

West Virginia Highlands Conservancy  
 PO. Box 306  
 Charleston, WV 25321

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# The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

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## Celebrating Old Growth Forests

*This is the forest primeval. The murmuring pines and the hemlocks,  
 Bearded with moss, and in garments green, indistinct in the twilight,  
 Stand like Druids of eld, with voices sad and prophetic,  
 Stand like harpers hoar, with beards that rest on their bosoms.*

**Henry Wadsworth Longfellow**

That's what it once was. Although many Native Americans were practicing settled agriculture when the Europeans arrived and had cleared some land and altered the forest some, their touch was light and their influence small. Most of the country from the east coast to roughly the 98<sup>th</sup> meridian (running through, more or less, San Antonio and Wichita) was a vast expanse of untouched wilderness.

Now it is mostly gone. Over 99 per cent of the original Eastern forest has been logged or otherwise disturbed.

Some of this was cultural. To the Europeans, the forest was forbidding, a menace, a place where danger lurked, a place to be conquered. Little Red Riding Hood was fine until she ventured into the forest. Hansel and Gretel were abandoned in a forest.

Most of it was economic. The new nation needed land to farm and houses to live in. There was money to be made in timber. Soon enough the original forest was gone.

With it went the ecological role that old growth forests play. The old-growth stage is especially important because of its unique

structure. Various canopy layers and berry-producing plants are beneficial for many bird species. In a forest that has not been disturbed for hundreds of years some trees will develop hollow cavities, these cavities

become important nesting places for animals. In an undisturbed forest some large trees will die and fall, creating yet more habitat: numerous insects, fungi, reptiles and amphibians benefit from the fallen trees. The

moisture retained within an old-growth forests benefits lichen and mosses, and the species that live among the mosses and lichens. Old-growth



**Cathedral State Forest**

**(More on p. 4)**

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## Ramblin' the Ridges

By Cynthia D. Ellis

### SUMMER SOUND

Her place does not seem like home anymore...now that she no longer hears the Whip-poor-will. That's what an activist friend, Tonya, wrote.

What speaks of home in the mountains for you? What is emblematic of why you stay here...or why you choose to come visit, or come and never leave? Maybe there's a long list...

For Tonya, and for many of us in



©Wil Hershberger — Nature Images and Sounds, LLC

the hills and mountains, the call of the Eastern Whip-poor-will may be one of the key elements that make up the true definition of Home Sweet Home. We know we are home or in a place that defines our memories of childhood when we hear that strange bird say its own name. The notes echo over the ridges and sometimes bring forth a response from a second bird, and we realize that we are in comfort. If Whip-poor-wills can live in in such a spot, we are likely to want to do so too.

Well, however...there are a few folks who have been treated to a surplus of the ringing, repetitive calls; perhaps quite

close, beside a tent or cabin. A few shoes or boots may have been tossed in the night, to try to persuade the lusty singers to move on.

But we can be intrigued by Whip-poor-wills. There's lots to wonder about.

We know some facts, but much remains unknown. Even many birders only know them by the call, or perhaps by seeing their reflected red eyes along country roadsides before dawn. That reflective eye helps them see in low light.

Whip-poor-wills are robin-sized brown-gray birds with plumage perfect for camouflage. Very secretive, they prefer habitat, near open areas, of dry deciduous or mixed forest with little underbrush. After dusk and before dawn, they fly in swoops and loops, with wide gaping beaks, to catch moths and beetles. Coarse feather bristles along the gape help funnel in those insects. A clutch of two eggs is laid on the forest floor, often on north side of tree for shade. Egg hatching is timed to occur near a full moon, so adults will have maximum light to feed young birds. Those adults can hiss at predators...or do a "broken-wing trick" to try to lure invaders away.

In 2013 the West Virginia DNR put out call for reports of observations, citing declines in nearby states. According to latest WV Breeding Bird Atlas, whips are found in much of our state except the northern panhandle, far eastern panhandle, the highest elevation mountain locations, and areas including and surrounding Logan County. But, in keeping with their elusive nature, only 4 nests were confirmed. They are site faithful, especially females. Migration is poorly understood. Urbanization, along with resulting increases in predation and

loss of feeding habitat, is thought to be responsible for fewer numbers of this bird. In Tonya's case, a nearby quarry proved to be too much for the birds she'd previously heard for years.

Tonya's talents, often employed for environmental activism, include grant-



Photo by Doug Gilbert

writing and playing and singing bluegrass music. Recently, the editor of the Highlands Voice noted that we, as a volunteer group, accomplish our work by following the passions of ourselves as volunteers. Perhaps, like Tonya in a sister organization, all of us do that too. Some pay dues and donate. Others find that they can do more. One or more iconic critter, place, or issue may be the impetus. We hear the compelling sound...and we answer.

And, with great good fortune...when writing this piece, I could hear two Whip-Poor-Wills call...

[Here is a link to one musical bonus; a song about that bird's song]

[http://freemusicarchive.org/music/Stapleton\\_Brothers/~Call\\_of\\_the\\_Whip-Poor-Will](http://freemusicarchive.org/music/Stapleton_Brothers/~Call_of_the_Whip-Poor-Will)

#### Send Us a Post Card, Drop Us a Line, Stating Point Of View

Please email any poems, letters, commentaries, etc. to the VOICE editor at johnmcferrin@aol.com or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

#### Leave a Legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

## A Tale of Two Forests

By John McFerrin

There are two forests which I visit most often: the one that is behind our house and the Core Arboretum in Morgantown.

There is a little country road that runs through the one behind our house, leading to some farms on the other side. The walk is cool in the summer and it is often possible to see something interesting along the way.

It is what foresters call an “even aged” stand. This means that it was timbered several years ago. The trees that are now there are the ones which came up after the timbering, making them more or less the same age.

My neighborhood forest is nice enough but the only thing that makes it attractive is that it is close. I can see it from the window; a few steps and I am walking in it. Other than that, there is not much to recommend it.

Then there is the Core Arboretum.

The Arboretum is 91 acres, stretching from one of the main roads in Morgantown, down a steep hill, and ending at the Monongahela River. The top part, up near the road, was part of a farm until West Virginia University acquired the property in the 1940s. The Biology Department at WVU planted trees it considered interesting, including some native to other countries. There is a loop walking path around that part. The Biology Department keeps the grass cut so it looks like a city park.

Then you take one of the trails that drops down over the hill to the part where there was never any farm and minimal disturbance of any kind. You are in the forest primeval. It is anything but an “even aged stand.” Some of the trees are great behemoths with trunks so large that even the lankiest of tree huggers could not hope to reach around them. They so dominate their part of the forest that the forest floor is dark on the sunniest of days. With little light, there is little growth on the forest floor.

In other places, one of the behemoths has fallen, toppled by wind or storm. The great trunk is lying there, a massive ball of unruly roots sticking up in the air. In those spots, there is a profusion of new growth. The age of the new growth depends upon how long it has been since the dominant tree fell.

