

FALL 2014



# HEADWATERS

Conserving and Restoring West Virginia's Exceptional Rivers and Streams



Reimagining West Virginia  
Cherishing water, conscious of our treasures

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Cover Photo: Paddlers enjoying autumn colors along Sand Run in Canaan Valley; photo by Kent Mason.

## Breaking the Surface

Anyone who has spent time beneath the water's surface—swimming the depths of a mountain lake, rolling a kayak, or plunging from a rope swing into a swimming hole—knows that rush you get at the moment you surface into daylight. There's that split second when you're getting your bearings back, and the world around you is part water and part earth and sky. It's a rush that engages all of your senses full of wonder.

For all of us active in protecting West Virginia's rivers, we're in an exhilarating moment like that right now.

Despite the uncertainties about the future of rivers in our state, despite the emergence of new threats to our headwaters—like a natural gas pipeline that could bisect the Monongahela and George Washington national forests—despite the fact that every legislative gain we made this year will be under assault when the legislature convenes in January, this is a time of wonder and hope.

We are grateful for the awakening during the water crisis, and the power that was built to pass reforms. And we are hopeful that this community's strength will grow; we'll need it to be present in force come January.

We are grateful for the way clean water has been realized as an issue of economics, health, and values. We heard that loud and clear in polling we did this year. West Virginians overwhelmingly believe government policies should protect our headwaters for drinking water and recreation. We're hopeful that people will stay energized and informed for the long haul.

This moment is that first breath when we break the surface. The world is still coming back into view. And it's a changed world.

It's a world in which more and more West Virginians are re-imagining the future of our state, rethinking the idea of natural resources

as something to be cherished, not just extracted and combusted.

American playwright Thornton Wilder once wrote, "We can only be said to be alive in those moments when our hearts are conscious of our treasures."

In this moment, West Virginians are conscious of our treasures. We value the rivers that flow from our mountains. Sure, science matters. At West Virginia Rivers, we rely on factual evidence to influence policy. Facts do matter.

But how we feel matters, too. It goes hand in hand with what we know. Those two things determine how we see.

The future, of course, is impossible to see. There are powerful forces who hope we'll all get tired and go away. That they can get back to business as usual. They don't know that we've together plunged into the river, and that we're back on top of the water looking downstream. And the world looks different.

With our hearts breaking the surface, our vision clearing, and your help in building the resources we need to bring power to our passion, we can continue to make positive changes together for West Virginia, those who love our rivers and landscapes, and all that lives downstream.

—Angie Rosser, Executive Director

## Meet the WV Rivers Special Projects Team

Some of our significant initiatives rely on the expertise of special project staff.



**Evan Hansen** serves as our science advisor. Evan is president of Downstream Strategies in

Morgantown, WV and co-authored the report "The Elk River Chemical Spill: Lessons Learned, Needed Reforms". He provides ongoing technical expertise to our Water Policy Workgroup.



**Philip Smith** is a conservation specialist leading outreach efforts on the Birthplace of Rivers National

Monument campaign. Phil is a longtime leader on headwaters protection in the Monongahela National Forest. He is also past chair of the WV Council of Trout Unlimited and an avid fly fisherman.



**David Lillard** provides support to our clean water campaigns. David focuses on coalition building and

advocacy efforts, and coordinates our communications programs. He also leads our involvement in the Choose Clean Water Coalition's activities in WV's Chesapeake Bay counties.



## WV Rivers Updates

### Coalition building

WV Rivers helped to convene three strategic planning sessions of the Safe Water Roundtable, a new coalition that emerged out of the water crisis. We help to facilitate individuals and groups involved in the Roundtable to take meaningful actions for clean water policy. We are also collaborating to hold a public event on January 9, 2015 in remembrance of the anniversary of the chemical spill. Other events are being planned for around the state - participate! Let's keep up the call for safe, clean water.



### Save the Date! April 25, 2015 WVRC's 25th Anniversary Celebration

Plan to join us at Canaan Valley Resort State Park for this very special event marking 25 years of successes for wild, clean West Virginia Rivers.



