

# M Mountain State Sierran

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## Power struggle builds between FirstEnergy and public interest

### WV PSC sets stringent conditions for transfer of Pleasants Power Station; but FirstEnergy cancels plans

Jim Kotcon

Two weeks after the Federal Energy Regulatory Commission (FERC) rejected the proposed transfer of the Pleasants power plant to Mon Power and its affiliate Potomac Edison, the WV Public Service Commission (PSC) approved the transfer but imposed a range of conditions that would force Mon Power's parent company, FirstEnergy, to retain responsibility for potential economic losses. In essence, the PSC said the transfer could move forward if FirstEnergy's West Virginia customers would be protected from unanticipated financial risks associated with the plant. FirstEnergy would not be allowed to charge customers for losses if electricity sales fell below projections or if the plant closed prematurely.

Sierra Club and partners had intervened in opposition to the transfer and Sierra Club was represented before the PSC by the public interest law firm Appalachian Mountain Advocates.

The transfer of Pleasants to Monongahela Power and Potomac Edison, both regulated utilities, from Allegheny Energy Supply Co., an unregulated subsidiary of FirstEnergy, would have shifted the costs of operating the nearly 40-year-old coal-fired power plant onto West Virginia customers, a move that would guarantee profits for FirstEnergy shareholders rather than requiring dirty coal to compete with cleaner and cheaper energy resources.

This PSC decision effectively resolved many of the financial concerns about ratepayer impacts from the transfer, but did not address most of the environmental issues related to air pollution, climate change or environmental impacts of mining. It also did nothing to move Mon Power toward a cleaner energy mix in its electric generation business.

Nevertheless, Mon Power rejected the deal and announced Feb. 5 that they "... will not accept the conditions included in the Commission Order that would result in Mon Power assuming exposure and significant commodity risk, which is inconsistent with FirstEnergy's announced corporate strategy."

Additionally, the companies said that they will not seek rehearing of a FERC order that rejected the transfer for not being consistent with the public interest.

FirstEnergy had earlier stated that, if the transfer was not approved, they would seek to sell or close the Pleasants plant, raising the possibility that it could soon retire.

### In response, Laura Yokochi, Energy Efficiency Campaign Team Leader of the WV Sierra Club, released the following statement:

"FirstEnergy's decision to reject the conditions of PSC for an ownership transfer solidifies how uneconomic the Pleasants Station has become and how far FirstEnergy is



Pleasants Power Plant, Belmont WV

willing to go to force electricity customers to pay exorbitant bills to scratch out a profit from it.

The Pleasants Plant is better suited for the 19th century, not the 21st. We now have cutting-edge technologies, such as solar, wind and energy efficiency, which should play a part in stabilizing the region's economy and creating new employment opportunities. FirstEnergy must develop a fair transition plan for its workers and embrace the rapidly growing clean energy economy."

While the decision to cancel the transfer is a victory for West Virginia ratepayers, utility workers at the plant, coal miners and the local community now face significant

uncertainties. In some areas, utilities that anticipate plant closures will work with local communities and their workers to plan for an economic transition. FirstEnergy, however, has a history of secrecy and abandoning workers and the local communities.

As the coal industry continues to decline, the Sierra Club's environmental justice efforts will need to continue to prevent the coal companies that have profited for decades from abandoning workers and dependent communities. The Club advocates a fair and just transition that respects the workers who have powered America and provides a clean energy future for all.

## Newsletter moves to quarterly publication

For several reasons, not the least of which are financial, the *Mountain State Sierran* is moving from a bimonthly six-times-per-year publication to a quarterly schedule. This Spring issue is the first of four to be produced in 2018. We will strive to fill each issue with at least eight pages of news and information that we deem important to our members. Please feel free to contact the Editor with suggestions for content or contributions of your own.

One drawback to publishing less frequently is a reduced ability to announce outings, meetings and calls

to action in a timely manner. We will include the details we are aware of for events near the beginning of each issue's print date. For many later events, however, the only way we can share the information in time is through our Chapter's webpage and calendar, at [sierraclub.org/west-virginia](http://sierraclub.org/west-virginia). We encourage you to visit the website routinely for updated listings of outings and other important information about the WV Chapter and its regional Groups.

**A note about the Jan/Feb Sierran:** Due to a problem with our mailing service, many members may not have received their copy of the January/February 2018 *Sierran*. We have a limited supply of extra printed copies that we can mail upon request while supplies last. For those interested, that issue, as well as several years-worth of past issues, is available to view on the Chapter website.



# The Roadless Rule

Matt Kearns,  
West Virginians for Public Land

You may have never heard of an "inventoried roadless area," but chances are they're key to your recreational experience in the Mountain State. Some of the places we all know and love best in West Virginia's national forests are designated as roadless areas, including Seneca Creek, Roaring Plains, Hills Creek, Canaan Loop, Tea Creek and North Fork Mountain. These areas were protected in 2001 under the Forest Service's Roadless Rule that was created to limit increasing development of remote public lands.

Nowhere in West Virginia is farther than 3.2 miles, as the crow flies, from a road. As an example, the Monongahela National Forest alone has more than 2,100 miles of federal, state, county and forest roads. Yet we still have 182,000 roadless acres among the three national forests within West Virginia. The Monongahela National Forest has the largest share at 162,000 acres, followed by the George Washington National Forest (15,700 acres) and the Jefferson National Forest (4,800 acres). All told, roadless areas make up just over one percent of the state of West Virginia and less than a fifth of the Monongahela National Forest.

Roadless areas are often remote backcountry areas. In West Virginia, the majority of roadless areas are managed by the Forest Service for outdoor recreation under the current Forest Plans. In many cases, our roadless areas adjoin designated Wilderness Areas, creating larger intact ecosystems and providing greater recreation opportunity. Dolly Sods, Otter Creek and Cranberry Wilderness are surrounded by roadless areas.

