



# The Highlands Voice

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

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## Off-highway Vehicles: a Threat to Our Public Lands

By Larry Thomas

Efforts have been persistent in promoting off-highway vehicle recreation on our public lands, Federal and state, in West Virginia in the state legislature for the last two years (see story on p. 10). For obvious reasons, the West Virginia Highlands Conservancy strongly opposes allowing this activity on our public lands.

- Our public lands are places of rest, solitude, peacefulness, and refuge. They are not the place for the noise and commotion that come with ORVs/ATVs. The noise is far too intrusive.
- They promote one use of public lands while destroying all the other values that our public lands have. They just do not fit or belong on our public lands.



- Protective rules that have long been established for our public lands would be substantially relaxed with the allowance of ORVs/ATVs on those public lands.
- There are numerous examples (videos and photos) of the destructive impacts where off road vehicle recreation is currently allowed on public lands and private lands.
- There are numerous examples of the cost for constant repair and restoration where OHVs have been used.
- There is a demonstrated need for constant monitoring/policing of the activities where OHVs are used and who would pay the costs of such monitoring/policing.

(More on p. 4)

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## Thoughts from our President

By Larry Thomas

Public lands provide significant benefits to the public, our environment, and our economy. Our West Virginia public lands, including our state forests and parks as well as our national forests are experiencing record-high visitations and therefore are facing threats like never before. In fact, reports from all over the country are telling the same story.

To help visitors to the Monongahela National Forest understand the importance of protecting this important asset, Kelly Bridges, Public Affairs Officer for the MON posted the following on the Forest Service Facebook page which I believe is applicable to all public lands in West Virginia.



### U.S. Forest Service – Monongahela National Forest Released May 24, 2021

Memorial Day, the traditional kick-off for summer recreation, is only one week away. Many popular areas may be extra busy this year. Keep these tips in mind to protect yourself and others during your visit:

- Check the Forest website to see the latest safety alerts and closure orders at <https://www.fs.usda.gov/alerts/mnf/alerts-notices>.
- If the parking lot is full at the location you want to visit, have a backup plan for another place to visit. Visit this webpage for ideas: <https://www.fs.usda.gov/recmain/mnf/recreation>.
- Carefully monitor campfires. Never leave a campfire unattended. Extinguish your fire completely. Keep pouring water on it until all remains are cool. If it is too hot to touch, it is too hot to leave.
- If you plan to visit a Wilderness area on the Forest, educate yourself on what that means: <https://www.fs.usda.gov/detail/mnf/specialplaces/...>. You might be surprised to learn that you need to be self-sufficient. There are no bathrooms, trails are often unmarked, cell service may be unavailable, and group sizes are limited to 10.
- Be considerate of others. Pay attention to your surroundings. Obey all signs and posted restrictions. Pack it in, pack it out. Follow the Leave No Trace 7 Principles, © 1999 by the Leave No Trace Center for Outdoor Ethics: [www.LNT.org](http://www.LNT.org).
- Cell service is spotty across the Forest and if you get into trouble, you may be on your own for a while before help can reach you. Be sure to always tell someone where you are going and when you plan to be back. Be aware that you are responsible for your own safety and for the safety of those around you.
- Enjoying the water? Wear a lifejacket. According to the U.S. Army Corps of Engineers, 85% of all boating-related fatalities were not wearing a life jacket. Life jackets save lives.
- Be prepared for all types of weather, and check weather conditions often. Sudden storms are common in the mountains of West Virginia and may cause flash flooding.
- Swimming is not permitted at lakes on Monongahela National Forest, except for the designated swimming areas at Lake Sherwood and Blue Bend. Even in those locations, lifeguards are not provided, so never swim alone and always monitor children.

For more tips about recreating responsibly and safely, visit: [#KnowBeforeYouGo #BeOutdoorSafe #leavenotrace](https://www.fs.usda.gov/.../know-before.../responsible-possibly)

### WVHC Public Lands Committee

Members of the Public Lands Committee have reviewed the Forest Service's proposed Cranberry Spring Creek project and the Conservancy has provided scoping comments on the project based on the review.

The comments include:

- The Need to Provide Additional Information to the Public and Extend the Scoping Period.
- A Suggestion to Merge the Gauley Healthy Forest Restoration Project with the Cranberry Spring Creek Project.

Other suggestions related to:

- Watershed and Soil Issues
- Inventoried Roadless Areas
- Prescribed Fire
- Climate Change
- 30 X 30 Initiative

We Also Stated Proposals That We Support

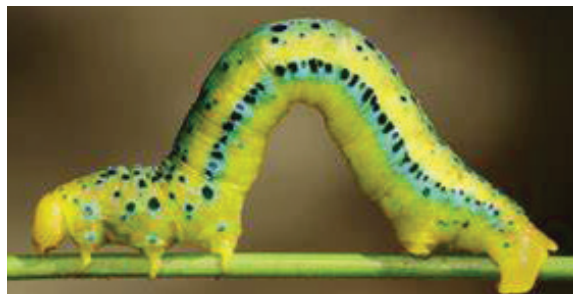
- Spruce restoration in MP 4.1.
- Specific proposals related to aquatic restoration.
- Recreational improvements.
- Cultural resource activities except the proposed parking lot in an IRA.

