

FALL/WINTER 2015



HEADWATERS

Conserving and Restoring West Virginia's Exceptional Rivers and Streams



Our Public Lands
Where we go to experience water

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Cover Photo: Cathedral Falls
by Samuel Taylor Photography.



Enjoying the chilly waters of Red Creek in Dolly Sods Wilderness; by Kent Mason.

Our Lands, Rivers, And You

I'm one of about 30 percent of West Virginians who were born in another state. A "West Virginian by choice," I like to say, I was drawn here by the mountains and rivers.

I love to visit our state parks and forests. I've been to 31 of them! And when I think of my favorite places in West Virginia, areas in the Monongahela National Forest top my list.

It's the same draw that keeps native West Virginians here and pulls in out of state visitors—we all love our rolling mountains and wild rivers. Most often, our public lands provide our access to experience them.

That's how I got interested in West Virginia Rivers Coalition, first as a volunteer. We were founded so that our rivers and the people who cherish them have a voice. We were founded as truth tellers, and we strive every day to uphold that commitment. When our waters and our access to enjoy them are threatened, we speak up—not just for what we're against, but for the shared responsibility to care for the treasures that are our public lands and waters.

When we talk with coal miners and gas workers, we hear stories like ours. Stories of taking their kids and grandchildren into the forest to play in the stream, catch a fish, look at the stars. Water bonds our relationship to nature and to each other, and our public lands are critical to those bonds.

Today our public lands face threats our founders couldn't have imagined: Massive gas pipelines through The Mon crossing more than a hundred rivers and streams; proposals to frack in our state forests and wildlife areas; Congressional efforts to divest national

forests; an industry-driven agenda to weaken clean water standards.

But there is good news. You. You, who support the powerful vision of our future. You who don't let setbacks or new challenges get in the way of the truth that West Virginia's rivers are our great asset, the thing that can bring young people to our state and spur our future economy.

There is so much work to do, the work you believe in. Your support—through donations and volunteering and letter writing and showing up at public meetings—helps keep the future we envision within reach. Through you, West Virginia's public lands and our renowned rivers and streams will continue to have a stronger voice.

With your continued support, it's possible—a future of clean, wild rivers for all to enjoy.

Thank you,

—Angie Rosser, Executive Director



Welcome Autumn Bryson

Autumn Bryson joined WV Rivers as Program Director. She grew up swimming and fishing in the waters of the Greenbrier River. After attaining her environmental science degrees and working five years in Alaska and Nevada she has returned home. Autumn will take a lead role in WV Rivers' policy and clean water programs.

Headwaters Update

Where We Go To The Rivers: Our Public Lands

From state parks to the national forest, working for recreation access

Think of the West Virginia landscape, and what comes to mind? For many people, it's mountains and the waters that flow from them—Seneca Rocks, the Cranberry Wilderness, Blackwater Falls, the New River Gorge. These are our public lands, available for all of us to enjoy.

It all starts in the Monongahela National Forest, with headwaters for two great American rivers: the Potomac and the Ohio. "The Mon Forest" was established to protect our headwaters, and West Virginia Rivers Coalition was founded to uphold that promise. At first, we focused on tools like Wild & Scenic designations and recreation access; today many of our efforts still prioritize protecting the headwater lands where our rivers begin.

"From its start 25 years ago, the WV Rivers Coalition has been the voice of our mountain streams, particularly those on public lands: the headwaters of the Potomac, Cheat and Gauley rivers," said WV Rivers co-founder Mac Thornton. "Due to the increasing pressure for development, like fracking and pipelines, the need for that resolute voice is greater than ever."

Public lands are how we access nature, which refreshes our bodies and uplifts our spirits. Most people don't live on a river or lake; it's only through public lands that we have access to experience these treasures.

Our state forests, parks, and wildlife



Cheat Canyon, Coopers Rock State Forest; by Kent Mason.

management areas also are part of West Virginia's public lands legacy. It's one thing all of us have in common: Knowing that our public lands, once protected, will always be there for us. But that may not be the case. Three things happening now could change the future of public lands.

First is an effort among some members of Congress to streamline selling off national forests—or make it easier to use recreation land for industrial uses. This year, the Senate passed an amendment to facilitate the sale and privatization of national forests.

Then there is the threat to the Land and Water Conservation Fund (LWCF). Over five decades, LWCF has used offshore drilling royalties to fund \$182 million in WV for recreational access in places like the New River and Gauley River National Recreation Areas, Spruce Knob, and Cranberry Wilderness. Another \$45 million has funded recreation access on state lands.