Logging is generally prohibited in roadless areas, but the Roadless Rule does contain practical exceptions:

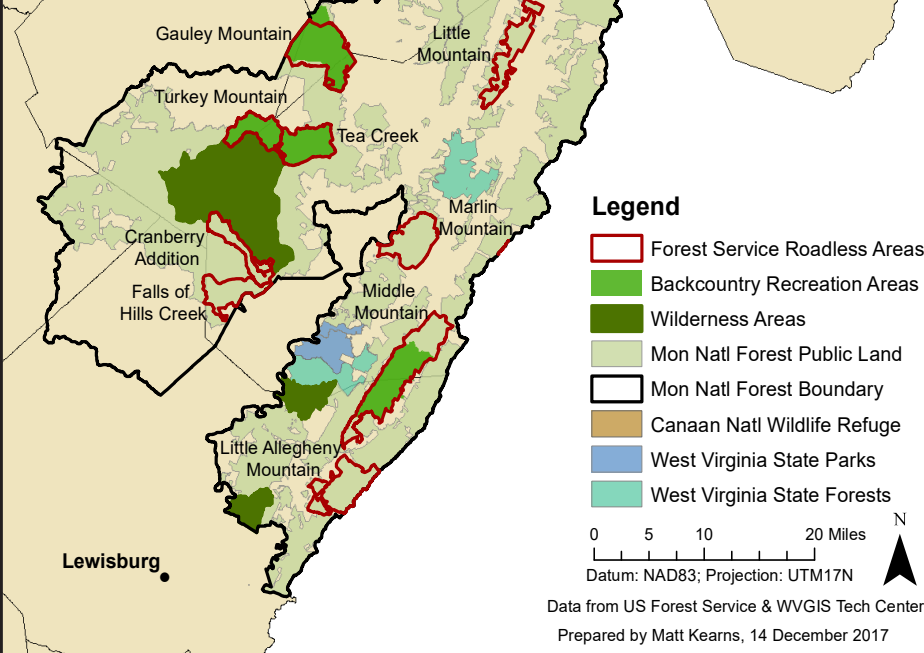
firefighting, personal firewood gathering and habitat improvement for rare species are allowed. Overall, the Roadless Rule provides common-sense protections for undeveloped public land by limiting the intrusion of new roads that fragment forest habitat and degrade water quality. As a result, roadless areas throughout West Virginia are prized for their solitude, trout streams, wildlife habitat and recreation opportunities for hunters, anglers, hikers, paddlers and mountain bikers.

The International Mountain Bicycling Association (IMBA) has an "epic" ride in each of the North Fork Mountain, Seneca Creek and Tea Creek roadless areas. Major trail systems like the 330-mile Allegheny Trail or the 78-mile Greenbrier River Trail cross the Marlin Mountain, Little Mountain, Middle Mountain, Little Allegheny and Canaan Loop roadless areas. And the Cheat Mountain Salamander — the train, not the endangered species — offers a unique way to access the Cheat Mountain roadless area.

Today the Roadless Rule applies to 45 million acres of public land in 37 states. Yet despite its value for both recreation and wildlife, the Roadless Rule has fallen under recent Congressional scrutiny. Likely emboldened from success opening the Arctic National Wildlife Refuge to oil and gas drilling, Senator Murkowski lobbied hard to exempt Alaska's national forests from the Roadless Rule, a quarter of all roadless acres. Her efforts and negotiations could trigger a review or repeal of the Roadless Rule, weakening important protections for our remaining undeveloped public lands. With this Congressional attention on the Roadless Rule, the attacks on our national public lands are beginning to inch closer to the special places we love in West Virginia. It is up to us to ensure our lawmakers and representatives know that the Roadless Rule is one of the best tools for keeping our state and national forests "wild and wonderful."

## Roadless Areas of the Monongahela National Forest

The US Forest Service's 2001 "Roadless Rule" limits the construction of new permanent or temporary roads into established roadless areas. On the Monongahela National Forest many of the roadless areas are currently managed for backcountry recreation and include some of the most iconic landscapes in West Virginia: Seneca Creek, North Mountain, Hills Creek, Roaring Plains, Cheat Mountain, Canaan Loop, and Tea Creek. Roadless areas often adjoin designated wilderness, creating larger ecosystems and enhancing the "wild and wonderful" qualities of these regions. Roadless Areas throughout the Mon are prized for their solitude, fish and wildlife habitat, and recreation opportunities for hunters, anglers, and mountain bikers.



## Tick season starts earlier than you might think

Laura Miller

We generally think about having tick repellent in our vehicles, back packs, camping gear and homes when the weather warms up, especially when it gets hot and humid. However, with the increasing number of cases of human Lyme disease in West Virginia, we need to start thinking about this earlier in the spring and continue all the way into late fall.

When it comes to Lyme disease, the Blacklegged Tick, also known as the Deer Tick (*Ixodes scapularis*), is the one we need to be most concerned about. This tick is much smaller (adult, about 3mm) than the tick we most commonly find on our pets, the common Dog Tick (5-6mm), and is mostly dark brown to black. <https://www.cdc.gov/lyme/transmission/index.html>.

The life cycle of the Blacklegged Tick generally takes two to three years. The tick has four life stages: egg, a six-legged larva (less than 2mm), an eight-legged nymph, and the adult. As the tick grows, each stage goes through several seasons and three

separate hosts, increasing our exposure before and after the summer months.

There are several things you can do to help prevent ticks from biting. Try to stay off of grassy or thick vegetation in moist and humid wooded areas where the ticks live. Tuck your pants inside boots or socks if going through those areas. Use tick repellents. Ahead of time, treat clothing, boots and gear with permethrin products (never to be applied on skin). Permethrin applications last several washes or several weeks. Check your body thoroughly with the help of a mirror after being outdoors; remember, the ticks can be very small. Shower soon after being outdoors. More information at: <https://goo.gl/gAtJEQ>

Not all Blacklegged Ticks will necessarily carry the Lyme disease bacteria. If one attaches to your skin, however, it's crucial to remove the tick immediately with tweezers, as disease transmission occurs between 36 and 48 hours. Save it in a container with rubbing alcohol, and immediately take the specimen to your doctor for identification.



