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February / March 2019

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Barren mine lands and unpaid taxes

Wildlife Center Continues Legal Fight for Raptor Rehab Facility

The Southwest Virginia Wildlife Center of Roanoke faces increasing financial burdens from a legal zoning battle with neighboring property owners.

In early 2018, the state and federally licensed wildlife rehabilitation center applied for a special use permit to build a raptor cage intended to lessen the time needed to heal the birds and eliminate the center's need to transfer the animals to other facilities for flying rehabilitation.

After Roanoke County approved the special use permit, several people

living near the wildlife center including Stanley and Jane Seymour appealed the approval, arguing that the permit violated zoning laws. The neighbors also claimed the cage would cause traffic concerns for a private road that leads into the center and decrease the value of surrounding properties.

In August 2018, the state Board of Zoning Appeals dismissed the neighbors' appeal. However, the Seymours appealed again and the board issued a new set of building requirements for the raptor cage in September. The

Seymours have since filed lawsuits against the county in an attempt to halt construction.

According to The Roanoke Times, the wildlife center has faced approximately \$21,000 in legal fees. The legal battle has also put the center at risk of having to return a \$55,000 grant from Wells Fargo, the main source of funding for the cage, due to not using the grant within the required time period. For the time being, Wells Fargo has granted the center an extension on spending the grant, The Times reported.

The Southwest Virginia Wildlife Center operates on a \$160,000 yearly budget with little wiggle room for legal expenses. Center owner Sabrina Garvin told The Roanoke Times that the ongoing legal costs could easily reach approximately \$50,000, and the additional building requirements will cost approximately \$25,000. The center is seeking donations to alleviate some of the costs and has set up a GoFundMe account. As of Jan. 14, the center has raised approximately \$5,000 of its \$50,000 goal.

— By Sam Kepple

Tennessee Wants You to Sniff Out Rare Skunks

An Eastern spotted skunk made a rare appearance on a trail camera in Bledsoe County, Tenn., in late November, and the sighting has the Tennessee Wildlife Resources Agency on the lookout for more. The species has black, glossy fur, an upside-down white triangle on its forehead, and zebra-like white stripes down the back and diagonal to the hips.



Photo by NPS

While the Eastern spotted skunk is smaller and much less common than its striped cousin, it has a stronger smell.

Hunters trap Eastern spotted skunks for their unique fur. According to a post on the blog Living Alongside Wildlife, biologist Damon Leismeister claims the skunk is hard to find since they often live in young forests with a dense understory cover to avoid their main predator – owls. Leismeister states

that the skunk's secretive nature hinders the public from knowing whether they are nearing extinction or simply excellent at hiding. The Tennessee Wildlife Resources Agency states that they are of conservation concern in Tennessee.

Sightings of the Eastern spotted skunk should be reported to the Tennessee Wildlife Resources Agency by phone at (615) 781-6500. — By Jamie Tewes

Rockwool Proposal Draws Criticism and W.Va. Constitutional Challenge

Rockwool, a Danish stone wool insulation manufacturing company, is facing local opposition over its plans to open a facility in Jefferson County, W.Va.. The company claims it will employ between 140 and 150 people.

Rockwool was brought into Jefferson County through an agreement with the Jefferson County Development Authority, an economic development group. However, nonprofit community advocacy organization Jefferson County Vision is actively opposing the plant through their campaign Concerned Citizens Against Rockwool. On their website toxicrockwool.com, the organization states that "Rockwool's plans would make it West Virginia's

second largest emitter of volatile organic compounds," including six known or suspected carcinogens.

Rockwool's agreement with the economic development group requires the county government to take ownership of the company's plant after it is built and eventually lease it back to Rockwool. While the company would be making small lease payments to the government, they would not pay any taxes during the facility's first five years.

In September, Jefferson County Vision filed a lawsuit against the Jefferson County Development Authority claiming the agreement violates the West Virginia Constitution, which states that all taxation must be uniform. — By Jamie Tewes

Camp Nelson Honored as a National Monument

In October 2018, President Donald Trump ordered the creation of the 380-acre Camp Nelson National Monument in Jessamine County, Ky., to honor black troops who fought in the Civil War. Established in 1863 by the Union, Camp Nelson became the nation's third-largest recruitment center for black soldiers.

According to the National Park Service, the site offers insights into stories of the black soldiers who spent time at Camp Nelson.

"Thousands of enslaved African Americans risked their lives escaping to the camp, located within the slaveholding state of Kentucky, with the hope of

securing their freedom and, ultimately, controlling their futures by contributing to the destruction of slavery," states the monument's website.

Visitors can view films about Camp Nelson and take guided tours around the camp to experience a recreation of the war barracks and the life of a Civil War soldier.

This was the first time Trump exercised the president's power under the Antiquities Act to create a national monument. In December 2017, Trump used the act to downsize the Bears Ears and Grand Staircase-Escalante monuments in Southern Utah. — By Jamie Tewes

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Rise of Interscholastic Mountain Biking

How the sport is taking off in schools across Appalachia

By Eric J. Wallace

It's 5:30 p.m. on a Thursday evening in October and more than 50 kids are wheeling mountain bikes through the parking lot of Virginia's Massanutten Resort Western Slope biking area. There are boys and girls ranging from age 12 to 18, from 4-foot tall to 6-foot-3. Some have on T-shirts and gym shorts, others spandex racing outfits. All wear helmets. The bikes are a rainbow of colors.

Converging upon team director Kevin Rogers, the kids are assigned trails according to skill level. He reads five to 10 names from a clipboard, followed by monikers like, "Smoke Tree Lane," "Upper Homestead," or "2,000 Hours." Mounting their rigs, the kids follow parent-volunteers and coaches into the woods. Within minutes, they have disappeared.

What's going on?

The Shen-Rock and Staunton-Augusta-Waynesboro youth mountain biking teams are practicing. For the next two hours, student-athletes will ride area trails working on skills like pacing, jumping and cornering. Gathering twice a week and racing on Saturdays, the teams are comprised of riders from Virginia's Augusta and Rockingham counties. They spend at least eight hours per month installing and main-

taining bike trails.

The teams compete in the state's two nationally sanctioned interscholastic racing leagues during the spring and fall: the Virginia High School Mountain Bike Series and the Virginia High School Cycling League, respectively. The former is a USA Cycling affiliate, the latter, an affiliate of the National Interscholastic Cycling Association. Together, the leagues incorporate more than 500 student-athletes, 400 coaches and 33 teams — including 14 fielded by public and private high schools. Both offer routes to racing in college or professionally.

According to Virginia High School Cycling League Director Andrea Dvorak, the sport gained a foothold in Southeast schools in 2010 and has since exploded in popularity.

"We've seen a 93 percent increase in enrollment in the past year alone," she says, noting that the growth has not been isolated to Virginia. "In the past five years, leagues have prolifer-



Young riders with the West Virginia Interscholastic Cycling League, above. Photo courtesy of the league. At left, a student on North Carolina's Burke BearCats team enjoys a pre-season ride. Photo courtesy of Head Coach Nikki Malatin



ated throughout the East, particularly in Appalachia."

Though Virginia and New York led the way, Georgia, Alabama, Tennessee, North Carolina, West Virginia, Mary-

land and Pennsylvania have adopted leagues as well. Participation has grown exponentially.

A case in point is North Carolina, which launched its NICA league in the spring of 2017 with 321 riders and 30 teams. Going into the 2019 season, NC League Director Mike Long says his ranks now include 623 student-athletes, 331 coaches and 39 teams.

"It's incredible how fast we've grown," he says. "And it's getting bigger by the day. I wouldn't be surprised if that number doubled within the next five years."

From Hogwarts to Public Schools

How did interscholastic mountain biking get started in Appalachia? Oddly enough, with a high school English teacher.

When Peter Hufnagel accepted a position at Virginia's private Miller School of Albemarle in 2009, NICA had just been founded in California. Seeking to turn mountain biking into a sanctioned high school sport, the organization offered a blueprint for

programs that could be adapted anywhere in the nation. They provided training, vetting and certification for coaches, trail-building clinics, scheduling templates, standardized rule books, mentorship resources, and, most importantly, insurance.

The development piqued Hufnagel's interest. In addition to being a former standout cyclist at the University of Virginia and a semi-pro racer, he was (and remains) married to Dvorak, who was then riding both professionally and for Team USA.

The Miller School was located just miles from the Blue Ridge Parkway and Shenandoah National Park. "I'd raced around the world and was blown away by the area's trails and roads," he says. "It seemed logical we should create a team and leverage those resources to put it on the map."

But what Hufnagel had in mind was more than a team; he aimed to build a "Hogwarts" for high school cyclists.

"I understood the realities of a young person with professional ambitions," he explains. Races could be hundreds or even thousands of miles away. Academic support was minimal, and finding peers, virtually impossible.

"These kids are often the only ones this into bikes within a 150-mile radius," says Hufnagel. "I thought, 'Why not give them a home? We could provide Olympic-level coaching and training,

Continued on next page

Mountain Biking

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transportation to events and an unparalleled education."

But fielding a legitimate high school racing team required competition, and it had to have weight. To attract serious riders, the program needed to be a conduit for collegiate and pro careers. Working with Dvorak and her coach at Team USA, Andy Guptill, Hufnagel put together a strategic plan and pitched both school administrators and USA Cycling. To his astonishment, they bought in.

In the spring of 2010, he and Dvorak launched the Virginia High School Mountain Bike Series. The Miller School was now home to the East Coast's first official high school mountain biking team and its only nationally sanctioned interscholastic racing series — but the learning curve was steep.

"That first season was about as grassroots as it gets," says Hufnagel. "There were four teams and maybe 20 riders. [Miller School of Albemarle] fielded just three racers!"

Yet, there was cause for excitement.

With Dvorak and Guptill looking to retire from professional racing, Hufnagel convinced them to accept teaching and coaching positions at the Miller School.

Hoping to expand competition, the trio started an informational campaign. Though they had gained traction with more than a dozen region-based teams and private schools, mountain biking remained a niche, alternative sport. For it to go mainstream, it needed to be in public schools. Adding a NICA-affiliated league would provide year-round racing and make it easier for athletic directors to say yes.

Subsequently, the Virginia High School Cycling League was established in early 2014. Races were held that fall. Though series' participants initially mirrored the VAHS, that soon changed.

Backed by Dvorak, Charlottesville Area Mountain Biking Club President Sam Lindblom approached Monti-



A New River Valley Middle School rider competes during the Virginia Interscholastic Cycling League's October 2018 race in Bedford, Va. Photo by Jack Looney

cello High School Athletic Director Matt Pearman in the spring of 2015.

"Sam basically said, 'My son is really into mountain biking and he has enough friends to make a team. What can we do?'" says Pearman. "As an [athletic director], my goal is to enable as

many students to participate in sporting activities and represent their school as I can. So, when he explained about NICA, I got pretty excited. I knew this was something we needed to make happen."

That fall, Monticello became the first public high school in the Southeast to field a mountain biking team. The move proved a tipping point. By 2016, riders had more than doubled league-wide.

"Getting into [Monticello] validated what we were doing and attracted a lot of attention," says Dvorak. "Suddenly kids were saying, 'If they have this, why can't we?'"

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The Burke BearCats, a N.C. Interscholastic Cycling League team, is in its second year. The co-ed team includes public, private and homeschool students from Burke and Catawba counties. Above, high schoolers at a non-league race. Photo courtesy of Head Coach Nikki Malatin

Teaching Kids to Build Bikes in Tennessee

Mountain biking can have a steep cost of entry. A basic hardtail rig retails around \$450 — used, they can be found for half that — and the dual-suspension models that advanced riders favor can be hundreds of dollars more. Many families can't afford the investment. This has league directors looking for ways to ensure interested students can ride, regardless of economic background. In Nashville, Tenn., Dan Furbish has developed a novel approach.

Working as a counselor at the community-based Oasis Center in 2009, he stumbled upon research citing the benefits of bikes for at-risk inner-city youths.

"The idea was, if you give kids with a problematic homelife personal transportation, they'll use it to access positive community resources," says Furbish. "I thought, 'Why not take the idea a step further and teach them to build their own bikes?'"

He launched the experimental Oasis Bike Workshop that summer, and about a dozen kids signed up. Halcyon Bike Shop provided tools, old bikes and spare parts. Health insurance company Humana, Inc., offered funding for tires, tubes and so on. Furbish provided the mechanical knowhow.

The approach was two-pronged. On one hand, the kids would learn new skills and gain access to transportation. On the other, they would bond with peers in a mentorship environment. Furbish hoped the latter would lead to greater participation at Oasis.

As it turned out, the program was a hit — the center became a kind of second home for many. When more kids inquired about signing up, the workshop was made a year-round offering. Furbish has since helped to put more than 500 kids on bikes.

In 2015, a handful of students asked about starting a mountain biking team. Learning about Tennessee's NICA league, Furbish said yes. Adapting a similar do-it-yourself approach, he helped the kids secure sponsorship from local businesses and build racing rigs.

"At first we were like the Bad News Bears," he says with a laugh, noting that the bikes sometimes broke down. As time progressed, though, they worked on skills and acquired additional sponsors.

"They became better racers, built better bikes, got new jerseys," continues Furbish. "It was an incredible transformation. And they did it almost entirely on their own."

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Mountain Biking

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included riders from almost every county in the state. New NICA leagues were established in North Carolina, Maryland, Pennsylvania and West Virginia. Pearman became the go-to mountain biking contact for East Coast athletic directors.

Meanwhile, the Miller School's program grew to include 50 world-class riders from around the globe. Entering its ninth year, the school has graduated four riders into the professional ranks. In 2017, 16-year-old junior Katie Clouse won national titles for both cross-country and short track mountain biking. This winter, she became the youngest rider to represent the United States at the World Cyclo-cross Championships.

Mountain Biking in the Mountain State

West Virginia launched its interscholastic mountain biking league in the fall of 2018. Director Carrie Smith says it took 18 months of hard work. Like Lindblom, her interest began at home.

"My son and I have been riding buddies since he was three," she says. Though the 13-year-old raced with a composite team before Smith helped start the new league, events were infrequent at best. Competing for his school seemed unfathomable.

When Smith heard about the Virginia High School Cycling League in 2016, she decided to attend its annual summit. There, she met Dvorak and numerous coaches. Their camaraderie surprised her.

"It was all about getting kids on bikes and into the woods and having

fun," she recalls. "Of course, everybody wanted to put on a great race. But the competition element was secondary. This was more about community. They talked about introducing kids to wild spaces, and stewardship, and an active outdoor lifestyle. In that way, their goals were very different from a traditional sport like football or basketball."

Smith returned to Morgantown, W.Va., energized. Phoning and emailing friends in the biking community, she scheduled an open meeting. More than 60 people attended.

"I couldn't believe the level of interest," she says. "By the end of the night, we'd formed planning committees and assigned tasks."

By 2018, they had gained NICA certification. The league entered the season with nine region-based composite teams including 130 riders and 100 coaches. By the third race, parents were phoning in droves.

"The kids assumed total ownership of this," says Smith. "They were proud of what they were doing and talked it up at school with their friends. Parents called and I encouraged them to bring their kids to a practice. We had new guys and gals coming out nearly every week."

If a kid showed interest, but didn't have money for a bike, Smith put the word out to sponsors and coaches. In three separate instances, bikes were made available within a week.