The highlands of West Virginia are a biologically important treasure and perform an immeasurable role in our ability to support and promote tourism, provide clean drinking water, and clean air not only to West Virginians, but to the Eastern United States. They stand as a resilient stronghold, providing significant benefits for people, the environment, and the economy. People are receiving many of these benefits even though they may not visit our public lands.

## Who Gets Stuck When Mines Fail?

There has been another development as we inch forward to a solution to the problem of how to reclaim failing mines. The West Virginia Highlands Conservancy, the Sierra Club, and the Ohio Valley Environmental Coalition have sued the federal Office of Surface Mining to force it to be more active in the search for a solution.

The big picture is that mining reclamation is supposed to be assured by having companies post a bond. The bonds, which are designed to be inadequate, are supposed to be backstopped by the West Virginia's Special Reclamation Fund which pays the cost of reclamation when bonds are inadequate. The difficulty is that the Special Reclamation Fund is also underfunded, leaving a real question of how mines will be reclaimed. For more details on how this all works, see the April, 2021, May, 2020, August, 2020, and December, 2020, issues of *The Highlands Voice*, <https://wvhighlands.org/highlands-voice-mag/>, and <https://wvhighlands.org/2021/01/04/2020/>.



The most recent action is that these three groups have sued the Office of Surface Mining. West Virginia Department of Environmental Protection had previously made a change in how it administers its Special Reclamation Fund. Since the law requires that West Virginia inform the Office of Surface Mining of such changes, the groups sued West Virginia to require it to give the Office of Surface Mining notice of the change. At the time, the groups had both hoped and expected the Office of Surface Mining to step forward and help solve this problem.

The Office of Surface Mining has not stepped forward to solve the problem. The groups ask that the Office of Surface Mining be ordered to make a determination that West Virginia's program is not working and must be fixed. More broadly, the groups hope that the Office of Surface Mining will take whatever action is necessary to address this problem and work toward a solution that assures that mining reclamation will be completed.

## You've Read the Book; Now See the Movie

In the past, *The Highlands Voice* has had several stories about a Mine Research Facility proposed for a site on the border of Pocahontas and Randolph Counties, near Mace, WV. *The Highlands Voice*, May, 2019 <https://wvhighlands.org/2020/01/02/2019/> February and April, 2020, <https://wvhighlands.org/2021/01/04/2020/> and January and April, 2021 <https://wvhighlands.org/highlands-voice-mag/>

In a nutshell, the National Institute of Occupational Safety and Health (NIOSH) wants to build a pretend coal mine. Once it does that, it can use the pretend mine to do research on mine explosions, mine seals, mine rescue, ventilation, diesel exhaust, new health and safety technologies, ground control, and fire suppression.

This proposal has sparked several concerns. Prominent among them are, first, that the material that has to be taken out to make the pretend mine will not just go "Poof!" and disappear. It will all have to be hauled away, raising traffic concerns. Second, all the explosions, fire suppression, etc. may put the local (and not so local) water at risk.

Now West Virginia Highlands Conservancy Board member Eleanor Bell has created a web site that some facts about the project as well as a short movie showing the site. Check it out at [Tinyurl.com/NIOSH-MACE](http://Tinyurl.com/NIOSH-MACE).



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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*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).



## More about ATVs (Continued from p. 1)

- There are numerous examples of the types of risks that are involved, accidents, deaths etc. Sample reports and photos are widely available.

Off Highway Vehicles are defined as any civilian off-highway vehicle, including motorcycles, motorized dirt bikes, All Terrain Vehicles (ATVs), snowmobiles, dune buggies, 4-wheel-drive jeeps, sport-utility vehicles, and any other civilian vehicles capable of off-highway, terrestrial travel (including utility vehicles [UTVs] and ATVs with more than 4 wheels).

Effects and concerns identified in a study by the United States Geological Survey are listed here:

### OHV Effects on Soils and Watersheds

The primary effects of OHV activity on soils and overall watershed function include altered soil structure (soil compaction in particular), destruction of soil crusts (biotic and abiotic) and desert pavement (fine gravel surfaces) that would otherwise stabilize soils, and soil erosion. Indicators of soil compaction discussed in OHV effects literature include soil bulk density (weight per unit of volume), soil strength (the soil's resistance to deforming forces), and soil permeability (the rate at which water or air infiltrate soil). Generally, soil bulk density and strength increase with compaction, whereas permeability decreases with compaction.

As soil compaction increases, the soil's ability to support vegetation diminishes because the resulting increases in soil strength and changes in soil structure (loss of porosity) inhibit the growth of root systems and reduce infiltration of water. As vegetative cover, water infiltration, and soil stabilizing crusts are diminished or disrupted, the precipitation runoff rates increase, further accelerating rates of soil erosion.