### Watershed partnerships

WV Rivers supports volunteers organizing watershed protection efforts. We spent time exchanging information and strategies with groups working in the Buckhannon River, Cacapon River, Warm Springs Run, Sleepy Creek, Opequon Creek, Elks Run, and Upper Potomac River watersheds to build overall strength in protecting streams and rivers across the state.

In September, we facilitated a water policy forum between citizens and their local elected officials to help connect policymakers with pressing issues for local and statewide watershed protection.

We also were instrumental in coordinating this year's annual Watershed Celebration Day, which saw a great turnout of volunteers at the Capitol committed to clean water. WV Rivers facilitated an educational session on how the watershed groups can be resources to their local communities in source water protection planning required by the new law.



### Recreational advocacy

WV Rivers represents river recreationists through our seat on the WV Stream Gaging Council. The Council meets to coordinate the statewide stream gage network that provides critical information to boaters about river levels and conditions. We advocate for maintenance and funding for the gages and are pleased to report that for this year, all current gages are expected to remain active.



### Water quality monitoring

The WV-VA Water Quality Monitoring Project, a partnership between Trout Unlimited and WV Rivers Coalition, has trained 104 volunteers to monitor sensitive coldwater streams in West Virginia and Virginia. Volunteers monitor 107 sites on 94 streams to help collect baseline data and detect pollution. To become part of this effort and to learn about upcoming volunteer monitor trainings, join us on Facebook and subscribe to our e-newsletter.



### Medicine take-back

To help keep chemicals out of our rivers and drinking water, we're supporting 30 ongoing take-back locations in 15 counties. This year, we've kept more than 500 gallons of pharmaceuticals from polluting our waterways and drinking water.

#### Businesses (\$100+)

Black Bear Burritos  
Blackwater Osteopathic Clinic  
Deehan Landscaping Inc  
Design Realty  
Downstream Strategies  
Elk River Touring Center  
FOTAFLO  
Harpers Ferry Adventure Center  
Immersion Research  
IPlayOutside.com  
Kent Mason Photography  
MedExpress Urgent Care  
Pies & Pints Pizzeria of Morgantown  
Pratt & Whitney Canada Inc.  
Precision Rafting  
River Riders  
Romano & Associates PLLC  
The Observer of Jefferson County  
Valley Veterinarians  
Westwood Technologies Inc

#### Foundations (\$5000+)

Appalachian Stewardship Foundation  
Charles H. Miller Charitable Foundation  
Chesapeake Bay Funders Network  
MARPAT Foundation  
Mary Reynolds Babcock Foundation  
New Venture Fund  
Patagonia  
River Network  
The Dunn Foundation  
Virginia Environmental Endowment

#### Organizational Partners (500+)

Carolina Canoe Club  
Choose Clean Water Coalition  
WV Citizen Action Group  
Harpers Ferry Outdoor Festival  
Keel Haulers Canoe Club  
National Paddling Film Festival  
National Wildlife Federation  
Ohio Valley Environmental Coalition  
Potomac River Swim  
The Wilderness Society  
Three Rivers Paddling Club  
Unitarian Universalist Congregation  
West Virginia Wildwater Association  
WV FREE

#### Recent Major Gifts

Charles & Nancy Brabec  
Chrissy Zeltner  
David Lee Worthington  
David Brisell  
Don & Susan Sauter  
Ed Ford  
Ed Gertler  
Hunter & Shirley Kennard  
Jamie Shumway & Betsy Pyle  
Jason Blake Tollett  
Joan & Gary Warner  
John Bancroft  
John Wolken  
Julia Lear  
Lewis & Elaine Komarow  
Lori Plummer  
Mac Thornton & Molly Carr  
Marilyn Polan  
Mary Davis  
Melanie Dragan  
Michael Harmon  
Michael Popp  
Mitch & Margaret Fitzgibbon  
Nina Ratrie Peyton  
Oren Kennedy  
Pamela Moe  
Peter Bross  
Phyllis Kaplan  
Robert Tyler  
Steve Smith  
Suzanne Wilson Maben  
Ted & Calvert Armbrecht  
Thomas McCloud  
Thury O'Connor

#### Paddling Partners (Sustaining Donors)

Eugene Teter  
David Lillard  
Deborah Clayton  
Erin Tocknell  
Evan Hansen  
Keith Chapman  
Larry Lemons  
Scott Goetz  
William Turner



Greenbrier River, photo by Kent Mason.

