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The Appalachian Storage Hub and You



Because of the abundance of “cheap” feedstocks to manufacture plastics (using ethane from fracking), investors and the politicians they influence are targeting the Upper Ohio Valley as the next petrochemical plastics hub of the USA. The benign moniker for this proposed massive buildout of petrochemicals/plastics infrastructure is the Appalachian Storage Hub (ASH). It would involve an enormous regional increase in high pressure hydraulic fracturing, the construction of several petrochemical factories, pipelines to feed the plants, and underground storage of fracked gas

liquids. The proposed infrastructure would impact communities along the Ohio River from Pittsburgh, PA, into Kentucky, and up the Kanawha River from its confluence with the Ohio in Point Pleasant, WV, to Charleston, WV.

Because the previous administration’s Department of Energy got involved in the process of trying to promote this proposed petrochemical buildout here, many mistakenly have the impression that this is about energy and do not know it is actually about the creation of plastics, especially single-use plastics.

Few of us living in the region know much about the health impacts of plastics manufacturing and how exposures to chemicals such as plasticizers and petroleum-based compounds would negatively impact our health. Even fewer of us

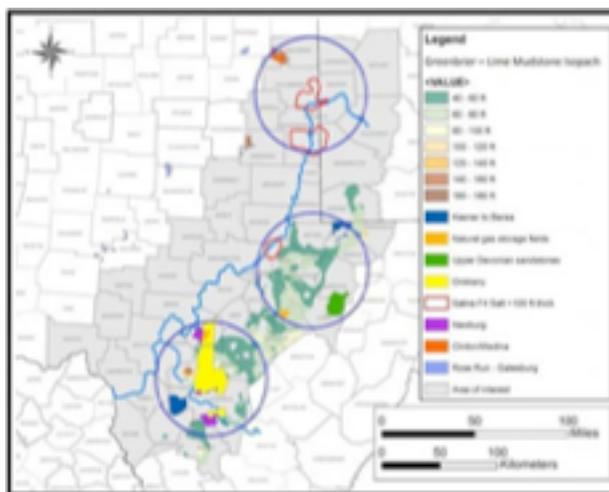
are aware of the connection between increased plastics production and increased infrastructure such as fracking wellheads, processing factories such as cracker plants and fractionators, pipelines, and underground storage facilities.

With the fossil fuel industry, many politicians, and even much of the local media attempting to control the narrative around this topic, there’s little doubt why many of us lack the information we need to confront this industry and the politicians beholden to it. This is especially true when they’re touting jobs and economic development while refusing to address the downside and dangers of this massive petrochemical buildout.

Read more online at <https://ohvec.org/> and follow #NoPetroPA and #NoPetroOH.

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Proposed Areas of Interest for the Appalachian Storage Hub. Source: Appalachian Oil and Natural Gas Research Consortium report "A REGIONAL STUDY TO DETERMINE THE POTENTIAL TO CREATE AN APPALACHIAN STORAGE HUB FOR NATURAL GAS LIQUIDS"



Alas, another year and we are unable to gather due to the ongoing pandemic. Stay safe, stay home, and stay healthy until we are finally able to gather and celebrate our collective survival and ongoing resistance! Eventually we plan to hold our 30th Annual Forest Council at Camp Piomingo, just outside of Louisville, KY, and we are grateful that the camp has been willing to work with us through these difficult times. See page 11 for more about how Heartwood is supporting the work of our member groups through this year’s Minigrants program, and find out how you can nominate candidates for the Core Council.



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No possums were harmed in the making of this publication.

A tribute to the life and legacy of Joe Glisson

by Andy Mahler

INDIANA – The Heartwood family has lost another beloved friend and founder. Joe Glisson was a unique and unforgettable figure, a force of nature who fought fiercely for what he believed in no matter the odds. Joe was born in Alabama and eventually found his way to southern Illinois where he would meet and wed his soul-mate, Jackie Turner. His greatest influence and mentor as a boy was his grandfather who instilled in Joe an independent spirit rooted in a great love and reverence for forests and the life-enriching wisdom of wild places far from social conventions and the expectations of others. Joe knew exactly who he was and was not, and did not suffer fools or follow fads. And he was fierce in his unyielding determination to protect the wild forests and free flowing streams he cherished. He was equally fierce in his loyalty to his friends, and a formidable foe to those who would despoil the wild places he held dear.

Linda and I first met Joe and Jackie on what would prove to be a seminal visit to southern Illinois as we sought to link our efforts to secure enduring protection for the Hoosier National Forest with like-minded groups and individuals working for similar protections in adjoining

hardwood forest states. That initial visit to southern Illinois would introduce us to many dedicated and principled activists who would become heroes of the forest protection movement, Heartwood founders and activists, and life-long friends. Among the highlights of that visit was a stop at the iconic and historic Pomona General Store, one of only a few buildings left in the nearly abandoned town of Pomona, Illinois, in the heart of the Shawnee National Forest, where the sign on the door read, “No Shirt, No Shoes, No Problem.” We took in the unique and eclectic décor while Jackie made deli sandwiches to order and whipped up a pair of delicious malted milkshakes, after which she ushered us to the stairway in the back. We had passed initial inspection and followed the narrow stairway to the inner sanctum above that was both

Joe and Jackie's living quarters and the nerve center of RACE, the Regional Association of Concerned Environmentalists, and their efforts to stop a flood of new timber sales in the surrounding Shawnee National Forest. Every horizontal surface was covered with large maps, stacks of books, scientific papers and government documents. Though others were in the room, including a couple of very large black and white dogs, it was immediately clear to whom all present, including the dogs, paid deference. Joe's stern face

and piercing eyes took us in as he rose to greet us, breaking into a broad and welcoming smile, as he extended a hand in friendship. We had met with his approval.

Joe was lean and tall, angular and sinewy as a hickory ax handle, with reddish brown hair and beard and worldly, intelligent eyes. He spoke surely, softly, and clearly with the cadences of the South still in his voice as he offered us a beer and we got down to the work at hand. We offered to help in any way we could with their ongoing efforts, including and especially a commitment to help stop the impending Fairview timber sale, which was the immediate focus of their efforts.

We would come to know Joe and Jackie well through multiple visits over many years, learning more about his storied life. Joe despised injustice, having been at different times a street cop in his native Alabama with its vestiges of racist oppression, and a government functionary in Hawaii where he was on the receiving end of prejudice as a “haole” of European ancestry. It was hard to reconcile stories of Joe's suit wearing, Corvette driving days with the functional, faded country attire that was all we would ever see him wearing in the comfort of



his own home. In fact, Joe was Dr. Joseph Glisson, PhD, with degrees in criminal justice and education, who taught criminal justice at Southeast Missouri State and Illinois State University before landing at Southern Illinois University, the posting that brought him to southern Illinois and Pomona, though that career was well behind him by the time we met.

Joe did not like crowds and avoided most social interactions, preferring the companionship of a few close friends. But he was truly happiest alone in a boat on a lake with a fishing pole and a few cold beers or at

home with Jackie and the dogs and the odd cat. He eschewed modern comforts and conveniences and lived a simple rural and self-reliant existence, making moves from time to time, each time farther from people and closer to the wild places that fed his heart and nourished his soul. At the few meetings he attended, even at the Lazy Black Bear, he and Jackie would always find a quiet spot in the woods nearby to pitch a tent and prepare their own food. I remember finding my way to Joe and Jackie's campsite one night at the Heartwood Forest Council at Camp McDowell in Alabama, while others were dancing enthusiastically to the music of The Blue Rags, I enjoyed a quiet conversation back in the woods with Joe as he reminisced about growing up with his grandfather who lived less than thirty miles away.

Joe was a prolific, self-taught *pro se* litigator, carefully and scrupulously studying the relevant statutes and Forest Service regulations. He would bring case after case before the local federal court judge without legal counsel or representation, losing at first, but eventually prevailing, forcing the skeptical judge to eventually recognize the merits of Joe's pleadings and meticulously prepared legal briefs.