### With your help we can clean up our water

Sierra Club Water Sentinels are the first line of defense of America's waters. We live on the water planet. However, water is a finite resource with only about 1% of the world's water actually being available for human consumption. Water pollution & over-use are threatening both the quality & quantity of our water resources at an alarming rate.

Keep our water safe. Join Sierra Club.

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# Gas Committee makes anti-Hub work a priority for 2018

Natalie Thiele, Natural Gas Committee Chair

In the coming months, the WV Chapter's Natural Gas Committee will be focusing on the Appalachian Storage Hub, which poses serious environmental and economic threats to our region. If the project is built, it will place hundreds of miles of the Ohio River — and the millions of people who depend on the Ohio for drinking water — at risk. Communities within the area of interest for construction will be targeted for underground storage of natural gas liquids (NGL), cracker plants and pipelines. In West Virginia, industry spokespeople are, incredibly, promising that the hub will help us “remove the shackles of despair and pursue greatness” and solve all our state's critical problems — the drug epidemic, our aging and declining population and our poor education outcomes. Ridiculous.

In reality, building out the Hub may be more likely to exacerbate many of our problems — crumbling infrastructure, poor water quality, poverty and high rates of cancer and other illnesses. You only need to read about Cancer Alley, Louisiana's petrochemical hub, to understand the kind of shocking environmental violence that's been visited on local communities there. Appalachia can expect similar levels of injustice, impoverishment and illness should the Hub come to fruition. These risks especially threaten West Virginia, where industry-friendly bureaucrats like WV DEP Secretary Austin Caperton have infiltrated the highest levels of government and all but abandoned even the pretense of safe environmental regulation or protection

of the communities they oversee.

As we have seen with the proliferation of unnecessary natural gas pipelines, we expect that communities that are targeted to overbuild gas infrastructure will be misled about the new Hub's necessity and value. Property owners — particularly rural, impoverished property owners — will continue to face corporate depredation and disproportionate legal burdens when in the way of industrial expansion. Jobs may be promised, then filled by out-of-state workers. As with Rover and Stonewall, construction and remediation practices are likely to be slipshod, with insufficient oversight.

Taxpayers are already paying for feasibility studies for the Hub, and they may also end up subsidizing its construction. It is not clear how much of the Hub's \$10 billion price tag taxpayers may be forced to pay, but industry spokespeople are already pitching the project as a partnership between private investment and public subsidy. West Virginia citizens will pay for the project with their tax money; they will also be expected to bear the costs to their communities and personal property. Property values will likely drop for folks unfortunate enough to live near Hub infrastructure. For perspective, research presented by the Allegheny-Blue Ridge Alliance estimates that along 125.5 miles of the Atlantic Coast Pipeline, property owners may lose \$55.8 to \$80.2 million in total property value.

Shifting costs to taxpayers, vulnerable communities and poor local people is one of the tricks the fossil fuel industry uses to try and appear profitable at a time when,

according to the International Renewable Energy Agency (IRENA), renewables like solar and wind will likely provide consistently cheaper energy than fossil fuels by 2020. Unfortunately, West Virginia's government seems intent on serving corporate interests and removing the legal protections regular citizens have. Governor Justice wants the DEP to “stop saying no” to industry, and has publicly praised forced pooling. West Virginia legislators are pushing for the right to trespass, lenient water pollution standards and fewer regulations for the gas industry.

Recently, state leadership crowed about their Memorandum of Understanding with a Chinese state-owned energy corporation (for \$83.7 billion in shale gas projects) as if it were a fantastic development. Given China's history of outsourcing its environmental destruction on other countries, we are certain that West Virginians will suffer much more than they benefit.

West Virginia's rush to sell our natural resources cheap and accommodate all comers at the expense of its people and the environment is devastating. Betting our future on massive infrastructure projects for a waning industry is short-term thinking that will impose long-term costs on our impoverished and abused headwaters state. The effects will reverberate not only in West Virginia, but also throughout communities downstream.

To learn more about the dangers of the proposed Appalachian Storage Hub, I recommend exploring OVEC's resources ([ohvec.org](http://ohvec.org) > “Our Work” > “Appalachian Storage Hub/Petrochem Complex”).

## Club to cancel contract with Arcadia Power

April Pierson-Keating

In October 2015, Sierra Club announced a partnership with Arcadia Power for wind generation. At the time, it was believed that buying power produced by Arcadia at one of their wind farms would be an acceptable substitute for those who could not afford their own solar or wind array. This energy would be placed onto the grid where it could be purchased and would supposedly replace dirty energy. But energy from Arcadia's wind farm did not actually replace their local dirty energy, despite the fact that people thought it did.

Sierra Club's energy policy requires approved carbon offset products to be certified as “additional,” meaning it results in development of new renewable energy that otherwise would not be produced. In 2016, the Council of Club Leaders (CCL) adopted a resolution to “revise” its contract with Arcadia Power. This past year, that basically meant cancelling it.

The Club describes the situation on its website thus: “Potential injuries from the partnership with Arcadia Power to the Club's work toward 100% clean energy include:

- Members may think that sending money to Arcadia every month means their electricity is clean, which is not the case, as documented above.
- Members will not be able to use that money to invest in much more effective ways to reduce one's carbon footprint.
- Members may reduce their advocacy work for 100% clean energy, thinking their electricity is clean.

The entire Club is branded as hypocritical when it pushes for 100% clean energy, while it is marketing a product that does not meet the Club's own policy standards, and especially when there are alternatives that do provide clean energy.

According to the CCL resolution, available on the Clubhouse website, “unbundled [Renewable Energy Credits] RECs leave behind a trail of energy stripped of its renewable attributes — equal in magnitude to the volume of unbundled RECs sold — which by definition means the purchase of these RECs does not actually move toward 100% clean energy.” This approach does not cause the production of more renewable energy than there was before, and therefore is not in line with the Club's carbon offset policy.

So, what is a REC? According to [epa.gov](http://epa.gov), a Renewable Energy Credit is “a market-based instrument that represents the property rights to the environmental, social and other non-power attributes of renewable electricity generation. RECs are issued when one megawatt-hour (MWh) of electricity is generated and delivered to the electricity grid from a renewable energy resource.” The national board no longer supports RECs because RECs don't put new wind and solar on the grid.

