April Keating

On December 2, people from 11 states and the District of Columbia traveled to the National Press Club in Washington, D.C., to state their case at a People’s Hearing sponsored by Delaware Riverkeeper Network (DRN), a conservation organization established in 1998 to protect the Delaware River watershed that feeds water to four states.

Stories came from as far away as Florida and New Hampshire to tell a panel of judges their stories about how they have been abused and the approval process for pipelines and gas infrastructure has been tainted by the only regulatory agency that approves interstate pipelines, the Federal Energy Regulatory Commission (FERC).

Many have claimed a conflict of interest, since this agency is funded by the fees it collects from companies whose projects it approves. The FERC has only turned down one project in over 30 years.

Those testifying included an economist, a nuclear expert, a medical anthropologist, and a reporter with more than 40 years of experience, two attorneys, an ex-Marine, a grandmother, and several individuals personally affected by irresponsible gas infrastructure build-out practices.

Projects represented included the Mountain Valley and Atlantic Coast Pipelines, the Algonquin Pipeline Expansion Project (Pa. to Mass.), West Roxbury Lateral Pipeline (Mass.), the NEXUS (Ohio, Mich.), PennEast (Pa., N.J.) and the SABAL (Fla.) pipelines, DTI’s Cove Point LNG Export Facility, and one organization called Fair Compensation for Underground Storage.

“Every day, there is a new example of how the Federal Energy Regulatory Commission is abusing its power and the law in its biased reviews of fracked gas pipelines and its disregard of the rights of people, states and regulatory agencies,” the DRN website states. Examples include “aggressive use of the power of eminent domain, creating loopholes that put people in legal limbo, unable to challenge pipelines in court before FERC sends them in to construction, and never forcing compliance with community protection laws as projects proceed through construction.”

Testifiers told stories of homes and farms in danger from pipelines running too close for safety, insufficient information being provided in the Draft Environmental Impact Statements, safety measures being skirted or ignored, lost property values, daily stress and lowered quality of life, bullying by landmen, unsafe practices during construction causing property damage and injuries, and police colluding with companies to harass protestors and the general public.

One person described his trepidation at the laying of a gas pipeline over a seismic fault. Another described plans to lay a pipeline near a rock quarry with regular blasting. The Algonquin pipeline, which runs only 105 feet from an aging nuclear facility at Indian Point, N.Y., has been given approval by the FERC. An explosion near this plant could cause human casualties comparable to what occurred at Hiroshima in 1945.

Speakers also called attention to the revolving door between the gas industry and FERC, the nepotism of FERC commissioners’ spouses working in the gas industry while projects by the same company gain approval. Four of the speakers hailed from West Virginia and are members of the POWHR Coalition.

All of the stories will be compiled and submitted to Congress for the record in a lawsuit filed by DRN March 2, 2016, against the FERC with the United States District Court in Washington, D.C. The suit holds that FERC’s review and approval process for jurisdictional pipeline projects is infected by structural bias, encroaching on due process rights in violation of the Fifth Amendment of the U.S. Constitution. DRN seeks changes to FERC’s funding structure, as well as other fundamental changes to the agency, to make it accountable and consistent with democratic governance.

Several comments were made to hearty applause in support of the water protectors at Standing Rock. At least one at the hearing, Russell Chisolm, a member of the POWHR Coalition, was on his way to the camp with more than 2,000 other veterans. Chisolm is among those ready to again put themselves in harm’s way to form a human shield to protect others as they stand for the rights of all people and future generations to have clean water.

Although we often feel powerless, especially here in “Gasland,” there was such an outpouring of resolve, hard work, determination and love in that room, that it gave us all hope and strength to continue the fight.

Mni Wiconi!
Water is life!