We had a few memorable excursions together, including to Washington, DC to testify with other Heartwood colleagues before Illinois Congressman Sidney Yates' Appropriations Subcommittee (Joe wore a jacket over a turtleneck having decided years before never again to wear a necktie) to try to stop funding for Forest Service timber sales in the Shawnee NF and other hardwood region national forests. We were gratified when Rep Yates, in response to our testimony, personally added language to that year's FS appropriation explicitly forbidding them from using any appropriated funds to implement the Fairview timber sale.

Another time, Joe and I returned to Washington, this time accompanied by Steve Krichbaum and Joe Hazelbaker to witness a case we and our attorneys had taken all the way to the Supreme Court. Memorably, on that trip, our VW Vanagon broke down in DC and would not start. Joe Glissen stayed behind while others of us went to lobbying meetings we had scheduled, and used his pocket knife and a piece of wire he had found to bypass the ignition switch and get the van back on the road. Yet another time, again with Steve Krichbaum, Joe and I headed to Mississippi and other southern states, in that same van, to support the efforts of local citizens and activists to protect the national forests in their states. Notably, on that trip, Joe's appearance at a Ranger District office in the Holly Springs NF in northern Mississippi, resulted in the Forest Service hurriedly suspending all pending timber sales while they reviewed the planning documents for compliance with environmental laws and regulations, having never before received any public scrutiny and having heard of Joe's reputation for effective legal challenge.

Joe was plagued throughout his life with pain from a back injury he had incurred in horseplay as a child that was never treated. He never brought it to his parents' attention, preferring to bear the pain in stoic silence rather than face the wrath of his father for engaging in the activity that caused the injury in the first place. I also remember Joe describing an incident when he used his service revolver to make a hole in the bottom of a metal barrel and recounted with some bemusement what the ricocheting bullet sounded like as it barely missed his ear.

Later in life, Joe would face additional medical challenges, but still managed to live life to the fullest and cheat death time after time with Jackie's loving care, selective self-medication, and the occasional hospitalization. Joe also supported Jackie's decision to pursue her own scholarly interests. And when she achieved her Master's Degree in entomology, Joe and Jackie decided they had faced enough cold northern winters huddling around a wood stove. They decamped for the sunny South and a new job for Jackie as a naturalist at a nature preserve in the Florida panhandle, where Joe would once again find himself challenging the powers-that-be and litigating to protect the wildlands and waters near their new home.

One final recollection comes to mind that says a lot about Joe Glisson. When they lived in a quiet cabin off the beaten path at the end of a gravel lane near Creal Springs, Illinois, where Joe single-handedly engaged in a multi-year and locally unpopular effort to stop the damming of a nearby stream, the driveway to Joe's cabin was protected by a massive steel cable and the largest padlock I had ever seen. It turned out the padlock was just for show, the cable end merely hooked to the post and easily breached by those he wanted to let in. That was Joe, absolutely fierce and seemingly impenetrable to the outside world, but a treasured and welcoming friend to those who shared his passion for justice and wild places.

Heartwood extends deepest condolences to Jackie, and to the other members of the Heartwood family who were blessed to be inspired by Joe's powerful example and remarkable spirit.



Coalition of Heartwood Member Groups Challenge FERC's Mountain Valley Pipeline Approval

by David Sligh



Wild Virginia, Appalachian Voices, Chesapeake Climate Action Network, Indian Creek Watershed Association, Preserve Craig, Sierra Club, and West Virginia Rivers Coalition brought suit in the Federal Appeals Court for the District of Columbia Circuit to challenge the reckless actions of the Federal Energy Regulatory Commission in regard to the Mountain Valley Pipeline (MVP). The groups are represented by attorneys from Appalachian Mountain Advocates, Sierra Club, and Water and Power Law Group PC.

FERC has repeatedly ignored common sense and legal requirements in allowing MVP to rush forward with its destructive project, even though numerous challenges could still prevent the project from ever being completed.

The Commission continues to peddle the ludicrous assertion that continuing to dig and blast up and down steep mountain slopes [and through precious waterbodies](#) is the best way to protect our resources. MVP's record of environmental damages and violations disproves FERC's contention but the Commission seems unwilling to acknowledge those problems or do what's necessary to prevent more of the same.

And, while the Commission's own rule says construction cannot start unless MVP has all necessary agency approvals, FERC is willing to allow work to continue after several of those approvals have been lost – a position that even one of the Commissioners has termed “nonsensical” and which “waters down an important environmental and landowner protection measure.”

Unfortunately, FERC has shown that the interests of besieged landowners and protection of our natural treasures are not among its top priorities. Rather, helping corporations make money at the public's expense and continue disastrous fossil fuel development for the next generation is clearly at the top of its list of goals.



HOW CATERPILLARS AND NATIVE PLANTS CAN REVERSE EXTINCTION TRENDS

by Hart Hagan

Caterpillars play a surprisingly large role in our North American ecosystems. So if we find out how to support caterpillars, we can thereby support entire ecosystems, with all of their benefits in terms of water quality, carbon capture and even mental health.

Mass extinction is occurring because humans occupy the entire earth, and we tend to remove wildlife habitat wherever we go. Even our parks and natural areas are too small, too fragmented, and too far apart to make a decisive difference for wildlife.

So here's the solution: We have to create habitat where we live, work, and play. The better part of habitat is food. So we need to know how to feed wildlife.

My favorite teacher in this space is Doug Tallamy of the University of Delaware and author of *Nature's Best Hope*. Dr. Tallamy has documented how butterflies feed their young and compiled that information online for easy access.

Here's the takeaway: If we take care of butterflies, everything else will take care of itself.

Here's how that works. If I'm a butterfly, I used to be a caterpillar. When I was a caterpillar, I ate leaves. But I was picky.

If I'm a monarch butterfly my caterpillars eat milkweed. If I'm a fritillary butterfly, my caterpillars eat violets. If I'm a spicebush swallowtail, my caterpillars eat spicebush.

And none of us can eat more than 10% of the available plant matter. So if you want lots of butterflies, you need a variety of native plants.

But if you give us caterpillars what we need to eat, then we thrive and so do the other native herbivorous insects on which the entire ecosystem depends.

Below is a list of the top 17 plant groups for Louisville, Kentucky. A similar list applies to most of the eastern United States.

So these 17 groups of species—each one is a genus—are the most powerful caterpillar factories in my region. That means they are incredibly powerful contributors to my local ecosystems.

If we had unlimited time, we might just treat all native plants equally. But since we have limited time, limited money, and limited space, let's pay particular attention to the top 17 most powerful caterpillar factories.

This is important because caterpillars are the larval form of butterflies and moths, which provide multiple benefits to our ecosystems. Most of them become pollinators. Most of them become bird food and/or food for insectivores such as wasps, spiders, etc.

Dr. Tallamy has managed to attract over 60 species of breeding birds to his ten-acre homeplace in southeastern Pennsylvania. He accomplished this in a short span of 10-12 years.

That's because he understands what birds eat, especially when they are breeding. When birds are breeding, they typically eat insects, usually caterpillars (the larval form of an insect).

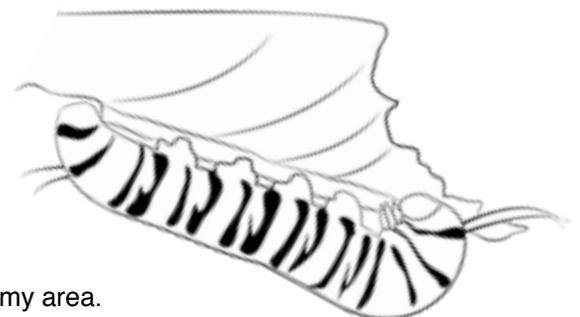
Ninety-six percent of terrestrial birds need some form of insects to complete their life cycle. Mostly, that means they eat insects when they are feeding their young. So if we want birds, we have to have caterpillars. If we want caterpillars, we have to know what caterpillars eat. Seventy-five percent of caterpillars feed off the top 17 plants listed above.