## Headwaters Protection Initiative Update

Keeping our mountain headwaters clean: the places we play, the source of the water we drink

### In the Monongahela National Forest

This year, WV Rivers stepped up involvement in the campaign to create the Birthplace of Rivers National Monument. We worked with coalition partners in forming alliances among businesses and organizations who want to protect the headwaters.

National Monument status is a designation that preserves places for their unique scientific, scenic, geological, cultural or historic values. The Birthplace of Rivers has some of the best fishing and hunting in the eastern U.S., and some of the most remote backpacking within the 48,000-acre Cranberry Wilderness.

The monument idea continues to gain support as one important way to help keep our headwaters sparkling.

### A new threat

A proposed 42-inch wide natural gas pipeline would run from West Virginia's shale gas fields to North Carolina, crossing through the Monongahela and the George Washington national forests.

The pipeline would go straight up and down mountainsides ranging from 3,000 to 4,700 feet in West Virginia and Virginia and would be constructed across numerous watersheds, rivers, streams, springs, wetlands and riparian areas.

WV Rivers is involved in various emerging coalitions working together to protect headwater streams from suffering severe sediment pollution that such pipeline construction can cause. We are researching applicable regulatory requirements, conducting baseline water quality sampling and working across state lines to share information and advocacy strategies.

### In the Chesapeake Bay headwaters

When Gov. Earl Ray Tomblin signed the Chesapeake Bay Agreement in May, West Virginia committed to outcomes that will improve the waters of the Potomac and Shenandoah rivers, the Lost/Cacapon, streams like Sleepy Creek and the Opequon, and all the tributary and headwater streams in eastern eight counties.

Eastern West Virginia has both high growth rates and a high concentration of traditional farms and agri-businesses. This means the region's waterways are challenged by growth-related problems like storm water runoff and stream bank erosion, as well as needed improvements to agriculture practices that affect water quality.

WV Rivers is the state lead in the Choose Clean Water Coalition of over 200 groups working to restore the Bay's tributaries. We coordinate advocacy and policy efforts, and help secure federal funds for stream restoration, tree plantings, storm water management, and green infrastructure planning.

### Protecting West Virginia Headwaters

WV Rivers has a new headwaters protection tool for the West Virginia headwaters in the southern Monongahela National Forest. Executive Director Angie Rosser is now the West Virginia Headwaters Waterkeeper® leading protection efforts in the headwaters of the six rivers that rise within the proposed Birthplace of Rivers National Monument. Working with WV Rivers staff, partners, and volunteers, and with support from the Waterkeeper Alliance, the program serves as the eyes and voice for the headwaters.



Bobby Kennedy, Jr., president of the of Waterkeeper Alliance, introduced Angie Rosser as the new West Virginia Headwaters Waterkeeper in May.



Construction of a 42-inch pipeline in Nebraska, similar to one proposed that would bisect the mountains of West Virginia and Virginia.

# SB373 A Long Paddle, One Stroke At A Time



Angie Rosser leads a workshop on the new water protection law at the Mid-Atlantic Regional Water Conference. (Journal Photo by Ron Agnir).

Before the ink was even dry on the new water protection law, industry was already planning assaults on the reforms won by the emerging post-chemical spill movement. As soon as rule making got underway for the source water protection components of the law, there were efforts to weaken requirements for public participation.

Then in late summer, as the Department of Environmental Protection was developing regulations for aboveground storage tanks—a second crucial aspect of the law—industry groups pushed for a special legislative session to push back implementation.

West Virginia Rivers was there at each move—sometimes as the only clean water voice at the table. Looking forward to the legislative session beginning in January, it's clear that industry will put a full frontal assault to weaken the law's regulatory provisions.

The law requires tanks to be registered. As of the October 1 filing deadline for tanks, more than 46,000 tanks had been registered.

The law also sets up requirements for tank safety, spill prevention and response, and inspections. The first round of tank inspections, due January 1, 2015, will be conducted under an “interpretive rule” DEP issued to simplify the process.