"One of NICA's big missions is



Above, Miller School of Albemarle students build trails during a service day at school. Photo by Jack Looney. At left, middle school riders with the Burke BearCats practice at a community college. Photo by Nikki Malatin



getting kids on bikes, regardless of economic background," says Smith. "And this is a very supportive community." In one case, a local bike shop provided a ride for the season. In another, a team

parent donated a spare rig. "If a kid wants to ride, we're going to make it happen, period," asserts Smith.

Heading into the spring, Smith has registered an additional three teams and 120 riders. What's more, she was contacted by 10 state parks inquiring about sponsorship and trail-building opportunities. Five have offered to install NICA-approved racing trails.

"Park superintendents see this as the next big thing," says Smith. In

addition to riding skills, coaches teach mandatory lessons on stewardship and sustainable trail maintenance. "Officials have told me it's like an unexpected dream come true," she laughs. "Suddenly all these kids are itching to explore the woods on bikes. The parks want to encourage that trend."

Looking back on the past two years, Smith says it's been a whirlwind journey. But when she sees the kids' excitement, she knows the investment has been worthwhile.

"Many of these kids had never stepped foot in the woods before," says Dvorak. "And now they're riding and helping to install professional-quality trails in some of the most beautiful forests in Appalachia. Mountain biking has introduced them to a new kind of lifestyle—one that centers around healthy activity in the outdoors."

Better still, more and more are doing it in conjunction with their schools. ♦

Hiking the Highlands A Sweet Retreat at Sugar Hollow Park

By Joe Tennis

Our goal was to roam from the road to the ridge, taking in terrain that would change from sidewalks to soil with sticks and stones.

This pedestrian journey with my 12-year-old son, John, began just off the combined routes of U.S. 11/19 on the north end of Bristol, Va., at Sugar Hollow Park.

Spanning about 400 acres, Sugar Hollow is a diverse recreation spot on the north end of Bristol. The park contains about a dozen miles of trails ranging from a creekside ramble with tiny rapids between a picnic area and campground to a sedate figure-eight slate of sidewalks fronting the fabled Lee Highway amid ballfields and a large playground.

In other words, anyone can find a place to walk – or hike – here.

On a brisk Friday, John and I followed those sidewalks to the stony woods where few go.

We started at the main parking area, just beyond the entrance and just below the Beaver Creek Dam, a grassy hill built in 1965 by the Tennessee Valley Authority. That dam holds back Beaver Creek with a dry retention basin sometimes erroneously listed on maps as "Beaver Creek Lake." In reality, there is no lake – just a giant ravine prone to flooding.

From the parking area, we followed the sidewalk along the entrance road to the top of the dam for about a quarter-mile then took a left atop the dam and followed a simple up-and-

back to take in the view. The top of the dam overlooks the Exit 7 commercial area of Bristol, with a wealth of shops, restaurants and hotels along I-81. Or, turning another way, you can look down into the wetlands, behind the dam, inside that big ravine to the deep woods that make Sugar Hollow such a sweet retreat.

After our up-and-back, we returned to the trail and veered left on a downward slope for another quarter-mile, crossing a footbridge before reaching the Beaver Creek Wetlands.

Perhaps the crown jewel of the park, the wetlands were constructed about 15 years ago in an often-flooded area. Maintenance crews added gravel trails outlined by chains and wooden walkways — including a 700-foot-long footbridge — so that visitors can observe turtles, ducks and crayfish in a natural habitat.

Ponds in the wetlands hold overflow beside the main channel of Beaver Creek, a 21-mile-long waterway that begins on the outskirts of Abingdon, Va., and ultimately drains into Boone Lake in Northeast Tennessee.

Again, we do an up-and-back through the wetlands, following that footbridge. This marks one of our excursion's visual and audio highlights, hearing frogs and crickets singing some soulful swamp music.

Returning to the wetlands trail, we continue for another quarter-mile, eyeing the meandering stream beside another overflow pool.

We leave the wetlands, turn right

Beaver Creek runs by a picnic area, at right. Below, the author's son treks through the woods at Sugar Hollow Park. Photos by Joe Tennis



Sugar Hollow Park

Length: Choose from roughly 12 miles of trails
Difficulty: Easy to moderate
Address: 3600 Lee Highway, Bristol, Va.
Contact: Call (276) 645-7275, or find the trail map online at bristolva.org

on a trail, go about 20 yards then turn left on the sidewalk by the road. This sidewalk turns to a trail before passing a picnic shelter, at right. Cross the 20-foot-long footbridge above Beaver Creek and bear left on the road for another 100 yards, aiming straight for the Lions Club Shelter. At left, stairs head uphill at the start of the Ridge Trail.

The moderately difficult Ridge Trail requires a steady ascension on its first quarter-mile as the sound of traffic on I-81 yields to the noise made only by the crinkly leaves and crunch of rocks beneath your boots.

John likes the climb. He's huffing and puffing at first, then zooms ahead of me, refreshed with adrenaline, as we are transported to what seems like another world.

We ascend the ridge, finding ourselves in leafy woods among fallen logs and gray limestone rock outcrops. This

ridge forms a natural barrier between the watersheds of Beaver Creek, which runs through the park, and Clear Creek, which cuts through a community called Wallace.

Suddenly, we hear the afternoon train's echoing whistle from Wallace, though we cannot see any tracks as we continue meandering along the Ridge Trail to our final destination.

After about three-quarters of a mile beyond the Lions Club shelter, we turn left on the Whitetop View Trail, which is said to afford a view of Virginia's two highest peaks: Whitetop Mountain and Mount Rogers. We did not see either. But we did follow that trail further up the ridge for about a half mile to its intersection with the Cave Loop Trail.

At that point, with the sun sinking, we reluctantly took an about-face and returned on the route from which we came, saving any further exploration of the park's tiny cave for yet another exciting day of hiking the highlands of Sugar Hollow Park.

Joe Tennis is the author of 10 books, including "Along Virginia's Route 58: True Tales from Beach to Bluegrass," which features a chapter on Sugar Hollow Park. ♦

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Mountain Biking at Sugar Hollow

The wooded trails at Sugar Hollow Park serve both hikers and mountain bikers. Marked by their difficulty level, many of the trails were built with the assistance of the Southern Off-Road Bicycle Association's Tri-Cities chapter.

The biking trails attract riders of all ages, according to Danny Hill, recreation superintendent for Bristol, Va. For several years, the city's King University has helped sponsor a collegiate championship race at Sugar Hollow.

In June 2018, the park hosted the Sugar Rush XC Mountain Bike Race, which raised money to help sponsor youth biking in the Tri-Cities. Science Hill High School in nearby Johnson City, Tenn., established Northeast Tennessee's first National Interscholastic Cycling Association team in 2017, and bike enthusiasts are looking to build a team in Bristol and the surrounding area.

Even in cold weather, a dedicated group of riders meets weekly at the park, according to Hill. Sugar Hollow plans to release a new map in spring 2019 with updated information about the mountain biking trails. — *By Molly Moore*

Gov. Jim Justice: BARREN MINE LANDS AND UNPAID TAXES

By Kevin Ridder and Matt Hepler

Coal baron and West Virginia Gov. Jim Justice reaped coal from Central Appalachia for decades to become the wealthiest person in the Mountain State with a current net worth of \$1.9 billion.

But as the coal industry has stagnated in recent years, Justice and his son Jay Justice — who inherited a number of coal companies from his father in 2017 — have shown time and time again that the Justice family is loath to pay their coal companies' taxes and

mine land reclamation costs.

Under the federal surface mining law and corresponding state regulations, mining companies are required to post a bond to cover future costs of restoring the mine site's terrain, soil, vegetation and streams close to their original condition.

But this is much easier said than done. When coal was king, many states allowed mining companies to build up a backlog of unmet mine reclamation responsibilities instead of enforcing prompt cleanup. Now that many mine lands sit barren and inactive, getting often-bankrupt coal companies to restore Appalachia's moonscapes is akin to pulling teeth.

Before Justice took the governor's seat, he resigned as an officer or director of all his companies, Justice attorney Brian Helmick told the Charleston Gazette-Mail in March 2017. Justice gave control of the historic Greenbrier resort to his daughter Jill and named his son, Jay, overseer of the Justice coal and agriculture companies. Although Jim Justice has said that he would put his companies in a blind trust while governor, he had not done so for all of them as of Jan. 3.

In Virginia alone, Justice family-owned companies have accumulated \$195 million in unaddressed mine cleanup costs, according to the state's Department of Mines, Minerals and Energy. Approximately \$135 million of that is attributable to Justice-owned A&G Coal Corp. In Alabama, Kentucky and West Virginia, Justice companies would owe more than \$71.8 million in mine reclamation costs if they went bankrupt, according to data compiled by Mark Olalde with Climate Home News in March 2018.

Justice family-owned companies also have a history of failing to pay property and mineral taxes for their mines on time, and sometimes at all. When Jim Justice took the West Virginia governor's office in 2017, his companies owed more than \$4 million in back taxes spread across the state. Justice has said multiple times that some of his companies with delinquent taxes could have declared bankruptcy, but they opted not to because bankruptcy would have hurt rural counties and left mine sites unreclaimed.

In August 2018, Justice announced that he had paid all taxes and related fines in West Virginia. However, the question of millions of dollars in unpaid taxes owed to other states was left up in the air.

A 2016 National Public Radio investigation revealed that Justice companies owed nearly \$5.4 million

Gov. Jim Justice

Continued from previous page

in unpaid taxes across 12 Tennessee, Alabama, Virginia and Kentucky counties. The Appalachian Voice followed up with these counties in January 2019 and found that the companies still owe more than \$3.7 million in combined taxes from as far back as 2013 in 10 Tennessee, Virginia and Kentucky counties. Two Alabama counties did not return requests for comment.

Justice family-owned Kentucky Fuel Corp. currently owes more than \$125,000 to the Magoffin County, Ky., government. To collect unpaid taxes, the county accepted payments from the company through a monthly payment plan — but payments suddenly stopped after a year, without explanation, in September 2017.

The Justice companies' failure to make good on tax payments from years past has hurt many rural localities. According to the Lexington Herald-Leader, in February 2018 the Knott County school district projected layoffs due to a \$100,000 budget shortfall. The district would have received more than \$1 million from Kentucky Fuel if the company had paid the approximately \$2 million in delinquent taxes it owes the Knott County government.

Kentucky Rep. John Blanton told The Morehead News in February 2018 that without help from the state, the Knott County School District would have to shut down in April 2018. The state gave the school district \$1.2 million in the spring of 2018 to avoid layoffs, according to Knott County Schools Finance Officer Greg Conn.

Later that year, then-Knott County Judge-Executive Zach Weinberg passed a summary judgment against Kentucky Fuel, ordering the company to pay its remaining taxes. While this technically means that the company is required by law to pay the county, Weinberg remarks that, "it doesn't seem like it has much teeth to it."

Weinberg says he pushed for the county sheriff to seize the company's property, but that "they've chosen not to do that for whatever reason. He's paid in the past, and it's a lot easier just to get him to pay."

In Tazewell County, Va., County Treasurer David Larimer took a more aggressive stance toward Justice-owned

Black River Coal's delinquent tax bill of more than \$800,000. Although the company entered into a payment plan with the county in November 2017, payments soon ceased, with no explanation, as they had in the past. So after Black River Coal ignored several notices, Larimer and the county sheriff's office seized mining equipment to cover the majority of the balance in May 2018. The remaining amount, roughly \$158,000, is being contested in court.

"We were able to avert a real bad, difficult situation for the county," Larimer says. If the county had been unable to recover the Justice company's delinquent taxes before the fiscal year ended in June 2018, the school district and other county departments would have faced a budget shortfall. He states that the only other option would have been to take the company to court.

Larimer could face a similar situation this year. The Justice family-owned company again missed the Dec. 5 tax deadline, and owed more than \$320,000 to Tazewell County as of press time in late January.

"We'd certainly be glad to work with him on getting a payment plan or working on getting it paid," says Larimer, noting that the company has yet to contact the county. In Tazewell County, he states, it's unusual for a coal company to miss tax payments.

"Most of them pay their taxes on time," Larimer says. "They're the only ones we've had these issues with."

Virginia Fund in Danger

In Virginia, Justice-owned companies have racked up numerous violations for water quality damages, safety hazards and other problems on multiple sites and have continuously delayed reclaiming several mines. The state might not have the tools to hold them accountable.

The Virginia Department of Mines, Minerals and Energy is responsible for ensuring that land mined for coal is reclaimed to acceptable environmental standards. As the coal industry has declined, reclamation of mines has become less certain.

Normally, mining companies are required to post a bond to cover future reclamation costs before the company



Coal companies owned by the family of West Virginia Gov. Jim Justice, pictured at a 2017 energy industry rally, owe more than \$3.7 million in back taxes across 10 counties in three states. Public domain photo

can begin mining. But in Virginia, some coal companies pay a portion of the money it would take to reclaim their sites into a centralized state fund called a "pool bond" rather than posting a bond for the full cost of reclamation. The risk of any one company reneging on its commitment to clean up the mine site is theoretically offset by the other companies also paying into the fund.

A 2012 review of the fund conducted by a contractor hired by the state found that the pool bond would not be sufficient if one of the larger companies were to go bankrupt. Using Alpha Natural Resources as a test scenario, the study found that the Virginia pool bond would go bankrupt within five years if Alpha went under.

Combined, the amount of money in the bonds posted by Justice family-owned companies is only marginally smaller than Alpha's share. Partially following the recommendations made in the review, the Virginia legislature raised the cap on the combined funds allowed in the pool bond from \$2 million to \$20 million in 2014 — although the review actually recommended eliminating the cap entirely.

It remains to be seen if such actions were enough to protect Virginia's pool bond. The cost to reclaim the mines owned by just one of the Justices' Virginia companies, A&G Coal Corp., is \$135 million — nearly 15 times the pool bond's January 2019 value of approximately \$9.2 million. Meeting minutes from the 2017 meeting of the Coal Surface Mine Reclamation Fund

Advisory Board identify the Justice companies as the single largest threat to the pool bond.

Additionally, A&G is the only coal company in Virginia that still employs self-bonding, a practice in which the company does not post a bond and instead only has to prove that they are financially capable of covering all reclamation costs at the time the mine is permitted. If a company with self-bonded mines goes bankrupt, taxpayers could be fully responsible for the cleanup costs. Virginia no longer allows the practice of self-bonding for new mines.

"I think it's a dire situation," says Taysha DeVaughan, president of the Southwest Virginia environmental nonprofit organization Southern Appalachian Mountain Stewards.

"If [Virginia regulators] go after him in any way and they have to default, and the state has to pick up the burden for that, then it's going to be the taxpayers that have to pay that back."

Putting Off the Problem

According to Virginia mining regulations, the DMME only has a few tools at its disposal to deal with bond forfeiture, which is when a coal company walks away from its commitment to clean up a mine site and surrenders the money in its bond.