### OHV Effects on Vegetation

Plants are affected by OHV activities in several ways. As implied above, soil compaction affects plant growth by reducing moisture availability and precluding adequate taproot penetration to deeper soil horizons. In turn, the size and abundance of native plants may be reduced. Above-ground portions of plants also may be reduced through breakage or crushing, potentially leading to reductions in photosynthetic capacity, poor reproduction, and diminished litter cover.

Likewise, blankets of fugitive dust raised by OHV traffic can disrupt photosynthetic processes, thereby suppressing plant growth and vigor, especially along routes traveled by OHVs. In turn, reduced vegetation cover may permit invasive and/or non-native plants—particularly shallow rooted annual grasses and early successional species capable of rapid establishment and growth—to spread and dominate the plant community, thus diminishing overall endemic biodiversity.

### OHV Effects on Wildlife and Habitats

Native, Threatened, and Endangered Species Habitats for native plants and animals, including endangered and threatened species, are impacted by OHVs in several ways. A salient effect is habitat fragmentation and reduced habitat connectivity as roads and trails used by OHVs proliferate across the landscape. Reduced

habitat connectivity may disrupt plant and animal movement and dispersal, resulting in altered population dynamics and reduced potential for recolonization if a species is extirpated from a given habitat fragment.

Wildlife is also directly affected by excessive noise (decibel levels/noise durations well above those of typical background noise) and other disturbances associated with OHV activities. Disturbance effects range from physiological impacts—including stress and mortality due to breakage of nest-supporting vegetation, collapsed burrows, inner ear bleeding, and vehicle-animal collisions—to altered behaviors and population distribution/dispersal patterns, which can lead to declines in local population size, survivorship, and productivity.

### OHV Effects on Water Quality

The effects of OHV activities on water quality can include sedimentation (deposited solids), turbidity (suspended solids), and pollutants within affected watersheds. Sedimentation increases because compacted soils, disrupted soil crusts, and reduced vegetation cover can lead to increased amounts and velocities of runoff; in turn, this accelerates the rates at which sediments and other debris are eroded from areas with OHV-use and flushed to aquatic systems downslope. Pollutants associated with deposition of OHV emissions and spills of petroleum products may be adsorbed to sediments, absorbed by plant material, or dissolved in runoff; once mobilized, these contaminants

may enter aquatic systems.

### OHV Effects on Air Quality

Air quality is affected when OHV traffic raises fugitive dust and emits by-products of combustion. Because wind can disperse suspended particulates over long distances, dust raised by OHV traffic can blanket plant foliage and disperse dust-adsorbed contaminants well beyond a given area of OHV-use. Primary combustion by-products potentially affecting air quality in OHV use areas include (but are not limited to) polycyclic aromatic hydrocarbons, sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and ozone (O<sub>3</sub>).

### Socioeconomic Implications of OHV Use

The socioeconomics of OHV use include (1) OHV user demands, concerns, and attitudes; (2) the economic effects of OHV use on communities near OHV-use areas; (3) and the effects of OHV use on other land users. Although not one of Bureau of Land Management's land health considerations, the socioeconomic implications of OHV use have significant direct and indirect effects on land health. As the popularity of OHV recreation increases, socioeconomic factors become increasingly important considerations in understanding and mitigating the overall effects of OHV use on land health. OHV use also can lead to conflicts among different land users—both OHV users and people seeking non-motorized forms of recreation—within OHV-use areas and nearby areas. Crowding of designated OHV areas may encourage unauthorized use in closed areas, and adjacent or overlapping use types may cause



(More on the next page)

## ATVs--the rest of the story (Continued from previous page)

dissatisfaction or discourage recreation altogether, which can diminish public support for land management programs.

Documents stating the position of the United States Forest Service, which manages the Monongahela National Forest, and other information can be found here.

- News release: Allowable Use of Motor Vehicles on Monongahela National Forest Roads and Trails: <https://www.fs.usda.gov/detail/mnfm/news-events/?cid=FSEPRD860642>
- Closure order for Licensed Off-Highway Vehicle Use Restrictions: <https://www.fs.usda.gov/detail/mnfm/notices/?cid=FSEPRD860625>

- Closure order for motor vehicle use restrictions: <https://www.fs.usda.gov/detail/mnfm/notices/?cid=FSEPRD860626>

The negative effects of OHVs/ATVs go way beyond interfering with a peaceful atmosphere. As you can see from the above information, they create lots of impacts to soils, watersheds, vegetation, wildlife and their habitats, water quality, air quality and create socioeconomic implications. Those impacts accrue very quickly. That's why West Virginia Highlands Conservancy and other environmental organizations think that it is a bad idea to consider allowing them anywhere on our public lands.

## Is Sauce for the Goose also Sauce for the Gander?

By John McFerrin

If we measure an idea by comparing what it accomplishes with what it was supposed to, the Hatfield-McCoy Trail system has been a rousing success. It started off in 2000 with 300 miles of trails. Since, it has expanded to more than 700 miles of trails. The Hatfield-McCoy Regional Recreational Authority, which administers the system, commissioned a study of its economic impact. The study found that the trail system had a dramatically positive economic impact. From the data the study relied upon, most trail users come from out of state, stay two to five days, and spend their money here.