There has been some concern among tank owners who say their tanks do not pose a threat to water supplies, or that complying with SB373's safety measures would be an unnecessary cost burden. We stand with the WVDEP in requiring registration of all tanks so we can have an accurate assessment of where these thousands of tanks are and what they hold. The debate from here will center around which tanks deserve more stringent oversight.

Industry wants off the hook from the new law. We want strong protections of water supplies. We will need your help to strengthen our voice for clean water. Lawmakers need to hear loud and clear: Don't water down the water law!

## Did you know?

**There are three sections of SB373 that are key to clean water.**

**Water resources management.** The bill adopted the state's Water Resources Management Plan that acknowledges how we manage water quantity impacts water quality. It sets requirements for collecting data to make sure that industrial water use does not have a negative impact on aquatic life and overall stream health.

**Aboveground storage tanks.** West Virginia has regulated underground storage tanks to protect groundwater, but the Freedom Industries' spill brought attention that the state had no such program for aboveground tanks. SB373 and the draft rules implementing it go into great detail to minimize threats to the environment and public health from leaky aboveground tanks.

**Source water protection plans.** Another revelation from the WV water crisis is that most of our public drinking water systems do not have plans in place to protect source water. The state completed assessments of threats to drinking water supplies, but for most the next step—plans to manage identified contamination threats—were not completed. Now all public water utilities supplied or influenced by surface water must involve the public in completing a source water protection plan.



Elk River, photo by Keely Kernan.

## Two Polls

# Four Campaigns, One Powerful Message: PROTECT OUR WATER!

### DONOR SPOTLIGHT



#### Focusing on Conservation

**Kent Mason**, an acclaimed landscape and nature photographer, recently donated a collection of photographs of West Virginia's wild places to West Virginia Rivers Coalition. Kent believes that "quality photography of our natural world is a powerful, compelling preservation conservation tool." To view Kent's work or purchase a print visit [www.wvphotographs.com](http://www.wvphotographs.com). Do you have a special talent you'd like to share with West Virginia Rivers? Email [ktyner@wvrrivers.org](mailto:ktyner@wvrrivers.org).

In July, seven months after MCHM leaked into the Elk River, West Virginia Rivers set out to learn whether the events of January had become distant memory. Out of the news, out of mind. We found just the opposite. People want clean water, and they want government to be their champion. Here is a report on two polls and their effects on our work to protect headwaters and drinking water.

### WV Rivers Poll Shows West Virginians Support Headwater Protections

A statewide public opinion poll commissioned by West Virginia Rivers Coalition reveals strong support for protecting headwater streams. Strong majorities of voters—Republican, Democrat, and Independents, alike—said they support government protections of headwater streams for drinking water, fishing, and wildlife.

"We've seen an amazing strengthening of attitudes since the chemical spill last January," said West Virginia Rivers executive director Angie Rosser. "People are much more aware and supportive of policies that protect headwaters."

Among the findings of a July 2014 telephone survey of more than 800 West Virginia voters statewide are:

- More than 4 in 5 voters think the government should play a role in preserving headwaters in West Virginia, with 58 percent saying the government should play a major role.
- 88 percent of voters find issues involving clean water and the health of West Virginia's headwaters important to their voting decision.

A majority (59%) find these issues very important to their voting decision.

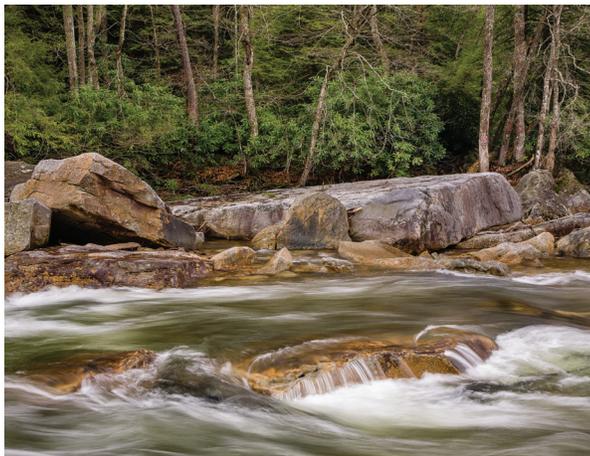
The poll also shows that most West Virginians don't think we have to choose between jobs and the environment. Nearly 80 percent said we can protect land and water quality in West Virginia and have a strong economy with good jobs at the same time, without having to choose one over the other.