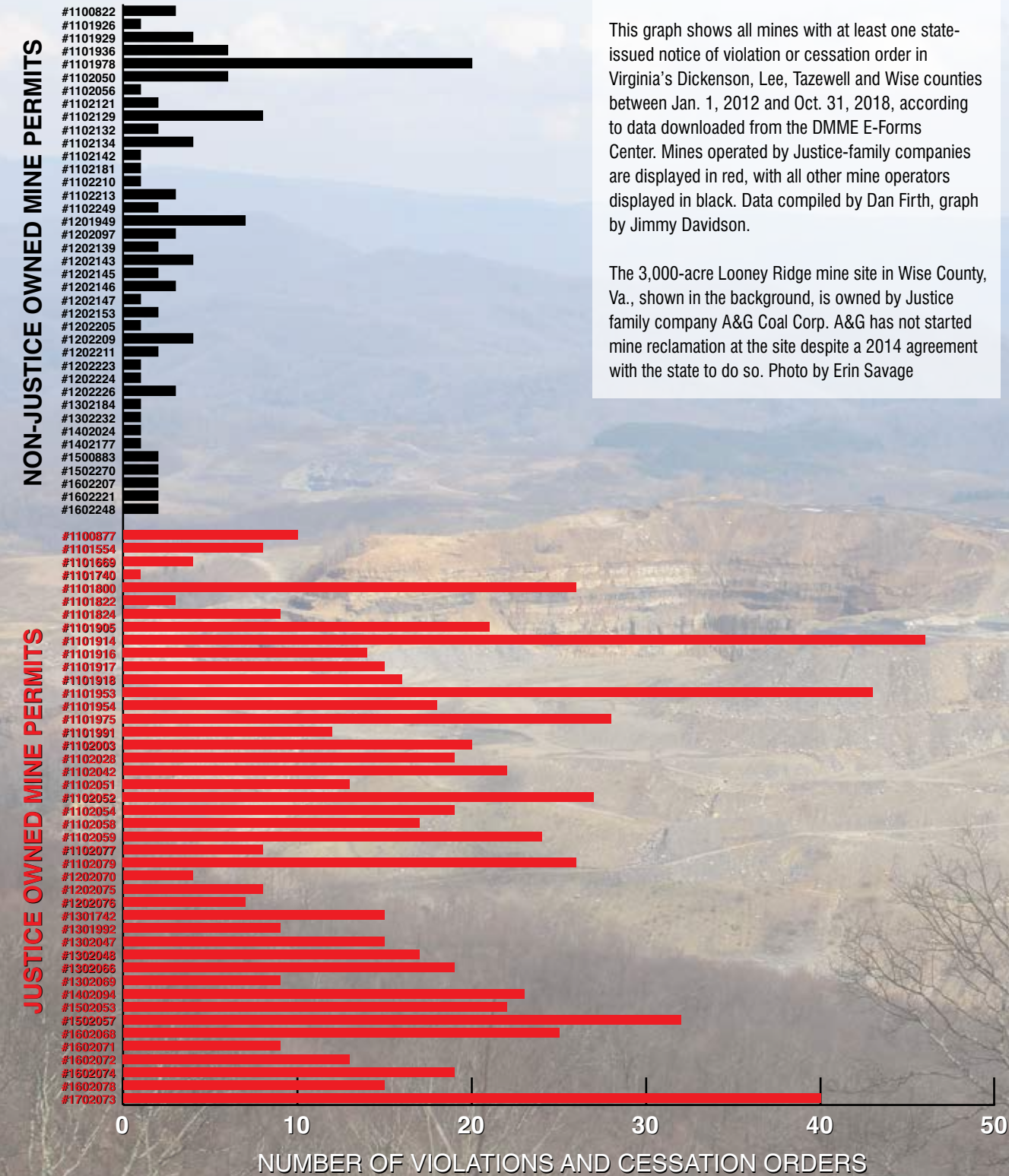
One option for the agency is to go through bond forfeiture proceedings. When the cost of reclamation exceeds the money available in the bond, the DMME can require the company to cover the remaining cost. However, there is often not an effective way for the state to collect this money, especially if a company has declared bankruptcy.

Another option for the agency is to negotiate a compliance agreement with the company, where the company agrees to fix current problems and resolve future ones or face penalties.

In 2014, the DMME entered into its first compliance agreement with seven Justice companies, which addressed four potential bond forfeitures as well as numerous violations on a total of 36 permits. Since then, the agency has had to modify the compliance agreement four separate times to account for new violations as well as failures to comply

Continued on next page

A RECORD OF VIOLATIONS



This graph shows all mines with at least one state-issued notice of violation or cessation order in Virginia's Dickenson, Lee, Tazewell and Wise counties between Jan. 1, 2012 and Oct. 31, 2018, according to data downloaded from the DMME E-Forms Center. Mines operated by Justice-family companies are displayed in red, with all other mine operators displayed in black. Data compiled by Dan Firth, graph by Jimmy Davidson.

The 3,000-acre Looney Ridge mine site in Wise County, Va., shown in the background, is owned by Justice family company A&G Coal Corp. A&G has not started mine reclamation at the site despite a 2014 agreement with the state to do so. Photo by Erin Savage

Continued on next page

with the previous agreement, each time aiming to help the Justice family companies avoid bond forfeiture.

Despite these efforts, four mines in Wise County, Va., almost went into bond forfeiture in 2017 and were spared through yet another compliance agreement signed in August 2018. Justice companies still have not finished addressing the reclamation issues at a mine on Looney Ridge in Wise County, Va., included in the original 2014 agreement.

DeVaughan is critical of the state's attempts to work with the Justices through amending compliance agreements.

"I don't think that [these compliance agreements] are very effective at all, for the simple fact that when they do make compliance agreements, he doesn't normally pay what he's supposed to pay for those, and then he usually comes into violation in some other way with that agreement," says DeVaughan. "Instead of enforcing that agreement, they will do another one."

According to DeVaughan, if Virginia regulators held the companies

fully accountable to the compliance agreements, the companies would likely have to go bankrupt — shifting the burden to taxpayers.

"In my personal opinion, that's why they may not push him as hard, because they don't have the funds and they don't have a tactic on what they're going to do once that happens," says DeVaughan.

There is another option, however. The regulations seem to state that the DMME could go after the Justices' personal assets if bond funds are insufficient, though that has not been tested in practice. The state would likely have to empty the pool bond before they could go after the family's other assets.

A Widespread Problem

The Justice family's reclamation problems aren't limited to Virginia. Their mines have a history of non-compliance across the region, and many of their companies are in the habit of not paying their bills. In August 2018, a federal judge authorized federal marshals to collect any kind of possessions from three of the family's companies in West Virginia to pay a \$1 million judgment owed to a company that won a lawsuit against the family, according to the



Co-author Matt Hepler, left, and Southern Appalachian Mountain Stewards President Taysha DeVaughan, right, before conducting water testing by a coal mine near Norton, Va. Photo courtesy of Taysha DeVaughan

Charleston Gazette-Mail.

The Kentucky Energy and Environment Cabinet is currently embroiled in a nearly \$3 million lawsuit against Jim Justice and his son to make good on a 2014 agreement to fix violations on mines they own in Kentucky.

According to Ohio Valley ReSource, uncontrolled stormwater runoff from the Justices' Bevins Branch surface mine in Pike County, Ky., has caused multiple instances of flooding since 2016. The Justice companies had previously agreed to finish reclamation on the mine by 2015.

In October 2018, floodwaters washed away the road to Elvis and Laura Thacker's home, leaving them trapped as the water rose higher. While floodwaters didn't reach their home that time, a June 2016 flood caused mold and approximately \$148,000 in damages, according to Ohio Valley ReSource. The Thackers told the news organization that the company offered some money after the 2016 incident, but not nearly enough.

"The Justices' companies mined Kentucky coal and profited from it," cabinet spokesperson John Mura wrote in an email. "But they have dragged their feet for years in meeting their obligations to restore the land. The Cabinet is asking the Court to now enforce the agreement that the Justices signed, then breached. We are asking the Court to order the Justice Companies to complete the reclamation of approximately 12,202 feet of highwall and pay the nearly \$3 million in penalties to the Commonwealth that the Justices personally guaranteed."

An August 2018 motion filed by the cabinet in the Franklin Circuit Court outlines an ongoing pattern of hostility from representatives of the Justice family. This includes personal lawsuits the family filed against two state employees

in July 2017. One lawsuit claimed that a state employee "maliciously" closed a Kentucky Fuel Corp. mine in July 2017, even though the employee did not issue the closure order. The state holds that the mine closure was proper because Kentucky Fuel Corp. allowed a lapse in their workers' compensation coverage.

"The [Justices'] purpose in suing state officials is to intimidate the Kentucky government into renegotiating the August 15, 2014 Agreed Order on terms favorable to Jim and Jay Justice and their coal companies," reads the motion.

"Because the [Justices] have no apprehensions about filing personal lawsuits based on falsehoods and fabrications, Cabinet employees have been instructed to avoid speaking with [Justice representatives] without a Cabinet attorney being present." On Jan. 29, the state of Kentucky reached an agreement with the Justice companies that "satisfies all parties," according to Mura. Details were not available at press time.

Taysha DeVaughan with Southern Appalachian Mountain Stewards states that going after Justice's personal fortune for mine reclamation funds is "the most level-headed approach." Referring to Kentucky's ongoing lawsuit against the Justice family, DeVaughan says that Virginia officials "should not only follow in Kentucky's footsteps, we should be in coordination, we should be talking to each other, we should be sharing strategies."

"Justice is a billionaire, he is the governor of West Virginia, and he is the person who was in charge when all these things were happening," she adds. "So if he has the funds that are available to make up for his mistakes, then he should do that, and I think the state should hold him accountable for that." ♦

Exports and Bankruptcies Mark Volatile Year for Coal

By Erin Savage

In 2015 and 2016, a string of coal companies declared bankruptcy as coal production dropped precipitously, hitting a low point in the second quarter of 2016. Shortly afterward, President Donald Trump was elected. Trump's campaign focused heavily on coal, and he has continued to claim that he will bring coal jobs back. While coal has rebounded slightly, that rebound began before Trump was elected, and gains have remained modest. The national rebound hit its highest point in the last quarter of Obama's presidency.

The slump in production in 2016 followed a record 22 coal-fired power plant retirements in 2015. The price of natural gas has remained low over the past several years, and the cost of renewables has continued to decline, leading more coal-fired plants to become uneconomical. E&E News reported that 20 coal-fired power plants retired in 2018, which doesn't include plants that went idle or were switched to natural gas.

Central Appalachian coal production has been particularly hard hit in recent years. The cost of mining and transportation in the region is relatively high, making Central Appalachian coal even less competitive in the national market.

But a recent surge in the price of coal used to make steel — known as metallurgical coal — and a spike in metallurgical exports has driven an increase in production. This is especially true in southern West Virginia, where this higher-quality metallurgical coal can be found. The spike was spurred by a hurricane in Australia that shut down railways used to export the country's

metallurgical coal, and it may be short-lived, as mining and transportation costs limit export potential in the United States.

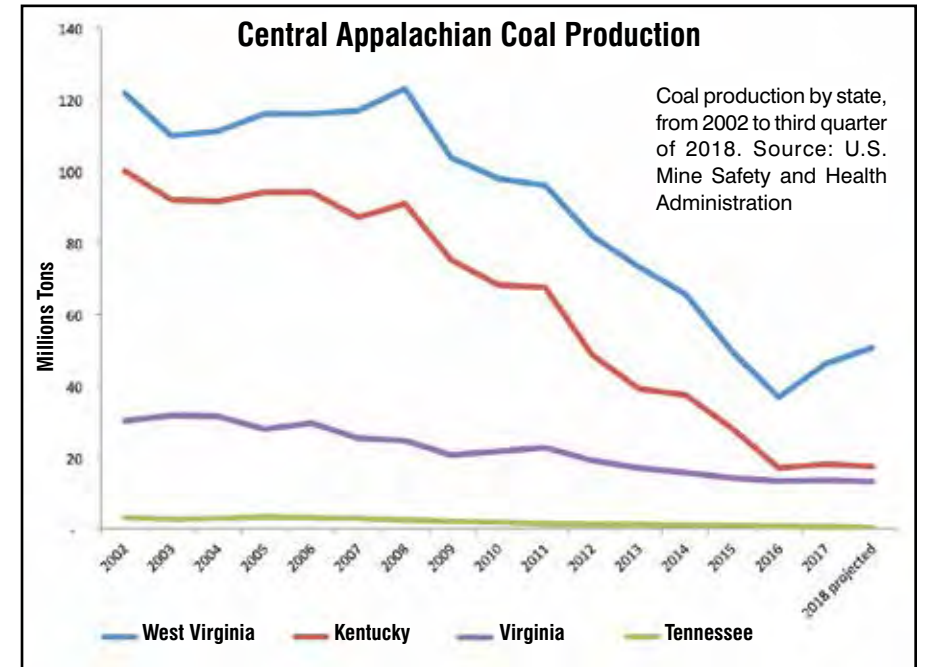
A new set of bankruptcies last fall has further highlighted the coal industry's plight. In October, Westmoreland Coal Company and Mission Coal Company both filed for bankruptcy. Mission Coal formed early in 2018, as the latest in a long string of complicated moves orchestrated by a relative newcomer to the coal industry, Tom Clarke, who has pursued a strategy of purchasing mines out of bankruptcy.

In contrast, Westmoreland is the nation's oldest coal company and has a long history in Central Appalachia, with more than 7,000 pensions at stake in Virginia alone, even though most of Westmoreland's recent coal production has come from mines in Western states.

On Jan. 16, Westmoreland submitted a filing in a federal bankruptcy court requesting approval to terminate retiree benefits and its collective bargaining agreement with the United Mine Workers of America. The company has also requested \$200,000 annually for 243 of its 1,723 employees through a "valued-employee program" that the union believes will come at the cost of mine workers.

Former Westmoreland employee, United Mine Workers of America member and Wise County, Va., native Bethel Brock is one of nearly 100 people who wrote a personal letter to the judge presiding over the bankruptcy hearing, asking him to be fair to miners.

"It is a shame these corporate executives are still expecting large paychecks in this bankruptcy while



miners with black lung could potentially lose their benefits," says Brock, who suffers from black lung disease himself. (Read more about black lung benefits on page 25.)

Another longtime player in the Central Appalachian coal market may be doubling down on mining — Alpha Natural Resources and Contura Energy announced completion of a merger in November. Contura was created by Alpha shareholders in 2016 during Alpha's bankruptcy reorganization, and it acquired what many saw as the more lucrative mines in the Powder River Basin, Northern Appalachia and Central Appalachia.

But Contura chose to sell its two large pit mines in Wyoming, once seen as the "crown jewels" of the company, after struggling to sell the low-heat-value coal. Presumably, the company

will focus on metallurgical mines in the East. The new merger will make Alpha Natural Resources the largest metallurgical coal mining company in the country.

The recent volatility of the coal market has led to a slew of changes for the industry, and some companies appear to be banking on opportunities for short-term gain.

Similar bets on the metallurgical coal market in 2011 led to the downfall of other industry giants, like Arch Coal. Environmental advocates are quick to point out that these deals rarely work well for the communities living around mines. It remains to be seen how long the metallurgical market can prop up the coal industry.

Read more about the Westmoreland bankruptcy and Tom Clarke's coal ventures on the Appalachian Voices blog at appvoices.org/blog. ♦

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People in the path of Pipelines

Residents along the path of major new and proposed interstate fracked-gas pipelines share their stories

Ashby Berkley Summers County, W.Va.



Ashby Berkley's property by the Greenbrier River in late December 2018. Photo by Maury Johnson

In September, Mountain Valley Pipeline developers began working on Ashby Berkley's property by the Greenbrier River in Summers County, W.Va., after seizing it with eminent domain. Ashby owns two rental homes and a campground on the land, valuing the parcel at \$535,000. Mountain Valley offered him \$34,000 for a right-of-way.