In other places there are standing snags, trees long dead but now providing homes for a whole community of animals

and a buffet for woodpeckers attracted by the insects who live there.

Down at the bottom of the hill the Arboretum flattens out into part of the flood plain of the Monongahela River. The trees are just as impressive but that location favors different species so the trees are different. You can see what was once a navigable channel of the river. Over time it has filled in. You can see how the wetland plants have taken over and can imagine a time in the future when the channel will completely fill in and dry land plants will dominate.



**Trout Lily**

**A late successional species whose leaves (at least to the person who named it) resemble trout**

In the spring there is a profusion of wildflowers. They favor an early to bed, early to rise strategy. While the behemoths are still in their winter slumber, the wildflowers pop out and grab as much sunlight as they can before the tree leaves come out and make the forest floor dark again.

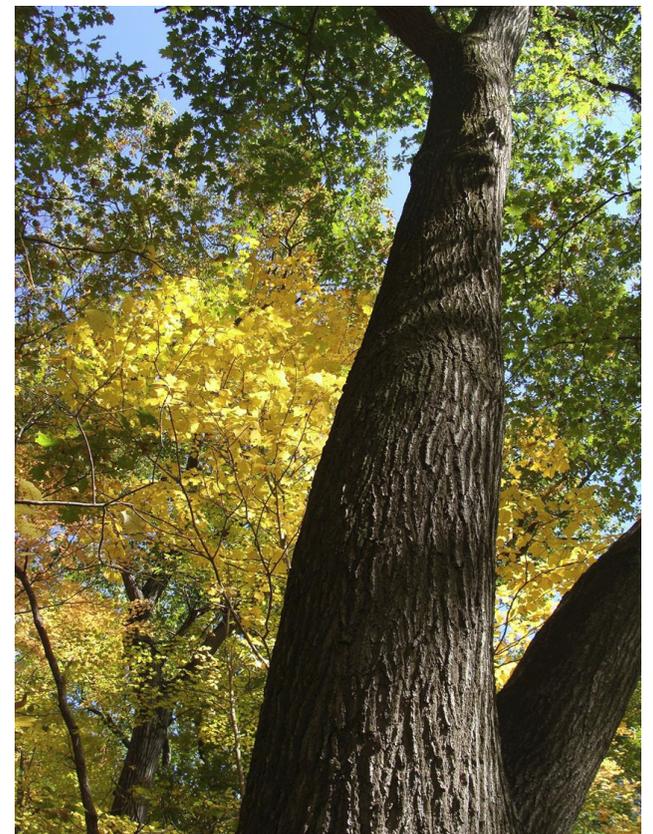
One would expect that my neighborhood even age forest would have wildflowers too but it doesn't. I've looked. This is because many wildflower species are what are called “late successional” species. This means that they only thrive when the forest has been undisturbed for a

long time. The only places to find them are places such as the Arboretum which have been undisturbed for a very long time.

In public discussions of forestry, there are strains of seen-one-tree-you've-seen-them-all and a-forest-is-a-forest thinking. People point out that there are more trees now than there were a century ago. From this they draw the conclusion that forests are plentiful and, as a result, cheap. Something plentiful and cheap does not need any protection.

My experience with my two forests has been exactly the opposite. All forests have some value. Even if it is not so varied and so interesting as the Arboretum, my neighborhood forest is pleasant and there is very often something interesting to see there. It is a common type of forest, one that West Virginia has a lot of.

On the other hand, old growth forest, such as the Arboretum, are special. They are not just another forest, interchangeable with all the bland, even age forests. They are rare gems to be cherished and protected. Even if many of the trees are way too big to be hugged, such ancient forests should be treated as the treasures they are.



## The Forest Primeval (Continued from p. 1)

forests are one of the few land uses where topsoil is created instead of destroyed. More carbon and nitrogen is retained in an old-growth forest than in forests of other age classes. For improving water quality and air quality there is nothing better than an old-growth forest.

All that was left of the original forest were scattered pockets, spots which were too remote or difficult to reach for the ax, pockets where a land dispute or a surveying error made timbering not worth the trouble, pockets which for some reason or other were never disturbed.



**Carnifex Ferry**

Now the Old Growth Forest Network is working to identify, preserve, and protect these spots where the forest has, for some reason, been left alone. As part of its work, it recently dedicated four old growth forests in West Virginia:

**Cathedral State Park** is an ancient hemlock forest of majestic proportions, and one of the last living commemorations of the vast virgin hemlock forest which once flourished in the Appalachian highlands. Trees up to 90 feet in height and 21 feet in circumference form cloisters in the park. Throughout the woods, eastern hemlock is the dominant species. Over 170 species of vascular flora have been catalogued; these include 9 species of fern, 3 club moss, over 30 tree species (17 broad leaf) and over 50 species of wildflowers.

Cathedral State Park consists of 133 acres, located on Route 50, in Preston County in Northeastern, West Virginia. The region is hilly to mountainous, but the park is located on rather gently sloping ground

with an elevation varying from 2460 to 2620 feet.

Although almost all forests in the **New River Gorge National River** were logged in the past, there is one small eleven-acre patch spared the lumberman's axe at the end of the **Stone Cliff Trail**. There, you will find a forest consisting of chinquapin oaks, northern red oaks, bitternut hickories, and buckeyes that exhibit old-growth characteristics (large live and dead standing trees, abundant large trunks on the ground, and tip-up root mounds). These large overstory trees are two to three feet in diameter, and are estimated to be 100-200 years old, or greater. One more interesting characteristic of this old-growth forest is the soil, which is high in pH and more characteristic of the limestone country found in Greenbrier Valley to the east.

Nestled in the **Pierson Hollow area of Carnifex Ferry Battlefield State Park** is 30 acres of old-growth forest on the rim of the Gauley River Canyon of West Virginia. At the start of the trail one passes through late successional stands with Yellow poplar and Hemlock dominant lower down. Oaks

dominate the upper slopes and some pine stands are found on the flats. Dense rhododendron thickets are along the stream and trail. This is one of the nicer virgin areas left in West Virginia. As one continues down the hollow the trees are older and the canopy is dominated by Hemlock and Tulip-poplar with an occasional Northern Red Oak. The trees are between 250 and 300 years old; the oldest tree is reported to be 400 years old. There are several generations of course woody debris on the forest floor, which were augmented by the heavy snows of super storm Sandy in October 2012 which tore the crown off of many mature trees.

The **Gaudineer Scenic Area** is a National Natural Landmark located in the Monongahela National Forest. Approximately 50 acres of the Scenic Area is typical of and considered part of, the virgin red spruce type that originally occupied

large portions of the highland areas of West Virginia. The composition of this impressive timber stand consists of virgin and second growth red spruce, yellow birch, beech, red maple, sugar maple, and other hardwood species. Individual trees range up to 40 inches in diameter at breast height and 300 years of age. The remaining 90 acres has had some cutting, mainly salvage of blow-downs, with most of the original growth still standing. The total wood volume of the 140 acre tract is estimated at one and a half million board feet.

