

FALL / WINTER 2017



HEADWATERS

Conserving and Restoring West Virginia's Exceptional Rivers and Streams



2017 Annual Review Special Edition

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Chad Cordell

A Long March For Water

Welcome to the 2017 annual review edition of Headwaters. In this digital age, most of our communications with you comes in short emails or action alerts. We don't always take the time to describe the context of our work.

So, in this Headwaters, we offer details on five core program areas your membership and donations support. Their scopes vary, but there are things they have in common.

Acknowledging the current reality.

In Charleston or on Capitol Hill, we are facing overwhelming odds to defend laws and regulations that represent decades of progress. We've always had to work hard to hold government and polluters accountable to the law; now, like never before, we're facing heavily funded efforts to dismantle those laws. Laws like the Clean Water Act, our state's water quality standards, even the science on which these laws are based.

In much of what we do on policy these days, we're playing defense.



Our movement is growing. Incredible force and activism has been sparked in communities across West Virginia. This is the bright star. We see it in the 155 volunteer water quality monitors looking out for the streams they love. In community groups coming together to implement the source water protection law we championed. In the people who have written more than 3,000 letters and postcards to defend our bedrock public lands policies. In the people who show up at the statehouse to share their stories and concerns at public hearings.

All of our programs are attracting interest and action like we've never seen before.

It takes money to bring the truth.

Conducting scientific reviews, writing policy recommendations, developing advocacy strategies, creating education and technical materials, traveling to meet community groups and helping them raise their voices — all of it costs money. Our projects have, indeed, attracted support from partners and foundations. Still, it's the support of members and friends that makes the difference, and sustains us for the long haul.

We're already doing so much, but it's not enough for what we're up against.

This is a long march. With you as leaders, volunteers, and donors we'll get there. Enjoy reading about all that you are helping make possible.

—Angie Rosser, Executive Director



Public Lands

Protecting WV Waters Through Public Lands Defense

The year began with concern that Congressional attacks on national public lands would gain a foothold with the new administration. It didn't take long for confirmation. Within weeks the House of Representatives approved a bill that stripped public lands of their financial value, which meant lawmakers could dispose of federal lands without accounting for them. We knew more was on the way. Public lands envelop the headwaters of our drinking water supplies and recreational access to rivers and streams, so they are a major priority for WV Rivers.

In February, WV Rivers hosted leaders from the WV Wilderness Coalition, WV Highlands Conservancy, and WV Sierra Club to determine how to confront these threats. At that meeting, the West Virginians for Public Lands alliance was born. The alliance now brings the resources of many partners to bear under the coordination of WV Rivers. Together we are mounting a defense of public lands against attacks like these:

- Legislation to force the sale of portions of national forest to limit the acreage in each state;
- A bill to turn over management of federal oil and gas leases on public lands to the states;
- An executive order to streamline energy extraction on public lands to circumvent environmental reviews and public input on land management; and,
- An executive order to review 27 national monuments for potential review or elimination.

All these measures fly in the face of what West Virginians believe. Last spring, WV Rivers commissioned a statewide poll on voter attitudes on public lands that confirmed what every West Virginian knows: No matter the party affiliations — Republican, Democrat, Independent — we are united by our passion for public lands. They are where we paddle, hunt, fish, camp, hike, and enjoy the splendor of our state. West Virginians reject outright any calls for selling off public lands or transferring them to the states.

To contest the threats, nearly 60 organizations and businesses have joined the campaign. WV Rivers led teams of volunteer advocates to Capitol Hill to press three policy priorities: Protect funding that has made West Virginia Wild and Wonderful, oppose efforts to sell off public lands to private interests, and defend critical public lands laws.

WV Rivers is facilitating a network of businesses that rely on the public lands that are the core of our outdoor recreation economy. The interest comes not only from outdoor recreation companies; businesses like restaurants, breweries, and music venues that rely on tourism want their voices heard.

Hundreds of West Virginians have signed letters to Congress, made phone calls, and visited Congressional offices. Volunteers

have tabled at events, led local meetings, written letters to editors. Now WV Rivers is organizing volunteer leaders across the state. We hope the model will serve not only public lands, but all of our policy work.

We've gathered to celebrate, too. In August, a hundred people came together in Fayetteville for an event to show support for public lands in West Virginia. Then

on Labor Day, 150 people paddled a stretch of the Elk River in a grand flotilla followed by barbecue, games, and music to honor our lands and waters.