"They cut several big shade trees on the property, including some 200-year-old white cedar trees," Ashby says. "They also marked off where their right-of-way is going to go, and it's going to take out my commercial sewer system and 90 percent of my riverfront because it runs parallel to the river."

Additionally, he says, Mountain Valley has taken land outside the agreed-upon right-of-way for con-

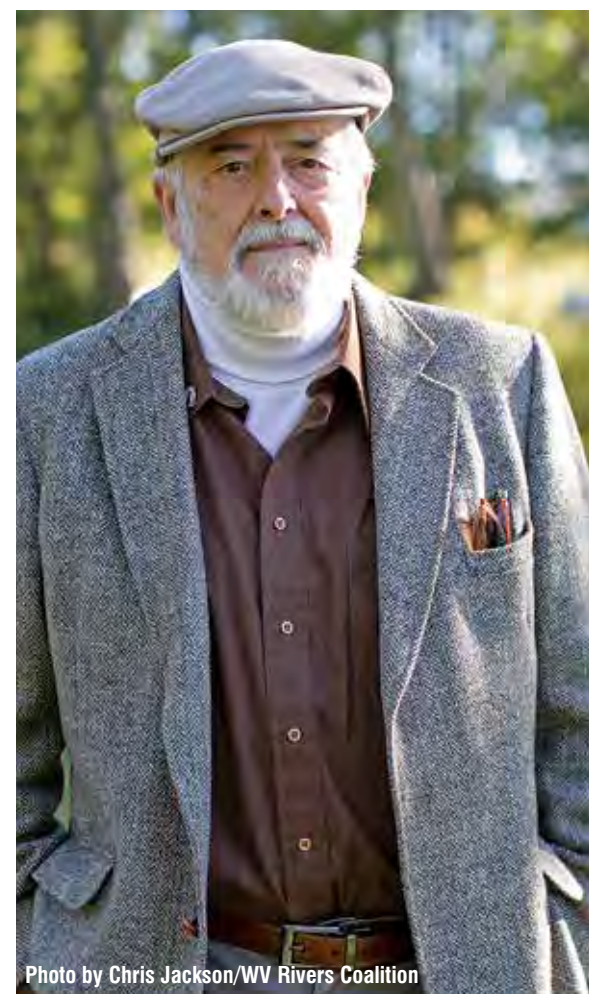


Photo by Chris Jackson/WV Rivers Coalition

struction purposes. So far, however, the company has not broken ground on his property.

Construction at this site has been halted since Sept. 18, when a state judge froze a state permit allowing Mountain Valley developers to burrow underneath the Greenbrier River. Then on Oct. 2, the U.S. Fourth Circuit Court of Appeals struck down a federal water permit required to cross the river and hundreds of other waterways in the state.

Meanwhile, Ashby and other affected landowners are embroiled in a lawsuit challenging Mountain Valley's ability to use eminent domain to seize private land. Although the group asked the U.S. Supreme Court to hear the case, the justices declined. The court hears approximately 80 out of 8,000 cases each year.

Ashby is undeterred, as the Supreme Court's refusal to hear the case does not mean a decision was reached.

"We are guaranteed the right to own property in the Constitution," Ashby says. "The eminent domain law is supposed to be for our good ... and we're supposed to receive just compensation for that. Well, truth of the matter is we are not receiving just compensation, and this is not for the good of me, the person giving up the land, or the other people who are giving up land. It is for the purpose of raising money by the sale of this product outside of the United States, which is a violation of the Natural Gas Act [of 1938]," referring to the law used to justify eminent domain for interstate natural gas infrastructure.

"It's for corporate profit," Ashby adds. "Do you think they would let me go down there and tear down their d--- building, or close down their gas field because I wanted to plant corn there? Give me a break. It's just not American." — *By Kevin Ridder*

Marvin Winstead Nash County, N.C.

On his 79-acre farm in Nash County, N.C., self-described environmentalist Marvin Winstead still holds fast in the face of Dominion Energy and Duke Energy's Atlantic Coast Pipeline as of press time in late January. Pipeline developers are attempting to take 11.57 acres of Marvin's 39-acre field and permanently widen a 10-foot-wide farm path to 30 feet to serve as an access road.

A March 2018 ruling from a federal court declared that if Atlantic Coast developers entered Marvin's property without his permission, it would be considered trespassing. In the fall, the judge extended this ruling through Jan. 29.

"They have done work on both the north end of my adjacent neighbor's property and the neighbor across the road from me, but they have not on mine," Marvin says.

Marvin states that pipeline developers have consistently lowballed him in their offers for an easement. But it wouldn't matter if they offered more.

"This is not about money," Marvin says. "I'm categorically opposed to fracking — the process, the chemicals, everything."

It's been a long fight since Marvin first received a letter from Atlantic Coast developers in May 2014. In January 2018, Atlantic Coast filed a motion against Marvin and several other landowners in North Carolina and Virginia requesting immediate access to their property without landowner compensation. In January 2019, pipeline developers withdrew that motion, possibly due to the project's other legal problems. The federal court has yet to decide on a separate request from Atlantic Coast developers to allow them to use eminent domain to seize land from Marvin and others.

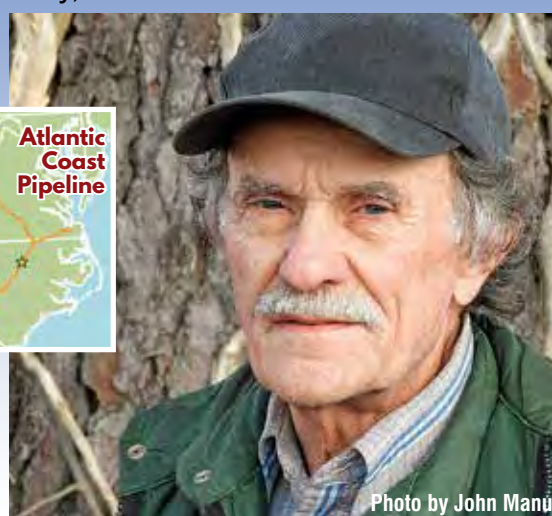


Photo by John Manuel

"It's almost like a full-time job with the phone calls, the meetings and other things I'm involved in resisting the pipeline," he says. In the past few years, Marvin has rented his acres of farmland to a neighbor.

"I would definitely like for this thing to be over and done with so that I can get back to farming my land myself," Marvin says. Apart from his environmental concerns about the pipeline, Marvin states that it would grievously affect future crops.

"They're bringing clay up from six feet down and it's going to be left at the top of the ground, and crops are not going to grow in those disturbed soil profiles," he says

"Right now, I can go out there and plant a crop and I can have a reasonable expectation that I'll have a good crop, a good yield, and can make a profit on the crops I plant," Marvin says. "With them doing irreparable damage to 30 percent of my cropland, my farm, I'd be lucky to break even." — *By Kevin Ridder*

Barbara Jividen Putnam County, W.Va.

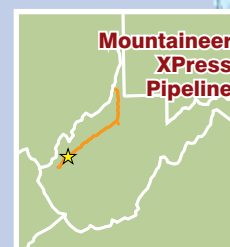
Drilling near Barbara Jividen's Putnam County, W.Va., home started in May as part of the construction process for the Mountaineer XPress Pipeline, a 165-mile project carrying natural gas from West Virginia's fracking wells to an interstate network bound for Gulf export terminals.

Barbara and her husband Edward's pastoral property flanks the Kanawha River, which the pipeline now runs beneath after cutting below a field 500 feet from their home.

Mountaineer XPress used horizontal direc-

tional drilling to bury pipe under the river, a process where drilling and installation is conducted from a single entry point. Fortunately for Barbara, the drilling site was located roughly an eighth-of-a-mile from her home, so the field alongside her house was undisturbed on the surface.

Still, construction brought disruptions. In September and October, helicopters flew overhead daily, sometimes every 10 minutes from 8



Survey stakes mark the Mountaineer XPress Pipeline's crossing point at the Kanawha River.

a.m. until 8 p.m. Now it happens just a couple times per week.

More alarming were the tests that Mountaineer XPress performed to make sure the line was ready to operate — all conducted at night

Legal Troubles Escalate for Atlantic Coast and Mountain Valley Pipelines

By Kevin Ridder

Developers of the fracked-gas Mountain Valley and Atlantic Coast pipelines face mounting pressure from the onslaught of delays and cancelled permits. Construction is still on hold along the entirety of the Atlantic Coast Pipeline due to numerous court cases, save for places where the company says it is needed to prevent environmental degradation. Construction is also halted in numerous places along Mountain Valley's route.

On Dec. 7, the U.S. Fourth Circuit Court of Appeals suspended a key permit that would have allowed Atlantic Coast developers to cut through the habitat of threatened and endangered species. The court set a hearing for March 19, which displeased lead Atlantic Coast developer Dominion Energy, stating that each week construction sits idle costs \$20 million. The judges refused Dominion's request to move the hearing to late January.

If construction of the fracked-gas pipeline is not approved before the end of March, Atlantic Coast developers will be unable to legally down trees until November due to migratory bird laws. This could increase the cost of the \$7 billion project by an additional \$1 billion and push back the completion date from 2020 to mid-2021, according to the Charlotte Business Journal.

On Dec. 13, the federal court threw out a U.S. Forest Service permit that would have allowed the pipeline to cross two national forests and the Appalachian Trail. Citing this decision, the U.S. National Park Service asked the federal court if it could withdraw and reconsider one of its permits under litigation rather than await a court decision. The Fourth Circuit Court granted the agency's request on Jan. 23. The permit, which would have allowed the pipeline to

run underneath the Blue Ridge Parkway, was cancelled by the court in August 2018.

Mountain Valley Pipeline

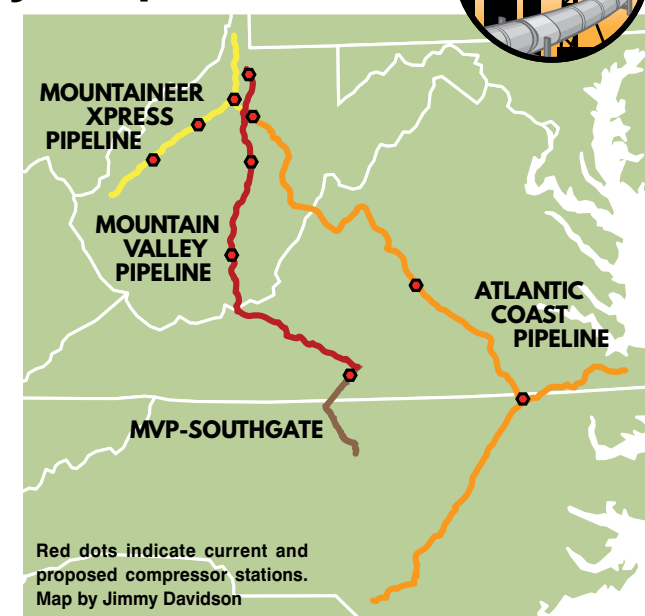
The Mountain Valley Pipeline is also facing obstacles, although construction continues in some places.

On Jan. 28, environmental groups including Appalachian Voices, this newspaper's publisher, presented oral arguments to a federal court in favor of striking down the Federal Energy Regulatory Commission's 2017 approval of the Mountain Valley Pipeline. Issues addressed by the groups include whether there is a public need for the pipeline and if the use of eminent domain to seize private land was warranted.

The U.S. Circuit Court of Appeals for the District of Columbia is expected to issue a decision within six months.

On Dec. 7, Virginia Attorney General Mark Herring and the state Department of Environmental Quality filed a civil lawsuit against Mountain Valley developers for violating state water protections. In a press release, the DEQ states that an independent inspection contracted by the agency identified more than 300 violations between June and mid-November of 2018, the majority being poor erosion control and stormwater management.

"We're asking the court for an enforceable order that will help us ensure compliance going forward, and for penalties for MVP's violations," said Herring. In



Red dots indicate current and proposed compressor stations. Map by Jimmy Davidson

response, Mountain Valley spokesperson Natalie Cox released a statement blaming the violations on "unusually wet conditions and periods of record rainfall" in 2018. Environmental advocates have called on the DEQ to issue a stop-work order.

In mid-January, two attorneys representing pipeline opposition group Preserve Bent Mountain told The Roanoke Times that they are seeking a U.S. Environmental Protection Agency criminal investigation into Mountain Valley's construction activities.

The attorneys allege that developers continued construction work in water bodies after a federal court struck down a U.S. Army Corps of Engineers stream-crossing permit in October due to a lawsuit brought by several environmental groups including Appalachian Voices. It's unclear if the EPA has begun an investigation, although former Virginia State Water Control Board Member Roberta

Continued on page 24

without warning. One test resulted in water suddenly flooding nearby backyards.

During the wee hours of one morning in November, Barbara awoke to a roar that she likens to sitting in the back of a jet, hearing the engines roar before takeoff. People as far as 6 miles away were alarmed, she says, and one of Barbara's relatives a mile away evacuated with their young children. The din persisted for an hour, though after 45 minutes she received an emergency notification confirming it was a pipeline air pressure test.

Barbara says she is still worried about safety risks posed by the pipeline, and expresses

concern about whether the largely out-of-state contractors working on the project care enough about local safety to do their best work.

"I don't like it, but I have to learn to live with it," Barbara says. "It's just a part of life, unfortunately, that brings wealth to some people, to some people doesn't affect at all, and to some people it affects greatly." — *By Molly Moore*



MVP Southgate Met with Staunch Resistance

In April 2018, Mountain Valley Pipeline, LLC, disclosed plans to extend the controversial 303-mile fracked gas pipeline by 73 miles. The proposed project, called Mountain Valley Pipeline Southgate, would stretch from Virginia's Pittsylvania County into North Carolina's Alamance and Rockingham counties. The gas would feed into PSNC Energy's distribution network, and a compressor station would be built near Chatham, Va., to pump gas through the pipeline. A second compressor was originally slated near

Eden, N.C., but Southgate scrapped those plans when they filed for approval from the Federal Energy Regulatory Commission on Nov. 6.

Southgate would be 16 to 24 inches in diameter, compared to the Mountain Valley mainline's 42 inches. The proposal requires a 50-foot permanent easement on landowners' property with a temporary construction easement of up to 100 feet. Developers aim to finish by late 2020, which may be difficult given the legal challenges that have halted construction along much of Mountain Valley's main

route (read more on centerspread).

Landowners, environmental groups, local governments and state agencies alike have met Southgate with resistance. On Dec. 12, a coalition of environmental groups including Appalachian Voices, the publisher of this newspaper, filed a motion to intervene in FERC's decision on whether to approve the pipeline. Then on Dec. 20, PSNC Energy, a subsidiary of Dominion Energy subsidiary SCANA Energy, dropped its 30 percent ownership stake in Southgate. PSNC is still committed to

buying gas from the pipeline.

In North Carolina, the Alamance County Commissioners and the Stoneville Town Council have passed resolutions opposing the pipeline. In a Nov. 5 letter to FERC, the state Department of Environmental Quality told the agency that they "remain unconvinced that the Southgate project is necessary." FERC is expected to host a public comment period on whether to approve the pipeline this spring.

Below, read the stories of three landowners who stand to be affected by MVP Southgate. — *By Kevin Ridder*



In the Path of Pipelines

Katie Whitehead Pittsylvania County, Va.

In 2014, a Mountain Valley Pipeline contractor called Katie Whitehead asking for permission to survey her 162-acre Chatham, Va., tree farm for the pipeline.

"We refused and later learned that MVP had changed the mainline route," Katie says. "We thought we'd been spared."

