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WEST VIRGINIA RIVERS COALITION

# 2021 PROGRAMMATIC REPORT

[wvrivers.org](http://wvrivers.org) / 304-637-7201 / [wvrivers@wvrivers.org](mailto:wvrivers@wvrivers.org)

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## WV RIVERS PROGRAMMATIC REVIEW

*Recognizing achievements and progress towards our mission in 2021.*

Founded by paddlers and whitewater enthusiasts who cared deeply about restoring and caring for the Mountain State's renowned free-flowing waters and scenic beauty, West Virginia Rivers Coalition (WV Rivers) is the only statewide organization focused on promoting the overall health of West Virginia's waters and their downstream benefits.

Over thirty years later, we are on the forefront of policy discussions in West Virginia as the driving force for preserving and improving water quality.

We are guided by our mission of conserving and restoring West Virginia's exceptional rivers and streams.

### CONSERVING AND RESTORING WEST VIRGINIA'S EXCEPTIONAL RIVERS AND STREAMS.

We believe that all people should respect and be able to enjoy clean West Virginia rivers and streams.

In this report, we celebrate our programmatic achievements towards our mission over the past year. Our programs are guided by our 3-year strategic plan, which was developed at the start of 2020. All of our programs hinge coalition-building, public education and citizen action.

#### 2020-2022 Strategic Plan

1. Promoting protective statewide and regional water quality standards.
2. Protecting headwater streams, especially those on public lands.
3. Educating and engaging citizens and decision-makers in assuring water quality protection from natural gas development and industrial activities.
4. Holding regulators accountable for enforcing clean water and environmental laws.
5. Strengthening local source water protection for safe drinking water.
6. Informing the public and decision-makers about the realities of climate change and engaging citizens in climate advocacy.

WV Rivers coordinated the WV Water Policy Workgroup which is comprised of policy and water issue experts. Members provided analysis and recommendations for coordinated policy response through the 2021 legislative session and throughout the year.

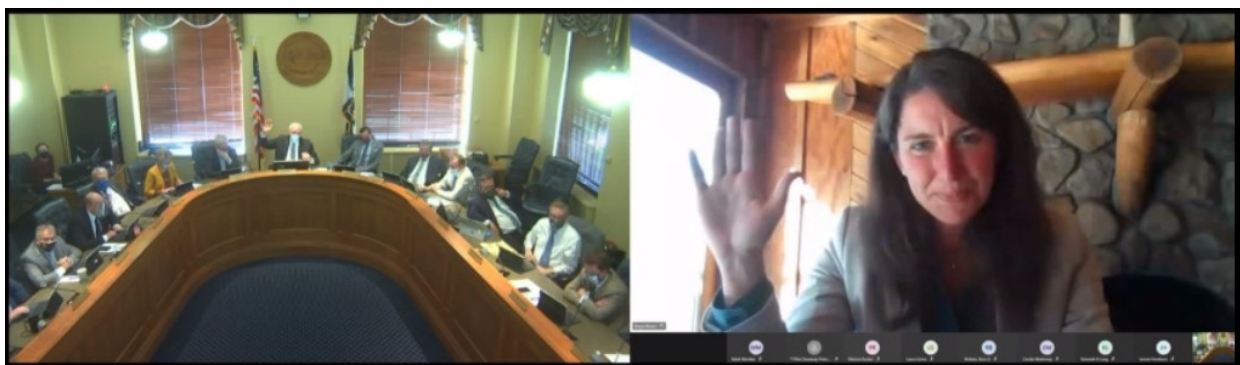
**Water quality standards.** The Triennial Review of West Virginia's water quality standards began in 2019, but because of delay tactics spearheaded by the chemical manufacturing industry, important updates to the standards are still pending. During the 2021 session, the Legislature considered a WVDEP rules bundle that included revisions to 24 human health criteria. These revisions weakened 13 of the criteria. After much debate and impassioned objections by legislative allies, the rules bundle was eventually adopted and signed into law by the Governor.