The Club's contract with Arcadia for wind power expired on Oct. 29, 2017. At that time, the business partnership team decided not to renew the contract. The Club issued a Request for Proposals (RFP) this past summer to get a new residential solar partner on board, and is currently in the process of working on a new residential solar program. When a suitable company to provide community solar becomes available, the Club may pursue such a program.

### View from the Chair

— Justin Raines, Chapter Chair

## The Path Forward

Change ... the air is full of it, both here in West Virginia and across the nation. After several years of watching our political and social landscapes become steadily darker, more hostile and more bereft of any sense of compassion or desire for the common good, the needle is twitching in the other direction.

You can feel it in the air at the Capitol this session. Whether it be the sea of teachers in blazing red shirts demanding fair wages and funding for public employee insurance, or the tidal wave of editorials, calls, emails and demonstrations demanding an end to Jim Justice and Woody Thrasher's insane plan to commercially log our beloved State Parks, people have had it.

This wave of righteous anger has been building over the course of the past year, and it has struck repeatedly against the wall of greed built around the systems that are supposed to serve “We, the People.” Those walls are cracking under the pressure, and it's up to those of us who care about this state to see them knocked aside and swept away.

My name is Justin Raines, and I have been a Sierra Club member for just a little over a year now. For much of that time, I have served as Chair of the WV Chapter's Natural Gas Committee, fighting to protect our state from the increasing aggressiveness of an industry I spent over a decade working in. This January, I was honored to become the next WV Chapter Chair, stepping into a set of shoes worn by generations of men and women dedicated to helping this state.

It is time to continue the process of changing this state for the better in a way that protects both its incredible natural beauty, as well as the communities who enjoy those wonders. With that in mind, I hope to help guide the WV Chapter into new spaces and new relationships which will strengthen both us and the larger statewide activism community.

Too often in the past we've been distanced from the battles of one another. Division is something we must overcome so that coming changes will be just, lasting and equitable. The wave of the future is one of inclusiveness and intersectionality. Both as a Chapter and as individuals, we have to reach out and build connections with other movements in the state so that we are a united front, working together for a brighter future.

We need to recognize how our desires for environmental protection and environmental justice connect with economic justice, racial justice, LGBTQ rights, and the right to live a good and happy life where we are not forced to struggle for basic survival against those who are supposed to represent us.

This brighter, more diverse future isn't something vague on the distant horizon. It's here, right in front of us, in the streets, in the schools, and in our hearts. It's up to us to embrace this future and to lift each other up so all West Virginians have a brighter tomorrow. I am honored to have the opportunity to do that lifting beside you.

Let's get to work!

Homegrown Resistance

— April Pierson-Keating

Mother Knows Best

I am an activist, and I was born and raised in West Virginia.

Not only was I born and raised here, but my mother wrote our state and Centennial song, "This is My West Virginia." It is a beautiful tune you can find on YouTube. Parts of it have been featured in a new audio series from Sierra Club called, "The Land I Trust." That is actually a line from Mom's song — This is my West Virginia — the land I trust.

Funny she said that, because my mom didn't trust a whole lot of people. Mother was a jazz musician, a reader, and a rebel. She was probably an anarchist, too, because she taught me NOT to trust anyone but myself — not the corporations, not the state, nor anyone else. She taught me to be skeptical, but also to stand on my principles. She taught me to be persistent. Don't take "NO" for an answer. Never give in. Never give out your social security number. (Talk about "old school." Now, in the age of surveillance, that sentiment is coming back.)

But Mother also taught me to be fearless and resolved in the face of "sticks and carrots" given by the gas industry.

You see, our family had a well drilled on our farm in Sissonville in the 1940s. It was an old vertical well, from which my sisters and I still receive royalties. There were actually two wells drilled, but one of them stopped producing a few decades ago. Several years ago, after my mom had passed on, someone approached me asking if they could use the old gas well for an injection well. It would only be used for water, they said. Salt water. Brine.

This was before I learned about the horrors of fracking, thanks to Josh Fox's film, "Gasland."

Back then, my first thought was, "Maybe we should do it. It's only water, after all, and we could use the money." But my sisters and I decided against it because there were too many "ifs." Now

that I know what I know about fracking waste, I am SO GLAD I listened to my sisters.

Back in the old days, prospectors used to come to my grandmother or my mother asking to buy our assets, and they ALWAYS said, "NO." I thought this was silly. Why not sell a few acres and make a few bucks? Money is always needed. But my mother knew the truth embodied in the old line from "Gone with the Wind," her favorite book and film — "Land, Scarlett. It's the only thing that matters ... because it's the only thing that lasts."

I fight for this land — OUR land. Though I don't own land on the pipeline route, I come from a family of landowners and I know how important the land is to all of us, even if we don't live on it.

I fight for water. I don't have a well, but lots of people I know do — or used to, before fracking took it. I believe that having clean water is a basic human right. Reading our state constitution, you'd think our leaders would believe so, too, but their votes show differently. Did you know WV has a Water Resources Protection Act? (<https://goo.gl/hAzWMS>). I wonder when it will be put into action.

West Virginia is a headwater state. Our water goes to 14 states and 46 rivers. I have long held that we have a responsibility to all those downstream to keep the water clean. This is a moral problem. We don't own the water, but the human race can't live without it. In Trump's State of the Union address in January, he spoke in joyous tones about the privatization of our water. I believe this would be a crime. And with the increase in petroleum production, coupled with a warming climate, water will be in short supply very soon. I believe this is the crisis of our time.

I fight, not because it's easy, but because it is right. I speak up because the truth will set us free.

I am a West Virginian, born and raised.

Eastern Panhandle Group

WV Sierrans in the Eastern Panhandle are moving forward to become a formal Group in the WV Sierra Club by forming a committee and recommending that Regina Hendrix be appointed director of the organizing effort. This will enable us to continue being active until we are ready to elect officers and receive designation as an official group.