Katie is no stranger to pipelines. Since her parents signed an easement for Transco, now Williams, in 1949, four gas pipelines and a fiber optic cable have been built in a 155-foot-wide swath through her family's property. Twelve treeless acres dense with invasive species now sit where loblolly pines once stood. When the pipelines are pumping gas south, according to Katie, it sounds like a helicopter is flying nearby.

"We will never be fully compensated for the first gas line through our property," she says. "Even one pipeline creates a utility corridor, which becomes the default route for more gas, electric, fiber optic and other lines."

In May 2018, a land agent for Southgate came calling. Instead of working with Williams within the existing easement, which Katie claims has enough room for a fifth pipeline, Southgate wants an additional 50-foot permanent easement across her property. This would eliminate approximately 3 acres of her tree farm from production indefinitely.

that once construction was complete and grass was growing, we wouldn't even notice the right of way – an absurd statement. Our land is a tree farm."

"We can reasonably ask how much of a burden a small group of landowners should bear for the public good," Katie says. "Are four pipelines enough?"

She states that her family's interactions with Southgate representatives have become "increasingly unpleasant." When one called to discuss an easement in November 2018, they asked the agent to mail the easement for review.

"He refused," Katie says. "He was aggressive and falsely claimed that Southgate had already been approved." Katie states that the Federal Energy Regulatory Commission's approval of the Mountain Valley and Atlantic Coast pipelines have made her "painfully aware that FERC does not adequately perform due diligence to establish 'public need and convenience' for pipelines."

She adds, "Now it appears we are being asked to sacrifice for an unnecessary gas line so that a corporation can profit." — *Story and photo by Kevin Ridder*



Seneca Rogers Alamance County, N.C.

When Mountain Valley Pipeline Southgate disclosed their proposed route in spring 2018, the fracked-gas line was to cut directly across the cemetery of Arches Grove United Church of Christ in Alamance County, N.C. The church has been a part of the community since 1872 and in its current location since 1963.

In November, pipeline developers altered the route to bypass Arches Grove by about half a mile. Seneca Rogers, chair of the church's trustee board and a lifelong Alamance County resident, partially attributes this to the church body's activism against the pipeline in attending meetings and putting up signs. Seneca himself has traveled to speak about Southgate at several churches in the community and at a county commissioners meeting.

Seneca describes poor communication on Southgate's part, noting that when he was initially trying to find out if the pipeline would affect Arches Grove, Southgate representatives told him they would call him back — but never did. Seneca found out about the pipeline crossing the cemetery at Southgate's June 2018 public meeting.

A Southgate representative at the meeting recorded Seneca's contact information and told him that somebody would get in touch; just like before, Seneca never heard back. He only found out about the route's change when the Haw



River Assembly, a local environmental nonprofit organization, sent him the updated map in January. Regardless, Seneca still can't believe that that the proposed route made it as far as it did.

"I think they're just a company who's not from this area at all, and they're going to sit up there where they're from and not be affected by it, so they don't really care," he says.

Seneca still worries that Southgate might change its path again. Even if the pipeline didn't cross the cemetery, a right-of-way nearby could still limit any future growth of the church or put the structure in danger in the event of an explosion.

"We are just one individual church, but we are also a part of the church body as a whole, and we're a part of this community," Seneca says. "So anybody out here that's close to us that's going to be affected with it, anybody in Alamance County, we want to still stand with them in opposition to the pipeline." — *Story and photo by Kevin Ridder*

Virginia Approves Controversial Compressor Station

By Kevin Ridder

On Jan. 8, the Virginia Air Pollution Control Board unanimously approved an air pollution permit for a fracked-gas compressor station that would power Dominion Energy's proposed Atlantic Coast Pipeline. The 54,000-horsepower station would run 24/7 in the historic, majority African-American community of Union Hill, Va.

The compressor station has been roundly opposed by Union Hill residents and environmental groups including Appalachian Voices, the publisher of this newspaper. On Dec. 8, 100 Union Hill residents, state delegates, and celebrity climate activists including Danny Glover, Karenna Gore and Don Cheadle sent an open letter to the board describing "an undeniable pattern of dangerous, polluting industrial facilities being sited in poor communities of color across our nation."



The Virginia air board's decision to approve a fracked-gas compressor station in Union Hill was met with outcry from local residents. Several protesters were arrested. Photos by Cat McCue

"Environmental racism" is a phrase used to describe this systematic positioning," the letter reads.

"Right now, a consortium of companies led by Dominion Energy—the largest corporate donor in state political campaigns—is attempting to place the only Virginia compressor station for its unneeded, natural gas Atlantic Coast Pipeline in the low-income, mostly African-American community of Union Hill, in Buckingham County. Many area res-

idents trace their ancestry to the people enslaved on or near the plantation land sold for this site."

In November, Virginia Gov. Ralph Northam replaced two members of the air board days after they spoke critically of the Atlantic Coast Pipeline during a meeting. This happened less than a month before the board's vote on the permit was scheduled to take place on Dec. 10, although the vote was ultimately postponed

multiple times until Jan. 8.

On Dec. 19, the board delayed its vote to review new demographic information from the state Department of Environmental Quality that called Union Hill's status as an environmental justice community into question. The board allowed public comments over the holidays from Dec. 21 to Jan. 4 regarding the DEQ's findings.

But community residents stated that the agency based these findings on flawed

methodology. Anthropologist Lakshmi Fjord had previously provided an analysis to the DEQ and the board about the community's demographics using the U.S. Environmental Protection Agency's preferred research methods. The board approved the compressor station after reviewing the DEQ's information.

"It is disheartening that the people we presented to didn't seem to care enough to consider what we submitted," said Marie Gillespie, a Buckingham County resident. "To not know what the future will hold is very unsettling. This has been a lengthy process for us. I know it will impact our lives. It is frightening to not know what will come next."

Pipeline Updates

- In West Virginia, a federal agency allowed the Mountaineer XPress Pipeline to begin pumping gas through the majority of its route.
- Pennsylvania regulators have indefinitely suspended service on the Mariner East 1 Pipeline after a sinkhole exposed a section of the pipeline in a resident's backyard.
- An Enbridge, Inc., natural gas pipeline exploded on Jan. 21 in Noble County, Ohio, injuring two and destroying several homes.

In the Path of Pipelines

Elizabeth Ore & Peter Cowan Rockingham County, N.C.

It's hard to miss Elizabeth Ore and her fiancé Peter Cowan's yard in Rockingham County, N.C. Almost a dozen signs protesting fracking and the Mountain Valley Pipeline Southgate extension dot their lawn, oftentimes more; the couple encourages their neighbors to take one for their own yards.

"A lot of the neighbors started laughing when I put the signs up, because they had no clue what I was protesting," says Elizabeth. The laughing stopped when she explained their situation.

The fracked-gas pipeline's projected route runs directly through Elizabeth and Peter's yard. It also crosses a water line that supplies their son's house next door and passes close to both septic systems. The couple is concerned that pipeline construction could contaminate or dry up the old, shallow well that supplies water to both houses — not to mention the danger construction would

pose aboveground.

"My grandkids play in that yard," Elizabeth says. "My 4-year-old granddaughter lives right next door, and she comes across that field all the time. If something were to happen to her ... mmmm. It would not be good."

Peter states that the Southgate representative who originally spoke to them said the pipeline would follow an existing power line right-of-way and wouldn't affect private property.

"When you talk to them, they talk nice," Peter says. "Then you hear what they're really doing."

When the company held a public information meeting, Elizabeth asked to look at the pipeline's route

"[A Mountain Valley representative] showed me where it was going straight through my property," she says. "I was like, 'oh, so you lied.' Number one, I don't take that well."

Elizabeth states that even if Southgate didn't go through her property, "I would still argue against it for my neighbors because I don't want them to have to go through it either."

At a Reidsville city hall meeting in late 2018, Peter and Elizabeth spoke to multiple local elected officials. "We were pretty much just blown off," Peter says. "We just got the feeling that no matter what we say, [our representatives] won't listen or do anything because it's not affecting them."

Peter and Elizabeth wonder why the route is going through such a populated area. If eminent domain comes in to play, Elizabeth says Southgate is "not worried about people like us because

we don't have the money to fight them."

"They don't care where they're going, they already know they're going and they don't care," Elizabeth says. "They don't care about the communities, they don't care about the people that live in them." — *Story and photo by Kevin Ridder*



Red Spruce Restoration Underway

By Amy Renfranz

If a traveler were to drive 20 hours from northwest North Carolina to New Brunswick in Canada, they would find a view that looks remarkably familiar.

A number of trees, shrubs and animals that live in Maine and Canada extend their range southward along the highest peaks of the Appalachian range.

This includes the red spruce, a species remnant of the ice age that, prior to unsustainable logging in the early 1900s, was a dominant tree on most peaks above 4,500 feet in Central and Southern Appalachia. After a dramatic decline, red spruce are now returning to Appalachia's highlands due to the efforts of conservationists across the region.

Legacy of the Ice Age

During the last ice age, northern plant and animal species flourished in the southern mountains. Firs, spruce and snowshoe hares would have dominated the landscape of Southern Appalachia.

When the warmth returned, hardwoods and pines, which thrive in warmer environments, outcompeted the much slower-growing northern plant species. Cold-tolerant animals migrated north, except in places that still supported their frosty way of life, like the high elevations that provide a home for red spruce forests.

Among the red spruce's branches and at its roots are northern animal species that have found refuge from the heat of the south. One such animal is the northern saw-whet owl, a tiny bird with a cat-like face. In the north, its range extends across Canada. Here, it is

only found on remote mountaintops, which are separated from each other like islands in the sky.

And then there's the spruce-fir moss spider, a diminutive cousin of tarantulas. At just a 10th of an inch in size, they live their entire lives under the moss mats on the forest floor. This moss must be moist and undisturbed, or else their sensitive microclimate will be destroyed. The constant fog on high mountain peaks helps to support their way of life.

On the places where these forests still thrive, a person can be transported in time and place. On those high peaks, one can explore an Appalachia of long ago — one that is filled with evergreens and the smell of balsam.

Decline of the Spruce

This was the experience that Chris Kelly, mountain wildlife diversity biologist for the North Carolina Wildlife Resources Commission, expected to have at an elevation above 5,000 feet on Ivestor Ridge in the Balsam Mountains near Asheville.

In her research, Kelly had found a 1917 record stating that there was "exceptionally good quality spruce on Ivestor Ridge." This indicated that she might be able to locate and research a population of rare Carolina northern flying squirrels at the location.

However, an inspection of the



A Haywood Community College student plants a spruce tree in the Unicoi Mountains. Photo by Gary Peeples/USFWS.



Red spruce seedlings at the Southern Highlands Reserve will be used to restore spruce forests. Photo by Gary Peeples/USFWS.

ridge in the early 2010s revealed that it was completely barren of spruce forest.

"It is now covered with wild blueberry and other heath plants," Kelly says.

The fate of Ivestor Ridge is replicated many times across high elevations in the Southern Appalachians.

Places that should be prime locations for the forests are now completely devoid of them.

"Unsustainable logging practices in the early 1900s are responsible," explains Kelly. "The spruce became a target for the timber industry during World War I because they were used for airplane construction. Clear-cut areas were burned afterwards by accidental fires — arson, railroad sparks, cigarettes."

After the fires, the remaining soil was uninhabitable for red spruce. Studies in the Southern and Central Appalachians have documented red spruce range decreases of 90 percent or more due to timber harvest and associated fires from 1860 to 1940.

Reestablishing Spruce

One hundred years after the clear-cutting and burning, a coalition of organizations and federal and state agencies are spreading spruce into places

where it has not been seen in decades. The effort is the work of the Southern Appalachian Spruce Restoration Initiative and the Central Appalachian Spruce Restoration Initiative. These coalitions both include federal agencies such as the U.S. Forest Service and the U.S. Fish and Wildlife Service, state departments like the North Carolina Wildlife Resources Commission and West Virginia Division of Forestry, and nonprofit entities such as the West Virginia Highlands Conservancy and the Southern Highlands Reserve.

In 2017, Chris Kelly led a large-scale restoration effort in order to restore Carolina northern flying squirrel habitat along the Flat Laurel Creek Trail in the Balsams. The area had been logged from 1905 to 1920 and then burned by unmanaged wildfires in 1925 and 1942. What had once been lush balsam forest had been replaced by a monoculture plantation of pine.

After years of planning the restoration and rearing trees at the Southern Highlands Reserve, a native plant arboretum and research center in Western North Carolina, the effort came to realization as 900 spruce trees were planted throughout and around the pine plantation by volunteers and government employees.

Planting tree saplings is just one way to restore habitat. Land managers

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Neal Laferriere Summers County, W.Va.

On Sept. 7, 2018, Neal Laferriere was harvesting ginseng with his four children and an intern on their wooded farm in Summers County, W.Va., when a low-flying helicopter appeared.

"Of course, kids being kids, they thought that was great," Neal says. "They hadn't seen a helicopter that up close and personal before." Seconds later, the group was assailed by a storm of small blue pellets while gazing at the passing helicopter. Two of Neal's children received cuts and bruises on their faces from the chopper's payload. When the helicopter circled back a few minutes later, Neal suspected the Mountain Valley Pipeline under construction nearby.

Mountain Valley has a 525-foot easement at the corner of their property, where they have felled several trees. After fighting the pipeline for several years, the family settled with the company after both of their neighbors did and rumors of eminent domain were spreading.

"[Signing the easement] was not something we wanted to do, but we felt compelled to try and do something while we still could," Neal says. "We kind of felt trapped in the situation."

Neal learned from a Mountain Valley land agent that the pellets were used for erosion control along the pipeline. But the pellets on their farm were up to a half-mile from the route.

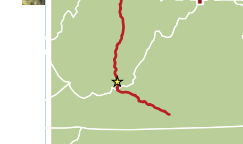
Neal called the Federal Energy Reg-

ulatory Commission to report the incident. On Sept. 18, a representative with FERC and three with Mountain Valley met with Neal to survey the damage. Neal asked an MVP environmental specialist if the pellets could be cleaned up.

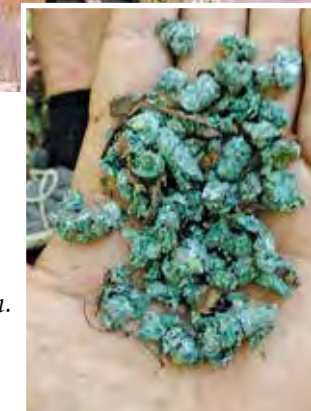
"He said, 'No, once they get wet there's nothing we can do,'" Neal says. The Mountain Valley representatives apologized to him and promised that it wouldn't happen again. But over the next two days, the helicopter flew by multiple times, dropping more pellets. Neal estimates that they covered 90 percent of his property. He called FERC seeking corrective action.

"They said, 'Well I'll note it down, but there's not a lot I can do,'" Neal says. Pipeline developers finally stopped after the family's attorney sent a cease and desist letter. Neal then contacted state and federal environmental agencies, state police, the local sheriff and the county attorney.

"Every situation where I tried to go to the people who are supposed to be there to help us, they've turned us away and not done anything," Neal says. Now, the family worries they may lose their farm.



Neal fishes at his farm with two of his children. Mountain Valley Pipeline's pellets were an unwelcome surprise.



ily lost \$15,000 to \$20,000 in income going into winter, which has made it difficult to pay the bills.