WV Rivers efforts to oppose the weakened criteria included **an action alert campaign that generated approximately 25,000 citizen actions**. WV Rivers' executive director provided expert testimony during an official Senate Judiciary Committee hearing. You can listen to Angie's testimony at [bit.ly/hhchearing](https://bit.ly/hhchearing) beginning at the 4:09 mark.

Coinciding with the efforts at the Legislature, WV Rivers participated as the only environmental organization on WVDEP's human health criteria workgroup which met monthly from May 2020 – May 2021. Though the work group failed to reach consensus, in June 2021 the WVDEP released additional revisions to water quality standards and the human health criteria for public comment.

The proposed rule opens the door for more pollutants to be discharged in to waterbodies by creating a pathway for polluting industries to bypass current public processes to weaken toxin limits. We submitted technical comments on WVDEP's proposal with 10 allied organizational sign-ons and provided expert testimony at the WVDEP public hearing. Additionally, we developed an action alert on the proposal with **385 action takers**.

**Defense of the Aboveground Storage Tank Act.** Once again, like a yearly ritual, citizen advocates concerned about the safety of their drinking water sources found themselves defending the Aboveground Storage Tank Act. This year, a bill would have exempted approximately 880 oil and gas waste tanks in areas closest to drinking water intakes from the Act.



*Angie Rosser is sworn in to testify remotely on HB 2382, the WVDEP rules bundle that includes updates to water quality standards.*

WV Rivers provided scientific analysis on the risks of deregulation, and our arguments and citizen mobilization efforts won the day! The bill died in committee.

Our action alerts generated over **20,800 messages to legislators**. One highlight of our outreach campaign was facilitation of a virtual “Peoples Public Hearing” to provide citizens the opportunity to comment on the bill after requests for legislative public hearings were rejected.



Participants in our “People’s Public Hearing”. Watch a recording: <https://youtu.be/B5m7l32T5YY>.

#### Additional 2021 legislative session highlights:

- Engaged 3,133 individuals throughout the 2021 legislative session, including 456 new advocates, and facilitated 48,969 messages to legislators.
- Featured over 40 times by the media, select press coverage found at: [wvrivers.org/news/press-room](http://wvrivers.org/news/press-room).
- Successful passage of a bill which established a permit modification fee to help partially fund the Office of Oil & Gas. In 2020, WVDEP’s Office of Oil & Gas cut nearly 40% of its staff due to recurring budget shortfalls. With 65,000 wells in the state, that means only one inspector per 5,000 gas wells.
- Passage of a bill prohibiting the use of firefighting foam for testing purposes which contains dangerous PFAS chemicals.
- Defeat of an omnibus bill that would have opened our public lands to off-highway vehicle use.

**Biological Assessment Rule.** The WVDEP’s biological assessment rule was again up for review and public comment this year. The biological assessment rule is a priority policy for WV Rivers because **it determines whether or not a stream is meeting water quality standards** based upon the presence of aquatic life.

The accuracy of the assessment is important in appropriately identifying biologically impaired streams and making sure they get the attention they need to be restored to health. Once again, our analysis found that WVDEP’s methodology was flawed and did not apply the best science for precise assessments.

To bring the public and decision-makers’ attention to our scientific analysis of the rule, we:

- Submitted technical comments on the rule with nine organizational sign-ons;
- Testified at the WVDEP public hearing on the rule and developed a flow chart to assist the public in understanding how the assessment process works; and
- Facilitated public comments on the rule resulting in 153 citizen comments to the WVDEP.



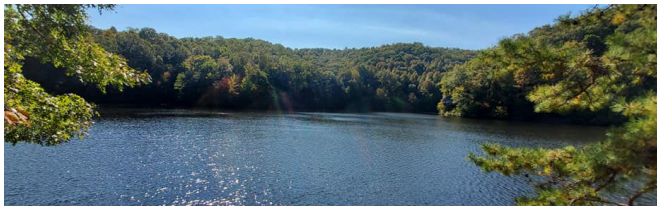
*Looking for benthic macroinvertebrates in the Dry Fork River during a snorkeling workshop we offered in Tucker County. Observing benthics in their habitat helps folks understand why they are important.*



Our public lands campaign to protect headwater streams and promote recreational access continued its multi-faceted approach, including grassroots actions, business leaders, and broad partnerships to achieve protective policies and enhanced access to public lands.