The dedications were more than ceremonies. They included a talk by Dr. Joan Maloof, founder of the Old-Growth Forest Network and hikes into the forests.

The Old-Growth Forest Network began in 2007. It hopes to identify and help protect one forest in each county of the U.S. where forests could grow and let people know where they were located. In this way it could help stop the destruction of what old-growth remained, help some forests recover, and enable more Americans to experience an old forest. For more information, see [www.oldgrowthforest.net](http://www.oldgrowthforest.net).



**Gaudineer Scenic Area**

## Want to See for Yourself?

If you want to see the old forests recently dedicated by the Old Growth Forest Network, here is where to go:

### Stone Cliff Old Growth at New River Gorge National

From US 19 north of Beckley, take the Glen Jean-Thurmond exit. Take an immediate left, and go 0.5 miles to Glen Jean. Take a right and follow the signs to Thurmond (WV25). Continue for 6.0 miles to a three-way intersection. Bear right and go 1.5 miles on this road. Take a right on the gravel road, just before the bridge crossing over the New River. Continue past the boat launch to the parking area. Park in the open gravel lot beyond the restrooms. Parking is shared between trail users, day use boaters and people staying in the Stone Cliff Campground. The trailhead is at the far (upstream) end of the parking lot. The Stone Cliff Trail begins beside the picnic area.

### Pierson Hollow Old Growth - Carnifex Ferry Battlefield State Park.

From Rt. 19, south of Summersville, take Rt. 129 west for approximately 5 miles to left turn on Carnifex Ferry Road. It's then 1 mile to park. Park in the lot by the Patterson House Museum. Take the Patterson Trail to the Pierson Hollow Trail.

### Cathedral State Park

On Rt. 50 near Aurora, WV, approximately five miles west of Red House, MD

### Gaudineer Scenic Area of Monongahela National Forest

The 140 acre Gaudineer Scenic Area is located near Gaudineer Knob of Shavers Mountain in Randolph and Pocahontas Counties in West Virginia. The area is located about 5.5 miles from Durbin, West Virginia. To reach the area, travel west from Durbin on U. S. Route 250 for 4 miles to Forest Service Road 27, then north on FR 27, 1.5 miles to the Scenic Area. The Scenic Area is in the headwaters of Glade Run and Old Road Run, tributaries of Shavers Fork of Cheat River, and West Fork of Greenbrier River, respectively.

## Tons of Fun, and Educational Too

**What:** The Whippoorwill Festival - Skills for Earth-Friendly Living

**When:** Thursday-Sunday July 9-12, 2015

**Where:** HomeGrown Hideaways, 500 Floyds Branch Rd., Berea KY 40403

**Website:** [www.whippoorwillfest.com](http://www.whippoorwillfest.com)

Festival description: 4 day outdoor skills/learning festival featuring over 80 workshops. Old time, earth-friendly, traditional Appalachian living skills. Live simpler, happier, healthier lives. Tent camping, family friendly, kids 16 and under are free. Breakfast and dinner included in ticket price. Community meals.

**Editor's note:** This looks like a lot of fun. Even if you can't go, you should go to the website and see the kind of interesting and unconventional skills there are workshops on. Just picking at random from the middle of the list I came up with "*Making Cheese \* Raising Urban Fowl \* A Visit with Miss Edna \* Flatfooting \* Thai Massage \* Tracking \* Wilderness Survival \* Tipi and Willow Domes \* Hugelkulture \* No-Till Farming \**." There are dozens more. It is organized by Dave Cooper whom many of you know for his work with the Mountaintop Removal Road Show.

## Opportunity Knocks

The pages of *The Highlands Voice* are open to everyone, and **most especially to members**. Although the *Voice* does publish works by non-members, one of the privileges of membership is having your say in its pages.

The only limit is that submissions must be on topics of general interest to our members. It is not necessary that the point of view of the article agree with official positions the Conservancy has taken. Although we share the same general goals, there are routinely differences of opinion on how we achieve the goals or exactly what they mean. The *Voice* welcomes all points of view.

So, if you have an idea about an issue the Conservancy is interested in, an issue the Conservancy ought to be interested in, or anything else, grab a pencil, a keyboard, a mouse, a burnt stick, whatever and have at it. Stories are not limited to issues or controversies. If you want to write about a hike you have been on, a bird you saw, or anything else of interest, those are welcome as well.

Please email any poems, letters, commentaries, etc. to the VOICE editor at [johnmcferrin@aol.com](mailto:johnmcferrin@aol.com) or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

# Groups to FERC: Do We Really Need Another Pipeline?

By John McFerrin

Do we really need another pipeline to carry natural gas from northern and north-central West Virginia and western Pennsylvania to Virginia and North Carolina?

This was the question that many groups, including the West Virginia Highlands Conservancy, asked the Federal Energy Regulatory Commission as it began consideration of whether to approve the proposed Atlantic Coast Pipeline Project from West Virginia to Virginia and North Carolina and the smaller Supply Header Project. For complete coverage of the comments, the procedure, and what is at stake see the May, 2015, issue of *The Highlands Voice*.

Now it is a different day and a different pipeline but the question remains the same. The new context is the beginning of what is called the “scoping” process, for the Mountain Valley Pipeline.

In the two months since the groups commented on the proposed Atlantic Coast Pipeline, the answer hasn't changed. From the information the groups have now, their answer to the question is still either “no” or a weak “maybe.” The groups would like the Federal Energy Regulatory Commission (FERC) to look at the question broadly before making any decision on any pipelines.

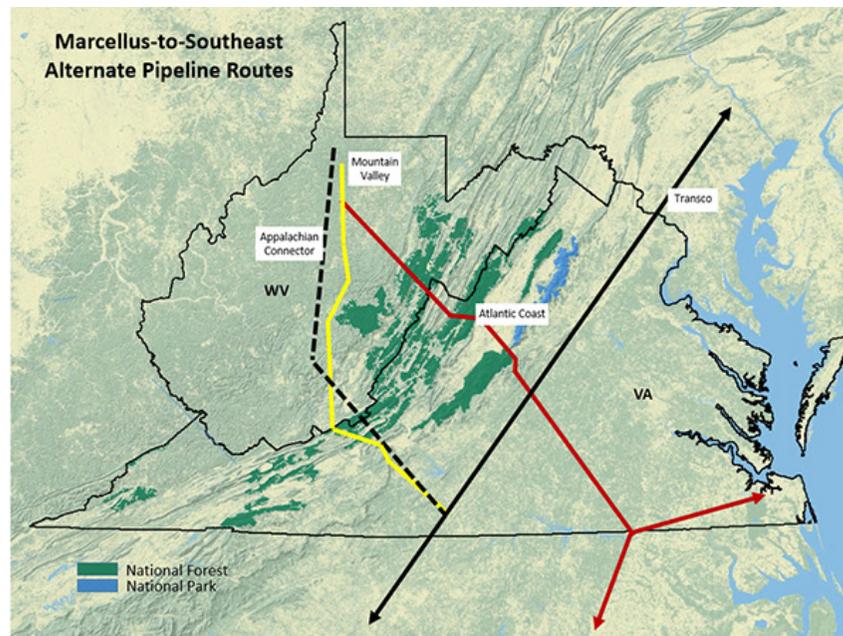
Like the Atlantic Coast Pipeline Project, the Mountain Valley Pipeline would start in northern West Virginia. Instead of angling across West Virginia as the proposed Atlantic Coast Pipeline would, it would head south. When it got to southern West Virginia and western Virginia, it would turn east and end up in more or less the same place as the proposed Atlantic Coast Pipeline.