Two threats to West Virginia's environment have kept the Eastern Panhandle Sierrans very busy. Folks here have joined the WV Chapter of Sierra Club and other environmental groups in this area, first, to try to prevent FirstEnergy's second attempt to move an antiquated coal-fueled energy plant from deregulated Ohio to regulated West Virginia and, second, to prevent TransCanada's plan to put a pipeline under the Potomac River and through the Eastern Panhandle.

On Jan. 1, Chris Craig led an outing along the C & O Canal from Shepherdstown to Packhorse Ford, MD, a total of 5 miles round trip. Although it was cold, he was joined by nine hikers, all of whom enjoyed the experience. It was a wonderful beginning to our outings program in the Panhandle. Chris led his second outing Feb. 17, up Maryland Heights and Stone Fort Loop, a 6.5-mile trek on steep and sometimes rugged trails, with wonderful views and Civil War fortifications. Historical and environmental background of the area was presented. Additional hikes are planned for later in the spring at Cacapon State Park and on the Appalachian Trail in nearby Maryland.

Eastern Panhandle Sierrans will hold a public meeting at 6:30 p.m. Feb. 27 at St. John's Lutheran Church, 101 W. Martin St., Martinsburg. Laurie Potteiger,

the Information Services manager of the Appalachian Trail Conservancy (ATC) will speak. Laurie completed her lifelong dream of hiking the Appalachian Trail from Georgia to Maine in 1987 and joined the staff of the ATC the following spring. Starting at an entry-level position, she occasionally had the opportunity to do what she loves most: respond to information inquiries and talk to hikers. In 1996, Laurie was promoted to her dream job as information services manager and is based at the Harpers Ferry ATC Visitor Center.

Laurie's talk and slide show will cover the "14-State Challenge," an opportunity to set your sights on exploring the beauty and diversity of the Appalachian Trail by visiting iconic locations or day-hiking highlights in each of the 14 states the Trail passes through. Learn how anyone can plan and commemorate an unforgettable A.T. experience; no backpack required.

Now that the WV Legislature is in session, we are following bills closely and contacting our delegates and senators on issues of concern to us. Starting **March 27**, we will hold bimonthly conservation meetings in homes around the Panhandle. We also plan to hold a forum on **April 24** for citizens to hear candidates for the WV 2nd Congressional District discuss their positions on environmental issues.

We invite Sierrans and others in the Eastern Panhandle to join us for future meetings and outings. Stay in touch by visiting the WV Chapter website, [sierraclub.org/west-virginia](http://sierraclub.org/west-virginia), or [Meetup.com](http://Meetup.com) (Sierra Club – Eastern Panhandle), where our upcoming meetings and list of outings will be kept up to date.

Chapter, Mon Group ExCom election results are reported

The WV Chapter Executive Committee welcomes Natalie Thiele and Laura Miller as its newest ExCom members, elected to two-year terms in January. They join Justin Raines, April Keating and David Buch to make up the Chapter's governing board.

The Mon Group — representing Harrison, Marion, Monongalia, Preston and

Taylor counties — elected Mark Tauger and re-elected Laura Yokochi and John Bird, also for two-year terms. Emily McDougal and Emily Bushman continue as members of the Group's ExCom.

Contact info for each is in the Chapter Directory on the back page.

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Join Online

# It's not too late ... ... to get your Legislator's attention in 2018

Chuck Wyrostok,

Government Affairs, WV Environmental Council

You may have heard that WV Environmental Council ([wvecouncil.org](http://wvecouncil.org)) hired two dynamic lobbyists to our team this year: Karan Ireland and Crystal Good. Both of them have extensive experience at the Capitol and each brings a unique style to our playbook. Karan will lead the legislative team and Crystal will be coordinating our newly enlarged initiative on Citizen Lobbying.

For weeks now, Citizen Lobbyists have been visiting the Capitol, urging their lawmakers to do the right thing. Although the Legislative Session ends March 10, there's still time for you to take action.

We can't emphasize enough how important you are in taking your message directly to your legislators. Once we vote them in, most of them are done with us ... until the next election. But, when it comes time to get reelected, who are they going to call? You. The voters.

Face-to-face meetings between voters and elected officials have significant impact. Emails, calls and letters are all good, but the "hello, how do you do" handshake in their Capitol office or in their home district carries much more weight. You are not just one voter, but a member of a family of concerned voters, and a voice in your community. Can we count on you to help us maximize our impact in Charleston by making an in-person visit this session? If we

want our voice to be a real power in the halls of the Capitol, then we've got to pack those halls with people and do so on a regular basis. WE NEED YOU!

## Planning your visit to the Capitol

Your day might start by carpooling with friends. We want to make your visit as easy and as powerful as possible. Ten-dollar lunch vouchers for the Capitol cafeteria are available for citizen lobbyists. And mileage reimbursement will be available on a case-by-case basis, based on the availability of funds. Please contact [chuckwyro@wvecouncil.org](mailto:chuckwyro@wvecouncil.org) for more about that.

While on your way, or once you get to the capitol, text or call Crystal, at 304-807-1137, [crystalgood@wvecouncil.com](mailto:crystalgood@wvecouncil.com). She or Karan will meet you at the Capitol for a briefing and guidance. Our designated "citizen lobby days" are Tuesdays throughout the session. If Tuesday doesn't work for you, no problem. Let us know, and we will get you the support you need to make your Capitol visit successful any day of the week.

## How to prepare

Make appointments with your Senators and Delegate ahead of your visiting day. It's no fun chasing them around the Capitol or waiting in their office for a chance to catch them. At <http://www.legis.state.wv.us/> you can find a complete listing of all Delegates and Senators, their home

districts, district maps and contact information. You'll see office and home phone numbers you can use to set up in-district get-togethers.

## If you can't make it to Charleston

Since not all folks are comfortable traveling or able to go to the Capitol, why not meet with your legislator(s) in your home district when they're back for the weekend. Have an informal brunch at some local eatery where issues can be discussed over a meal or a cup of coffee. A cordial, hometown atmosphere can set the stage for visits to the Capitol later.