PostScript: Recent news that the Army Corps of Engineers denied the permit for the Dakota Access Pipeline, though a victory for the water protectors, is not the end of the story. The company that owns the project, Energy Transfer Partners, has stated that it WILL still build the pipeline, whether or not it is re-routed. As those of us in the pipeline fight know all too well, a re-route is not really a victory, as it simply moves the pipeline onto someone else’s land. In our time, the only solution is to stop ALL fossil fuel development. The right of people to have clean water and air, a healthy climate, and environmental justice that we seek. Speakers also called attention to the revolving door between the gas industry and FERC, the nepotism of FERC commissioners’ spouses working in the gas industry while projects by the same company gain approval. Four of the speakers hailed from West Virginia and are members of the POWHR Coalition. All of the stories will be compiled and submitted to Congress for the record in a lawsuit filed by DRN March 2, 2016, against the FERC with the United States District Court in Washington, D.C. The suit holds that FERC’s review and approval process for jurisdictional pipeline projects is infected by structural bias, encroaching on due process rights in violation of the Fifth Amendment of the U.S. Constitution. DRN seeks changes to FERC’s funding structure, as well as other fundamental changes to the agency, to make it accountable and consistent with democratic governance. Several comments were made to hearty applause in support of the water protectors at Standing Rock. At least one at the hearing, Russell Chisolm, a member of the POWHR Coalition, was on his way to the camp with more than 2,000 other veterans. Chisolm is among those ready to again put themselves in harm’s way to form a human shield to protect others as they stand for the rights of all people and future generations to have clean water. Although we often feel powerless, especially here in “Gasland,” there was such an outpouring of resolve, hard work, determination and love in that room, that it gave us all hope and strength to continue the fight. Mni Wiconi! Water is life!
Election Results for WV Chapter Endorsees: Who Won, Who Lost
Jim Sconyers, Political Chair

The WV Chapter endorsed 22 candidates for election in November 2016. The results for each endorsee, including the candidate’s name, office, district and outcome, are listed below.

Nine of the 22 candidates we endorsed won, while 13 lost.

Mike Manypenny
US House of Representatives District 1 - Lost
Charlotte Pritt Governor - Lost
Samantha Preece WV House 14 - Lost
Joe Fincham WV House 17 - Lost
Kristen Ross WV House 31 - Lost
Margaret Staggers WV House 32 - Lost
Nancy Guthrie WV House 36 - Lost
Larry Rowe WV House 36 - Won
Mike Pushkin WV House 37 - Won
Stephen Baldwin WV House 42 - Won
Richard Iaquinta WV House 48 - Won
Tim Miley WV House 48 - Won
Wayne Worth WV House 48 - Lost
Mike Caputo WV House 50 - Won
Linda Longstreth WV House 50 - Won
Tim Manchin WV House 50 - Lost
Barbara Fleischauer WV House 51 - Won
Rodney Pyles WV House 51 - Lost
Evan Hansen WV House 51 - Lost
Alan Tomson WV House 53 - Lost
Rod Snyder WV House 67 - Lost
Stephen Skinner WV Senate 16 - Lost

Mike Manypenny

Mike Manypenny

R.I.P. Jim Sconyers

One of our beloved Chapter leaders lost a long battle with cancer in mid-December, shortly before this issue of the newsletter went to press.

We intend to publish a special section in the March/April issue dedicated to Jim and his many years of devoted service to Sierra Club.

Mary Wimmer will be assembling photos and remembrances from anyone who would like to share them. Please contact Mary by February 1, if you have an anecdote or old photo to share. Send items to her at: monwimmer@gmail.com

Jim worked to the last, submitting his final report for this newsletter, as Political Chair (see below).

Trump nominates Scott Pruitt to head EPA

In 1980, then President-elect Ronald Reagan nominated James Watt to serve as Secretary of the Interior and Anne Gorsuch as EPA Administrator. These were among the most anti-environmental officials ever to run these important agencies. Watt drew outrage from Americans everywhere for his open disdain of environmental protection and his determination to open federal forests, parks and other public lands to mining, timbering and drilling.

In response, the Sierra Club and other groups, in 1981, gathered over one million signatures on petitions to oust Watt, and he eventually resigned.

Fast forward 36 years. President-elect Donald Trump has nominated Oklahoma Attorney General Scott Pruitt to head the U.S. EPA. Pruitt refuses to accept the reality of climate change, let alone the role of fossil fuels in contributing to it, and has led lawsuits to challenge EPA’s Clean Power Plan rules to limit emissions of greenhouse gases. He has challenged other EPA rules to limit mercury emissions or water pollution by challenging the definition of “Waters of the United States.” He has also challenged Obama administration health care laws and immigration policies.

A consistent theme in Pruitt’s legal action is the disdain for science and any facts that conflict with polluter profits. Industry has responded with plenty of backroom support.

In 2014, Pruitt circulated on his agency’s letterhead a nearly verbatim letter drafted by oil execs attacking oil and gas pollution estimates by EPA. We can be sure the foxes will be guarding our chickens if Pruitt is affirmed.