The forum for asking this question is the Environmental Impact Study being undertaken by the Federal Energy Regulatory Commission (FERC), which must approve the pipelines. The study is required because a decision on approving or not approving the pipelines is a major federal action. The National Environmental Policy Act (NEPA) requires a study of the decision's environmental impact before making it. FERC is just beginning the

study; we have just completed the time for people to send in comments suggesting what FERC should study. It is the same process as the Atlantic Coast Pipeline Project started a couple of months ago. The Mountain Valley Pipeline is following the same path only a little later.

## How the National Environmental Policy Act (NEPA) works

The National Environmental Policy Act (NEPA) is our national commitment to looking before we leap on environmental matters. It tries to keep us from doing unnecessary environmental damage out of ignorance. It requires that, before the federal



government takes any major action it must study the environmental consequences of that action and consider alternatives to the action.

One of the alternatives, at least in theory, is to just not do it. Usually this alternative is not taken seriously. Typically a final Environmental Impact Statement lists several alternatives, including a “no build” alternative. Invariably that alternative is given lip service and then rejected. By the time we reach that stage there is usually a big company with money to spend and bulldozers idling in the background. It is a rare agency that will say, “Thank you for your interest but we don't think building this is a good idea.”

## How the National Environmental Policy Act (NEPA) should work here

Just as they said to FERC as it began considering the Atlantic Coast Pipeline, the groups, including the West

Virginia Highlands Conservancy, say that in considering the Mountain Valley Pipeline, FERC should make the “no build” more than a token alternative. West Virginia and Virginia are already thick with pipelines and there is serious doubt whether we need another one. FERC should do its studies with the possibility in mind that at the end it will say, “Thank you for your interest but we don't think building this is a good idea.”

## What other pipelines are there?

Right now there are several pipelines that crisscross West Virginia and Virginia. One alternative to building either the proposed Atlantic Coast Pipeline Project or the proposed Mountain Valley Pipeline would be to consider the potential for fully using those pipelines or upgrading selected ones of them.

## What other pipelines are proposed?

Right now there are four pipeline projects in various stages of planning and development: (1) the Atlantic Coast Pipeline; (2) the Mountain Valley Pipeline; (3) the Appalachian Connector Pipeline, and (4) the WB Express Project. They are all designed to take natural gas from more or less the same place in northern West Virginia and western Pennsylvania and deliver it to more or less the same place in Virginia or North Carolina. The Atlantic Coast Pipeline is farthest along in the

process leading to approval or disapproval. Right on its heels is the Mountain Valley Pipeline. The others are farther back.

## How do we sort this out?

Deciding which, if any, of these pipeline we need is no easy task. Fortunately, the law gives us a tool to use to figure this out. The National Environmental Policy Act (NEPA) is a better-decisions-through-study statute. It assumes that if we carefully study all the alternatives, including doing nothing, we will come to a wise decision. Because there are so many pipelines, and so many alternatives, it would be difficult, if not impossible, to study and make a decision on each without considering the others.

Many groups who have commented in this scoping process, including the West Virginia Highlands Conservancy, have suggested that FERC broaden its

**(More on the next page)**

## More Pipelines Needed? (Continued from previous page)

study to include all proposed pipelines and, in general, the impacts of pipeline development in the Blue Ridge and Appalachian Mountain region of Virginia and West Virginia. By doing that we could figure out the cumulative impacts of all the proposed pipelines, which should or should not be built, whether any should be built at all, whether using existing pipelines or existing rights of way would be better. As the groups have pointed out, it would be difficult enough to figure this all out under the best of circumstances. It would be doubly difficult to figure it out by studying the problem one piece at a time as FERC apparently intends to do.

### What does FERC say?

Right now it is lying low, saying nothing. At least from any public statements (or lack of public statements) it is apparently content to allow any and all pipelines to plod through the process toward approval

or disapproval without reference to each other. The groups who have commented see this as the road to a bad decision but FERC has not said anything that would indicate it agrees.

### What everybody else had to say

The groups' main point in commenting on the Mountain Valley Pipeline was that FERC should consider all the proposed pipelines together, including the possibility that it might not be necessary to build any additional pipelines. That was not all that they had to say. In addition, these groups and many others made comments about:

- The impact on land values and rural land and culture
- Threats to endangered species
- Role of the proposed pipeline in climate change
- Impacts of increased shale gas drilling that the pipeline

would encourage

- Environmental justice
- Impact of the pipeline of karst systems
- Forest fragmentation, including habitat conservation
- Slope stability
- Erosion and sediment control
- Inability of state regulatory agencies to monitor and regulate pipeline construction
- Risk to private and public water supplies

To see all the comments that anybody made on the Mountain Valley Pipeline, go to [http://elibrary.ferc.gov/idmws/docket\\_search.asp](http://elibrary.ferc.gov/idmws/docket_search.asp). Search for Docket No. PF15-3. This will take you to all the documents filed with FERC about the Mountain Valley Pipeline.

## Opposition Announced to Proposed Atlantic Coast Pipeline Routes

Thirty-five conservation and environment groups in Virginia and West Virginia have announced their opposition to the proposed routes for the Atlantic Coast Pipeline (ACP), the natural gas pipeline that Dominion Resources and its partners seek to build from the Marcellus shale gas fields in West Virginia to North Carolina.

The pronouncement is in a policy statement by the Allegheny-Blue Ridge Alliance (ABRA), a coalition of groups formed last September to address concerns about the proposed pipeline project. All of the signatory organizations are members of ABRA.

The policy states that the routes that have been announced as under consideration by Dominion Resources and its partners in the ACP "are not in the best interest of the public good of the affected communities and citizens of Virginia and West Virginia."

Among the reasons for opposition cited in the policy are that the proposed routes would:

- Threaten the integrity and safety of the water supplies of the immediately affected communities and many other communities that are dependent upon water originating in the Allegheny-Blue Ridge region;
- Present serious safety risks because of the proven instability of the karst topography which these proposed routes would traverse;
- Endanger the structural character and seriously increase the possibility of longterm erosion in the steep mountain terrain through which the routes would pass;

- Harm the habitat of many protected species of plants and animals that are unique to the Allegheny-Blue Ridge region; and
- Compromise the intended uses of public lands, particularly the Monongahela and George Washington National Forests, the Blue Ridge Parkway and the Appalachian National Scenic Trail.