Governor Justice's oft stated notion that if we eliminate the state income tax people will move here is just that, a notion based on no more than a hunch. We do, however, have this data to show that if we build a series of ATV trails people will come visit.

So, if the Hatfield-McCoy Trail system has been such a rousing success, why don't we just open up our public lands to ATVs, spread the wealth around?

No, let's not. Let's not for a variety of reasons.

First, the uses of the lands are different. The Hatfield-McCoy Trail system is on private land, much of it on large tracts held by land companies. Its only use is that it has been used for mining in the past, may be used for mining in the future, may have valuable timber, or may be used in the future for whatever purpose the land company thinks would be profitable. Each of the companies where the Trail system is located must have decided that having a trail on its property does not interfere with any other use it might have in mind.

Public lands are not that way. Our parks are places of refuge. Their purpose is to preserve and protect natural areas of unique or exceptional scenic, scientific, cultural, archaeological or historical significance. They are places where someone can go for peace and quiet. They are places where animals are protected.

State forests are supposed to be managed for conservation and preservation of wildlife, fish, forest species, natural areas, aesthetic and scenic values and to provide developed and undeveloped outdoor recreational opportunities, and hunting and fishing for the citizens of this state and its visitors. While recreation

is one of the purposes of a State Forest, ATVs are a type of recreation that kills the other possible uses. They don't contribute to preservation of wildlife, fish, or anything else. As described in more detail in the story on page 1 of this issue, they tear through the forest, harming plants, scaring wildlife. ATVs may be appropriate on the Hatfield-McCoy Trails where they are the only use of the land. They are not appropriate where--as with public lands--the State already has duties to protect other uses of the land.

Even were ATVs appropriate for public lands and compatible with the other uses that we make of public lands, they still face a major barrier: money. The Hatfield-McCoy Trail system received hundreds of thousands of dollars from a federal program for its construction. It continues to receive funds for its maintenance.

The only thing worse than ATV trails on West Virginia's public lands would be poorly run and maintained ATV trails on public lands. ATV trails require funds to construct and funds to maintain. A well run and maintained system requires law enforcement. It is needed to protect the safety of riders from various dangerous practices such as riding without a helmet, carrying passengers, and allowing young riders on adult machines.

The West Virginia Legislature has not been kind to public lands when it comes to funding their maintenance needs. In 2018 Governor Justice wanted to sell off the timber in our Parks so that we would have money for maintenance that had been deferred. By the fall of 2018, a Legislative audit was recommending that the parks start charging an entrance fee to pay for maintenance. It is unrealistic to assume that the Legislature will be willing to pay for the construction and maintenance of ATV trails when it won't pay to maintain the Parks we have now.

So what's the answer? Does the success of the Hatfield-McCoy Trail system mean that we should try to duplicate it on our public lands? The answer is an emphatic no. Just because there are trails on a bunch of old strip mines for which there is no other use does not mean that they are a good idea on public lands where they will kill (or at least maim) all other uses.



# Another Conservancy Founder Passes

A tribute by Dave Elkinton

One of the key founders of the West Virginia Highlands Conservancy, Lou Greathouse, passed away November 24, 2019 in Roswell, Georgia at the age of 88. According to his obituary, Lovell Ridgeley Greathouse was born on February 19, 1931, in Strasburg, Virginia. He was a graduate of West Virginia University. The next sentence summarized an entire and memorable career: "Lovell worked for the Natural Resources Department under Governor Hulett Smith of West Virginia and Governor Jimmy Carter in Georgia."

In researching my book on the first 40 years of the Conservancy, *Fighting to Protect the Highlands*, published in 2007, I corresponded with Lou and eventually met him, first with his family in Martinsburg, then when he attended the Conservancy's 40<sup>th</sup> anniversary celebration. He was so proud that he had helped give birth to this organization that he ordered and I signed books for each of his grandchildren. When I belatedly learned of his death, I realized the *Highlands Voice* needed to salute him as one of our founders. I turned to another founder, still active in Roanoke, Virginia, for his thoughts. Rupert Cutler wrote:

Lou Greathouse and I became acquainted about 1967 when I was assistant executive director of The Wilderness Society in Washington, D.C. and he was a planner for the West Virginia Department of Natural Resources. My job was to find roadless areas in the Monongahela National Forest and help create "grassroots" groups to advocate for their protection within the wilderness system. Lou's job must have been similar because we met in the Highlands while hiking there and became close friends. My memories of hiking with Lou along the Shavers Fork of the Cheat and in the streambed of the Gauley River while Summersville Dam was being built are fresh in my mind, as is my memory of the first West Virginia Highlands Conservancy annual review on the summit of Spruce Knob in about 1968 that Lou and I helped plan and hold. The things about Lou that I loved the most were his great smile and his sunny, positive personality. The last time I saw him was at the Highlands Conservancy's 40th anniversary reunion on the Greenbrier that he and Jackie drove up from Atlanta to attend. He was an inspiration to the rest of us in those early days of the WVHC and I will miss him very much.