Due to Congressional gridlock, LWCF's future is in doubt. Instead of re-authorizing the fund, Congress allowed it to expire September 30. This means nearly \$3 million for the New and Gauley won't be coming to West Virginia—nor will future funds—unless Congress re-establishes the fund.

The legacy of our state lands is in jeopardy, too. The West Virginia Legislature ordered a study to investigate expanding fracking on state lands like wildlife management areas, parks and forests.

A statewide WV Rivers poll found that 84 percent of voters say the government should be doing more to protect our headwaters and public lands, including the Birthplace of Rivers National Monument. Stay involved. Sign up for our e-news.

What WV Rivers is doing

- Leading an effort to engage our congressional delegation as leaders in reauthorizing LWCF.
- Partnering with the National Wildlife Federation, developing briefing papers and letters for members and supporters, who have carried the effort to Congress. Our efforts led to key commitments from Senators Manchin and Capito to support LWCF.
- Staying out in front on research and regulation of new pipeline projects set to cross public lands. See our website for the report.
- Pushing toward the finish line for the Birthplace of Rivers National Monument designation by December 2016.

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BOARD SPOTLIGHT



Chrissy Zeltner

Always ready to lend a helping hand, Chrissy helps out at festivals, writes letters, and is always among the first to volunteer when help is needed. Chrissy, a WV Rivers board member brings her infectious positivity and fun to all things Rivers. "I started supporting WV Rivers a few years ago because I wanted clean water to kayak. Now I realize it's so much more, that we all need clean water for drinking and living."

Policy Update

Ohio River Commission Backs Down on Enforcing Mercury Ban

After a 12-year delay in enforcing a ban on high-level mercury discharges into the Ohio River, the 8-state body that oversees pollution standards for the Ohio River extended inaction indefinitely by handing over regulation to the states. Now each state permitting agency will determine when it's "practicable" for industries to reduce the high amounts of mercury they're putting in the river. This means there will likely be no unified standard.

The ban that was to take effect in October 2015 would have prevented polluters located in all states along the Ohio River from releasing high levels of mercury directly into the water through the use of mercury "mixing zones." Mixing zones rely on the idea that dilution will take care of the health hazards that mercury and other toxins present. However, mercury at any level collects in fish tissue, and builds into higher concentrations as it moves up the food chain. Mercury is a known neurotoxin that causes brain and nerve damage to children and developing fetuses when they are exposed through consumption of contaminated fish.

"This decision to eliminate the ban deadline provides no end in sight to the increasing mercury pollution in the Ohio River," said Angie Rosser, "Cleaner water for our residents simply can't wait. We will keep fighting to restore the Ohio as a fishable, swimmable river."

Protecting Streams From Mining Impacts

Reducing the impacts of mining on stream health has been a challenge for decades. Two proposed regulatory changes would weaken existing rules to protect aquatic health; one offers a ray of hope.

WV's Department of Environmental Protection



Power plants along the Ohio River are a significant source of the mercury in the river.

(DEP) has proposed changes to Water Quality Standards, including permanent changes to the selenium and aluminum pollution limits. Both are potentially dangerous pollutants resulting from mining.

Selenium impacts fish offspring

Selenium is a naturally occurring substance found in high concentrations in some areas. When surface mining occurs in high selenium soils, excessive selenium leaches into streams.

Adult fish exposed to selenium may show no outward sign, but their offspring will suffer gross deformities that are most often fatal. WV DEP's proposed revision to the selenium standard relies on fish tissue sampling that would prolong the process of determining violations.

Compliance can only be determined when fish are present to sample. Streams with no fish present, including in cases due to pollution from mining or other sources, may never receive the protections needed to restore their fish populations.

Proposed aluminum standard is not scientifically justified

WV DEP has proposed a shift to "hardness-based" criteria to determine the amount of aluminum pollution allowed in a stream. Streams where there is high hardness (mineral content) would see dramatic increases in the amount of aluminum allowed to be discharged by mining operations.

In practical terms, it means streams polluted by mining activities would be subject to lower standards—allowing them to become more polluted.

But a member of DEP's own environmental



The Office of Surface Mining Reclamation and Enforcement hosted several field hearings on the Stream Protection Rule, including one on September 17 in Charleston, W.Va., where Autumn Bryson of WV Rivers testified.



Valley fills, in which fill stream valleys are filled with mining waste, are not prohibited in the new Stream Protection Rule; photo by Kent Mason.

advisory committee questions the science. "The [report] upon which WVDEP bases its case for a hardness-based Aluminum WQ rule, relies upon mostly static and mostly short-term bioassays of relatively few species, only a few of which actually occur in West Virginia waters," writes Dr. James Van Gundy.