**West Virginians for Public Lands.** As coordinator of the WVPL alliance, we keep alliance members and the broader public up to date on policy analysis information that affects West Virginia's public lands.

Through the WVPL alliance, we participated in the successful opposition to a proposal to transfer control of the East Lynn Wildlife Management Area. Transfer of this property would have converted 9,721 acres of public land to private management and allowed all-terrain vehicle usage.



*East Lynn Wildlife Management Area.*

We also submitted comments on a Forest Service project in the Upper Elk Watershed of the Mon National Forest. Our comments centered on the Preliminary Environmental Assessment for the project and the need for additional analysis of the project's impacts on forest soils, trout streams, drinking water, climate change and its roadless area.



*Seneca Rocks by Kent Mason.*



*Participants share their vision for the Monongahela National Forest*

### **Monongahela National Forest Listening Project.**

At the beginning of the year, we launched a community listening project to set the foundation for a proactive proposal to protect the mountain headwaters, known as the “Birthplace of Rivers”, of the Monongahela National Forest.

The listening project is focused on providing stakeholders and users of the Forest the opportunity to help craft a proactive vision that balances management of natural resources and promotion of responsible recreation.

We conducted a series of virtual listening sessions focused around major recreational and interest groups like hiking, hunting/angling, boating, and more. You can read an initial report on the listening sessions, the findings, and potential policy priorities here: [bit.ly/monlistening](https://bit.ly/monlistening).



**Pipelines.** This year, the Mountain Valley Pipeline applied for a series of permits related to their ability to cross waterbodies, including headwater streams and wetlands.

We assisted the public in commenting on stream crossing permits for the **Mountain Valley Pipeline** by providing talking points, action alerts and live question and answer sessions. Permits included the:

- Army Corps of Engineers 404 permit. We facilitated 193 public comments.
- WVDEP Section 401 Permit. We facilitated 418 public comments; our technical comments included 14 organizational partners; and we provided testimony during a public hearing.
- WVDEP Consent Order fining MVP \$303,000 for permit violations. Our technical comments included 9 partner organization sign-ons.
- MVP request to the Federal Energy Regulatory Commission to bore under 180 WV streams and wetlands. Our technical comments included 7 sign-on organizations.

The **Atlantic Coast Pipeline**, although cancelled in July 2020, must still undergo restoration of the abandoned route that has already been constructed. We submitted comments to the Federal Energy Regulatory Commission during the scoping and draft environmental impact statement phases.



*Mountain Valley Pipeline construction in Virginia.*



*Aerial footage of the MVP crossing of the Gauley River featured in one of our educational videos.*

As part of our education efforts, we developed a video series featuring the voices of individuals affected by the Mountain Valley Pipeline which have attracted over 3,000 views. The videos are available at [wvrivers.org/pipelinevideos](http://wvrivers.org/pipelinevideos).



**Volunteer stream monitoring.** Volunteers in our monitoring program, developed with Trout Unlimited, continue to regularly submit water quality data to our online database. So far this year, 298 sampling trips were completed. Our volunteers have conducted over 7,000 sampling trips since the program began in 2013 resulting in almost 79,000 measurements at 571 sites.

Additionally, this year we vetted and submitted ten citizen complaints to WVDEP related to water quality issues. Eight of the complaints detailed erosion and stabilization issues stemming from construction of the Mountain Valley Pipeline. The WVDEP followed-up with a site inspections for all complaints and violations were issued as appropriate.





*A volunteer uses the WV Stream Watch App.*

**Stream Watch App.** In partnership with Trout Unlimited, we developed a smart-phone enabled pollution reporting app, WV Stream Watch, to assist citizens with reporting potential pollution events observed on rivers and streams. The first citizen complaint submitted through the app resulted in a violation from WVDEP inspectors. Review our comprehensive guide to the Stream Watch App, including a training video here: [wvrivers.org/streamwatch](http://wvrivers.org/streamwatch).