If I may add a little more context, Lou had become Superintendent of Holly River State Park in 1958 and in 1963 transferred to Charleston as Statewide Recreational Planner. (He was later joined by a young wildlife biologist, the late Joe Rieffenberger, who later would twice serve as president of the Conservancy.) As Lou told me 2007, as he worked on the first Statewide Comprehensive Outdoor Recreation Plan, he knew that first-hand observation was crucial, and frequently led or arranged for "show me" trips to critical or endangered areas across the state, especially in the highlands.

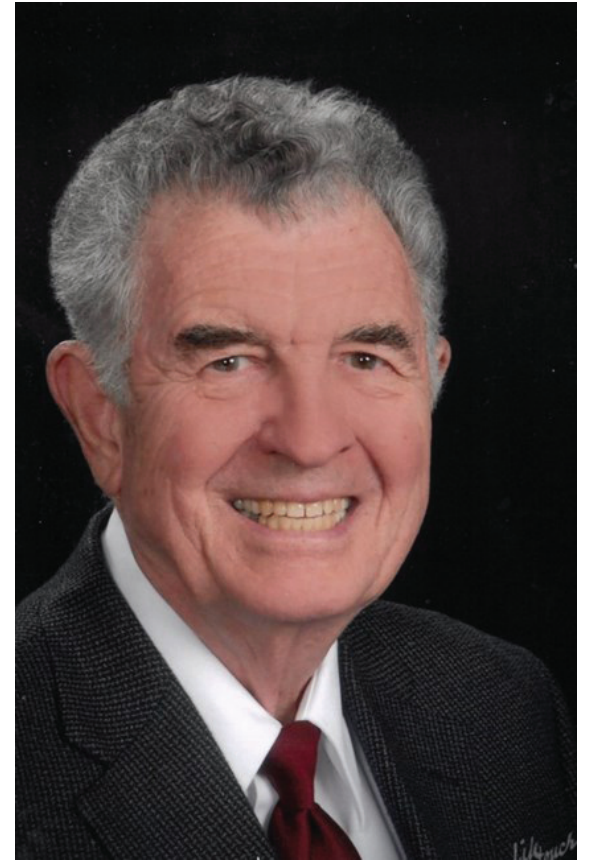
Among the threats was the proposed Royal Glen Dam near Petersburg. Greathouse and Lee Maynard, another co-founder of the Conservancy, led horseback trips through Smoke Hole Canyon, taking state leaders and media members to raise awareness of the area to be flooded if the dam was built. (Another founder, Bob Harrigan, organized the Petersburg White Water Weekends, older members might remember, for the same purpose.)

Greathouse told me he used the letterhead of the West Virginia Recreation Society, of which he was past president, to invite leaders of a wide number of recreation user groups to a series of meetings. Many of these groups would later become founding sponsors of the West Virginia Highlands Conservancy.

Lou loved to canoe and especially appreciated West Virginia's many free-flowing rivers. He was the first chair of the Conservancy's Scenic Rivers Committee, but when he left the state for a senior planning position in Georgia, that responsibility fell to Bob Burrell, who was later the Conservancy's second president and first *Voice* editor.

Lou always kept West Virginia in his heart. He remained a Conservancy member until the end and followed the organization's progress. Former *Voice* editors will remember receiving letters from Lou sharing or correcting details, an indication that he read and digested each issue.

Lou Greathouse shared the vision for a comprehensive, multi-issue approach to protecting the highlands. He knew their protection would be easier if in-state *and* out-of-state users were mobilized. He also knew any success would need a coalition and diverse leadership. A little later, he began and led the Conservancy's long history of river protection. Now celebrating over 50 years of environmental activism, the West Virginia Highlands Conservancy owes a debt of gratitude to Lou Greathouse, along with the other founders, for establishing an organization that has achieved so much since those early years. Thanks, Lou, happy paddling.



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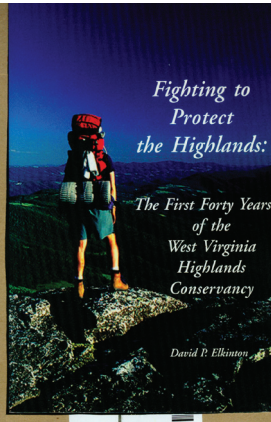
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Existing members may have one for \$10.00. Anyone who adds \$10 to the membership dues listed on the How to Join membership or on the renewal form will receive the history book. Just note on the membership form that you wish to take advantage of this offer.

Tell a Friend!

If you have a friend you would like to invite to join the West Virginia Highlands Conservancy just fill out this form and send it to West Virginia Highlands Conservancy, Box 306, Charleston, WV 25321.