## Important Dates

**March 6**, Tuesday — Annual E-Day at the Capitol Rotunda (lobbying, tabling, exhibits and more). We would love to see you and the WV Sierra Club there. Contact Keena Mullins, [keenamullins@wvecouncil.org](mailto:keenamullins@wvecouncil.org), for details.

**March 10**, Saturday — Legislative Session ends at midnight

*"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."*

— Margaret Mead

# Atlantic Coast Pipeline suspends the Law

Beth Little

## The Atlantic Coast Pipeline could not be built through the Monongahela National Forest without violating the law, so the law has been suspended.

I will explain. I say "suspended" because the amendments to the forest's Land and Resource Management Plan included in the permit issued by the Forest Service are "project-specific plan amendments." They apply only to construction of the Atlantic Coast Pipeline.

The Land and Resource Management Plan is law. It contains the regulations for how the forest is to be managed. It was developed by the staff of the Forest Service, including scientists and technicians, who are charged with protecting the forest from the ravages of the late 1800s and early 1900s, when a frenzy of logging resulted in massive flooding, huge fires, loss of life, destruction of local economies and disappearance of wildlife. Unregulated practices left a wasteland that took more than a century to recover significant productivity.

The Monongahela National Forest includes the highest mountains in West Virginia and the origin of major rivers in the East. These rivers have been cutting their channels for millennia, resulting in ravines

with startlingly steep slopes. To truly appreciate how steep they are, you have to stand at the top and look down what appears to be a straight drop of hundreds of feet to rushing water. It is hard to believe trees can grow on slopes so steep, but then it's the trees that maintain the slopes by holding the soil on them.

The forest also gets some of the highest rainfall in the continental U.S. So, if the trees (and all other vegetation) are removed, and a heavy rainfall comes, the soil is washed away, making the rivers run with sediment.

There are four standards in the forest's management plan to be modified for the pipeline construction. The shortest example:

"Standard SW06: Severe rutting resulting from management activities shall be confined to less than 5 percent of an activity area."

This language is specific and easy to enforce.

The modified standard reads:

"Standard SW06: Severe rutting resulting from management activities shall be confined to less than 5 percent of an activity area with the exception of the construction of Atlantic Coast Pipeline, where the applicable mitigation measures identified in the COM (Construction Operations & Maintenance) Plan and SUP (Special Use Permit) must be implemented."

The next standard, **SW07**, involves limitation of the use of wheeled and/or tracked motorized equipment on steep and very steep slopes with soil types prone to slips and landslides. Again, the standard is replaced with the COM Plan.

The Construction Operations & Maintenance Plan, developed by Dominion, has reassuring sounding language, but it is general and almost impossible to enforce:

"Atlantic recognizes the increased risk of instability associated with pipeline construction while traversing steep slopes. As a baseline, Atlantic developed a program for use on projects within steep terrain." A long list of engineering measures follows.

"Selection of the most appropriate engineered prevention measure or combination is dependent on the individual site conditions and constraints during the time of construction."

The Construction Operations & Maintenance Plan wasn't available for comment when the draft environmental impact statement was issued. When the final statement was issued on July 21, 2017, it was labeled a draft with critical sections missing. It wasn't until October 27, 2017, three months later, that a final version was identified in the [Forest Service Record of Decision](http://www.forestservice.gov/record-of-decision). (<https://goo.gl/wS24ZG>)

How could the Federal Energy

Regulation Commission (FERC) properly evaluate the environmental consequences of the pipeline, when they didn't have all the pertinent information? This has been the basis of media reports that several agencies have issued postponements after requesting more information. Why didn't the commission postpone the environmental impact statement until they had a completed COM Plan?

The Land Management Plan for the Monongahela National Forest took several years and thousands of hours of Forest Service personnel to develop at taxpayer expense.

## You might question whether it is appropriate that a private, for-profit company can arrange for a federal law to be brushed aside because they can't abide by it.

Dominion will tell you that their substitution is better; but, if so, why do they have to suspend the existing regulations? And why wasn't the Construction Operations & Maintenance Plan available for public comment?

*This commentary was previously published in the Charleston Gazette-Mail.*

# In Remembrance of Dr. Helen M. Lang

## Dec 2, 1946 – Dec 17, 2017

*Mary Wimmer*

Sadly, this is the third memorial I have written over the past year for close friends made through WV Sierra Club, so please, stop leaving us! Helen Lang now joins Jim Sconyers and Ann Devine-King as departed members who played leadership roles, as well as thrived on the outings and social aspects of the Club. It's been a rough year, as our Outings Leader Mike Price, whom I did not know as well, also passed.

Helen came to West Virginia in 1984 as the first woman to hold a tenure-track position in the Department of Geology and Geography at West Virginia University. She did very well, as Tom Kammer describes in her University obituary (<https://www.geo.wvu.edu>), including the leadership role she took not only in her geology teaching and her research on metamorphic rocks, but also in supporting and encouraging women in science. I loved to hear all the stories about the students and the field trips that she led for decades, from WV to Baltimore to Maine to the West, camping out with them and enjoying the outdoor laboratory experience.

Helen got involved in the WV Chapter of Sierra Club soon after coming here, putting her energy into the local Monongahela Group, which she chaired between 1989 and 1991, after our good friend Jamie Shumway. When Jamie was diagnosed with ALS in 2008, Helen and I were together with him and his wife Betsy Pyle for the duration (6 years). We had meals together several times a week, watched movies and more sports events, and got together once a month for a potluck with a close group of Sierra Club friends to support each other. Helen always did the spring Eastertime event, making 3 delicious kinds of waffles (lemon, gingerbread and whole wheat) to contribute. Since Jamie's passing in October, 2014, we have kept these potlucks going.