Just How Bad Is Pruitt?
The fossil fuel industry has few better allies than Scott Pruitt, whose own bio describes him as “a leading advocate against the EPA’s activist agenda.” He’s spent his time in office working to allow big polluters to do whatever they want, rather than protecting the health, clean air and water of his constituents.

Americans count on the Environmental Protection Agency to ensure our air is safe to breathe and our water is safe to drink, but Scott Pruitt is an extremist who will put those safeguards at risk. As Attorney General of Oklahoma, Pruitt was a key architect of unrelenting attacks on our bedrock, lifesaving clean air and clean water protections. He has also led the fight against climate action and the Clean Power Plan, doing the bidding of the fossil fuel industry.

An EPA run by Scott Pruitt means more pollution, more asthma attacks, more premature deaths, and more mercury poisoning. If Trump can confirm Pruitt for EPA, the result would not only put our local air and water at risk, but would also cripple U.S. climate leadership and put the stability of our planet in danger.

What You Can Do
First, tell West Virginia’s U.S. Senators Joe Manchin and Shelly Capito to stand up for people and the planet by strongly opposing Scott Pruitt’s nomination to head the EPA. Insist that the head of EPA must at least respect science and understand that our right to clean water and air is more important than polluter profits.

Second, look for more actions in the weeks to come. Sierra Club will be making a major effort to maintain the central role of EPA as an enforcement agency for all Americans.

Contact Jim Kotcon, jkotcon@gmail.com, for other ways you can help protect our air and water.
What Will Those Pipelines Cost Me?

Jim Kotcon

What Will Those Pipelines Cost Me?  

We are in the midst of major campaigns for fossil fuel pipelines, such as the Mountain Valley (MVP) and the Atlantic Coast Pipelines (ACP). Normally, my opening question would attempt to address the environmental and human health impacts, as they should. Those costs are real, and will have long-lasting consequences. And, normally, the economics of such development projects would favor the industry promoters.

But is that true with these pipelines?

Let’s follow the money

The MVP is a $3.7 billion (with a “B”), 42-inch gas pipeline running 330 miles from Wetzel County to Pittsylvania County in Virginia. It crosses streams, limestone Karst topography, steep hillsides, and state and national parks and forests. But where does that $3.7 billion come from? Is the MVP even needed? And how does it affect my pocketbook?

It turns out, no one knows; or if they do, they aren’t telling.

In theory, the users of the gas transported by the pipeline would pay off the construction costs over the life of the pipeline. But pipeline companies acknowledge that they are likely to “overbuild” pipeline capacity. The Federal Energy Regulatory Commission (FERC) grants high rates of return on equity to pipeline companies, up to 14 percent in many cases. With such returns, there is little incentive to limit pipeline construction or costs.

Studies of pipeline capacity show that the proposed users in Virginia and North Carolina could be supplied by existing pipeline capacity, undercutting the argument for need.

The Chapter Conservation Round-up reviewed our campaigns for wildlands, energy efficiency, climate, coal, and natural gas issues. Even the newest Chapter members had input. In a hands-on workshop led by Laura Yokochi, people were asked how they felt about all they had heard during the weekend — “overwhelmed” were also mentioned.

The Chapter Awards ceremony was held Saturday night. The three main awardees were introduced in the last issue (Nov/Dec). Special awards were presented to Mike Price and April Keating, surprising both recipients.

Sunday provided another hike, more workshops and some time for quiet reflection.

SierraFest would not have been possible without a lot of hard work by West Virginia to attract new business and manufacturing is our low energy costs. One of the few advantages held by West Virginia to attract new business and manufacturing is our low energy costs. Building pipelines will tend to raise prices for local consumers, while lowering the energy costs in surrounding states. How does that help West Virginia compete?

And now we come to what this means to me and my pocket book: higher gas prices for West Virginia customers. Even if these pipelines do not serve West Virginia customers, by raising the value of WV gas, local utilities will pay more — and will have to charge me more — for the gas I use to run my kitchen stove and the furnace that heats my house.

How much more? I have asked both FERC and the WV Public Service Commission to estimate the rate impact to WV consumers like me. They agree that rates will likely go up, but they don’t know how much, and do not plan to find out.

Next time local politicians tell you how important it is to build these pipelines, ask them why they want to raise your utility rates and why they want West Virginia to be less competitive for jobs!