WV Rivers Water Policy Workgroup contends that there is not enough available science to back up the proposed change, without risking doing more harm than good. In 2014, the aluminum change was withdrawn by the WV Legislature. In 2016, a new legislature will take up the aluminum proposal for consideration and vote again, along with the selenium standard.



Selenium is absorbed into the bloodstream of adult fish after eating algae. It enters the yolks of fish eggs, then causes abnormalities as the juveniles grow (USGS).

Stream Protection Rule A Mixed Bag

Should a person be allowed to fill in a stream on their property?

The law says no. Water is held in public trust; one landowner is not allowed to destroy the use of water for landowners downstream. The same rule once applied to the mining industry. Valley filling, in which mining waste is piled into streams—often completely eliminating the stream—was prohibited until President George W. Bush repealed the regulation.

Since then, hundreds of miles of West Virginia streams have been filled in. Industry claims that valley fills don't bury streams because they are required to "restore" them.

Responding to legal challenges, the Office of Surface Mining Reclamation and Enforcement (OSM), was forced to update the rules to protect streams against surface mining. Six years later the rule finally has been revised. Some clean water advocates say

the new rule does not go far enough because it still allows mountaintop mining. Others say the rule could be helpful because it offers stronger protections.

"Mining companies will be required to conduct water quality monitoring pre- and post-mining, as well as restore the streams to their pre-mining condition," said WV Rivers' Autumn Bryson.

Redo of Aboveground Storage Tank Regs

The 2015 WV Legislature weakened the Aboveground Storage Tank (AST) Act, resulting in only approximately 15% of all ASTs being subject to regulation. This rewrite initiated another round of AST rule-making to flesh out the standards. "Though troubled that most of our waterways are still at risk from tanks not subject to this regulation, we must insist on no further relaxing of standards," said WV Rivers' Angie Rosser. "We need to see adequate staffing to enforce this program, public notice of tanks that seek to be excused from the Act's requirements, and place responsibility on tank owners to cover potential liability of a tank failure."

WV Rivers will be there in January when the legislature debates the new AST standards.

What WV Rivers is doing on water policy

- Partnered with Kentucky Waterways Alliance to launch the No More Mercury campaign; petitioned ORSANCO to create a non-governmental advisory committee.
- Worked with partners to generate more than 16,000 public comments and 327 petition signers on the mercury rule and 51 comments on water quality standards.
- Conducted scientific analysis and submitted extensive written technical comments on 5 proposals, developed 5 citizen fact sheets, testified at 4 public hearings and provided comments on 6 media stories.
- For more info check out our www.wvrivers.org/make-a-difference/current-water-policy.

BUSINESS SPOTLIGHT



Kara and John Weld

As owners of Immersion Research, Kara and John have generously supported WV Rivers since 1996. "As paddlers, it's easy to recognize the importance of protecting rivers. But more importantly, West Virginia is our home. We live, eat, sleep, play and raise our children here," says Kara. "We value the natural assets that this amazing state has and unfortunately realize the threats to them. We support WVRRC because they protect WV Rivers everyday."

DONOR SPOTLIGHT



Lori Magana

After the 2014 water crisis, Lori became a volunteer lobbyist, working alongside WV Rivers staff to meet with legislators. "I never realized we had to fight for clean water until I was affected by the Elk River chemical leak that deprived so many people access to safe water," says Lori. "I've watched the wonderful WV Rivers team work with policymakers and legislators. They opened the space for me to join them."

Program Update

Working With Communities On Drinking Water Protection

Do you know where your drinking water comes from? If you don't, you're in the majority. But WV Rivers is offering you a chance to learn about your water.

WV Rivers spearheaded the passage of SB 373, which requires most water utilities to develop or update source water protection plans. The plans are meant to identify and manage contamination threats to water supplies.

We recently launched a project to support public participation in source water protection planning. The effort includes developing a citizen's toolkit, working with local partners to host workshops in at least four regions, and offering site-specific technical assistance in the process. So far, the regions include the following watersheds: Greenbrier, New, Kanawha and Potomac.

The project kicked off with a roundtable discussion in Shepherdstown, WV in September.



Twenty community leaders attended a gathering to offer advice on reaching out to new audiences, assuring that many voices are heard.

The toolkits will be made available online and through free webinars and public meetings, so that all West Virginia communities have access to them.

Bringing The Public Voice Into Pipelines

WV Rivers, along with WV Highlands Conservancy and the Dominion Pipeline Monitoring Coalition, commissioned Downstream Strategies to investigate public input opportunities related

to the onslaught of proposed natural gas pipeline construction projects across the state. Special focus is given to one of the proposed large-scale interstate transmission lines, the Atlantic Coast Pipeline—a 42" diameter pipe set to cross a total of 100 water bodies within West Virginia.