I got to know Helen best through these gatherings, as well as WV Sierra Club outings. Like the rest of us, she loved hiking, backpacking, and XC skiing, anything outside! She was always ready to do anything! I remember one beautiful autumn day, I invited her to go on a drive through the Monongahela National Forest to look at the colors. We were gone for over 4 hours, weaving our way along my favorite back roads! We jabbered the entire trip, nonstop, about who knows what – that's what stuck with me about that trip. I never remembered the topics, but if we did any long drive, like to visit WV Sierra Club buddies Lynn and Greg, who had moved to Takoma Park, I knew I would not be falling asleep at the wheel.

A special outing was our Annual Blackwater Falls State Park Winter Outing, staying in cabins and enjoying the snow, or no-snow! Friday's dinner was always at Siriani's in Davis. We wouldn't miss the hike or ski to Lindy Point, either from the sledding hill parking lot, or the trailhead if the gate was open. We particularly enjoyed visiting Chip and XC skiing at White Grass in Canaan Valley, and eating the great food there that Chip's wife Laurie cooks. Such a warm, wonderful, thriving atmosphere!

I distinctly recall the most outstanding weekend at



*Helen on Lindy Point Trail, January 2015*

Blackwater, January 2016. Helen's Friday morning class was cancelled due to the weather forecast, so she, Betsy Pyle and I were able to head out around 9. Just as we got to our lovely Blackwater Falls cabin, the snow began, and it did not end until late Sunday, after over 3 feet fell, literally covering the cars and all else! We were elated! Snowshoes helped pack down snow for XC skiers following on the trails just outside our cabin, and the coziness of the cabin, with good friends safely inside, a warm fire, and lots of great food and drink made for a 3-day weekend that could not have been beat. The BFSP guys kept the roads cleared throughout, and when we got home, Colleen, Betsy and I went to Helen's to shovel her driveway, a major task!

Back home, Helen and I loved sitting at her table watching the birds at her safflower and thistle seed feeders and birdbath. Cardinals, chickadees, tufted titmice, and goldfinches were the most common, and used the overhanging shrubs, which Helen always vowed to cut down, as their staging area. She so entertained me when the chipmunks would come to the feeders from the back field and load up their jowls with food. She didn't get mad (we both loved them, I think), but she would open the door repeatedly and gently holler at them to skedaddle! They would run up the wall, and return the minute the door closed. I could have laughed at this show for hours!

Helen would definitely let us know if she was not interested in the topic of conversation. One example was retirement, especially finances (no money problem here, she just hated

financial planning!). Another was when we used to tease her about going into work every day, including faculty meetings, even though she was retired, and one day she just let us have it! We never did that again!

For most of the past 3 years, Helen, Betsy and I got together often to cook, drink a brew or wine, and relax, often watching a movie or WVU football or basketball game, taking a walk around her neighborhood, or just talking. We shared recipes, like her pasta with porcini mushroom sauce (the dried mushrooms from her trip to Italy). She brought back little horse cookie cutters from her trip to Sweden, knowing I'd love to use them for our Annual Christmas Cookie decorating party/potluck at my house. [Their first use was for Dec. 17, the day Helen left us.]

Helen was an amazing individual, courageous, optimistic and determined. Without a partner or children, she was very protective of her independence, especially through some difficult health issues. She dealt bravely with whatever got thrown at her, much more than many could handle. From a bone marrow transplant in the mid 1990's, and its long term after-effects, to a crushed femur and broken arm more recently, she was not at all a complainer, and accepted our help readily (we were her "family"). Betsy and I certainly got to know the ER with Helen. But she was so easy to be around, even when hurt or ill, that helping her was not at all a chore.

My last outing with Helen was to Olgebay Park on December 7, three days before she suffered a cardiac arrest, 10 days before she left us. We rode together on the WVU Retirees' bus. Although struggling with walking, and lack of energy, but determined as usual to persevere, she enjoyed the Festival of Lights, glass museum and demonstration, and meal. We each left with an attractive red and white Olgebay mug, which I use regularly to remind me of her, my very close friend.



*Helen (center) with Mary Wimmer and Colleen Good, at White Grass in Canaan Valley, January 2014*



Mike Price Memorial Hike at Longpoint, Summersville Lake, Oct. 7, 2017

## OUTINGS

### Sat, March 17

#### Day Hike: Ziler Loop, Cacapon SP

**Distance/Difficulty:** 5 miles, STRENUOUS

**Duration:** about 3 hours

**Description:** 5-mile hike, including about 990 feet in elevation gain. We will hike through an early spring mixed hardwood/pine forest, with great views and opportunities for bird or deer spotting. Open to all adults and minors (with adult supervision) of adequate fitness level for a 3-hour hike on steep and rugged trails. Well-behaved dogs on leashes are welcome. There will be a short discussion of issues facing WV State Parks today. We will carry on in light rain or snow, but cancel with heavy precipitation or ice.

**Meet:** 10:30 a.m., Batt Picnic Area, Cacapon State Park, 818 Cacapon Lodge Drive, Berkeley Springs, WV (off US 522).

**Leader:** Chris Craig, 304-

**Nearest Town:** Berkeley Springs, WV 433-1260, [ccraig@laurellodge.com](mailto:ccraig@laurellodge.com)

### Sat, April 21

#### Day Hike: Marie Hall Jones Ancient Forest Preserve, Doddridge County

**Distance/Difficulty:** 2 miles, EASY/MODERATE.

**Duration:** about 3 hours

**Description:** Celebrate John Muir's birthday and Earth Day weekend with a day hike through one of the last remaining stands of old-growth hardwood forest in Appalachia. In 2016, this 190-acre tract was donated to the WV Land Trust as a public nature preserve. It includes a 15-acre stand of old-growth trees, ranging from 160-300 years of age. We will discuss the importance of the WV Land Trust's acquisition of this tract for purposes of public education and scientific research. This will be a beautiful time to view spring ephemeral wildflowers in an ancient forest. The hike will be slow paced but includes a steep elevation gain without well-established trails. Participants will have to ford a small stream to access the property. There is a maximum group size of 20, so RSVP with the outing leader if you wish to participate.