In September, Mountain Valley publicly stated that they would "work directly" with the Laferrieres to address the issue — but Neal says he hasn't heard a word. Short of removing and replacing all of their farm's topsoil, Neal states the only way they could fix this would be through financial compensation.

"My daughter wakes up with nightmares wondering if the pipeline's going to explode and take her family away," he says.

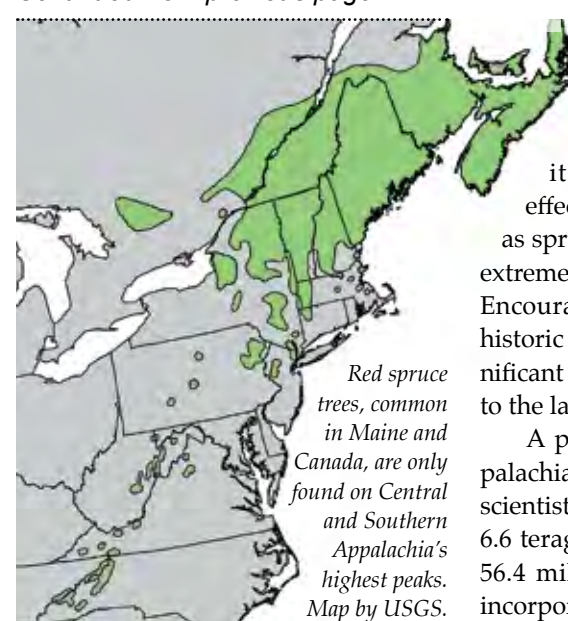
"It's decimating to us as a family, because this is our dream," he adds. "We've sacrificed everything to get to this point." — By Kevin Ridder

Read more

A field in Wayside, W.Va., that serves as a pasture for rescued horses is being bisected by the Mountain Valley Pipeline. According to horse rescuer Arietta Ann DuPre, Mountain Valley and its contractors have broken most of their promises and endangered the lives of both her and her animals. Read her story at apvvoices.org/arietta.

Red Spruce

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Red spruce trees, common in Maine and Canada, are only found on Central and Southern Appalachia's highest peaks. Map by USGS.

across the region are also "releasing" spruce trees — a process which involves removing specific hardwood trees and allowing spruce trees to naturally regenerate in the newly open space.

Restoring red spruce habitat has rebounding positive effects for the region and the world, as spruce forests generate soil that is extremely effective at trapping carbon. Encouraging the tree to return to its historic locations could help return significant amounts of the lost carbon back to the landscape in less than 100 years.

A paper released by Central Appalachian Spruce Restoration Initiative scientists in 2014 suggests that at least 6.6 teragrams of carbon, equivalent to 56.4 million barrels of oil, would be incorporated in the forest floor within

approximately 80 years by managing to restore historic spruce-dominated stands in West Virginia alone — a small portion of the tree's historic range.

"We're trying to restore the whole ecosystem," explains Kelly. "What we do can enable many species to thrive — including our own. We have the history and we know the science. Now it's time to do something."

For more information on the Southern Appalachian Spruce Restoration Initiative, visit southernspruce.org. To learn about the Central Appalachian Spruce Restoration Initiative, visit restoredspruce.org.

Amy Renfranz is the Director of Education and Natural Resources for the Grandfather Mountain Stewardship Foundation. She currently teaches at Lees-McRae College in Banner Elk, N.C. ♦

Spruce Restoration Stats

Two organizations aim to restore high-elevation red spruce forests: the Southern Appalachian Spruce Restoration Initiative and Central Appalachian Spruce Restoration Initiative. In the past nine years, CASRI alone has:

- Planted 836,062 red spruce and associated hardwoods
- Released more than 2,300 acres of naturally-occurring red spruce from hardwood competition, allowing the spruce to grow and reach the forest canopy
- Engaged hundreds of volunteers through public tree plantings and outreach events
- Supported multiple research projects to better understand the red spruce ecosystem and to increase the pace and scale of restoration

Pay-What-You-Can Cafes

Providing healthy food and cultivating community

By Dave Walker

Customers make their way along a hot-food bar as volunteers place food, much of it locally grown, on their lunch plates. When the customer gets to the end of the line, a volunteer asks them, "How much would you like to donate today?"

Some customers give the suggested donation. Some turn in a token that represents a gift meal. Some volunteer an hour for their meal. When the diner sits at the lunch counter stool or large table, they are likely to be sitting beside someone from a very different life experience than them. At pay-what-you-can cafes across the region, differences are embraced and community is formed over a meal.

"This restaurant model is about doing things differently — a different value system," says Tommy Brown, volunteer and development coordinator at F.A.R.M. Cafe in Boone, N.C. "We're not about profit. It's really about change, about helping people."

Twenty community members began planning F.A.R.M. Cafe in 2009. The project originated like many other donation-based cafes: someone in the community heard of Denise Cerreta's pay-what-you-can One World Cafe in Salt Lake City, Utah. The local group began to meet monthly and researched similar cafes. In January 2012 they leased a landmark former soda fountain in downtown Boone and opened F.A.R.M. Cafe, which stands for "Feed All Regardless of Means."

In Boone as well as South Charleston, W.Va., Wytheville, Va., Johnson City, Tenn., and Danville, Ky., pay-what-you-



F.A.R.M. Cafe staff member Tommy Brown, left image at front, works with volunteers, left and right images, to prepare donation-based lunches for diners. The cafe uses local food when possible, including in their summer "Tomato Pie Tuesday" meals, center. Photos courtesy of F.A.R.M. Cafe



can restaurants are breaking down the barriers of how people typically interact with a restaurant, while supporting local farmers and healing communities.

There are at least five donation-based restaurants operating in Appalachia offering a range of services from hot bars to catering. Still more cafes are in the planning and development phases.

Volunteers

Volunteers power this model by preparing and serving food and cleaning up the restaurant at the end of each day. Volunteers also break the boundaries within the restaurant — a volunteer could be a retiree, a student or someone in need of a hot meal.

"The right folks walk in the door every day," says Michelle Watts, executive director of One Acre Cafe in Johnson City.

Volunteers greatly outnumber staff

at Appalachia's pay-what-you-can cafes. F.A.R.M. Cafe's weekday meals are 90 percent created and served by volunteers, and in Wytheville at Open Door Cafe, as many as 20 volunteers work alongside the two staff members each day.

Volunteers are the biggest challenge and the greatest fulfillment according to Renee Boughman, executive chef at F.A.R.M. Cafe. Every day requires fresh introductions to how the restaurant operates, where serving utensils are located and how to wash dishes. Boughman says that volunteers become invested in the space and the model. In 2018, more than 3,750 people volunteered at F.A.R.M. Cafe to help serve 17,681 meals.

"They're giving their time, but they're often surprised that they enjoy it," says Boughman. "They're surprised about the community here. Then, they come back. They care about this place."

After each one-hour shift, volun-

teers at the pay-what-you-can cafes receive a meal, comprising a significant percentage of the restaurants' patrons. Since December 2013, One Acre Cafe has served over 104,000 meals with more than 21 percent had by volunteers.

Johnson City, like Boone, is a university town.

"We have such a blending of folks who come into One Acre Cafe," says Watts.

These people include college students who need volunteer hours or who do not have funding for food, veterans from the VA hospital, local residents facing challenges and neighbors who are able to share their time and donations.

"It's not just a free meal," says Watts. "We encourage people to participate however they are able to do that. We want to truly be a community cafe, taken care of by the community."

This approach challenges the traditional way that the public goes to restaurants and participates in community, which entails a blurring of who prepares and serves the food and who consumes it.

Staff at each of these donation-based restaurants explain that their cafes are based upon uplifting each other and forming connections. In Boone, tourists sit next to and talk with individuals living out of their cars. In Johnson City, university professors serve food alongside food-insecure students.

"They're just sitting having conversation with someone at the next table," says Brown of F.A.R.M. Cafe. "It's

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Pay-What-You-Can

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transformative. Rather than having a transactional value at a restaurant, the experience is of having a transformational value. Impacts happen on small levels that are significant."

Nourishing Community

Open Door Cafe is located in downtown Wytheville, Va. HOPE, Inc. Executive Director Andy Kegley attributes the visibility of the location and the quality of the food as to why the cafe has been so successful over its first year.

Helping Overcome Poverty's Existence, Inc. (HOPE), a nonprofit organization serving five Southwest Virginia counties, runs Open Door Cafe and has a long history of addressing housing affordability and food insecurity in Southwest Virginia. After the region's homeless shelter in Wytheville closed in 2012, community members came together to prepare hot meals for 75 people several days a week as a soup kitchen.

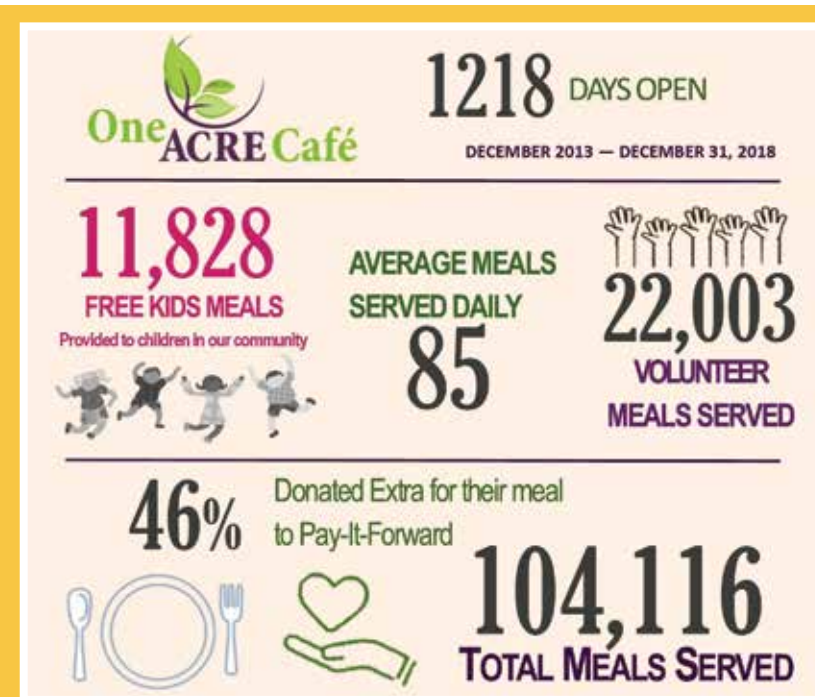
One day, a HOPE VISTA member told the group about One World Everybody Eats, a nonprofit organization that provides more than 60 existing community cafes in its network with best practices, information and opportunities for networking and mentorship. The organization also helps support startup cafes. F.A.R.M. Cafe, for instance, hosted HOPE in Boone to share their experiences recruiting and managing volunteers and regularly hosts and mentors other cafes, seeking to build community and address food insecurity.

Kegley says, "Our food insecure community is not unlike many other places — around 15 percent of the population in our area is not sure of where their next meal is going to come from."

Food insecurity limits children and adults' ability to thrive and can cause health problems such as obesity. Food-insecure children can also face developmental and mental health challenges.

In Johnson City at One Acre Cafe, children eat free, according to Executive Director Michelle Watts.

"We had a family that has a lot of kids," she says. "They brought their kids in when they had some struggles. Then, when they hit a patch where they had some money, they were able to give back to the cafe. That's how this place is supposed to work. Helping folks when they are down, and then paying it forward."



Chef Dakota Windsor carries a tray of food at the Johnson City, Tenn., cafe, above right. Below, Executive Director Michelle Watts serves veterans. Graphic and photos courtesy One Acre Cafe.

Open in July, 2018, Cafe Appalachia in South Charleston, W.Va. operates each weekday and offers catering. Through a community partnership, it hopes to provide 42 jobs through its cafe, catering, food truck and farm over the next three years, according to founder Cheryl Wilson Laws. The program will bring together ReIntegr8, which works with women in recovery, and the Kanawha Institute for Social Research and Action, which works with men on re-entry from prison. The cafe will provide training and support for their clients.

"We are looking to raise our own pork, beef and chicken so that we can be completely sustainable and source local food from within five miles of our location by year three," says Laws. "The complete operation will be full-circle, down to scraps from the restaurant will go to feed the chickens."

This holistic approach to rebuild communities is found at all of the pay-what-you-can cafes in the region.

The Food

"A lot of times, the people growing our food are people of less means in our community," says Boughman at F.A.R.M. Cafe. By sourcing food from local farmers, the restaurants are able to invite farmers into the community that they are building. They are also able to educate customers about where their food comes from.

"There is dignity in sharing food with someone and you caring how it's grown," says Boughman.

Each month, F.A.R.M. Cafe hosts an all-local lunch from a specific group of farms. The farmers are invited to meet with customers and see how their food is prepared.

"To have the farmers see their work, their love go into a meal that we can enjoy cooking and be a part of, and then to see diners enjoy it — I can't think of a better way to inspire local folks to want to become involved in local food," says Boughman.

"We don't try to be 100% local, we can't be," says Brown of F.A.R.M. Cafe. "Where we are able to connect with local food and be a part of the healing, we are. It comes in locally. The compost that we create goes back in locally. We're about helping the farmers replenish the soil that's been lost over the years. It's about this loop on a deeper level."

In Wytheville, sourcing local food

was also an important reason for developing the donation-based cafe model.

"We wanted to expand that soup kitchen program into a pay-what-you-can cafe so that we could include healthy, good, local food, because a lot of folks in our area don't have access to that," says Kegley.

Like Boughman, Open Door Cafe Chef J.C. Botero comes from a fine dining background and is now able to make locally sourced food like grass-fed beef and hydroponic lettuce accessible to everyone.

"We're growing our local economy," says Kegley.

Each of the cafes are still learning and growing to reach a level of financial sustainability and have relied upon grants, fundraisers and grassroots sup-

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A diner enjoys a meal at Open Door Cafe in Wytheville, Va., left. Above and right, volunteers are ready to serve food. Photos by Andy Kegley



States Tackle Environmental and Energy Issues

Across the region, state legislators and governors are tackling energy and environmental issues that can have a profound impact on each state's land, water and people. Here are a few of the bills and topics to follow in 2019. This information was current as of press time in late January.

By Hannah McAlister and Kevin Ridder

Georgia

Session runs from Jan. 14 to early April.

The state established its first dedicated conservation trust fund, the Georgia Outdoor Stewardship Trust Fund, in November after a ballot initiative was supported by 83 percent of voters.



Environmental nonprofit organization Georgia Conservancy plans to participate in the legislative process as lawmakers establish procedures to help the state properly use the fund.

Other key issues identified by Georgia Conservancy include opposing offshore oil and gas exploration, developing a sustainable oyster aquaculture industry, reinstating the electric vehicle tax credit and clarifying stream buffer regulations intended to keep pollution and runoff out of waterways. — H.M.

Kentucky

Session runs from Jan. 8 to March 29.

On Jan. 8, several representatives introduced H.B. 75 to amend a 2018 Kentucky workers' compensation law stating that only specially licensed pulmonologists can diagnose black lung disease. This has prevented radiologists licensed to detect the disease with a chest x-ray from officially being able to diagnose, making it much more difficult for coal miners with the fatal, incurable condition to obtain state benefits. H.B. 75 would restore the ability of radiologists to diagnose the disease.

H.B. 16, introduced Jan. 8, would include affordability as a criterion for determining utility rates and establish reasonable rates as a policy of the commonwealth.

Introduced Jan. 10, H.B. 146, would make solar energy more accessible to people unable to afford high upfront costs by allowing third-party power purchase agreements.