And for every caterpillar that feeds off a given plant there are probably 2-3 additional species of leaf-eating insects that feed off that same plant. So if 478 species of caterpillars feed off oak, probably 1000 additional species of leaf-eating insects also feed on oak. These leaf eating insects provide abundant services to our local ecosystems.

So if you want to do your part to curb the sixth mass extinction and help our local ecosystems thrive, then let's start by getting informed. Let's prepare for success by picking the most powerful caterpillar factories.

1. Oaks feed 478 species of caterpillars in my area.
2. Plums & cherries, support 352 species in my area.
3. Birch, supports 282 species.
4. Willow, 275
5. Maple & box elder, 259
6. Hickory, pecan, pignut, bitternut 246
7. Aspen, cottonwood, poplar 229
8. Apple, crabapple, 246
9. Cranberry & blueberry, 214

10. Pine, 184
11. Elm, 171
12. Alder, 161
13. Basswood, linden 135
14. Walnut, butternut 136
15. Ash, 128
16. Blackberry, dewberry, himilaya 134
17. Beech supports 128 species of caterpillars in my area.



30 x 30 and the George Washington National Ark

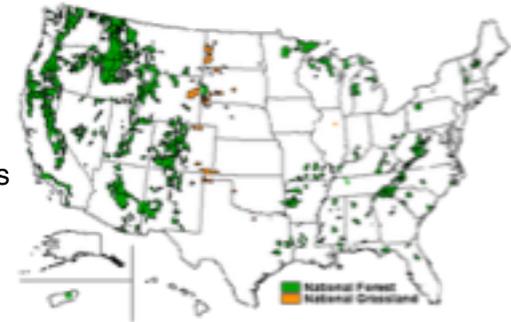
by Steven Krichbaum, PhD

VIRGINIA – The Biden administration’s recent announcement of the 30 x 30 conservation initiative was a welcome ray of light in the dark of winter. The goal is to have 30% of America’s lands “protected” by 2030. But what exactly is meant by and would qualify as “protected”? In this age of ecological meltdown and mass extinction/extermination, ineffective and equivocal “protection” is simply not good enough. Areas pummeled by commercial harvest/extraction that substantially modify the natural state of ecosystems simply do not qualify as “protected” in any rational and meaningful sense of the word.

The gold-standards of real “protection” in the US are Congressionally designated Wilderness Areas and National Parks. Already, there is talk of establishing new National Parks. There are many lands across the US that would certainly qualify, such as the proposed three-million acre Maine Woods National Park and Preserve or lands and waters in Louisiana’s Atchafalaya Swamp. True, even such so-protected areas can have their problems, such as inappropriate recreation and over-use, grazing, and predator killing. Nonetheless, new Parks would be a conservation boon and beneficial to Americans in countless ways.

But there are lands already in the public domain that are crucially important for real and lasting biodiversity conservation. These lands deserving of conservation attention are still relatively intact, and therefore in many cases do not require costly conservation interventions. Unfortunately, most of this acreage is not truly protected. Some valid restoration is called for, but what they need above all are retention policies, i.e. mandating avoidance of impacts so that these places can remain intact and healthy.

The 190 million acres in the public domain of which I speak are called “National Forests”. In many areas, these public lands provide just about the only places left with expansive relatively natural landscapes. Providing irreplaceable sanctuary to countless plant and animal populations, they are precious arks afloat in a sea of human development. The fact that these ecosystems are managed by the Agriculture Department and not the Interior Department does not negate or diminish their intrinsic significance. At present, what does degrade and diminish them is how they are managed.



These wildlands are home to much of the nation’s best habitat. Safeguarding their ecological integrity and their wildlife populations should be the highest priority for federal management. Our National Forests still have the potential for providing landscape-scale real protection. By protection, I mean minimizing human activity in order to allow for “as natural a state as possible”. This approach is termed proforestation, letting standing forests grow and develop in complexity to their natural old growth state; such restoration is also the most effective way to counter climate change. At present, however, most Forest lands are open to various forms of commercial exploitation and extraction, such as logging, drilling, and grazing.

Only a paltry 2.7% of the lower 48 states and less than 1% of Virginia are protected Wilderness. And only a tiny fraction of our National Forests are protected as Wilderness, around 18% nationwide and less than 5% of Virginia’s George Washington National Forest (“GWNF”); Ohio’s Wayne National Forest has zero. Though we may not be able to manage National Forests as wilderness in their entirety, far more of their acreage can be. For instance, conservationists identified around 60% of the GWNF as roadless tracts already suitable for designation as new Wilderness Areas (see “Virginia’s Mountain Treasures: The Unprotected Wildlands of the GWNF”). And even if not formally “designated”, the wild character of lands could still be administratively protected by the Forest Service. Unfortunately, at present that is not the agency’s “desired condition” for most Forest acreage.



And even if not capable of being designated as “Wilderness” or otherwise managed as such, certainly the vast majority of National Forest acreage can at least be managed custodially, without the billions of dollars of taxpayer subsidized commercial logging and road building — providing for a broad range of non-industrial low-impact human uses, such as camping and drinking water and recreational sites, while at the same time providing meaningful protection. Like responsible parents, good custodians take care of places; they don’t exploit, degrade, and dominate them. An added bonus of this management direction is that it’s the least costly option in budgetary terms, providing by far the biggest bang for our limited bucks. For one thing, funds would not have to be constantly spent trying to mitigate and rehabilitate damage that could be and should be avoided in the first place.

The 30 x 30 goals should finally provide the long overdue impetus for this crucial improvement and modernization of the legal, regulatory, and management framework for our Forests. If the USDA is to manage National Forests for the perpetuation of the diversity of Creation and for the good of all Americans, not for profiteers and special interests, then this shift to Wilderness designations and custodial management that achieve real on-the-ground “protection” is absolutely essential. Legislation such as the Northern Rockies Ecosystem Protection Act, that protects and connects multiple western public lands, and the formerly introduced National Forest Protection and Restoration Act can serve as models nationwide.



When the National Forest System was started, there were far fewer of us and far more wild places. The time is long past when we need taxpayer-subsidized looting of the commonwealth in order to stimulate development in the USA. With almost 8 billion people on earth, and the accompanying massive habitat loss and extinction crisis, it’s a different world now. And now is the time to defend what’s left of our natural heritage. The land types in shortest supply and what America and the world need more than anything else are places that we keep our grasping paws off of. Still visited, honored, and enjoyed, but not exploited and desecrated.

It’s imperative to realize that our George Washington and other National Forests are simply not essential for functioning as the nation’s tree farms, feedlots, drilling pads, or recreational thrillcraft areas. There are other parts of the country that are more appropriate landscapes in which to practice these activities: private lands. Quite simply, the highest value of a forest such as the GWNF is as an ecological preserve. It truly is the George Washington National Ark.

Steven Krichbaum, PhD, a herpetologist and conservation biologist who lives in VA, has worked with grassroots groups for over 30 years seeking protection of wildlife and public lands. He’s never met a turtle he didn’t like.

FOREST SERVICE AIMS TO SHORTCUT ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION IN LOGGING PROJECTS

by Jim Scheff

KENTUCKY – The U.S. Forest Service (USFS) recently issued final revised regulations that dramatically shortcut environmental review, and public input and oversight, on projects that include up to 2,800 acres of logging and 2 miles of new road construction. The changes in long-standing forest policy come as part of the Forest Service's overhaul of its rules for implementing the National Environmental Policy Act, or "NEPA."