HIGHLIGHTS

- Led formation of West Virginians for Public Lands, an alliance of nearly 60 organizations and businesses.
- Created a WV business network within the alliance to spur business advocacy for public lands defense.
- Led 9 delegations of volunteer leaders to Capitol Hill and in-state offices to meet with members of Congress.

BY THE NUMBERS SINCE 2016

- Garnered and delivered over 3,203 letters and postcards to Congress from West Virginians.
- Facilitated media effort resulting in 72 public lands news stories, op-eds, and letters to the editor.

Defending Water Policies At Home And In Washington DC

HIGHLIGHTS

- Led statewide defense of the Clean Water Act, opposing changes that would remove protections from our waters.
- Led opposition to WVDEP's proposed weakening of criteria for determining which rivers and streams are impaired.
- Led advocacy efforts to oppose weakening of water quality standards to allow more cancer-causing toxins in our waters.

Looks can be deceiving, especially when it comes to clear-running streams that flow from West Virginia's mountains. Wade out in the water and turn over a rock or two. There should be signs of life — little critters. In many of our streams stressed by pollution, those vital signs are hard to find.

There are other ways of knowing when a stream is impaired. It's not rocket science, but it is science. Water conducts electricity making it possible to measure the level of dissolved ions or minerals in a stream. High conductivity is a sign of too much dissolved solids in the water, which endangers stream health.

An official designation as impaired, known as a 303(d) designation, is the critical first step in restoring streams to their natural health. It requires the state to come up with a plan to clean the stream by developing a "Total Maximum Daily Load" for offending pollutants. But due to political maneuvering attempting to sidestep the coal industry's responsibility for its damage to our streams, this process is stalled for more than 600 of West Virginia's impaired streams.

That's why WV Rivers and partners at WV Highlands Conservancy, Ohio Valley Environmental Coalition, and WV Sierra Club are represented by the nonprofit law firm Appalachian Mountain Advocates in a citizen lawsuit to force EPA to make the state of West Virginia do its job. A federal judge agreed with us, prompting EPA to appeal and request a stay of

the order, which would have meant that neither agency would have to do anything during an appeal. Fortunately, the judge rejected the stay. West Virginia's impaired stream designation illustrates the role of WV Rivers in defending sound water policy and making sure the state lives up to its responsibility in carrying it out.

Our staff does the research and policy analysis that clean water advocates rely on. Facing us now is the Regulatory Reform Act, a directive from the legislature for WVDEP to report to the Legislature all WV regulations that are more protective than minimum federal requirements. Those minimum standards apply generally to all states; they don't account for conditions unique to West Virginia. WV Rivers is involved in this process to ensure that protecting aquatic and human health remains the number one priority of our state's water policy.

From Water Quality Standards to fracking to stream health assessments, no water policy is safe from attempts to weaken it. This comes at a time when EPA, acting on an executive order from the president, has been ordered to gut bedrock water protections, many that have been in place since passage of the Clean Water Act over 45 years ago.

That's why citizen action means so much. WV Rivers supporters have written more than 17,000 letters to the legislature over the last two years. We need an even stronger voice. Will you help spread the word?

BY THE NUMBERS SINCE 2016

- Generated 17,496 citizen letters to WV Legislature and regulators.
- Generated 647 letters to Congress and the administration.
- Supported citizens in 24 opportunities to comment on proposed water policy changes.



WV Legislative Photography, Photo by Perry Bennett.

Helping Communities In The Path Of Pipelines

HIGHLIGHTS

- Submitted 27 comments to federal and state agencies on 7 natural gas pipelines and waste disposal projects.
- Presented at 9 community meetings to help residents submit public comments.
- Supported formation of the Appalachian Gas Working Group to end public harm from fracking and fracked oil and gas infrastructure.

Of all of the challenges presented by the natural gas boom, hydraulic fracturing, and related infrastructure, perhaps the biggest is the sheer volume of technical research and analysis required to weigh in on proposed massive pipeline projects that pose risks to the rivers and streams that support aquatic life and supply our drinking water.

WV Rivers is the staffed organization watchdogging the natural gas pipeline permitting process. This intensive work has become even more crucial as three major natural gas pipelines spanning nearly 500 miles throughout the state are poised to impact 2,246 stream segments and approximately 860 wetlands. That's over 3,100 impacts to West Virginia's water resources.

We know just how dangerous a shorter 60-mile pipeline can be to our streams. The Rover Pipeline garnered 24 water quality violations, resulting in WVDEP temporarily shutting the project down. If just 60-miles of pipeline can result in two dozen water quality violations, imagine the impact of 500 pipeline miles.