**Meet:** 1:00 p.m. Contact outing leader for directions and additional details.

**Leader:** Autumn Long, 304-796-4677, [autumlong11@gmail.com](mailto:autumlong11@gmail.com)

**Nearest Town:** West Union, WV

**Additional Info:** All skill levels and ages welcome (with parental permission). Wear appropriate shoes and clothing for a wooded hike in wet seasonal conditions. We will continue in light precipitation, but steady rain cancels.

**Web info:** <http://www.wvlandtrust.org/rec-access/marie-hall-jones-ancient-forest-preserve/>

### Sun, May 20

#### Day Hike: Appalachian Trail: Gathland SP, MD, to Harpers Ferry

**Distance/Difficulty:** 11 miles, MODERATE

**Duration:** about 5 hours

**Description:** This hike will include rolling terrain on South Mountain, a dramatic river overlook at Weverton Cliff, descending switchbacks to the C&O Canal, a flat walk along the canal to Harpers Ferry, and a walk on city sidewalks up to the starting point. Most of the 900-foot elevation gain occurs at the end, in town. Be prepared for stretches of very rough and rocky trail. Open to all adults and minors (with adult supervision) of adequate fitness level for a lengthy hike on occasionally very rugged trail. Bring water, a bagged lunch, and snack if desired. Wear footwear and clothing appropriate to the terrain and weather. We will carry on in light rain but cancel if heavy precipitation.

**Additional info:** This may be the first in a series of hikes covering all of the AT in Maryland/WV. Park regulations limit participation to 25 attendees, with preference given to those who have reserved their spot with the outing leader.

**Meet:** 9 a.m., Old Shipley School lot, off Fillmore Street across from Appalachian Trail Conservancy (39°19'30.1"N -77°44'29.6"W), in the upper town of Harpers Ferry. Some drivers will be needed to shuttle to the hike starting point at Gathland State Park, off MD Route 67.

**Leader:** Chris Craig, 304-433-1260, [ccraig@laurellodge.com](mailto:ccraig@laurellodge.com)

**Nearest Town:** Harpers Ferry, WV

**Sierra Club's Liability Policies for Chapter Outings can be found on our website: [sierraclub.org/west-virginia](http://sierraclub.org/west-virginia)**



Like us on **Facebook** to get more up-to-date information about our "doings."

**Sierra Club West Virginia**

**Mon Group of the WV Sierra Club**

**WVSC Marcellus Shale Campaign**

**Perspectives on Outings** — Laura Miller, Interim Outings Chair

## The Mission Ahead

Last year we lost two of our most dedicated outings leaders, mentors, hiking companions, and friends. In February, Mike Price, who served as the Outings Chair and on the Chapter's Executive Committee (ExCom), lost a brave battle with cancer. Then, in September, Ann Devine-King, who had become our new Outings Chair, passed away in a tragic accident at home.

Before she passed away, Ann had organized a hike in Mike's memory to be held in October at Summersville Lake. I couldn't accept the idea that the hike would have to be cancelled. I knew it meant a lot to Ann, and I believe it's very important to honor our leaders who have dedicated so much of their lives to the Sierra Club and its mission.

On October 7, following Ann's wishes and with a bittersweet feeling in my heart, I had the honor of leading Mike's memorial hike on a bright sunny day under deep blue skies through a pleasant forested trail that took us to an outstanding view of Summersville Lake from a cliff. Mike's family and friends, some Sierra Club members and outings leaders attended the hike. Along the way, at a nice wide

area with grasses, ferns, club mosses and the first autumn leaves covering the forest floor, we stopped to remember Mike while the sunlight filtered softly through the trees. Later on, before we reached the cliff, we entered a grove of rhododendrons where we walked in silence, as Ann had visualized. This hike was along the Long Point trail. It was the last hike Mike had planned before he became too weak to lead it. So, in his memory, we decided to "hike it for him."

Since then, the Chapter's Outings Program has been mostly quiet, trying to regain its strength. Recently, I was elected to serve on the Chapter's ExCom and was offered the opportunity to assist with the Outings Program. I'm honored to help serve as an interim Outings Chair so Mike and Ann's legacy and our goal to protect and stay connected to our natural world continues. Let's not forget that this is our mission — as leaders, activists, members and non-members of the Sierra Club — to save our planet's legacy. Come join our outings and our team to help with this mission: to enjoy, to learn and to share the beauty of nature together.

## Southern Mon National Forest Rare Species: A new series

by Matt Kearns, WV Rivers Coalition & Tom Kloehn, The Wilderness Society

*The wild mountains, hollows, rivers, and bogs of the southern Monongahela National Forest hold a rare and valuable treasure: some of the last populations of the Eastern United States' most at-risk species. These small amphibians, mammals, plants, and fish often go unseen, but they are a vital part of the varied ecosystems that would be protected by the proposed Birthplace of Rivers national monument.*

*The survival and recovery of these species is important for the scientific community, outdoor enthusiasts, and anyone who wants to see these plants and animals continue to be part of the landscape of the Mountain State, as they have since the ecosystem came into being.*

*This is the first in a series of quick looks at the endangered and threatened species in the southern part of the Mon National Forest and areas downstream. These species are either known or very likely to be found in the region known as the Birthplace of Rivers.*

### No. 1: Northern Long-eared Bat



Northern Long-eared Bat (*Myotis septentrionalis*): During summer nights across the forests of the Eastern United States, long-eared bats flit through the understory, using echolocation to catch the moths, flies, and beetles that they eat. Their long ears make them unique in the myotis family, and are often the only part of the bats that can be seen sticking out of the small cracks and crevices of the caves and mines where they hibernate. Unfortunately, a disease called white-nose syndrome and the destruction of the caves and forests that the bats call home have caused a large enough decline in their numbers for the U.S. Fish and Wildlife Service to list the species as "threatened."



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[cglagola@mail.wvnet.edu](mailto:cglagola@mail.wvnet.edu)

(Put name of recipient under subject)

Messages for legislators can be left at:

1-877-565-3447 or 304-347-4836

Mail address:

Member, WV Senate or

House of Delegates

Bldg 1

State Capitol Complex

Charleston, WV 25305

website: [www.legis.state.wv.us](http://www.legis.state.wv.us)

has contact information for all state legislators.

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