The changes to the Forest Service's NEPA regulations come on the heels of a major revision of the NEPA regulations issued by the presidentially-appointed Council on Environmental Quality or "CEQ." The CEQ regulations set the overarching rules and guidance that other federal agencies, like the U.S. Forest Service, must abide by in setting their own procedures and duties.

Each of these revised rules (CEQ and USFS) serve to speed up the process of environmental review at the cost of public input and environmental protections. In the case of the Forest Service, it's a means to get more timber out of the forest more quickly, and with fewer impediments. While the Forest Service reigned back on some truly audacious provisions in their proposed rule (issued in 2019), the final rule will undoubtedly lead to substantial damage to our national forest lands. Leadership at the Daniel Boone National Forest have already said that they plan to use the new authorities to speed up logging on Kentucky's national forest.

One of the more damaging provisions will be the expedited review and approval of logging up to 2,800 acres of forest at a time, along with up to 2 miles of new road construction. Most of these large logging projects will now be exempt from review in an Environmental Analysis (EA) under what's known as a "Categorical Exclusion," or "CE".

Categorical Exclusions were historically used for routine things like mowing lawns at administrative sites. However, over the last 20 years, the Forest Service has been granted more, and ever-larger, CE authorities for logging on national forest lands. By using a CE, the Forest Service will be able to propose and approve large logging projects after issuing just one brief description of their plans (a "scoping document") with a short comment period ("scoping period"), followed by a formal decision to approve the project. Typically the Forest Service allows scoping comments on categorically excluded projects anywhere from two weeks to 30 days, though the duration isn't spelled out in the law or regulations.

Most scoping documents, at least in the past, have provided specific locations where logging and other management activities are proposed. However, with the recent Blackwater project near Cave Run Lake, the Forest Service is testing a new system called "condition based management," where the specific locations for logging won't be disclosed or decided upon until after a decision is made approving the project. Throughout the analysis of the Blackwater project, the Forest Service has been unwilling to disclose where they will log, how much they will log, where they will build roads, or where they will implement possible stream restoration activities.

The Forest Service has also adopted a new mechanism called a "Determination of NEPA Adequacy," or "DNA." The DNA allows the Forest Service to decide that an existing, previous project analysis can be used in whole as the analysis for a new project if the agency believes the two projects to be similar. Using a DNA means that the Forest Service would approve a project without examining or surveying a project area for any unique, special, or sensitive natural communities and habitats. The Daniel Boone Forest Plan, adopted in 2004, acknowledges that the agency doesn't know the location of every rare natural community, old-growth site, and other resources, and defers to project development as the time to acquire that information. The DNA

basically assumes that everything is known, and that there is nothing important that could be harmed by logging, road building, or other management.

Through NEPA and advocacy, we stopped the Forest Service from logging between the Three Forks of Beaver Creek trailhead and the Wilderness Area boundary.

Until recently, scoping was typically followed by an in-depth analysis of the project and its likely environmental impacts, coupled with opportunities for public input and scrutiny. This period of analysis, and the opportunity for input, have led to important changes and protections in several projects on the Daniel Boone National Forest. Examples of those changes include:

- In the Greenwood project, the Forest Service originally proposed logging the forest between the Three Forks of Beaver Creek trailhead and the boundary for the Beaver Creek Wilderness Area. People hiking into the Wilderness Area or visiting the Three Forks of Beaver Creek overlook would have had to walk through a logging site. However, between scoping and publication of the EA, the Forest Service agreed to drop logging in that location, along with about 600 other acres in the project area.
- In the Crooked Creek project, the Forest Service proposed logging hundreds of acres in Rockcastle County. Following scoping we identified important old-growth in proposed logging areas, and helped organize a broad coalition of people concerned about karst and spring resources, including effects to Climax Spring. Based on this information the Forest Service withdrew the project.
- In the Pine Creek project, Kentucky Heartwood provided information that got the Forest Service to drop logging a forest used by many to access Pine Island Double Falls and change management direction for proposed logging along the Sheltopee Trace National Recreation Trail. And, based on our input, new old-growth designations were increased from 500 to 920 acres.
- In South Redbird, information we provided about old-growth and landslide hazards led to the protection of the Little Flat Creek old-growth site which was initially proposed for logging. Other major changes to the project may be pending based on the information Kentucky Heartwood has provided throughout the analysis.

These are just a few examples of the important, substantive changes that happen to project proposals through the analysis and public comment opportunities associated with the Environmental Assessment process. The Forest Service's new systems do away with these opportunities, and assume that there is no worthwhile information to be had.

And further complicating things, while the new Forest Service regulations state that projects using a CE or DNA will still be publicly scoped, the new CEQ regulations suggest that scoping is only required – and potentially only allowable – when an agency is preparing a full Environmental Impact Statement. Therefore it's entirely possible that scoping will be done away with altogether. Eliminating scoping was part of the Forest Service's draft regulations, and could surface again.

This shortleaf pine in Little Egypt is over 325 years old, and the third oldest documented shortleaf in the world. It was documented by Kentucky Heartwood in a proposed logging unit in the Crooked Creek project, and saved through advocacy and the NEPA process.

The new rule does state that logging projects using the new 2,800 acre CE "shall be developed or refined through a collaborative process that includes multiple interested persons representing diverse interests." However, nowhere is "collaborative process" defined.

In September, 2020, the DBNF proposed the "Upland Forest Restoration Project" to log 2,990 acres of mostly white pine plantations in the London District under a CE authority granted in the 2003 Healthy Forests Restoration Act as amended by the 2014 Farm Bill. That CE also requires that a project be developed through a "collaborative process."

However, there was no "collaborative process" through which the project was developed. Instead, the agency pointed to the few public meetings and field trips held as part of the Pine Creek project development. But nearly all of the logging in the Upland Forest Restoration Project lies outside of the Pine Creek analysis area, and nothing like the Upland Forest Restoration Project was discussed during the "collaborative" or analysis phases of the Pine Creek project. While the Forest Service did provide 30 days for submitting comments, the project was never included

continued on page 7



The Trojan Ruffed Grouse

by Ashley Lipscomb

KENTUCKY – A word of warning: Beware of the Trojan ruffed grouse at your next “collaborative meeting”, field trip, or objection resolution meeting. Its hollow inside conceals the Ruffed Grouse Society’s (RGS) Forest Conservation Director for the Southern Appalachian region and Forest Service (FS) officials undermining the public involvement process still required for many agency actions across the National Forest System lands and outlined in the Forest Service Manual and Handbook.

Here in Kentucky, a Freedom of Information Act response revealed that the RGS and FS Trojan grouse is full of secret meeting paper trails and stewardship agreements and contracts slated for implementation starting in Spring 2021 on the Daniel Boone National Forest (DBNF). Take a look at the RGS business plan and list of accomplishments published in late 2020 and early 2021, and you’ll find talk of Joint Chiefs proposals and RGS plans bankrolled, in part, by the timber industry.

The express goal of RGS is to turn 12,500 acres of Southeastern forests into early seral habitat to boost ruffed grouse numbers, a species that is in decline due to West Nile virus, not habitat loss, as the RGS would have us believe. The RGS also plans to manage another 39,000 acres of forests across the Southeast in various capacities under several agreements.

According to the RGS, they are looking to ink contracts on the Cherokee, George Washington-Jefferson, Chattahoochee-Oconee, and Nantahala-Pisgah National Forests as well. While RGS representatives may be present at formalized collaborative meetings on other forests, here on the DBNF, a Freedom of Information Act request for the South Redbird Wildlife Enhancement project (“South Redbird”) documented secret “collaborative meetings” where deals were brokered between the FS and the RGS. These stewardship agreements designed to manage timber sales were practically in place before the public process was complete under the National Environmental Policy Act.