Erosion and sedimentation cause nearby waterways to be unnaturally muddy to the point of impacting stream life. "The rush to build pipelines raises serious concerns for water quality," said Rosser, "We're seeing that efforts to control run-off and slides from these projects aren't working and our streams are paying the price."

The groups' initial research resulted in "Atlantic Coast Pipeline in West Virginia: Opportunities for Public Engagement regarding Erosion and Sedimentation," available at www.wvrivers.org/archive/pipelinerreportdownstreamstrategies.pdf.

WV Rivers and Trout Unlimited are also expanding monitoring activities along proposed pipeline routes. This follows the successful WV Rivers/TU partnership to implement TU's Water

The Atlantic Coast Pipeline in West Virginia: Opportunities for Public Engagement regarding Erosion and Sedimentation



EVAN HANSEN
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Quality Monitoring Project in West Virginia and Virginia. It monitors coldwater streams that have the most potential to be impacted from shale gas development through a network of 195 trained volunteers, who have collected 12,174 data points thus far.

For the new effort, the protocol will identify erosion and sedimentation impacts that may occur due to pipeline development. Volunteers will collect data and conduct visual reconnaissance before, during, and after pipeline construction.

The effects of pipeline construction are not limited to the proposed massive interstate lines. They include hundreds of new gathering lines designed to supply the proposed interstate lines.

Volunteers are needed who can regularly monitor in predetermined pipeline route locations. Interested in learning more? Call us or email ktynner@wvrivers.org.

Sign-up for hassle-free sustaining donations

Become a WV Rivers Paddling Partner by donating a little each month. Your monthly pledge is one of the best ways to protect the wild and wonderful waters of West Virginia. You can become a WV Rivers paddling partner for as little as \$5 a month payable through your credit or debit card. Call Kathleen at 304-637-7201.

Young Storytellers Set Their Cameras On Watersheds

A generation ago, most kids grew up spending free time outdoors; that's how they learned about the environment. That's not always true these days. So WV Rivers piloted a youth engagement program in the Eastern Panhandle to meet teens where they are.

The OneWatershed film camp trains teens as storytellers about local watersheds. The goal is to connect teens to watershed groups to help them recruit new members and volunteers.

WV Rivers teamed up Warm Springs Watershed Association and Friends of the Cacapon River to create a program that is easily adopted by watershed groups. Seven teens attended the pilot training. They learned technical elements of filmmaking and editing, and captured stories like these: a sportsman whose life has been enriched by the Cacapon River, a retired sewage treatment plant operator, and a volunteer stream monitoring team.

Check out the videos at www.wvrivers.org/news/onewatershed.



OneWatershed student filmmakers shoot a segment on the Cacapon River.

VOLUNTEER SPOTLIGHT



Kate Lehman

As president of Warm Springs Watershed Association, Kate helped create our OneWatershed youth pilot. She is a dynamo on policy, too. "There are so many ways WV Rivers helps WSWA fulfill our mission," says Kate. "Like bringing together diverse groups for workshops and leading state and federal policy efforts. Legislators from this area have spoken to me about how much they value the conversations they've had with WV Rivers leadership."

Paddlers, Sportsmen, Business Owners Rally For Monument



Paddlers treasure access to the Cherry River; by Dustin Johnson.

Over the past year, WV Rivers has reached out to hundreds of businesses, sportsmen, and outdoorspeople to garner support to create the Birthplace of Rivers National Monument in the southern Monongahela National Forest. The 120,000 acres includes the Cranberry Wilderness, Tea Creek Backcountry, and iconic features like the Falls of Hills Creek and Cranberry Glades.

To keep the momentum going, we have been working the legislative and media fronts. In addition to organizing meetings with the in-state offices of Congressional staff, we organized a "fly-in" of sportsmen and local government officials to meet with Senators Manchin and Capito in Washington,

D.C. in July. In August we hosted an event for Sen. Manchin's staff and 40 local government, sportsmen and community leaders in Slatyfork, WV.

Supporting that effort were meetings with local supporters, and thanks to WV Rivers supporters, generating upwards of 500 endorsements from people and businesses so far this year, plus about a 100 WV Rivers responses to an action alert.

Our media outreach has generated 24 feature articles, op-eds, and letters to the editor over the past year.

The goal is get this special designation in The Mon before the end of 2016, either through legislation or Presidential proclamation.



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You can also give online at www.wvrivers.org.

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