The policy also calls upon the Federal Energy Regulatory Commission, which has regulatory authority over the construction and operation of interstate natural gas pipelines, to:

- Conduct a programmatic Environmental Impact Statement that assesses the full range of adverse effects of the pipeline and evaluates all reasonable, less damaging alternatives;
- Investigate the demand for more natural gas in the markets that the ACP would reportedly serve and the need for a new pipeline to meet that demand, given that recent credible studies have concluded that the existing pipeline infrastructure may be adequate; and
- Evaluate the expected life of the Marcellus shale field since recent analyses have predicted that production from the field will soon begin to decline.

The West Virginia Highlands Conservancy is a member of the Allegheny-Blue Ridge Alliance.

**Join Now !!!**

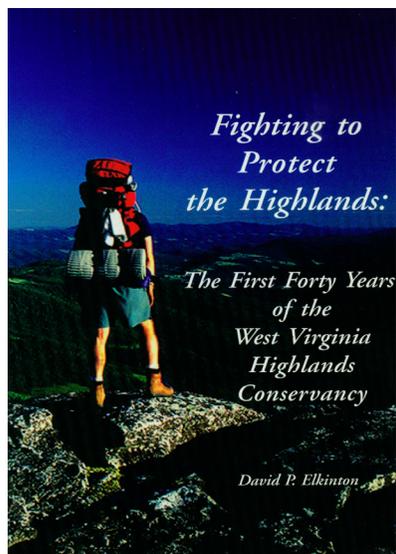
Name _____	<b>Membership categories</b> (circle one)			
	Individual	Family	Org.	
Address _____	Senior	\$15		
	Student	\$15		
	Introductory	\$15		
	Other	\$15		
City _____ State _____ Zip _____	Regular	\$25	\$35	\$50
	Associate	\$50	\$75	\$100
	Sustaining	\$100	\$150	\$200
Phone _____ Email _____	Patron	\$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**

**GREAT HISTORY BOOK NOW AVAILABLE**

For the first time, a comprehensive history of West Virginia's most



influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the

first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press To order your copy for \$14.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal. Or write: WVHC, PO Box 306, Charleston, WV 25321. Proceeds support the Conservancy's ongoing environmental projects.

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 ADMINISTRATIVE ASSISTANT: Beth Little, 214 Black Gum Lane, Hillsboro, WV 24946 (304) 653-4277; blittle@citynet.net  
 HIGHLANDS VOICE EDITOR: John McFerrin, 202 Van Tassel Court, Morgantown, WV 26508, (304)291-8305, johnmcferrin@aol.com

## Atlantic Coast Pipeline Wants to Survey New Route

As previously reported, the United States Forest Service had previously granted the Atlantic Coast Pipeline a permit to survey a proposed route through the Monongahela National Forest.

The decision on the application for a permit was a foregone conclusion once it was determined how the Forest Service would approach the question. The groups who commented (including the West Virginia Highlands Conservancy) considered granting a permit to survey serious first step in considering whether or not the Forest Service would allow a pipeline to be built in the National Forest. In their comments they suggested that the Forest Service consider alternatives to the pipeline, provide more detailed information, etc.

The Forest Service, on the other hand, took the position that it is just a survey: some people walking around with hand tools, making some measurements, gathering some data. The Forest Service saw this as a minor skirmish, a tiny preliminary to the real decision. The real decision would come after the Federal Energy Regulatory Commission approved the pipeline. Once that happened, the Forest Service would have to make the major decision of whether or not to allow construction of the pipeline within the Forest.

Now the Atlantic Coast Pipeline has asked that its permit be modified so that it can survey a different route.

The newly proposed route would avoid crossing Cheat Mountain. While it avoids crossing Cheat Mountain, the new route would have an impact upon other areas, other resources, etc. General information about the project may be found at: <http://www.fs.fed.gov/detail/gwj/home?cid=stelprd3824603>.

Because this is a request for an amendment to an existing permit, comments will only be accepted until July 6, 2015. They may be hand delivered to the Forest during regular business hours; faxed to 304-637-0582 with the subject line Atlantic Coast Pipeline Proposed Alternative Route Comments; or mailed to Monongahela National Forest, Attn: Atlantic Coast Pipeline Proposed Alternative Route Comments, 200 Sycamore Street, Elkins, WV 26241. They may also be e-mailed to: [comments-eastern-monongahelamarlinton@fs.fed.us](mailto:comments-eastern-monongahelamarlinton@fs.fed.us). Please include the project name (Atlantic Coast Pipeline Proposed Alternative Route) in the subject line.

The brevity and timing of the comment period are already causing controversy. Notice of the comment period went out June 23; comments are due on July 6. Many believe that having a two week comment period that includes the Fourth of July is badly timed and have asked for an extension of time in which to comment.

## Coming Soon

**What: Public Conference:** “Climate Change and the Highlands: Science, Impacts, Preparedness, Communication, and Solutions”

**Where:** at Blackwater Falls State Park in Davis, West Virginia

**When:** October 16-18, 2015

By Tom Rodd, Friends of Blackwater’s Allegheny Highlands Climate Change Impacts Initiative

Global warming and climate change are already affecting the ecology and economy of the Allegheny Highlands region – and around the world. At this science-based public conference, you can learn from experts and discuss with others the impacts of a changing climate on wildlife, agriculture, forestry, tourism, public health, infrastructure, outdoor recreation, and more. Speakers and interest group discussions will address climate change science, impacts, preparedness, communication, and solutions. A list of confirmed Conference speakers follows; more details at [www.alleghenyclimate.org](http://www.alleghenyclimate.org).

**Here are some basic Conference details** and a list of confirmed speakers (more to come); more information at [www.alleghenyclimate.org](http://www.alleghenyclimate.org). Early Registration (July 1-August 1) is \$75; Regular Registration (August 2 - September 15) is \$100; Late Registration (September 16 – October 16) is \$125. The registration fee includes conference materials, refreshments, an October 17 lunch, and an Eventbrite handling fee. Other meals are available at the Park Lodge and local restaurants; Park cabins have kitchens. A block of discounted rooms at Blackwater Falls State Park Lodge ([www.blackwaterfalls.com](http://www.blackwaterfalls.com)) is reserved until September 10, 2015. A 2-night stay is required; be sure to tell them you are with Friends of Blackwater. Campsites and cabins at the Park are also available. A list of other housing in the area is at [www.alleghenyclimate.org](http://www.alleghenyclimate.org). Scholarship assistance is available to help students and teachers attend; contact conference organizers for more information. There is limited space for exhibitors for an extra charge; contact organizers for details. Conference Coordinator, Brandae Mullins, [brandaem@alleghenyclimate.org](mailto:brandaem@alleghenyclimate.org), 304-345-7663, 304-881-9016 • Initiative staff: Brian Bellew, [brian@alleghenyclimate.org](mailto:brian@alleghenyclimate.org), 304-261-2461 • Initiative Director, Tom Rodd, [tom@alleghenyclimate.org](mailto:tom@alleghenyclimate.org),

304-541-4494, 304-265-0018 • Friends of Blackwater Executive Director, Judith Rodd, [info@saveblackwater.org](mailto:info@saveblackwater.org) 304-345-7663, 304-265-0018, 304-552-7602.