Person you wish to refer:

Address:

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Filling out the form, etc. is, of course, the old school way of doing things. If you prefer, just email the information to Dave Saville at [WVHC50@gmail.com](mailto:WVHC50@gmail.com).  
The way it works: Anyone you refer gets *The Highlands Voice* for six months. At the end of the six months, they get a letter asking if they want to join. If they join, we're happy. If not, then maybe next time.

# Finding New Uses for Abandoned Lands?

By John McFerrin

Congress is considering two bills--the Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act and the Abandoned Mine Land Fee Extension Act—that would change the way we spend money on mine sites that were mined before the Surface Mining Control and Reclamation Act passed in 1977.

When the federal Surface Mining Control and Reclamation Act passed in 1977 it made a couple of key assumptions. The first was that this was the dawning of a new day. It recognized that there had been problems with surface mining of coal in the past but the new law would make things different now.

Congress recognized that there were many leftover sites, the ones mined before the dawning of the new day that had to be taken care of. The solution was the creation of the Abandoned Mine Land fund. It would impose a tax upon each ton of coal mined. With that money it would take care of the sites that were mined before the Act.

It assumed that this was a short term problem. It provided that the fee would be collected for fifteen years unless Congress extended the time limit. It assumed that, by the end of the fifteen years, all the old sites would be cleaned up and that would be that. Problem solved.

For new mining under the Act, the land was supposed to be restored to its use before mining or what the Act called a “higher or better use.” It was supposed to be at least as good a condition, and possibly better and more useful, than it was before the mining. The reclamation standards for Abandoned Mine Lands (mining done before the Act passed in 1977) weren’t exactly the same as they were for mining done after the Act but the idea was similar.

Now that it has been over forty years since the Act passed, it is time to consider whether the Act worked as intended and whether the assumptions behind it were correct. Congress is currently doing that with two bills—the Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act and the Abandoned Mine Land Fee Extension Act.

The assumption about how long it would take to clean up all the abandoned mines was incorrect. Congress assumed that the problem could be corrected in fifteen years. The fee has been extended more than once since it originally passed in 1977 but pre-Act mines still exist and need to be cleaned up. The United States Department of the Interior’s Office of Surface Mining Reclamation and Enforcement estimates it would cost about \$11 billion to reclaim mines abandoned before the federal coal mining law passed in 1977. Currently the fee is set to expire in September. The Abandoned Mine Land Fee Extension Act is necessary because the fee is expiring and the job is not yet finished. The Fee Extension Act would extend the fee for another 15-years.

The RECLAIM Act represents a slight re-direction in the purpose of reclamation. There is no doubt that of the Surface Mining Control and Reclamation Act (SMCRA)’s Abandoned Mine Lands program did a lot of good. It sealed old mine openings; it put out smoldering mine waste dumps; it cleaned up sites that had been mined and just abandoned.

The RECLAIM Act believes, as much good as it has done, it could do more.

While the original language of SMCRA had some higher aspirations so far as the uses of Abandoned Mine Lands were concerned, in practice the reclamation requirements for Abandoned Mine Lands sites were pretty basic. In a nutshell, the goal was to make something grow on the site and make the water leaving the site relative clean.

The RECLAIM Act seeks to go beyond that. That’s where the re-direction comes in. The Act seeks to make abandoned mine cleanup not just about cleaning up the messes of the past but as a tool for economic development. In the words of its main sponsor, Rep. Matt Cartwright, D-Pa, the RECLAIM Act of 2021 would “accelerate the release of \$1 billion from the remaining, unappropriated balance in the Abandoned Mine Reclamation Fund to revitalize coal communities impacted by abandoned mine lands and the recent decrease in coal mining. This legislation will enable States and Indian tribes to facilitate sustainable economic development in economically distressed communities.”

The Act does this by encouraging states to come up with economic development projects that would be designed to create favorable conditions for economic development in the surrounding area. The economic development projects are supposed to be in communities which have historically depended upon coal mining and have been harmed by a reduction in coal mining.

As an example of the kind of project that the RECLAIM Act would encourage, supporters point to Blue Acre Appalachian Aquaponics, an Abandoned Mine Land grant-powered joint economic development project in Mingo County. It is supported by the Mingo County Redevelopment Authority and Sprouting Farms, a Summers County-based nonprofit farming education and resource center. The funding turned an abandoned mine site just inside the town of Kermit, one that had dangerous open portals and a slag pile that needed remediated, into a sustainable agricultural enterprise that now has three employees and sells lettuce and tilapia processed onsite to schools, grocery stores and individuals.

## **The politics of it all**

The bill has 44 cosponsors (34 Democrats, 10 Republicans) in the House of Representatives, including David McKinley (R, WV). Senator Joseph Manchin (D, WV) has introduced a similar bill in the Senate. The bill has recently made some progress; it passed the United States House of Representatives Committee on Natural Resources. It has the support of a wide variety of citizen and labor groups, including the United Mine Workers, the West Virginia Rivers Coalition, the National Wildlife Federation and Kentuckians for the Commonwealth.

Opposition to the two bills, and particularly the Abandoned Mine Land Fee Extension Act, comes from coal industry advocates who want the fee on current mining to be both reduced and extended for a shorter period of time.