Rewind back to November 2020. My ears perked up at a virtual meet and greet as the former forest supervisor and deputy forest supervisor raved about all of the stewardship agreements they were putting in place on the DBNF. Probably appearing somewhat naïve to them, I pressed a little further for just enough information to get a lead. It was explained that stewardship agreements allowed nongovernmental organizations to carry out timber sales, including selling the logs and



reinvesting the timber receipts to manage the landscape.

Little did we know at the time that the Ruffed Grouse Society had been working with the Forest Service to draft and finalize stewardship contract agreements to manage multiple timber sales across South Redbird. This was all happening undetected before the Forest Service called for any objection comments for the South Redbird environmental assessment back in October 2020.

In December 2020, the Forest Service started pushing what felt like a premature objection resolution meeting for South Redbird. Curiously, the Ruffed Grouse Society was an objector along with Kentucky Heartwood. While Kentucky Heartwood submitted substantive comments that met objection regulations, the Ruffed Grouse Society submitted some basic comments claiming the Forest Service wasn’t planning to log enough in the South Redbird area! The Ruffed Grouse Society was then allowed to offer rebuttals to each of Kentucky Heartwood’s objection concerns. Neither the Ruffed Grouse Society nor the Forest Service let on that the RGS was ready to cash in on timber sales in the South Redbird area.

This is clearly why RGS representative Nick Biemiller had such a visceral reaction to Jim Scheff suggesting that RGS should consider managing some old clear-cuts for ruffed grouse during the objection resolution call. “That’s not financially feasible,” was his reply. Forest Service officials kept up the charade.

On January 19, 2021, the day before a new administration was set to take the helm of the United States, the Forest Service issued its resolution letter to objectors of the South Redbird Wildlife Enhancement project.

The letter stated that none of Kentucky Heartwood’s objection issues concerned the Forest Service, including impacts to federally-endangered bats and other threatened species and the likelihood of landslides muddying streams and wrecking hillsides. They didn’t quite appease the Ruffed Grouse Society either, but rather the Acting Forest Supervisor Scott Ray said his decision was a “balance” between the two objections. Mr. Ray expressed complete confidence in his biologists as professionals to make the right decisions to avoid landslides and impacts to threatened species.

Within hours of the Forest Service issuing the resolution letter, Redbird District Ranger Bobby Claybrook hit the send button blasting out the agency’s final decision for South Redbird.

Of course, one only needs to follow the money. According to the RGS own list of six-month accomplishments published in January 2021, “RGS & AWS partnered with the Daniel Boone National Forest on a Joint Chiefs Proposal. If awarded, RGS & AWS will receive a \$579,698 subgrant to support a Supplemental Challenge Cost Share Agreement for collaboration on project planning, design, and implementation on the National Forest.”

Overall, the RGS is hopeful for a \$2.9 million-dollar windfall for itself and its collaborators, with nary a concern for undercutting the public involvement process across several Southeastern forests.

Kentucky Heartwood just finished analyzing the 16,000-page FOIA for South Redbird, and we are considering our options for redress.

RGS wants to take the lead on forest management, but it’s at the expense of the ecosystem and citizen participation.

It’s all you need to know.

Welcome, Ashley Lipscomb!

Kentucky Heartwood is excited to announce that we have hired Ashley Lipscomb to serve as our new director! We are thrilled to have her on staff, and look forward to everyone meeting her.

As Ashley steps into her new role, we have also promoted two other staff members to new roles. Jim Scheff, our director since 2008 has stepped into his new role as staff ecologist (a lifelong dream of his!), and Tress La'Ree has been promoted from administrative associate to administrator, reflecting her high level of service and leadership within the organization.

– KY Heartwood Staff



from previous page

in the quarterly Schedule of Proposed Actions (SOPA).

Whether and how these rule changes (both USFS and CEQ) will change with the incoming Biden administration remains unclear. Undoing regulations is a lengthy and complicated process, and it is uncertain if the Biden administration is willing to prioritize the undoing of these terrible environmental rollbacks. It’s important to note that the Forest Service wants these authorities, and more, and the previous Obama administration tended to defer to the Forest Service on these types of issues.

The best hope for our forests, in the near future, are the various legal challenges underway against both the CEQ and USFS rules. Organizations like the Southern Environmental Law Center and Western Environmental Law Center, among others, have already moved forward with challenges to the CEQ rules with a focus on public lands protection. The SELC challenged the Forest Service’s rule changes in January 2021.

For now, the best defense that we have is a good offense. This means we need to be out in the forest as much as possible in anticipation of new logging, road building, and other development projects in the Daniel Boone National Forest. Recently, the Forest Service began developing a new proposal for the Jellico mountains along the Tennessee border. We expect the agency to propose about 2,000 acres of logging in the Jellicos, though we don’t know where. And, given statements from DBNF leadership, it’s likely that they’ll use their new

What do vegetables have to do with it?

By Karyn Moskowitz, Executive Director, New Roots Fresh Stop Markets

I have always divided my loyalties evenly between trees and vegetables, forests and farms. Even as a child growing up in a small town in New Jersey, I loved it all. My very first job at 14 years old was selling Jersey corn at the side of the road. I am still pushing vegetables and foresee doing this until I take my last bite of broccoli raab, my all-time favorite food.

My passion for vegetables and social and environmental justice intersects and is expressed in my day job as executive director of New Roots. Food is political, and what we are able to access has more to do with the systems in place than “personal choices”. Unfortunately, the private sector (big grocery stores) in our community has decided to invest only in stores beyond the inner core neighborhoods. What this means is that huge swaths of our city — populated mainly by families of color and/or facing limited resources with low levels of vehicular access — have no nearby place to purchase healthy food. And, due to outdated national food policies that give Big Ag the competitive edge, even folks living next door to a grocery store find it difficult to afford fresh food at all.

New Roots is a Louisville, Kentucky-based food justice nonprofit organization whose leaders believe fresh food is a basic human right. Our mission is to ignite community power for fresh food access, and our vision is that everyone in our community has access to the farm-fresh, organic produce we ALL need to be happy and healthy. The fruits of our labor are Fresh Stop Markets, fresh food markets that pop up biweekly from May through November in neighborhoods facing food apartheid. With our innovative sliding scale (based on your income), partnership with local farmers, and the use of cooperative economics, we have succeeded in connecting thousands of families in Kentuckiana with a consistent supply of fresh food. Share (bag) prices run from \$6 to \$40, and families can pay with SNAP Benefits (Food Stamps). Hundreds of shareholders (folks who purchase the food) pool their time, money, and smarts to make these biweekly markets happen. Everyone pays two weeks in advance, so the farmers know exactly what to bring and there is neither waste nor risk. All that is needed on the part of our shareholders is investing what they can afford, an open mind, i.e., willingness to eat a variety of seasonal vegetables and fruit, and the understanding that we are a community who pitches in to help run this movement. Last year we welcomed 715 individual families and helped inject \$160,000 into the local food economy.



Ms. Gwen sells lettuce at the New Roots market. Photo by Karyn Moskowitz

My hope is that we can replicate the success of the New Roots Fresh Stop Market model in other communities.

If you'd like to get involved, have questions, or would like to donate, please head to www.newroots.org.



Cicada

by Andy Mahler

Consider the cicada:

alone, in the dark, underground for seventeen years.