**Industrial development.** We developed and submitted technical comments on the following proposed industrial permits or rule revisions:

- Variance to well plugging rules for a limited-scope pilot project.
- APG Facility discharge permit along the Ohio River.
- Proposed Total Maximum Daily Load for the Lower Guyandotte Watershed.
- Proposed revisions to the Underground Injection Control Rule.
- Turkey Foot surface mine permit in Raleigh County.

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## SAFE DRINKING WATER

Our Safe Water for WV program promotes the protection of drinking water supplies. We work to equip citizens to take an active role in local source water protection efforts and assist water utilities in implementing source water protection plans.

**Safe Water Conservation Collaborative.** This regional collaborative, based in the Eastern Panhandle, brings together diverse partners to protect drinking water through land conservation. In 2021, WV Rivers served as the host partner of the collaborative and coordinated partner efforts.

Through our leadership, the Collaborative completed its strategic planning process, developed a series of videos targeting local landowners, and launched a website. View the website and landowner videos here: [safewatercollaborative.org](http://safewatercollaborative.org).



*A still featuring Linda Case, a landowner interviewed as part of the video series produced by the Safe Water Conservation Collaborative.*

**Outreach and Education.** A new partnership with the Eastern Brook Trout Joint Venture allowed us to develop a brochure for landowners on best management practices to preserve brook trout habitat and protect drinking water sources.

We partnered in the 5th annual Buckhannon Riverfest. This year the festival was a hybrid of virtual and in-person activities designed to engage folks within the Buckhannon Watershed in source water protection.

Partners included the Buckhannon Water Department, WVDEP, Mountain Lakes Preservation Alliance, Buckhannon River Watershed Association, and WV Chapter of the Sierra Club.



We coordinated a public engagement campaign recognizing Drinking Water Week 2021. We developed a social media toolkit and worked with communities to issue proclamations recognizing the important of source water protection. At the end of the week, two communities issued proclamations recognizing drinking water week.



## CLIMATE CHANGE AND FAIR TRANSITION

This year brought the rapid expansion of our action campaign to address climate change. As Senator Manchin emerged as a key vote on the viability of federal climate legislation, it was critically important to mobilize West Virginia voices supporting climate action.

We found these efforts to be most effective through our leadership in coalitions including the WV Climate Alliance and the Reimagine Appalachia campaign.

**Climate Action Campaign.** WV Rivers serves as a state lead for the national Climate Action Campaign. We take strategic actions to ensure strong, ongoing climate action at the federal and state levels.

The Campaign prioritizes building power for the climate change movement by engaging diverse and base constituencies.

Highlighted activities of our climate action campaign:

- Participated in 5 meetings with Senators Manchin and Capito's offices regarding climate change impacts and need for sweeping legislation.
- Provided 14 presentations to grassroots groups and allied partners.
- Executed 8 digital advocacy campaigns with nearly 1,000 actions by West Virginians.
- Participated in 9 press events and 24 media interviews on climate related topics.
- Garnered 52 opinion and non-opinion media placements.

**West Virginia Climate Alliance.** We helped lead the formation of the WV Climate Alliance, a newly established broad-based coalition of environmental organizations, faith-based organizations, civil rights and civic organizations, and other interested stakeholders.

WV Rivers' provides essential coordination staffing and support services to the Alliance including support in communications and outreach, meeting organization and facilitation, financial management and operations, and policy analysis.



*Morgan King serves as our lead climate staff member.*





*Over 100 West Virginians spent a rainy October afternoon rallying in Charleston in support of meaningful climate policy.*

The Climate Alliance provided science-based information on the realities of climate change in West Virginia and facilitated citizen engagement. Highlighted activities:

- Hosted a Climate, Jobs and Justice Public Forum featuring panelists Colin O'Mara with National Wildlife Federation, Jeremy Richardson of Union of Concerned Scientists, Sean O'Leary with Ohio River Valley Institute, Pam Nixon of Charleston NAACP and Dr. Kate Waldeck from Marshall Pediatrics. 287 individuals registered for the webinar and the recording has been viewed over 100 times. Watch the webinar: [youtu.be/-m54X7PVsC0](https://youtu.be/-m54X7PVsC0).
- Coordinated a WV Climate Alliance Earth Day Press Event which included two mayors, a city councilman and a former county commissioner.
- Held a Halloween Rally for Climate Action in Charleston with over 100 attendees.