These results support WV Rivers' efforts on three headwaters campaigns.

**Chesapeake Bay Headwaters Initiative** in West Virginia's eastern eight counties that drain into the Potomac and Shenandoah rivers. This initiative engages watershed organizations and state agencies to restore and conserve headwater streams that ultimately water the Chesapeake Bay.

**The Birthplace of Rivers National Monument** proposal in the Monongahela National Forest. WV Rivers is part of West Virginia-based coalition working to protect the headwaters of six great rivers: the Cherry, Cranberry, Elk, Williams, Gauley, and Greenbrier.

**Clean Water Act** rule. Protections need strengthened for rain-dependent headwater streams that feed the rivers we rely on for recreation and drinking water. At issue has been the definition of "Waters of the U.S." in how the law is administered. After two court cases had created confusion about headwater streams, we have led the West Virginia effort to clarify these protections.



Cherry River; photo by Kent Mason.



South Branch of the Potomac River, photo by Kent Mason.

## DONOR SPOTLIGHT



### Padding Partner Spotlight

**Bill Turner**, a lifelong angler and longtime board member of West Virginia Rivers Coalition, donates in a very special way. He donates automatically monthly through our Paddling Partner program. Giving a little each month adds up to a lot each year and sustains our advocacy work for river protection. If you would like to learn more about recurring giving email [ktynner@wvivers.org](mailto:ktynner@wvivers.org).

The poll validates the work WV Rivers does to protect the nearly 15,000 miles of streams that supply surface water intakes for public drinking water systems. More than half of these stream miles, 8,387 miles of them, are small, often intermittent headwater streams. While it's almost impossible to keep an eye on an every mile, we can work for state and federal policies that ensure the water we drink and enjoy comes from pure, healthy headwaters.

“Clearly, West Virginians care about the influence of headwater streams—for drinking water, for fishing, and recreation,” said Rosser. “Policy makers and politicians should take heart in these findings. They don’t have to fight every rule just because it comes from EPA. They can vote for clean waters and still have the wind at their backs.”

### Campaign Four: Change the Current

## Making Clean Rivers A Public Health Issue

The incredible energy of spring and summer led to hard work of organizing an ongoing, stronger, more diverse clean-water movement. As a convener of the Water Crisis Roundtable, it was clear that groups who never before had been involved in water were ready to step in to help.

Working alongside traditional WV Rivers’ allies like WV Citizen Action Group and Ohio Valley Environmental Coalition, we teamed up with WV FREE and WV Healthy Kids and Families look at clean water from a health perspective. WV FREE conducted a statewide poll of attitudes on women’s health and water quality. The results confirmed the headwaters survey we conducted. People want the state and federal government to step it up, to do their part to protect drinking water sources.

Among the poll’s key findings:

- 73 percent strongly support water quality and toxin monitors for source waters.
- 73 percent rate the fact that West Virginia regulatory agencies do not have enough scientifically-trained inspectors to properly monitor water quality as very important.

The information gathered fueled the Change the Current Campaign, an effort to get out the clean water vote in November’s election and to build strength for future action.



The campaign produced graphic materials to help spread the word. The campaign included a media release and a toolkit containing signs, posters, press releases, and other collateral materials that grassroots groups could use—like the memes pictured on these pages.

The group also is exploring ways to extend the polling information and adapt the campaign beyond Election Day. We need to keep the pressure on decisionmakers that it is time to “Change the Current” and act on behalf of clean water for all.



**Yes!** I want to help the West Virginia Rivers Coalition protect our rivers for recreation, wildlife, and for our health and safety. Enclosed is my donation to the Clean Water Action Fund to support statewide education and advocacy.

Amount of donation:

\$500  \$250  \$150  \$100  \$75  \$50  Other \$ \_\_\_\_\_

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You can also give online at [www.wvrivers.org](http://www.wvrivers.org).

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**Save the date!** April 25, 2015. Join us for our 25th anniversary celebration at Canaan Valley Resort State Park.



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