There is also a regional component to the dispute. Most of the sites still to be reclaimed are in the east. Much of the current coal production is in the west, particularly Wyoming, where there are few, if any, abandoned sites. There is little enthusiasm among Wyoming coal producers for extension of a tax which will pay for reclamation not in Wyoming but in the east.



# Another Earth Day

By Marion Harless

Wisconsin's Senator Gaylord Nelson thought it would be wonderful to have a student led teach-in on the environment at the nation's colleges and universities. He put together a packet of environmental information and organizational aspects, made it available to interested schools and named Dennis Hayes as his lead student. Dennis is still working at it.

At the time I was teaching at a small Texas state university and promptly wrote off to Washington for a packet which arrived in short order. After reading the materials, I asked Tom whose last name was maybe Chamberlain to head up the project. He approached the university president who approved what he also thought was a good idea. He appointed Art Byer, biology professor, as a sort of honorary faculty sponsor, but students did all the organizing.

When the beautiful April day arrived our 8, 9, and 10 o'clock classes met as usual. Then at 11 o'clock the entire campus community and many local residents met on the grassy quadrangle to hear the inspiring main speakers — none of whom I can recall.

At one o'clock faculty panels and discussions were held, in classrooms across the campus. I do remember that Richard Williams (mathematics), Jesse Rogers (chemistry), and I (physiology) held forth for an hour and a half. In conclusion I informed the group of the number of acres of tropical rainforest destroyed while our roomful of people had been talking.

The following day most classes had students who continued with questions and comments. In one of my classes I remember Brenda Hardy asking, "Miss Harless, how long do we humans have to change our behavior?" (We were very formal in those days!) Long pause. I answered, "Ten years. Fifteen, at the most." I have never seen a reason to change that gloomy estimate.

Today it would be more than a full-time job just to keep up with the daily revelations of worldwide ecological destruction.

We know, for example, the following:

- Except for those swimming right around Antarctica, all the fish on the planet contain micro plastics.
- Treadwear dust settles from the bottom of the deepest oceans all the way to the peaks of the highest mountains.
- Glitter, whether plastic and/or metal is

also everywhere. Whatever goes on the ground eventually ends up in the water. Glitter sticks to everything but not for very long. Glitter is not removed at wastewater treatment plants and is deposited in the world's waters.

- Chemicals from laundered so-called "fleece" made from plastic bottles also flow along with water. Accumulated in patches on the oceans' surfaces, the chemicals give off the same odor as that which comes from plankton that skimming sea birds feed upon, to the birds' detriment. And no nourishment.
- Today petrochemical plastics, pesticides, herbicides, fertilizers are part of most living organisms inhabiting this fragile planet.
- Endocrine disruptors from fracked gas wells, compressor stations, soft plastics of every ilk, and discarded and excreted medications interfere with the psychology of virtually all animals. Reduced sperm counts are among the reproductive errors and failures.
- Emanations way smaller than micro plastics or even nano plastics pass through glass, the blood-brain barrier and the placental barrier.

Another memorable moment from what came to be called "the First Earth Day" is how pleased I felt as I looked around the mass gathering. When I looked just beyond the periphery I shivered in disbelief. There they were. Dark suits and fedoras. Why in the world would they be watching people gathered to hear about the environment?

When those super-incongruously dressed figures appeared atop Elizabeth Moore Hall and other vantage points overlooking earlier peace demonstrations at WVU, those of us who noticed the men wondered why the watchers were at their stations. We half-jokingly speculated. Were they CIA? FBI?

From time to time over the decades I have wondered about the identity of the watchers. After Ronald Reagan was elected governor of California I decided that oil companies run the world. That conclusion was perhaps primed by childhood exposure to cartoon character Daddy Warbucks, later reinforced by President Eisenhower's admonitions about the military-industrial

complex, and confirmed in countless research and news articles. Maybe the watchers are employees of petrochemical enterprises.

Meanwhile with April come Arbor Day and Earth Day. I still plant trees, including shagbark hickories, which may take fifty years to produce nuts. Plant trees. Read Doug Tallamy's *Nature's Best Hope*. Then follow his pleas to plant native trees. Happy Arbor Day. Happy Earth Day.

**Note: This article first appeared in the April issue of *The Highlands Voice*. The last two paragraphs were omitted. Since the last two paragraphs are most understandable in the context of the whole piece, the whole article appears again.**

## Worried yet?

As if widespread drought, mass extinctions, more severe storms, etc. were not sufficient cause for concern, a study by Duke University recently reported that the concentrations of carbon dioxide that lead to climate change also cause poison ivy to become more prolific. The effect on poison ivy is greater than that on other woody species. The increased concentrations of carbon dioxide also cause the plant to produce a more allergenic form of urushiol, the chemical that causes the allergic reaction.



## By the Pricking of My Thumbs, Something Wicked This Way Comes

The 2021 session of the West Virginia Legislature provided a lot of indications of the enthusiasm in the body for allowing off-road vehicles on public lands in West Virginia. There were eight bills introduced that would allow or encourage such activity. In addition there were two resolutions.