### Conference speakers:

**Jim Schaberl** is the Division Chief for Natural and Cultural Resources at Shenandoah National Park in Virginia and is active in planning/coordinating climate change impacts research, modeling, adaptation, and public outreach for the Park.

**Dave Bassage** is Chief of Staff at the Ace Adventure Resort, a leading West Virginia outdoor recreation business headquartered in Minden, WV. He is a long-time environmental advocate and was active in climate change communication and education in West Virginia’s regulatory agencies.

**Sarah Forbes** is a scientist at the US Department of Energy in the Office of Clean Coal and Carbon Management. Sarah’s work focuses on the future of fossil energy in a carbon-constrained world.

**Louis Iverson** is a Landscape Ecologist at the USDA Forest Service’s Northern Research Station in Delaware, Ohio, and a pioneer in GIS modeling of landscape ecology. He helped create the on-line Climate Change Bird and Tree Atlas that models species habitat under different carbon emission scenarios.

**Jamie Van Nostrand** is the Director of the Center for Energy and Sustainable Development at the West Virginia University College of Law, where has convened and led numerous programs focusing on public policy and climate change solutions.

**Herman Mays** is a professor in genetics in the Department of Biological Sciences at Marshall University in Huntington, WV. He has been active in efforts to assure that accurate science, including the science of climate change, is taught responsibly in public schools.

**Amy Hessler** is a professor in the Department of Geology and Geography at West Virginia University, Morgantown, WV and a Benedum Distinguished Scholar. She and

her students study climatology on a global basis and in the West Virginia Highlands.

**Lori Petrauski** is a graduate student at West Virginia University in the department of Wildlife and Fisheries Resources. She is collecting historic phenologic (calendar-related) data about West Virginia flora and fauna related to climate change.

**Brian Bellew** is a 2015 graduate of West Virginia University with a B.S. in Geology. A former President of the WVU Student Sierra Coalition, Brian trained with Al Gore’s Climate Reality Project, the National Adaptation Forum, and PowerShift. He is an outreach staffer with Friends of Blackwater focusing on climate change communication.

**Hari Swarup Jammulamadaka** is a graduate assistant at the West Virginia University Industrial Assessment Center with research interests in implementation of green energy solutions in industrial, commercial, and residential settings to control carbon emissions.

**Emmett Pepper** is the Executive Director of Energy Efficient West Virginia and a graduate of the American University Washington College of Law. His work focuses on initiatives to reduce emissions through energy efficiency programs.

**Chris Steinkamp** is the Executive Director of Protect Our Winters, a national athlete-led group founded by snowboarder Jeremy Jones, working to reduce the threat of global warming and climate change to the snow sports industry.

## WILD AND WOOLLY FESTIVAL

By Cynthia D. Ellis

Turn left at Gauley Bridge and keep going. Take one more left and go on a bit, as the paved road turns to gravel. Turn right at the gate with a red kayak fastened to it. That's how a small group of us traveled to the Tawney Farm in Nicholas County lately.

We pulled up the lane and onto an expansive meadow flanked with the lush green slopes of a mountain cove. The Gauley River was half a mile away; an effusive dog warmly greeted us. A homey cabin hugged one slope and huge blueberries hung on bushes in a garden area. Sheep were in the barn, avoiding the heat of midday. A rustic cottage called the "Nut House" had been constructed from native Cherry, Oak, and Hickory trees downed in a previous season's

derecho storm. Inviting paths wound uphill. We had come to list birds; the trees were full of Black and White Warblers and from the understory came the rollicking call of Kentucky Warblers. We looked down, as well as up, and found Hemlock Varnish Shelf mushrooms. They were large, with a burnished color and they did indeed appear to be varnished. Moreover, each was topped with busy clusters of orange and black Pleasing Fungus Beetles, making the scene even more striking.

Later, we drove half a mile more and tried to check out the put-in point for kayakers, but a quick, drenching storm veiled our view.

We were visiting Susan and James Tawney. You might remember his name. Previously James worked as an intern for the West Virginia Highlands Conservancy. He attended events with Julian Martin, helping spread the word about mountaintop removal mining. He went door to door in his home area, trying to inform and educate neighbors about the environmental and economic hazards of an expansive mine site nearby. James still shares the message, that of learning from the past and making community changes.

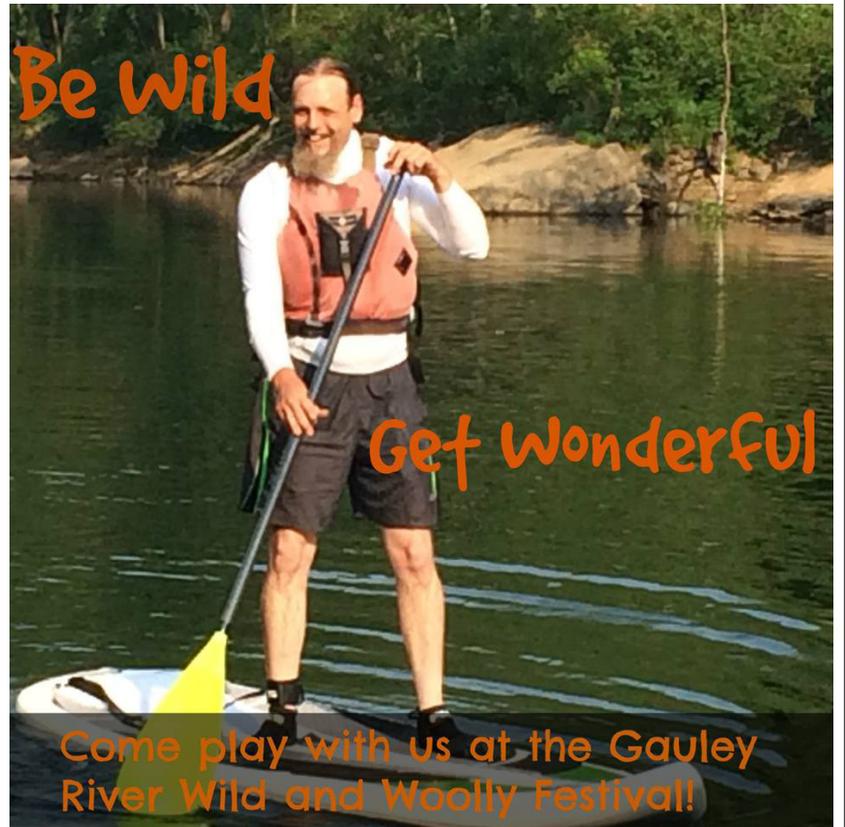
Now, at their farm, the Tawneys have established a primitive campground for river rafters, rock climbers, music festivals, family reunions, and more. A "Wild and Woolly Festival" is planned for the weekend of July 24-26. Music, workshops, games, and wonderful food are planned. Check out Tawney Farm soon, for the fest, or for a camp out or event of your own. <http://www.tawneyfarm.com/index.html>