On the Ground Intervention. We're meeting with affected landowners and groundtruthing pipeline claims. This summer, while investigating the proposed route of the Atlantic Coast Pipeline, we identified an undocumented brook trout stream in Pocahontas County. Clover Creek is proposed to be crossed by the ACP, but now it can officially be listed as a trout stream and be considered for additional protections.

Holding Regulators Accountable. Before pipeline construction can begin, companies must receive both federal and

state-level permits. WV Rivers is there scrutinizing the process at every step. When we see a disregard for the law that threatens water quality, we intervene, as we did on the Mountain Valley Pipeline. Our expertise and scientific analysis is respected; when we speak up, regulators listen. Our watchdogging resulted in WVDEP withdrawing its approval of MVP to address deficiencies in its review of water quality impacts of the project.

Keeping a close eye on fracking waste management, WV Rivers filed an appeal with the WV Environmental Quality Board on the Antero fracking wastewater landfill. The proposed landfill and wastewater treatment facility in Doddridge and Ritchie counties would treat fracking wastewater for re-use, then dispose of the salt byproducts in the adjacent landfill.

Based on our analysis, the company's permit application contained critical omissions, including a failure to adequately outline a monitoring regimen. We insist that the public know what pollutants are being discharged from this facility into surrounding streams.

Empowering Citizens and Communities. WV Rivers is working to give communities and citizens throughout West Virginia the tools they need to advocate for local water resources in the path of pipelines. We're holding community meetings, facilitating citizen commenting on pipeline permits, and publishing resources like fact sheets and our Citizen's Guide to Fracking Permits in West Virginia to empower West Virginians to take action on preventing pipeline impacts to their local waters.

BY THE NUMBERS

- Generated 657 public comments on pipeline and fracked gas infrastructure permits.
- Developed a webinar on fracking permit process attended by representatives from 20 organizations.
- Reviewed permits for over 3,600 pipeline stream and wetland crossings.





Samuel Taylor Photography

Water Quality Monitoring

Mobilizing Volunteers To Safeguard Our Streams

HIGHLIGHTS

- Held Watershed Snapshot Day, in which 24 volunteers monitored 51 sites in the Upper Cheat River and Upper Greenbrier River watersheds.
- Developed a film about the project, “Guarding our Waters.” It was featured at the American Conservation Film Festival.

At West Virginia Rivers we pride ourselves in bringing the science. The WV-VA Water Quality Monitoring Project, a Trout Unlimited program implemented in West Virginia in partnership with WV Rivers Coalition, mobilizes volunteers as field scientists. Since 2013, the project has trained and equipped 155 currently active volunteers from across the state to monitor streams that support trout populations and high quality warmwater fisheries that have the potential to experience impacts from shale gas development.

This involves contracting with outside laboratories to analyze the data and report back to volunteers, conducting ongoing trainings, and coordinating monitoring at 475 sites. To date, more than 33,000 data points have been collected.

Volunteers are also the eyes on the ground — and the stream — identifying potential problems. For example, volunteers were concerned about impacts on in-stream habitat from a logging-road crossing on Wolf Creek, a tributary of the Cheat River. The crossing was not built with appropriate best management practices, and subsequently washed out during a storm. Volunteers continue to keep an eye on this area, and the road has not been rebuilt to date.

Being a water quality monitoring volunteer is often a solitary undertaking, a chance to enjoy time in the woods wading in a favored stream. For the Monongahela National Forest Watershed Snapshot Day, monitoring is a team sport. Twenty-four volunteers gathered on the morning of September 23. They were organized into eight groups, with new volunteers teamed with an experienced leader who had attended one of our full-day trainings and who conducts regular monitoring at one or more sites.

Volunteers received streamside training, and were provided with information about their monitoring routes. They then fanned out throughout the northern Monongahela National Forest to collect water quality data. In the afternoon, the groups returned to Stuart Recreation Area to drop off their data sheets and samples and celebrate their good work at a barbecue supper.

Thanks to all of the volunteers who are helping to keep our waters safe!

Want to learn more? Watch, “Guarding our Waters,” a short film about the monitoring project at WVRivers.org/resources/videos. The film was honored by being screened at the American Conservation Film Festival in Shepherdstown, WV in October.

BY THE NUMBERS

- We have 155 active volunteers who have been trained and are receiving ongoing support from WV Rivers.
- Our volunteers are monitoring 475 sites in West Virginia and Virginia.
- Volunteers have collected 33,650 data points, providing information needed to protect stream ecology.



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