Going Solar in Roane County

Jan and Bob Mertz hold Open House
Laura Yokochi

On a crisp, sunny Saturday afternoon in early November, a steady stream of cars snaked up, over and around the picturesque hills off Route 33 in Roane County. The two lanes of paved road turned to one lane, then to gravel. Finally, at the top of a rutted dirt drive was a sign: Solar Open House. Here, most visitors opted to leave their cars on the side of the narrow road and walk the last half mile down to the Mertz homestead.

In an outbuilding a short walk from the old, white-painted farmhouse, Bob and Jan Mertz, as well as their neighbors and co-hosts Mary Wildfire and Robin Wilson, welcomed guests with refreshments and talked about their reasons for going solar. Of course, solar energy is cleaner, but they all felt that producing one’s own power adds to energy security in a way that massive, grid-tied systems do not. Terrorists (or a natural disaster) could take out the entire grid with one well-timed attack, but would find it difficult to take out many individual systems. True independence lies with household solar, not “energy corridors.”

Bob then led visitors on a scenic hike up to see the solar panels. On the way, he pointed out the cisterns that provide water to the household, fruit and nut trees that he’d personally grafted, and a large recessed cave across the hollow. At the top of the hill, some friendly horses came out of an ancient log stable to greet the hikers. Just on the other side, in full sun, the panels were installed on adjustable wooden racks, low enough to reach with a broom when it snows. On the way back, the more adventurous of the group crossed the narrow bridge to the cave, viewed the mysterious drawings on the ceiling, and discussed future possibilities for the massive natural structure.

National Board of Directors Election Coming in March

The 2017 election cycle for the Board of Directors is underway. A slate of seven candidates has been put forward by the National Nominating Committee.

Four others have indicated their intention to run as petition candidates. They have until January 11 to deliver the requisite number of valid petitions in order to become “candidates” for the Board election.

The WV Chapter will try to review all valid candidates at the January 14 ExCom meeting in Morgantown. If any member feels strongly about any of the candidates, please let a member of the Chapter ExCom know your opinions.

If any candidates appear to be obvious choices, the ExCom may provide endorsements, which would appear in the next issue (March/April) of this newsletter.

Members may begin voting in early March, so please acquaint yourself with the candidates and take the time to make your voice heard by the Sierra Club.
Sierra Club Liability Policies For Chapter Outings

Sierra Club outings are open to everyone, members and non-members alike. Each outing is intended to be a wholesome, safe, and enjoyable experience in the outdoors. Participants must have suitable clothing, gear, and stamina, and are encouraged to select an outing that matches their individual abilities for outdoor adventures.

The Club offers a variety of outings from "easy" to "moderate" to "strenuous" that suit all activity levels. The difficulty of each outing is clearly designated in the announcement. Reservations are generally not required unless noted, but the outing leader may be contacted in advance for questions about the terrain, the difficulty and recommended gear.

Activities are normally held "rain or shine," but may be postponed at the leader’s discretion for safety reasons in the event of inclement weather. Participants are reminded that all outings carry a degree of risk, and some take places in locations where professional emergency medical aid may be two or more hours away. People with health concerns should consult a physician to determine the advisability of participating in these or similar activities. The leader is responsible for the safety of all participants, and has the final authority to decide whether or not an individual may participate on a specific outing. Sierra Club safety policy requires that helmets be worn on biking outings, and a personal flotation device (PFD) be worn when using personal watercraft such as kayaks or canoes.

Unless noted in the announcement, Club outings are intended for adults. Children and dogs are not normally permitted, unless an adult is present who has legal authority to decide whether or not an individual may participate. Participants must be accompanied by a parent or legal guardian, or they must have 1) a signed permission slip, and 2) the leader’s prior consent to participate in the Club outing. Sierra Club outings officially begin and end at the trailhead.

To travel to the official starting point and back, even from an advertised meeting place, is the sole responsibility of each participant. While the Club encourages car-pooling, such arrangements are strictly between the riders and the drivers, and are not a part of the outing.

Participants assume full responsibility and liability for all risks associated with such travel. All participants on Sierra Club outings are required to sign a standard liability waiver, which can be viewed at www.sierraclub.org/outings/chapter/forms or by calling 415-977-6630.

The Sierra Club does not charge for chapter outings, although payment of park entrance fees, a share of camping rental costs, permit fees, equipment rental charges, etc. may be required from the participants. The Sierra Club practices “leave-no-trace” trail techniques, including hiking and camping on durable surfaces, minimizing campfire impacts, packing out all trash, respecting wildlife, being considerate of other visitors, and leaving the environment as you found it.

The Sierra Club’s California Seller of Travel identification number is CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.
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