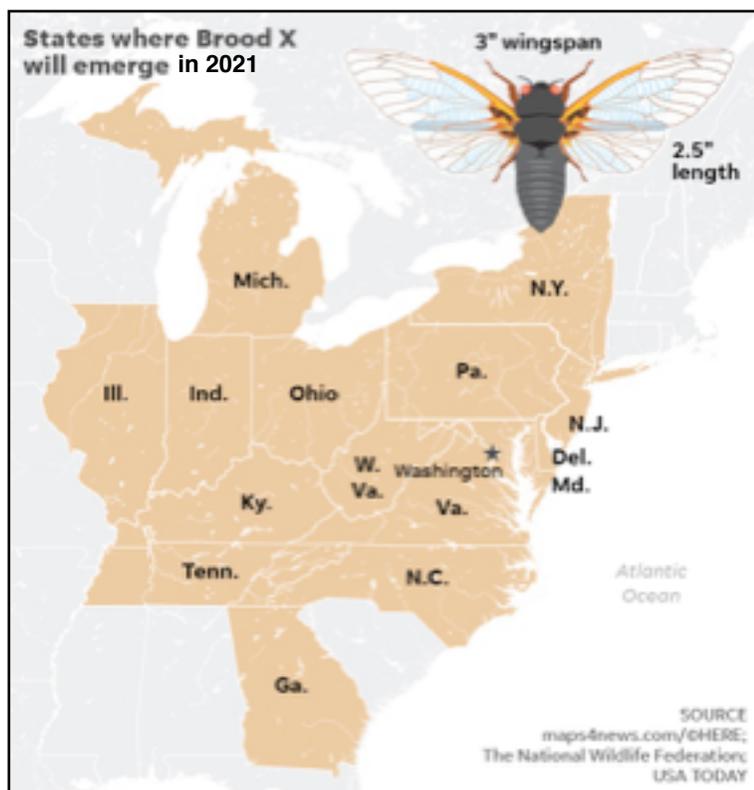
Do they communicate?

We don't know; perhaps there are families, churches, soil protection organizations, and the like — all communicating via a vast interweb of tree roots and mycelial filaments.

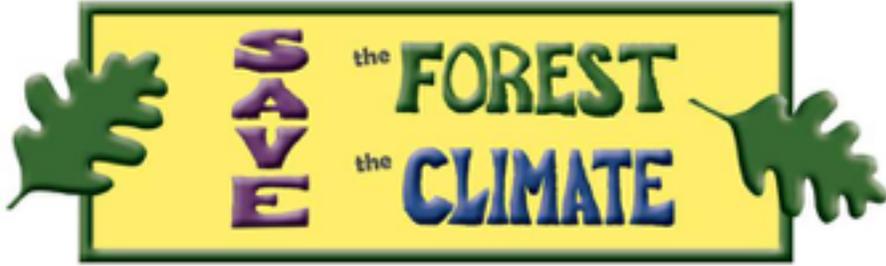
In any case, at some point an urge to ascend becomes irresistible; and so the lonely cicada nymph struggles upward to realize another state of being she is called to but can scarcely imagine, let alone describe (she often wonders if it truly exists).

So imagine this: after seventeen long seasons beneath the soil, the cicada finally reaches the surface: the air, the wind, the sun, the colors, the sounds, the new smells — exhilarating, frightening perhaps, but tantalizingly inviting. The cicada ascends to even greater heights, the original body hardening, aging swiftly, surely, as she climbs.

But then something even more amazing occurs: a slit opens in her back from which a more mature inner being emerges, resplendent in a multicolored form with large eyes as if to drink in the newly discovered sensation of sight — and, miracle of miracles, she discovers she has wings and can ascend into the trees and thence the open sun-filled sky, only to discover there brothers and sisters without number, with stained glass window wings and voices lifted to the heavens in song.



Wendell State Forest Alliance



Lawsuit Dismissed, Resistance Continues

by Wendell State Forest Alliance

MASSACHUSETTS – The Superior Court case brought by Wendell State Forest Alliance (WSFA) against the Department of Conservation and Recreation (DCR) and the Executive Office of Environment and Energy (EOEE) was dismissed by the Court in September 2020 at the request of the Commonwealth.

Although we were disappointed in the Court's findings, the dismissal opened the door for further conversation with the Attorney General's Energy and Environment Bureau and Environmental Protection Division with regard to forests and the climate emergency, along with some of the issues raised in the court case and by the Court in the dismissal.

In November 2019 WSFA met with representatives of the Attorney General's Office (AGO), the EOEE, and DCR where we shared our concerns for our forests and the practices of DCR. This meeting and subsequent interactions with the AGO were hampered by the fact that the AGO represented DCR and EOEE in the lawsuit.

With the lawsuit dismissed, WSFA was able to meet with the Environmental Division of the AGO in January of this year. This was a very collegial and, we anticipate, productive meeting. We are awaiting further input and response from the AGO and will update as things unfold.

Our efforts to assure that forests are included in all aspects of the Green New Deal resulted in WSFA becoming a member of Massachusetts Renews, formerly Massachusetts Green New Deal Coalition, and a meeting with representatives of US Senator Markey's office in January.

In conjunction with our commitment to the climate emergency and environmental justice, WSFA continues to hold weekly banner drops (weather permitting) in solidarity with Indigenous Peoples. We stand firmly against the devastating consequences of pipelines, mining, dirty biomass, and other environmental and culturally destructive activities.

To find out when the next banner drop is happening, email a request to wendellstateforest@gmail.com or follow us on Facebook at <https://www.facebook.com/groups/WendellStateForestAlliance> – and *join us!*

The WSFA has not stopped working every avenue possible to end the commercial logging on our state-owned lands. We continue to meet weekly to share, strategize and act to save our forests. If you would like to join us in these meetings, please let us know by emailing us at wendellstateforest@gmail.com. And don't forget to visit our website: <https://wendellstateforestalliance.org>.

Aftermath of clearcutting at Wendell State Forest. Photo by WSFA



The Oaks, a poem

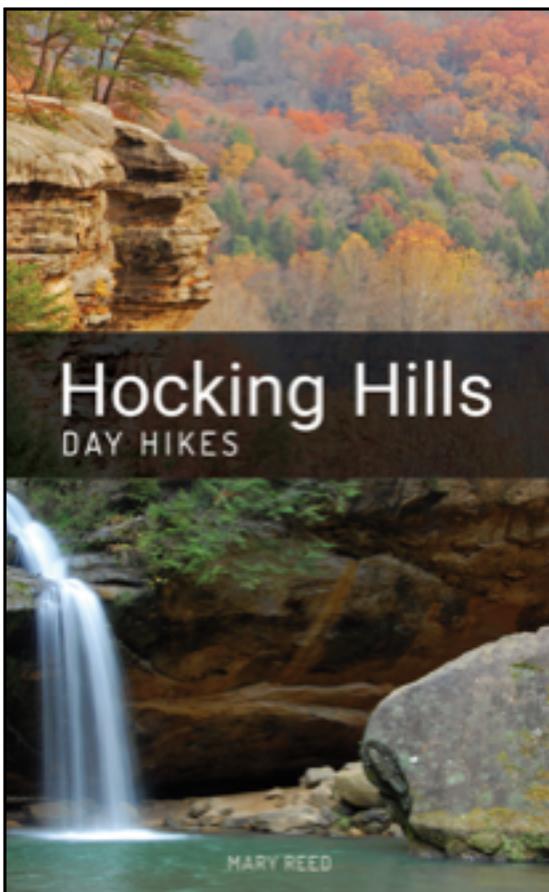
by Don Ogden

Remember these trees
and our verities
wielders of power
recall this hour
and those who stood
this ground a century
actions of consequence
moments of rephence
when they fell out of time
because of this crime
this great oak stand
this bleeding land
shall not be forgotten
winter is still followed by spring

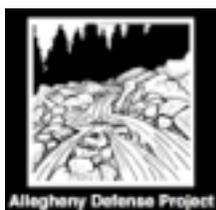


Join the Heartwood Coordinating Council

The Heartwood Coordinating Council welcomes nominations to the decision-making body of the organization. Help people help people protect the places they love! We meet monthly over the phone and conduct the day-to-day business of running a nonprofit – unglamorous but essential work. We also have a variety of committees where volunteers are welcome to get involved without the full commitment of time and energy. Send inquiries or nominations to info@heartwood.org.