H.B. 152, introduced Jan. 10, would eliminate the deduction for transportation expenses from coal severance taxes. All four of these bills await decision in committee. — K.R.

Maryland

Session runs from Jan. 9 to April 8.

A majority of the Maryland General Assembly has claimed they will pass the Clean Energy Jobs Act in 2019, according to Maryland Matters. The legislature failed to pass the bill in 2018 after opposition from utility companies.

The bill sets a target of powering Maryland with 100 percent renewables by 2040. Supporters say it will provide environmental and economic benefits by creating tens of thousands of jobs and investing billions of dollars in the state. Gov. Larry Hogan (R) has not commented on the bill, but announced support for "clean and renewable energy solutions and green energy jobs" in a Jan. 29 speech. The bill was not released at press time. — H.M.

North Carolina

Session runs from Jan. 30 to TBA.

Duke Energy may look to the General Assembly in 2019 to pass a bill allowing the monopoly utility to increase ratepayer bills to fund its \$13 billion grid modernization proposal after state regulators struck down the proposal last summer. Duke's plan was roundly criticized by legislators, the state attorney general and public interest advocates including Appalachian Voices, the publisher of this newspaper, for a litany of reasons including overburdening ratepayers.

With the 2018 midterm elections, North Carolina Democrats have ended the veto-proof majorities held by Republicans in the House and Senate since 2013.

State Rep. Harry Warren (R) told North Carolina Health News that he plans to reintroduce a bill in February requiring state schools and child care centers to test for lead in drinking water, and respond if unsafe levels of lead are detected. Similar bills failed to pass in 2016 and 2017 after high levels of lead were found in an elementary school's drinking water. For updates, visit apvoices.org/state-gov. — K.R.

Ohio

Session started on Jan. 7 and runs throughout the year.

In November, land-owners and wind energy companies filed a lawsuit in a county court alleging that in 2014, the Ohio General Assembly unconstitutionally passed a law that restricts wind turbine setback, or distance, from adjacent properties, discouraging the development of wind energy.

The restriction was included without public input as an amendment to a budget bill, which the case claims violates a rule in the state constitution that bills only pertain to a single subject. In December, Ohio asked the court to dismiss the case.

In April 2017, the Ohio Senate attempted to include changes to the state's wind turbine setback laws in H.B. 114, which would have weakened Ohio's renewable energy standards, but legislation was ultimately stalled. Columbus law firm Bricker & Eckler LLP predicts that under new Gov. Mike DeWine, the General Assembly will again propose loosening Ohio's renewable and energy efficiency standards.

The law firm also predicts the session will bring legislation regarding possible subsidies in response to First-Energy's proposal to close two nuclear power plants. — H.M.

Pennsylvania

Session started on Jan. 1 and runs throughout the year.

On Jan. 8, Gov. Tom Wolf signed an executive order declaring that Pennsylvania will cut 80 percent of its net greenhouse gas emissions by 2050 from 2005 levels, with 26 percent by 2025.

To hit these targets, Wolf discussed controlling methane at existing oil and gas wells and Pittsburgh's gas delivery system. Wolf also committed state agencies to work with his new GreenGov Council to improve energy efficiency across government operations.

On Jan. 2, nonprofit environmental

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State Politics

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law advisory group Pennsylvania Environmental Defense Foundation filed a petition with the Pennsylvania Supreme Court to enforce its 2018 ruling that the state can't sell natural resources such as natural gas on public lands to fill gaps in the state budget. According to the law group, the state's 2019 budget earmarks at least \$96 million from the sale of public natural resources. — H.M.

South Carolina

Session runs from Jan. 8 to May 9.

The Environmental Bill of Rights (H. 3382) was introduced as a proposed amendment to the state constitution on Jan. 8. This enforces South Carolinians' right to conserve and protect the environment, and grants local governments the power to enact laws and regulations that are more protective of the environment than those adopted by the state.

The Clean Energy Access Act (S. 332) was introduced in the Senate on Jan. 8. This bill achieves many goals of the 100 Days Clean Energy Agenda, an effort backed by a coalition of environmental and renewable energy groups, including making solar more accessible by loosening net metering restrictions. The bill is a companion of the S.C. Energy Freedom Act (H. 3659), which also aims to make solar more affordable for low- and moderate-income residents and ensure that customers are not penalized for using solar or energy efficiency.

S. 137, also introduced on Jan. 8, would offer economic incentives for regulated electric companies to hit certain

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Continued from page 21

port to start up their operations.

However, several of the cafes are beginning to reach a balance between patrons who are able to donate the full suggested donation and those who donate less. After its first year, Open Door Cafe reports that 35 to 40 percent of its customers donate less than the suggested donation of \$8 a meal. In Johnson City at One Acre Cafe, 46 percent have donated more than the suggested donation since December 2013. And in Boone at F.A.R.M. Cafe, 2,637 folks volunteered

benchmarks, including energy efficiency and the use of renewables. All of these bills were referred to committee. — H.M.

Tennessee

Session runs from Jan. 8 through late April.

According to nonprofit organization Tennessee Conservation Voters, the legislature may consider a bottle deposit-return bill, commonly called "TennCan." Similar to programs in other states, TennCan aims to incentivize recycling by adding a 5 cent refundable deposit to all covered beverages.

The legislature may also consider a bill addressing lead in school drinking water, a bill protecting citizen legal action from large retaliatory lawsuits, and legislation allowing home- and business-owners to finance energy efficiency upgrades through an added charge on property taxes.

On Jan. 23, new Tennessee Gov. Bill Lee (R) ordered state executive departments to outline how they serve 15 rural, economically distressed counties by May 31 and recommendations for how the departments can improve by June 30. Lee often advocated for addressing rural poverty in rural areas on the campaign trail, including expanding rural broadband service. — K.R.

Virginia

Session runs from Jan. 9 to Feb. 23.

On Jan. 25, the State Senate passed S.B. 1695, which would allow utilities to seize right-of-ways on land that the Virginia Economic Development Authority certifies as a "qualified economic development site." The bill awaited decision in a

in 2018 in exchange for meals.

A sustainable financial model is necessary to keep the doors open and the food hot. But at pay-what-you-can cafes, the donations are just a means to an end: a community that is open to everyone.

"Other restaurants are based on money," says Watts at Open Door Cafe. "These cafes are what community is supposed to be about."

"We're not about profit," says Brown at F.A.R.M. Cafe. "We're about helping people. The food and the local food is a part of that. What's broken in our food system is the switch away from knowing the farmer, knowing the community." ♦

House committee as of Jan. 31.

A House subcommittee killed the Refund Act, H.B. 2645, which would have prohibited public utilities from making nonessential expenditures such as lobbying and blocked them from recovering costs from ratepayers if they over-purchase fuel.

On Jan. 24, a House subcommittee struck down H.B. 2503, which would have required the state to hold a hearing before approving fuel deals between affiliates of the same utility, as Dominion Energy did when it committed its subsidiary to buy gas from Dominion's Atlantic Coast Pipeline.

On Jan. 28, a Senate committee killed a bill to promote residential and small-scale renewable energy in the commonwealth. The House version, H.B. 2329, awaited decision in committee.

On Jan. 29, a House subcommittee killed two bills that would have established an environmental justice advisory council by law. One of the bills would have required state agencies to take environmental justice into consideration.

H.B. 2741, which would establish a rebate fund to increase access to efficiency and renewables to low-income families, is

under consideration in the House.

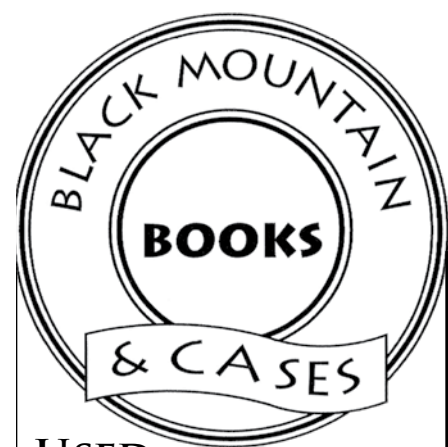
Legislators were also moving forward with coal ash cleanup plans, see page 25. For updates, visit apvoices.org/state-gov. — K.R.

West Virginia

Session runs from Jan. 9 to March 9.

On Jan. 22, a State Senate committee voted to add updated drinking water protections for 60 pollutants to S.B. 167. If passed, the bill would update West Virginia's 1980s-era water quality rules to be consistent with 2015 federal standards. In November, a state legislative committee voted to remove these standards from the bill after a last-minute argument from the West Virginia Manufacturers Association stating that the water safeguards could hurt industry. The bill awaits a committee vote.

On Jan. 8, a lobbyist for Atlantic Coast Pipeline lead developer Dominion Energy called on the legislature to condemn "rogue environmental groups" for stalling pipeline construction. This comes after a number of lawsuits have led to a halt of Atlantic Coast construction (read more on centerspread). The legislature has yet to take action on this. — K.R. ♦



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Coal Ash Cleanup: Three States See Major Developments

N.C. Meetings Address Cleanup Plans

In January, the North Carolina Department of Environmental Quality held public meetings to help determine the fate of six Duke Energy coal ash dumps after the state agency downgraded seven sites from “intermediate risk” to “low risk” in November.

Duke favors the cheaper method of capping the toxic coal byproduct in place instead of moving it to lined landfills away from water sources, which is preferred by many residents and environmental groups including Appalachian Voices, the publisher of this newspaper.

The Statesville Record and Landmark reports that meeting turnout was especially high at a school near Duke’s Marshall Steam Station, where dozens of people were turned away after the gym’s 450-person capacity was reached. When DEQ personnel asked the crowd if anyone was in favor of the cap-in-place method, not a single person raised their hand.

John Ong, a resident of the nearby Lake Norman area, told the Record and Landmark that the DEQ’s mission is “to protect the natural resources of the state and the health of the people in it.

“Given that — and the fact that we all know that science is clear that unlined pits pose a danger, I would ask that the department and the rest of the state government step up to protect our health and safety,” Ong said, adding, “Cost is not a factor. Duke Energy is a

profit-making machine.”

Luis Rodriguez with the Sierra Club states that attendees have had similar outlooks at the other meetings. But what happens next depends on the agency.

The DEQ is accepting public comments on Duke’s closure options through Feb. 15 and is expected to complete its own review by April 1. Duke is then required to submit its final closure plan to the agency by Aug. 1, after which the DEQ will accept public comments before making a final decision. — *By Kevin Ridder*

Mistreated TN Workers Seek Resolution

On Dec. 22, 2008, a dike burst at Tennessee Valley Authority’s Kingston plant near Harriman, Tenn., spilling 7.3 million tons of coal ash across 300 acres of land. Nine hundred laborers, including some TVA employees, worked to clear the site over seven years and many were sickened from exposure to the toxic ash.

On Jan. 11, a federal judge ordered mediation between the workers and Jacobs Engineering. This follows the court’s Nov. 7 ruling in favor of the workers against Jacobs Engineering, the TVA contractor that managed the cleanup.. The verdict entitles them to seek money to cover medical treatment for themselves and their families — many of whom were harmed by exposure to the coal ash that workers carried home.

A USA TODAY NETWORK-Tennessee investigation and a separate probe

revealed that workers were lied to about the risks of coal ash exposure by Jacobs Engineering and TVA representatives. Jacobs Engineering also denied requests for safety equipment, refused to provide proper showers and changing stations and pressured the U.S. Environmental Protection Agency to lower labor safety standards such as protective gear. Additionally, the contractor manipulated tests of workers’ exposure to coal ash by tampering with monitors and test samples.

A decade later, 35 of the former crew have died and more than 300 others are sick or dying according to the news outlet’s investigation. On the spill’s anniversary, Roane County officials held a memorial service to honor, thank and apologize to the laborers. Two days later, TVA ran a full-page ad in Roane County News thanking its contractors, including Jacobs Engineering.

Groundwater testing conducted by TVA in January 2018 at the spill site’s coal ash landfill shows a spike in related toxins. In response, Roane County and Kingston officials voted to pursue legal action against TVA. Results from follow-up water testing will be released in March, but no air quality testing has been done. — *By Hannah McAlister*

Coal Ash Cleanup Legislation in Virginia

In January, a bipartisan group of Virginia legislators announced their support for coal ash legislation sup-

ported by Gov. Ralph Northam and Dominion Energy, the monopoly utility responsible for more than 28 million cubic yards of coal ash at its four unlined impoundments in the Chesapeake Bay watershed.

The agreement, which was not finalized at press time, would require Dominion to recycle roughly a quarter of that within 15 years, selling it to other companies that would encapsulate the waste in the process of making concrete or other materials. The remaining coal ash at the sites would have to be relocated to lined landfills away from water sources by 2023.

The proposal would also allow Dominion to recoup up to \$225 million in cleanup costs from its ratepayers, capping the amount the average customer would pay at \$5 monthly.

Dominion had previously lobbied for a clean-up method known as cap-in-place, which would have allowed it to leave coal ash in unlined landfills covered with an earthen cap. Environmental groups pushed for full excavation, and many praised the initial legislation.

“Dominion is now finally acknowledging that getting this ash out of the ground is the only way to protect people and waterways, and that we can do so in a cost-effective way,” Attorney Nate Benforado of the nonprofit Southern Environmental Law Center said in a prepared statement. — *By Molly Moore*

Pipeline news

Continued from centerspread

Kellam also announced in January that she had provided a statement to the EPA’s criminal investigation division.

Kellam, who had spoken critically of the Atlantic Coast and Mountain Valley pipelines during her time on the water control board, was dismissed by Virginia Gov. Ralph Northam less than a month before a vote on an Atlantic Coast compressor station was to take place (read more on page 19).

In a Virginia Mercury op-ed, Kellam writes that when she talked with DEQ Director David Paylor about people’s reports of conditions at Mountain Valley construction sites, he repeatedly told her

that local residents were “untruthful.” Kellam also states that Paylor accused her of “working for the opposition.”

“Given the more than 300 water quality-related violations cited in Attorney General Herring’s complaint, photographs and personal accounts of local residents and my own observations on the ground, I feel confident that my concerns about water quality were well-founded and relevant to my sworn duty as a State Water Control Board member,” Kellam writes.

In January, the West Virginia Department of Environmental Protection reopened a public comment period for the Army Corps’ stream crossing permit that was struck down in October. Written comments will be accepted through March 4, further delaying the project.

Protests Continue

Protestors have been blocking Mountain Valley construction in stands erected high in the trees for well over 100 days ago in Elliston, Va.

“They basically cleared all the trees except this stand here,” tree-sitter Phillip Flagg told The Progressive in January.

On Dec. 28, pipeline developers asked a federal judge to order the tree-sitters off their stands, stating that they have a right to the land through eminent domain. Mountain Valley wants the judge to fine the tree-sitters and authorize the U.S. Marshals to forcibly remove them if they don’t comply.

According to The Roanoke Times, Roanoke attorney Josh Fishwick wrote in an amicus brief that Mountain Valley is “improperly seeking to enlist this

court to act as its enforcer in its dealings with persons opposing pipeline activities and construction.”

Mountain Valley also wants the injunction to apply to “the agents, servants, employees, and attorneys of the tree-sitters and to all other persons who are in active concert or participation with them,” according to The Roanoke Times. Opponents of the pipeline decried this as a violation of the constitutional right to legal counsel.

