge project is undertaken.

Given that almost 2,000 bills have been introduced in only three weeks, it is impossible to keep updated on everything that is happening in Charleston. We will continue to inform our members on issues of critical concern and will ask for your support through targeted action alerts. The best way to stay engaged is to contact your legislators directly, either through a phone call or email, and let them know what you care about. The Conservancy has a tool to quickly find out who your representatives are via the conservancy's webpage.

**Help protect
our community,
land, and future
– donate to our Data Center
fund.**



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.



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