Bid on a signed copy of the book by author Mary Reed at the next Heartwood Auction!
getoutpublishing.com



2021 Minigrant Opportunity

Applications accepted until June 21, 2021

Heartwood is offering a minigrant program this year. Our Minigrants program is our way of directly supporting those grassroots groups who might not otherwise qualify for conventional grants. New organizations that need some seed money to get started, small projects that need a few bucks to make it a reality – these are the kinds of grassroots efforts that we like to fund. Our ability to administer this program depends in part on support from our members. Thanks to the generous contributions from our membership, the Council has budgeted \$2,000 for this year's grant cycle.

You must be a member or member-group in good standing to apply. Applications of up to \$500 will be considered, and grant applications may be awarded in part or in full. Small amount applications are encouraged. Reimbursements for activist-related expenses, seed money for community projects, almost anything that addresses the broad range of work that Heartwood embraces will be considered. Send your applications to the Heartwood Core Council at PO Box 543, Tell City, IN, 47586, by the summer solstice, June 21, 2021. Awardees will be notified before the end of August, and the recipients will be recognized in the fall issue of Heartbeat. A brief project report will be due by February 2, 2022.

Grants will be awarded to selected projects that aim to do one or all of the following:

- Educate the Heartwood Region about an environmental threat or opportunity.
- Take action within the Heartwood Region to protect, restore, and/or create environmental integrity.
- Build just and sustainable communities that are less dependent upon extraction and exploitation.

Issues may include, but are not limited to, these topics:

- Sustainable communities (This is a broad topic from food security to air and water quality and beyond.)
- Forest protection (this could be on-the-ground work in the forest, building a campaign, mapping, etc.)
- Energy extraction or climate mitigation (such as it pertains to healthy forests and communities, such as biomass incineration, mountaintop removal coal mining, pipeline construction, and natural gas hydraulic fracturing)

All projects should contain one or all of the following elements:

- Public outreach
- Education
- Organizing
- Media

Visit our website, <https://heartwood.org/minigrants/> for more information and to download the application form.



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Will Conservatives Conserve Wetlands?

by Anne Laker

INDIANA – For thousands of years, a teeming wetlands ecosystem called the Grand Kankakee Marsh saturated nearly a million acres of what is now northern Indiana. Known as the “Everglades of the North,” the marsh made big bucks for the fur industry in the 1890s. Once fur went out of fashion, Hoosier leaders decided the area would be more profitable for farming and logging. They used every engineering feat to obliterate the marsh, river, and wildlife that thrived in it. Those politicians considered God-given nature an intolerable inconvenience to progress.

Now three Indiana state senators have authored a bill that continues the Indiana tradition of wetland wreckage. Sens. Chris Garten (R-Scottsburg), Mark Messmer (R-Jasper), and Linda Rogers (R-Granger) proposed SB 389. SB 389 flat-out eliminates protection of state wetlands in Indiana (and most of our wetlands are state wetlands). The bill passed the Senate and (as of late February), is headed to the House. Should it pass the House and be vetoed by Gov. Eric Holcomb, the legislature could easily override it.

It is no coincidence that Sen. Rogers is president of Nugent Builders, and past president of the Indiana Builders Association, while Sen. Garten is a member of the Building & Development Association of Southern Indiana. “I authored Senate Bill 389 after having received numerous phone calls from constituents voicing concerns regarding implementation and enforcement of a few well-intended programs and sections of current code,” Sen. Garten said in a written statement. “After sharing these concerns with colleagues, I discovered that the same issues were arising across the State.”

It’s hard not to surmise that said constituents are stakeholders in the construction or real estate business. If you’re engaged in these businesses, wetlands are likely a pain in the arse, preventing you from building exactly when and where you want on your own land.

But other than builders and developers, who benefits from a bill like this? The fine people of Clark or Elkhart Counties? Just the opposite. Wetlands provide free, God-given services to every Hoosier. Ask an ecologist, a hydrologist, or even a farmer. Wetlands absorb large quantities of water which reduces flood risk – important since Indiana’s average annual precipitation has increased 5.6 inches since 1895, about the time people started draining the Grand Kankakee Marsh.

Wetlands also purify water by helping to filter nitrogen and phosphorus from agricultural runoff – which Indiana has in spades. Wetlands provide wildlife habitat and shoreline erosion control. And often, they’re just plain beautiful.

To get all of these free benefits, all we have to do is let wetlands be – which the Indiana General Assembly saw clear to do in 2003 with the Isolated Wetlands Act. This act holds that if you want to build a hydroelectric dam, alter flow paths, or discharge wastewater, pollutants or fill material into wetlands and waterways, you need a permit from the Indiana Dept. of Environmental Management (IDEM) to do it.

IDEM’s mission is to “implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial, and governmental activities vital to a prosperous economy.” IDEM’s not known for taking industry to task. But if we have no laws protecting the environment, what’s the point?

If the senators who author and sponsor this bill are interested in the opinions of their constituents who are not in the building industry, they may be interested that in a 2020 poll of 800 registered Hoosier voters (representative of Indiana’s demographics), nearly seven in 10 Republicans agreed that protecting the environment should be given priority, even at the risk of slowing economic growth. Even at the risk of slowing economic growth.

Nature: will it always be seen as an annoying obstacle to commerce here in Indiana? Or will conservatives soon find it politically beneficial to start conserving it?

A consultant and grant writer, Laker is principal of Laker Verbal LLC. She is the former director of communications at Indiana Forest Alliance. A version of this article first appeared in Howey Politics Indiana.



New Mountaintop Removal Permit Application on Coal River Mountain

by Coal River Mountain Watch

WEST VIRGINIA – Contura Energy (formerly Alpha Natural Resources, formerly Massey Energy) subsidiary Republic Energy has applied for another mountaintop removal permit on Coal River Mountain: 1,085 acres (1.7 square miles) adjacent to their existing 6,555 acres (10.2 square miles) of mountaintop removal and toxic waste sludge dams. This process involves blasting the mountain with ammonium nitrate and fuel oil, releasing clouds of dust, mostly carcinogenic silica, into the communities below. With some neighborhoods enduring the daily equivalent of detonating 20 Tomahawk missiles (which the West Virginia Dept. of Environmental Protection calls a “small blast”), and dozens of scientific studies documenting the significant health impacts, coal companies dismiss residents’ concerns.

In response to Coal River Mountain Watch’s objection to this permit, the \$2-billion coal company Contura Energy states that they are “required to comply with WVDEP’s air quality rules related to controlling fugitive particulate matter.” However, we have aerial footage from Nov. 13, 2020, showing Contura Energy’s massive dust cloud from an existing site filling the valley below, obscuring the homes in the neighborhood, and traveling more than two miles downwind. This new permit site is right above another nearby neighborhood and comes within 300 feet of some homes.

Other hazards of mountaintop removal include structural damage to homes from blasting, pollution of streams from runoff, and increased risk of flooding.

West Virginia Dept. of Environmental Protection has the duty and obligation to provide and maintain a healthful environment. To approve this permit, subjecting neighboring residents to carcinogenic dust clouds during a deadly pandemic, is to abdicate this responsibility. WVDEP must do the right thing and deny permit S301419 proposed by Contura Energy subsidiary Republic Energy.



Congress Urged to Boost Funding for Endangered Species Conservation by \$300 Million

by Center for Biological Diversity



WASHINGTON, DC — More than 170 groups recently sent a letter urging Congress to significantly increase the U.S. Fish and Wildlife Service's budget for endangered species conservation from \$291.7 million to \$592.1 million — an increase of about \$300 million over last year's budget.

According to the Service's own data, hundreds of endangered animals and plants receive less than \$1,000 a year for their recovery. Many species receive no funding at all from the agency.

"We can't possibly begin to combat, let alone reverse, the global extinction crisis if our nation's strongest conservation law is operating on a shoestring budget," said Stephanie Kurose, a senior policy specialist with the Center for Biological Diversity. "Congress must fully fund the Endangered Species Act so that we don't lose even one more animal or plant forever."