The judge had yet to issue a decision as of press time in January. ♦

In late 2018, Virginia pipeline opponent Sarah Murphy and her horse, Rob Roy, traveled the Virginia and West Virginia route of the Atlantic Coast Pipeline to raise awareness. She plans to travel the N.C. route in spring. Read more at aprovoices.org/acp-horse.

The Energy Report

Funding for Black Lung Benefits Cut

On the first of the year, an excise tax on coal companies to fund federal black lung benefits was cut in half.

The Black Lung Disability Trust Fund covers healthcare and disability benefits for coal miners with black lung disease and their dependents when the miner’s previous employer has gone bankrupt or is otherwise not able to provide these benefits. Black lung is a progressive, fatal disease caused by the accumulation of coal and silica dust in the lungs.

The trust fund is supported by an excise tax that mining companies pay on each ton of coal produced. Since this tax was scheduled to be cut in half at the end of 2018, miners and their supporters, led by local Black Lung Association chapters, had urged Congress to extend the tax at its current rate. A short-term extension of the black lung excise tax was included in the Senate’s early budget bill, but the bill did not pass and the government shut down.

Kentuckians Petition State to Block Surface Mining Near Two Towns

Despite setbacks, four men from the Eastern Kentucky towns of Benham and Lynch continue to petition the state to declare more than 10,000 acres off-limits to surface coal mining to protect the historic towns’ viewsheds and the watersheds that feed into municipal water sources.

Under state and federal law, citizens can petition their state governments to designate areas as “lands unsuitable for mining.” Bennie Massey, Carl Shoupe, Roy Silver and Stanley Sturgill originally filed the petition in 2010 with the assistance of the nonprofit conservation organization Kentucky Resources Council.

After the state Energy and Environment Cabinet declined the initial petition, the group appealed — and the ensuing legal battle dragged on for years, according to the Lexington Herald-Leader. In 2018, the state reversed its earlier decision and invited the surface mining opponents to re-submit their petition for review.

Push to Halt Rising Energy Fees in Knoxville

In October 2018, the Knoxville Utilities Board increased the fixed fee for its 450,000 ratepayers from \$17.50 to \$19, up from \$6 in 2010. Renew TN, a campaign of the Southern Alliance for Clean Energy, is calling on

The excise tax was automatically cut in half on Jan. 1, 2019.

No one will lose benefits immediately. But the fund, already billions in debt, is expected to run ever-deeper into debt, potentially putting it on the chopping block in future budget negotiations.

“The black lung trust fund is a lifeline for people,” says Bucky Mitchell, a retired coal miner with black lung from Lebanon, Va. “Coal miners have earned it, and that’s something people are counting on.”

In January, U.S. Senate Democrats introduced the American Miners Act, which would restore the excise tax to its previous rate while also shoring up the United Mine Workers of America pension fund. In addition to voicing support for the legislation, miners and their allies are also supporting state-level bills in Kentucky and West Virginia that seek to make it easier for miners with black lung to access benefits. — *By Willie Dodson*

EPA Questions Benefits of Mercury Regulations

The U.S. Environmental Protection Agency proposed a change to how it calculates the benefits of key air pollution rules in December, stating that current regulations on mercury and other air pollution emissions from power plants are no longer “appropriate and necessary.” Environmental and health advocates are concerned that this new analysis could lead to a rollback of current regulations.

The proposal only considers the direct monetary benefits of the current emissions standards, rather than accounting for all of the health benefits associated with the rules. President Donald Trump’s EPA reports that adhering to the current rules

would cost industry up to \$9.6 billion annually with up to \$6 million in annual benefits. In 2012, the EPA estimated those benefits at between \$37 billion and \$90 billion.

According to the Center for American Progress, the current regulations led to an 81 percent reduction in mercury emissions from 2011 to 2017. Mercury is among the top ten chemicals of highest public health concern, according to the World Health Organization.

Acting EPA Administrator Andrew Wheeler stated during his Senate confirmation hearing that he did not believe mercury-controlling equipment already installed in power plants would be removed. — *By Jen Kirby*

Petrochemical Plants Advance

In December, the Ohio Environmental Protection Agency issued an air pollution permit to a proposed cracker plant in Belmont County. Cracker plants use intense heat to “crack” the natural gas liquid ethane into ethylene, a raw material for plastics manufacturing.

If the two South Asian companies behind the \$10 billion project proceed, the cracker plant would be roughly 65 miles away from Royal Dutch Shell’s ethane cracker in Beaver County, Penn., currently under construction.

On Jan. 18, the Sierra Club, the Center for Biological Diversity and several other

environmental organizations filed an appeal with the Ohio EPA to have the Ohio cracker plant’s permit thrown out. “These plants will contaminate Ohio River Valley communities just to create more plastic pollution,” said Lauren Packard with the Center for Biological Diversity.

On Dec. 20, Pennsylvania regulators approved water permits for the proposed 97-mile Falcon Ethane Pipeline, allowing tree-felling to begin along the pipeline’s path through the state. Falcon, which would feed Shell’s ethane cracker, still needs approval from Ohio, West Virginia and federal regulators. — *By Kevin Ridder*

Coal-friendly Wheeler Nominated to Lead EPA

After former U.S. Environmental Protection Agency Administrator Scott Pruitt’s resigned in July 2018, President Trump appointed Andrew Wheeler as acting administrator. In January, Trump nominated Wheeler to lead the agency.

Wheeler, an environmental lawyer, formerly worked at the U.S. Senate Committee on Environmental and Public Works and was largely focused on reducing regulations on industries that emit greenhouse gasses. Most recently, Wheeler worked for a law firm that advocates for coal giant Murray Energy Corporation and lobbied against Obama-era environmental regulations.

North Carolina Solar Rebates in High Demand

For the second consecutive year, North Carolina residential solar panel rebates from Duke Energy were claimed, although this year it took less than a day. Business rebates were claimed in a few days, according to a Duke Energy spokesperson, and rebates for nonprofit organizations are

Under Wheeler, the EPA has proposed rolling back a number of regulations including fuel emissions standards, radiation exposure limits and water protections under the Clean Water Act.

Wheeler’s confirmation hearing was on Jan. 16. His responses to senators’ questions were largely noncommittal, and he refused to comment on the November 2018 federal climate report, stating that he “hadn’t finished being briefed on it.” Public health and environmental advocates are concerned that if he is confirmed, environmental safeguards will be further eroded.

— *By Jen Kirby*

still available.

The residential rebates cover up to 10 kilowatts of solar energy, reducing the cost of installation by up to 30 percent. All additional applicants have been placed on a waiting list. Duke is required to offer the program under 2017 state law. — *By Jen Kirby*

Push for N.C. Coal Ash Cleanup Enters Final Stages

Community members near six of Duke Energy's North Carolina coal-fired plants turned out in droves to six meetings held by the state in January to determine the fate of the monopoly utility's coal ash pits. We joined residents in sending a clear message to the state Department of Environmental Quality: excavating Duke's coal ash and moving it to lined landfills away from water sources is the only viable option.

The communities around these six sites have suffered for years from exposure to the toxic heavy metals found in coal ash. At every meeting, the people voiced overwhelming support for excavating Duke's coal ash and moving it to a lined landfill,



Amy Adams, Appalachian Voices' N.C. Program Manager, rallies the crowd during the Allen Plant coal ash meeting in Belmont, N.C. Photo by Sam Kepple

while not a single person raised their hand in favor of capping the toxic waste in place.

Then on Feb. 2, Residents for

Asking N.C. Lawmakers to Reject Duke's Money Grab

On Jan. 28, just before the North Carolina legislative session began, we joined our partners at nonprofit organization NC WARN to call on our elected leaders to reject Duke Energy's anticipated grid plan. The contentious proposal would lock in up to \$13 billion in customer rate increases for wasteful capital projects under the guise of grid improvement.

Over the past two years, dozens of commercial and industrial customer associations, consumer groups such as AARP, and environmental justice organizations have successfully opposed Duke's grid proposal in the legislature and at the NC Utilities Commission. But, according to news reports, the utility is aiming to gain approval for

an initial portion of the massive grid scheme and seek the entire, multi-billion dollar rate hike over time.

"Duke claims the plan would prepare the electric grid for more renewable energy, but as our letter describes, the giant monopoly is actually

impeding the growth of renewables and storage, and plans to be only 8 percent renewable in the Carolinas in 15 years," said Matt Wasson, Appalachian Voices' Director of Programs.

For an in-depth look at the six meetings and to submit a public comment, visit appvoices.org/blog

Energy Democracy for ALL!

Appalachian Voices is excited to announce the launch of our new Energy Democracy campaign, working to replace the electric utility monopoly system with energy choice for all ratepayers, and renew the democratic process in member-owned electric cooperatives. Our team is organizing in a tri-state region of North Carolina, Virginia and Tennessee to protect customers from unfair rate hikes and bring member-owner power back to co-ops. We will also focus on breaking the monopoly strangleholds that Duke Energy and Dominion Energy have over the North Carolina and Virginia legislatures and over renewable energy options in both states. Stay tuned to The Voice and to appvoices.org/energydemocracy for more updates about this exciting new direction in our work to make our energy systems more clean and just.

Hellos and Goodbyes

In a busy start to 2019, we would like to welcome three amazing new members to our team!

Chelsea Barnes joins as the New Economy Program Manager in our Norton, Va., office. Her master's degree in environmental management from Duke University and more than 10 years working in clean energy policy, education and outreach



will assist her in working to advance solar energy and build new economic opportunities for the coal-bearing region.

We also welcome Maggie Stokes as our Membership and Development Associate. A lifelong Virginia resident, Maggie holds a painting degree from UVA, maintains a deep love for the Appalachian mountains, and previously pursued a career in animal welfare in



Charlottesville and Washington, D.C. She will manage our membership program and strengthen our overall development efforts.

Lesley Garrett joins as our TN Community Outreach Stewards VISTA for 2019, working with our team in Knoxville to promote energy justice for local communities. Lesley graduated from Kentuckians For The Commonwealth's first Organizer Apprentice



program in 2017-18 and completed the Catalyst Project's 2019 Anne Braden Program. Lesley is currently pursuing a B.A. with sustainability focus from Murray State University.

We also say a most fond farewell to Susan Kruse, our Director of Philanthropy since 2016. Susan will be continuing her 25-year pursuit for environmental protection and justice as the executive director for the Charlottesville Climate Collaborative in Charlottesville, Va. We wish her and the C3 team mountains of success in the future!

Solar Projects Advance in Southwest Virginia



The Solar Workgroup of Southwest Virginia is excited to announce an opportunity for businesses, government and nonprofit entities to go solar and save on electricity bills through its second commercial-scale solar group purchase. The workgroup is co-convened by Appalachian Voices, UVA-Wise and People, Inc.

The workgroup will gather interested building owners and issue a request for proposals to solar installers in the region that agree to provide training opportunities to local residents. This will help attract the growing solar industry to the region while lowering electricity costs for participating property owners and providing on-the-job training opportunities for locals.

In order to be included in this group purchase and take advantage of the 30 percent federal tax credit available through 2019, we are seeking initial commitments from property owners in seven Southwest Virginia counties by March 15. To learn more, visit swvasolar.org/commercial-solar or email Chelsea Barnes at chelsea@appvoices.org

In November, the Solar Workgroup awarded a 1.5-megawatt group of projects to a team led by Richmond's NCI, Inc. The final six solar project sites in Southwest Virginia include two high schools, an affordable housing apartment complex, an outdoor center and an industrial center. The NCI project team is now negotiating individual contracts with these entities to reach final agreements on installation.

Bill Would Support Virginia Solar

We're supporting important legislation in the General Assembly that could bolster efforts to bring solar and job training to Southwest Virginia. H.B. 2741, which would establish a rebate fund to increase access to efficiency and renewables to low-income families.

Brian McAllister Making a difference in Johnson City, Tennessee

By Hannah McAlister

"Being out in the mountains not only provides you with physical activity, it also is good for your mental health. It's a great way to reduce stress, you just feel better after spending a day in nature," says Johnson City, Tenn., resident Brian McAllister.

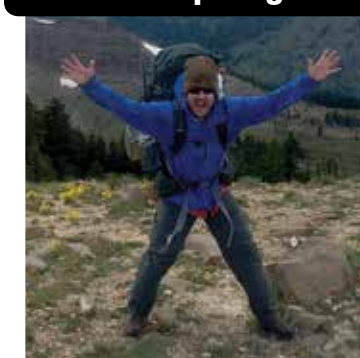
"That's one of the reasons the fight against mountaintop removal [coal mining] is so important," he continues. "We need to ensure we don't destroy these irreplaceable habitats for non-sustainable energy production and profit for few at the expense of many."

Brian became what he calls "environmentally active" during his time at East Tennessee State University, where he rediscovered his love of hiking and being out in nature, a love that his parents instilled in him as a child in Southwest Virginia. This love, partnered with his desire to make a difference, led him to pursue a degree in Environmental Health. He now works as an environmental scientist helping his employer meet environmental standards.

In his free time, Brian can be found hiking or backpacking on sections of the Appalachian Trail for exercise and relaxation. "Whether it is a short hike after work, a day hike or a backpacking trip, it just feels good to connect with nature," says Brian.

In 2014 he spoke with former Appalachian Voices volunteers Teddy and Tootsie Jablonski at a Volkswagen bus club camp-out along the Nolichucky River. After that, he says, "I started researching mountaintop removal mining and the devastation it has on the environment and lives of the people around it. I knew I wanted to help in some way."

Member Spotlight



"It's our home, we need to keep it healthy, not only for the environment itself, but also for the people," he continues. "When you destroy your ecosystem, it's going to have a negative effect on the people."

Two years later, while attending Trail Days in Damascus, Va., Brian met a staff member at the Appalachian Voices booth who informed him that there was a need for volunteer distributors of The Appalachian Voice publication.

Now Brian distributes 1,800 copies of every edition to 30 locations in the Johnson City and Erwin area. Brian also allows several thousand more papers to be dropped off on his porch for distributors in the area to pick up.

For the past few editions, Brian has enlisted the help of his wife, Robin, his son, Noah, and his son's girlfriend, Sierra. The team drops the papers off at various locations, such as natural food markets, coffee shops, locally owned pizza places, breweries and the library.

"I get to meet and talk to new people," Brian says of his visits to various locations. "I enjoy actually going to the places that I do the delivery. Besides that, for me, doing



the distribution was one way that I can help get information out to as many people as possible."

In the meantime, Brian and Robin have been researching options to go solar. "I believe if we continue to invest in renewable energy, not only would it reduce the occurrence of things like mountaintop removal and fracking, but also it is the future of our energy economy," says Brian.

He continues, "It's inspiring to read articles in The Appalachian Voice about the people who are making a difference and makes us try even harder to consider our environmental impact in our everyday decisions. We recycle as much as we can, reduce where possible and reuse if able. All of us together will make a difference; that is why it is so important to get the word out."

Appalachian Voices
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December 2018 / January 2019

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Appalachian Voices is committed to protecting the land, air and water of the Central and Southern Appalachian region. Our mission is to empower people to defend our region's rich natural and cultural heritage by providing them with tools and strategies for successful grassroots campaigns.

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Steve Yocom climbed through a cold, snowy forest and up above the clouds to capture his "Winter Fairy Tale," a finalist in the 13th Annual Appalachian Mountain Photo Competition (shown here is a detail of the full image). The 16th annual exhibition goes on display on March 1, 2019, at the Turchin Center for the Visual Arts in Boone, N.C., and awards in the categories will be announced March 23. To learn more and vote for People's Choice, visit appmntphotocomp.org.

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