None of the bills passed. That there were so many introduced indicates the enthusiasm for off-road vehicles on public lands.

The two resolutions did pass, although they have no direct impact. The first was supporting an all terrain vehicle trail parallel to the western edge of the Appalachian Trail.

As a resolution it doesn't order anybody to actually build a trail, appropriate any money, or require anybody to do anything that would result in an ATV trail being constructed. It has value as a portent but otherwise has little to no effect.

The second resolution urges the United States Congress to open public lands in West Virginia to all terrain vehicles. The public lands in West Virginia which Congress could have any power over are managed by the National Park Service or the United States Forest Service. Each of these has its own plans for managing land within its jurisdiction. While each would no doubt give a resolution by the West Virginia Legislature the appropriate weight, they would not be bound by it.

While none of these actions by the Legislature have any immediate effect, they do tell us that something is afoot and that we should be vigilant.

## 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.

## 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](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.

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## Mon National Forest Hiking Guide

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

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

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

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

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

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

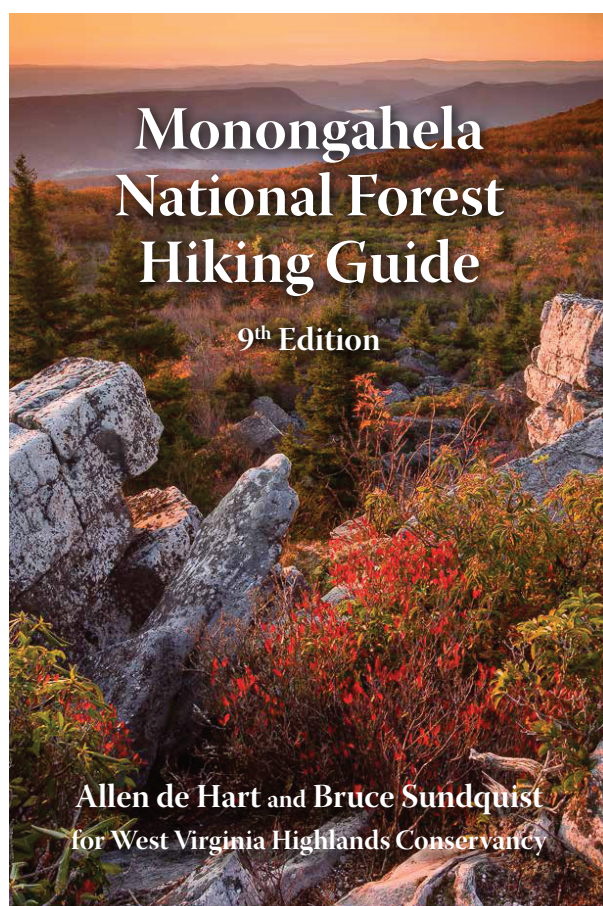
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### The Highlands Voice: It's Not Just for Reading Any More

*The Highlands Voice* is the main way that the West Virginia Highlands Conservancy communicates with its members. But we would like to communicate with more than our members. We have a valuable perspective and information; we would like to communicate with everybody. We still offer electronic delivery. If you would prefer to receive it electronically instead of the paper copy please contact Dave Saville at [WVHC50@gmail.com](mailto:WVHC50@gmail.com). With electronic delivery, you will receive a link to a pdf of the Voice several days before the paper copy would have arrived.

No matter how you receive it, please pass it along. If electronically, share the link. If paper, hand it off to a friend, leave it around the house, leave it around the workplace. It's not just for reading. It's for reading and passing along.

### 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 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)



# HIGHLANDS CONSERVANCY BOUTIQUE



- The baby shirts are certified organic cotton and are offered in one infant and several toddler sizes and an infant onesie. Slogan is “I ♥ Mountains Save One for Me!” Onesie [18 mo.]---\$25, Infant tee [18 mo.]---\$20, Toddler tee, 2T,3T,4T, 5/6---\$20
- Soft pima cotton adult polo shirts are a handsome earthtone light brown and feature the spruce tree logo. Sizes M-XL [Shirts run large for stated size.] \$ 25.00, 2XL \$26.50

To order by mail [WV residents add 6 % sales tax] make check payable to West Virginia Highlands Conservancy and send to West Virginia Highlands Conservancy, Online Store, PO Box 306, Charleston, WV 25321-0306

The same items are also available at our on-line store: [www.wvhighlands.org](http://www.wvhighlands.org)

## T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. “West Virginia Highlands Conservancy” in smaller blue letters is included below the slogan. Short sleeve in sizes: S, M, L, XL, and XXL. Long sleeve in sizes S, M, L, and XL. **Short sleeve** model is \$18 by mail; **long sleeve** is \$22. West Virginia residents add 6% sales tax. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Online Store, WVHC, P.O. Box 306, Charleston, WV 25321-0306.



## HATS FOR SALE

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 I ♥ 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 \$20 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