James Tawney



Pleasing Fungus Beetle



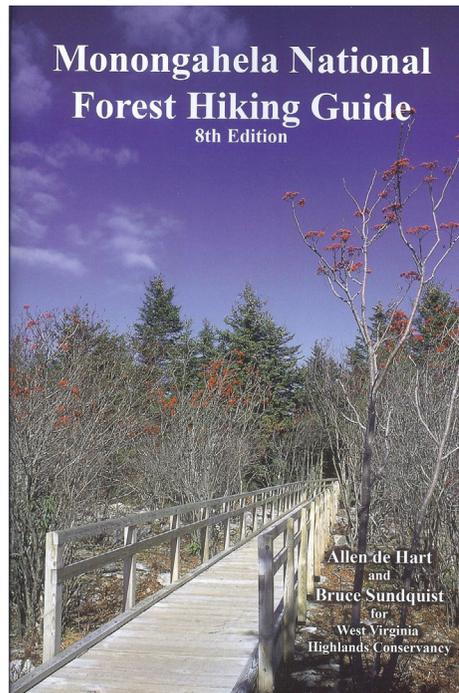
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*The Highlands Voice* is always printed on recycled paper. Our printer uses 100% post consumer recycled paper when available.

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

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

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



## The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia=s highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

Send \$14.95 plus \$3.00 shipping to:  
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 P.O. Box 306  
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 OR  
 Order from our website at  
[www.wvhighlands.org](http://www.wvhighlands.org)

### 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

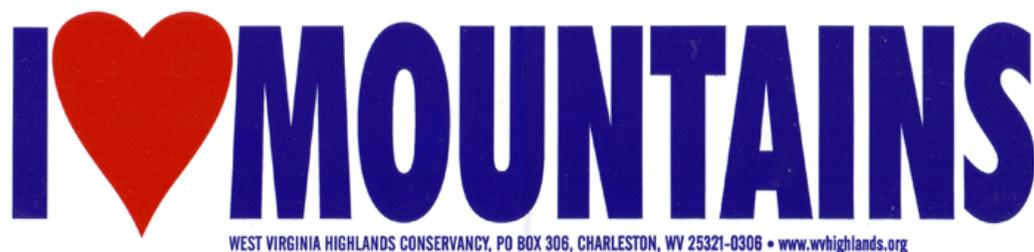
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Also available are the new green-on-white oval **Friends of the Mountains** stickers. Let Julian know which (or both) you want.



## To those who want to build a pipeline in our backyard

By Marissa Lynne Minnick

Have you ever been to West Virginia? When you were here, did you silence the sound of the mountains calling out to you? Did you blind yourself to the visions of the trees that soften the jagged edges of steep cliffs and fallen rocks? Did you stifle the fresh smell of moss and water, or wood stove smoke that twirls in lazy ribbons up into the star filled sky? Because your desire to destroy eludes me.

Have you ever been to West Virginia? Have you talked to my neighbors? The ones with the pig farm, or the ones growing squash, or who just had a baby, or have lived on this land longer than your paycheck could ever be worth?

Because they are the daughters and sons of this land.

Have you ever been to West Virginia? Seen the painted yellow WV's against their blue backgrounds? Jumped into the Greenbrier and truly felt the movement of the water and the life that echoes all around?

Have you driven up and down these roads, the roads with one lane, the roads made of gravel, the roads that twist up like that wood stove smoke ribbon, drifting up. up the mountain until you find yourself looking over the ridges and crests of a horizon that has existed for ages before you were even a consideration?

Because what is here is both frozen and dynamic in time and space.

Have you ever been to West Virginia? Have you seen a West Virginia spring? Have you ever felt the exhilaration of finding a previously unknown ramp patch, hidden among the morels and the creeks? Have you ever picked one of these ramps out of the soft, moist dirt, pulled off its muddy, gooey membrane, popped off the hairy roots with a flick of your thumbnail, taken a bite straight out of the bulb, and have your mouth explode with a flavor that shouts, unabashedly, "There is life! There is spirit! There is God!"

while at the same time the smell oozes from your mouth and pores and hands?

Because if you have, there is no chance you would tear down our trees, or dig on our mountains, or fill up our wells with your undefinable sludge.

Come to West Virginia and let the mountains grab hold of your spirit and your being.

Let the trees root themselves into your heart as they have into mine.

It is then you will no longer wish to destroy.

It is then you will feel the pain I do

when they say that they have no problem ending it all.

# Environmental Accountability and the Atlantic Coast Pipeline

By Rick Webb

We have been promised that the proposed Atlantic Coast Pipeline will be environmentally responsible.

Governor McAuliffe made that promise when he joined Dominion in announcing the ACP project in September of 2014. Dominion has since informed us of its commitment to protection of natural resources in a series of full-page ads.

Pipeline construction on this scale, however, is unprecedented. The ACP would be the largest pipeline ever built across the central Appalachian region. It will cross dozens of steep mountains and high-quality streams. It will cross hydrologically sensitive karst landscape and groundwater supply recharge areas.

But Dominion says not to worry: water resources are protected by strict government oversight. We are told that pipeline construction will be subject to a well-tested, transparent, and effective regulatory system where the public has ample opportunity for input.

The reality for pipeline construction, however, is quite different. With respect to critical state regulatory requirements there is no actual agency review, oversight, or compliance enforcement. There is no real opportunity for public input.

Consider, for example, erosion and sediment control (E&SC) requirements, which should protect downstream waters from sedimentation and protect the integrity of stream channels from increased runoff that can persist long after construction. These are requirements that apply to almost every other land-disturbing development in the state.

Virginians will be surprised to learn that pipeline construction projects are essentially self-regulating when it comes to E&SC. Pipeline construction companies operate under general Annual Standards and Specifications, which allow them to perform their own E&SC plan review and conduct their own inspections—with company-hired reviewers and inspectors.

The Virginia DEQ has the authority to request and review site-specific E&SC plans, but it has not allocated staff resources to do so. The DEQ also has the authority to conduct inspections, but the DEQ is short on staff, and its inspection program is strictly

complaint driven. DEQ is also supposed to review and approve submitted Annual Standards and Specifications, but again, resources are limited, and since assuming the program in 2013, the DEQ has simply extended previous approvals—despite the fact that more-protective regulations have since been adopted.

Dominion, it seems, expects that it will be able to continue to operate under out-of-date Annual Standards and Specifications. And strangely, a Dominion spokesman has explained that the DEQ will not require submission of E&SC plans due to an exemption provided by the federal Natural Gas Act.