*Members of the WV Climate Alliance delivered a petition to Senator Manchin with nearly 1,000 names of West Virginians who care about climate change and want Congress to take meaningful action quickly.*

**Reimagine Appalachia.** We are a state lead for the Reimagine Appalachia campaign that involves a broad multi-state coalition focused on transforming the Ohio Valley region of Appalachia.

The coalition crafts and advocates for policies that are good for the region's economy, communities and the environment. WV Rivers served on its planning team, federal policy workgroup, and executive committee to help formulate and execute policy, outreach and coalition-building strategies.



Highlighted activities:

- Planned and facilitated the Reimagine Appalachia Post-Election Summit, including speakers Michael Ettlinger of University of New Hampshire, Colin O'Mara of the National Wildlife Federation and Roxanne Brown of United Steelworkers.
- Participated in a media briefing on Reimagine Appalachia's WV Jobs Impact Report. See the report here: [bit.ly/reimaginejobs](https://bit.ly/reimaginejobs).
- Met with WV Congressional offices and White House political outreach staff on behalf of the campaign.
- Met with editorial board member of the New York Times, resulting in an editorial featuring the campaign.



**Grassroots Mobilization.** This year, our email newsletters reached **6,500 individuals** through **150 publications**. This includes email action alerts, event announcements, our monthly e-newsletters, and specialized communications for watershed organizations and water quality monitors.

We have a combined email **open rate of 24%** which is well above the industry average for non-profit communications. Our social media networks reach more than **10,000 individuals**.

## 50,000 MESSAGES TO DECISION-MAKERS ON WATER ISSUES

We provided advocates **36 digital action campaigns**, a **55%** increase over last year, to make their voice heard. These advocacy campaigns **engaged over 5,500 individuals**, including **736 new advocates**. These campaigns generated over nearly **50,000 messages to decision-makers** on policies that advance clean water.

Over the past year, we made further investments in our digital advocacy system. We added capabilities for advocates to directly call decision makers from our action alerts. Additionally, we added text functionality.

We attracted over **120 press hits** through our media work. Our website, [WVRivers.org](https://WVRivers.org), had **52,000 page views**, and was accessed by **21,000 users**, a **16%** increase over 2020.

**Coalition Building.** All of our work includes a component of coalition building to sustain future efforts for clean water. Below are a few of the coalitions we help lead that are central to our work.

- WV Water Policy Work Group involves WV Environmental Council, WV Citizen Action Group, Ohio Valley Environmental Coalition, WV Highlands Conservancy, Appalachian Mountain Advocates, New River Conservancy, WV Chapter of the Sierra Club, WV League of Women Voters, Friends of Blackwater, People Concerned about Chemical Safety and Downstream Strategies.
- “Safe Water for WV” is a source water protection program with over 100 local watershed and community groups, land conservation organizations, local and state government agencies and public water systems. A component of Safe Water for WV is the Safe Water Conservation Collaborative.
- Choose Clean Water Coalition is a multi-state coalition of over 230 groups working to clean up the Chesapeake Bay watershed, with 15 WV members.
- Reimagine Appalachia involves over 100 endorsing organizations across WV, KY, OH and PA working to generate high-quality jobs while addressing the climate crisis.
- WV Climate Alliance is currently comprised of 20 diverse WV organizations.
- West Virginians for Public Lands is an alliance of more than 100 local businesses and community organizations.



*The West Virginia Rivers team at a staff retreat in November 2021.*

*From left to right: Kathleen Tyner, Outreach Manager; Chett Pritchett, Development Officer; Autumn Crowe, Staff Scientist; Angie Rosser, Executive Director; Kate Leary, Operations Manager; Morgan King, Climate Campaign Coordinator.*