Actually, the DEQ doesn't seem to know whether it will request E&SC plans or not, and it's not clear when a decision will be made.

Meanwhile, the Dominion Pipeline Monitoring Coalition has asked Governor McAuliffe to direct the DEQ to take steps to obtain E&SC plans for the ACP and to make them available on a timely basis to citizens and local governments.

**The Coalition and other conservation groups are prepared to step in and provide the expertise to support citizen review of these critical plans for compliance with Virginia laws and regulations.** [*Expert-supported crowd sourcing of E&SC plan review*]

The DEQ may not have the resources to review plans for the ACP, but what can be the justification for denying access to the public?

How can Governor McAuliffe keep his promise to the citizens of Virginia if he allows Dominion's ACP to go forward without meaningful public oversight and accountability?

*Rick Webb is Coordinator of the Dominion Pipeline Monitoring Coalition, an organization of citizen volunteers, conservation groups, and environmental scientists convened in response to the proposed Atlantic Coast Pipeline. This commentary was previously published in the Staunton, Virginia NewsLeader and in The Recorder of Highland County, Virginia.*



# Supreme Court: EPA Should Have Considered Cost When Deciding Whether Mercury Limits For Power Plants Were Appropriate

By James Coleman

Recently the United States Supreme Court held that the Environmental Protection Agency (EPA) improperly refused to consider costs when determining whether it was “appropriate and necessary” to regulate mercury emissions from power plants under the Clean Air Act. Ultimately, EPA may be able to keep the same rules after going back and explaining why the cost of the regulations is justified in the circumstances. But the decision is an important victory for advocates of cost-benefit analysis and those who think environmental agencies should pay more attention to the costs of regulation.

Section 112 of the Clean Air Act directs EPA to regulate hazardous air pollutants from power plants if it finds “regulation is appropriate and necessary.” 42 U.S.C. §7412. EPA said that regulation was “appropriate and necessary” even without considering costs because 1) power plant emissions posed risks to human health and the environment that were not eliminated by other provisions of the Clean Air Act and 2) there were controls available to reduce those dangerous emissions. So there was no need for EPA to consider costs to make its initial decision to regulate, but it promised to consider costs when adopting the actual final regulations for power plants.

Although EPA said it ignored costs when it made its initial decision to regulate, it still estimated the costs and benefits of the final rules that it adopted. EPA estimated that its rules would cost power plants \$9.6 billion dollars a year. EPA couldn’t estimate all the possible benefits of limiting mercury emissions, but the little it could quantify came to about \$5 million a year—less than 0.1% of the cost of the rule. On the other hand, EPA said that cleaning up mercury would have massive side benefits: it would lower sulfur dioxide emissions and these reductions would be worth between \$37 and \$90 billion per year. So these ancillary benefits far outweighed the costs of EPA’s rule, but if you didn’t count them, EPA’s rule imposed costs far in excess of its benefits.

Justice Scalia, writing for a 5-4 majority, held that EPA must consider the costs of regulation before making its initial decision to regulate, reasoning that

“No regulation is ‘appropriate’ if it does significantly more harm than good.” The four dissenters conceded that, generally speaking, “an agency must take costs into account in some manner before imposing significant regulatory burdens” but agreed with EPA’s argument that the agency could consider those costs later when adopting regulations for specific source categories.

The Supreme Court’s decision may not have much impact on mercury regulation. Power utilities are already complying with the mercury rules that the court struck down in this case. And the case will now go back to the appellate court, which could decide to leave the rules in place while the agency rethinks whether these rules are “appropriate and necessary” factoring in the costs that they impose. EPA already determined that the benefits of the rules far outweighed their costs if you consider ancillary benefits, so it will probably reach the same decision. On the other hand, the Court’s decision raises very important questions for the future.

First: Can agencies consider ancillary benefits? At oral argument, some justices seemed to suspect it was inappropriate to consider the benefits associated with pollutants other than mercury. After all, if the other pollutants are the problem, why not adopt regulations aimed at the other pollutants? On the other hand, it has long been standard practice for agencies to consider ancillary or “co-benefits” of reducing pollutants other than the main target of regulation. If an agency is going to consider all the important costs of a regulation, why shouldn’t it consider all the important benefits? In some ways, the mercury rule may just be an outlier case because EPA estimated that the co-benefits of reducing sulfur dioxide were 10,000 times greater than the direct benefits of reducing mercury itself. But over half of the benefits of EPA’s Clean Power Plan come from co-benefits in reducing pollution other than greenhouse gases, so the question does have wider importance.

Second: How much cost-benefit analysis will the Court require for other regulations? Today’s decision may be seen as part of a trend that is making

cost-benefit analysis a kind of default background principle for agency decision-making. Just fourteen years ago, Justice Scalia wrote an opinion for eight justices, holding that EPA *could not* consider the cost of regulation when the Clean Air Act demanded a standard at the level “requisite to protect the public health.” In that case, Justice Scalia explained that EPA could consider costs later when it implemented the standard. Last year, the Court held that EPA *could* consider the cost of emissions controls when it decided whether a State “contributed significantly” to air pollution in another state; Justice Scalia dissented. Now, the Court holds that EPA *must* consider the cost of regulation when it determines whether regulation is “appropriate and necessary.” Justice Scalia writes the opinion, and all justices agree that EPA must consider costs at some stage. Observing this trend, litigants will feel increasingly bold to demand that EPA consider the costs at each stage of adopting new environmental regulations.

**Editor’s note: In most of the coverage of this case the ruling was described as EPA being required to consider the cost of a regulation before implementing it. Since it is an article of faith in West Virginia that the cost of any regulation exceeds its benefit, the coal industry and political leaders did their happy dance and assumed West Virginia had won a battle in the war on coal. This piece provides information about the costs and benefits the EPA did consider and a more complete perspective on the decision. James Coleman is an assistant professor at the University of Calgary, Faculty of Law and Haskayne School of Business. His scholarship addresses regulation of North American energy companies, focusing on how countries account for and influence regulation in their trading partners. He writes at [www.energylawprof.com](http://www.energylawprof.com).**

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We have West Virginia Highlands Conservancy baseball style caps for sale as well as I ♥ Mountains caps.

The WVHC cap is beige with green woven into the twill and the pre-curved visor is light green. The front of the cap has West Virginia Highlands Conservancy logo and the words West Virginia Highlands Conservancy on the front and I (heart) Mountains on the back. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure.

The I ♥ Mountains The colors are stone, black and red.. The front of the cap has ♥ MOUNTAINS. The heart is red. The red and black hats are soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. The stone has a stiff front crown with a velcro strap on the back. All hats have West Virginia Highlands Conservancy printed on the back. Cost is \$15 by mail. West Virginia residents add 6% tax. Make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Atten: Online Store, P.O. Box 306, Charleston, WV 25321-0306