To make up for lost ground and support the Biden administration's commitment to address the threat of climate change to biodiversity, the Service requires a budget of \$592.1 million, distributed across five programs, starting in fiscal year 2022. Critically, this includes ensuring that every listed species receives a minimum of \$50,000 per year for recovery.

"The science is clear: species are being lost faster than ever before in human history," said Dr. Jacob Malcom, director of the Center for Conservation Innovation at Defenders of Wildlife. "The science also shows what works to save species: funding. We urge Congress to fully fund the ESA so that the most vulnerable species have a fighting chance at survival and recovery."

Scientists have sounded the alarm that unless urgent action is taken, one million animal and plant species face extinction in the coming decades due to threats of habitat loss, climate change, wildlife exploitation, pollution, and other human activities. Just last week, a new report found that as many as one-third of global freshwater fish are in danger of extinction.

A letter, joined by more than 170 groups including Earthjustice, Natural Resources Defense Council, the Sierra Club, and Heartwood, notes that "the Endangered Species Act is one of the best tools we have to stem the current wildlife extinction crisis."

For more than 45 years, despite being chronically and severely underfunded, the Endangered Species Act has successfully protected, and worked to recover, many of the most imperiled species in the United States.



Groups Across North America Oppose Release of Genetically Engineered Trees



by Theresa Church

NEW YORK – On October 19 the initial public comment period by the United States Department of Agriculture (USDA) on the petition for deregulation of "Darling 58" genetically engineered (GE or genetically modified) American Chestnut, closed.

Historically, there has been strong public opposition to GE trees, a trend which continues to be seen with the current proposal. The public comment period closed with 109 organizations, representing millions of members, officially opposed to the proposal to plant Darling 58 in forests. A total of 123,426 individuals have also registered opposition to the genetically engineered American chestnut. More than 400 organizations have previously endorsed a full global ban on the release of all GE trees into the environment.

Representatives of five organizations spoke against the attempt by researchers at the SUNY College of Environmental Science and Forestry (ESF) to gain regulatory approval for Darling 58 for unrestricted planting in North American forests, making it the first genetically modified organism (GMO) designed to spread into ecosystems.

Anne Petermann, International Coordinator for the Campaign to STOP GE Trees, said, "There are no long-term risk assessments of the impact of these GE trees on ecosystems. This would be an irreversible experiment. The Precautionary Principle mandates that before such an irreversible action is taken, it must be proven safe. There is no evidence that the GE American chestnut tree is safe in forest ecosystems over time. Corporate backers like Monsanto, ArborGen, and Weyerhaeuser view the chestnut as a 'test case' to overcome widespread public opposition to GE trees. They are hoping to open the door to other GE varieties like poplar and pine designed for industrial plantations."

Dana Perls, Food and Technology Program Director for Friends of the Earth, asserted, "The release of genetically engineered chestnut trees could have irreversible and unpredictable impacts on vulnerable forest ecosystems. This biotech proposal is part of the decades-long agribusiness agenda to maximize profits and control of nature at great cost to our health and the planet."

BJ McManama, Campaign Organizer with the Indigenous Environmental Network, stated, "Today, there remain large areas of traditional and treaty lands on which much is forested and managed as sovereign territory of many different Native American Peoples. These forests are not only a source of economic self-determination but hold great cultural significance to include sacred sites where the trees are an element of sustenance, knowledge, and familial identity. Every living being within the forests are related in some form, and nothing within these lands lives in isolation. Therefore, changing or altering the original instructions of any one or any part of these elements threatens the natural order established over millennia."

Scot Quaranda, Communications Director for the Dogwood Alliance, said, "The Southern US is global ground zero for the forest products industry, and we see genetically engineered chestnut trees as this industry's sneaky way of opening the floodgates for frankentrees that will harm forests, biodiversity, and local communities across the region. Our natural forests that support wildlife and the economic sovereignty of rural communities will rapidly be replaced with tree plantations for wood pellets, paper, and more, leaving environmental and climate injustice in their wake."

Lucy Sharratt, Coordinator with the Canadian Biotechnology Action Network, said, "We do not accept the risk of contamination into Canada from a US release of this GE tree. If the US approves this GE tree, then it needs to be fully contained to the US range of the American chestnut. We're concerned that tracking the plantings and progeny of Darling 58 in the US will fall apart over time."



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MARCH 2021

THE BATTLE OF FOUR MILE RUN

Locals call it "The Run." This small neighborhood in the heart of Pittsburgh is fighting for its existence on two fronts: severe flooding caused in part by unchecked development in surrounding neighborhoods; and plans to support additional development with a new road—most commonly known as the Mon-Oakland Connector (MOC)—through two historic communities and an adjacent public park. After five and a half years, the battle continues.



Aerial view of the Junction Hollow Trail, part of Pittsburgh's historic Schenley Park

An OPN News Special Report

The History

An August 29, 2015 Pittsburgh Post-Gazette article announced the Oakland-Transit Connector project, since renamed the Mon-Oakland Mobility Plan or Mon-Oakland Connector (MOC). Using driverless shuttles, the proposed roadway would cart students and university personnel every 5 minutes between Oakland campuses and the Hazelwood Green (HG) development site—running through the Junction Hollow portion of Schenley Park and the neighborhoods of Panther Hollow and Four Mile Run (The Run) at either end. The article announced the plan as a "done deal," but city officials and private partners held closed-door meetings to plan the project without consulting or even informing residents—a violation of Pennsylvania's Sunshine Act. The roadway announcement kicked off an uprising from the two neighborhoods in its path.

The project's unveiling showed a public-private partnership formed between the Urban Redevelopment Authority (URA), Pitt, and CMU filed a grant application with the State of PA Department of Community and Economic Development (DCED). In response to a resident's Right to Know (RTK) request, the URA provided a copy with missing pages, but residents had already received a complete copy from the DCED in Harrisburg that exposed numerous falsehoods. Although the grant app states "the act of knowingly making a false statement or overvaluing a security to obtain a grant and/or loan from the Commonwealth of Pennsylvania may be subject to criminal prosecution," Allegheny County District Attorney Stephen Zappala failed to return resident phone calls and emails and never responded to a hand-delivered letter to his office requesting an investigation.

Opponents say the MOC will not improve transportation for the public or residents of Hazelwood and would permanently degrade Schenley Park and both communities along the route. In spite of a large and growing opposition throughout surrounding neighborhoods, and a projected \$100+ million deficit this year due to the economic effects of COVID-19, local officials and their private partners have insisted on pushing through the publicly subsidized, \$23 million private development project, come Hell or high water.

The High Water

Run residents have suffered from chronic flooding for many years, yet were repeatedly told the City lacked funds to stop the heavy stormwater mixed with raw sewage that has become more frequent and severe over time. An August 2016 flood captured on video, showing firefighters rescuing a resident and his young son from the roof of their car, received long overdue press coverage and forced city officials to publicly acknowledge the issue. They announced a \$40 million plan headed by the Pittsburgh Water and Sewer Authority (PWSA). But over the adamant objection of residents, city officials insisted the MOC was to be forced onto the 4MR Stormwater Project.

Expert sources in infrastructure/flood mitigation have told residents that including the MOC could harm flood control and residents have made repeated requests for the "comprehensive detailed hydraulic flood mitigation model(s)," but the city has yet to prove that forcing the roadway onto the flood plan will not harm flood control.

Residents have repeatedly asked PWSA if they had produced or will produce a flood mitigation model that does not include the MOC. In an email reply to the question, PWSA stated they haven't because they were not directed to do so. But a PWSA official revealed on September 15 that they did produce a flood mitigation model without the MOC roadway—the first model they produced. PWSA has been in charge since 2017, so why has the PWSA repeatedly stated they had not?

RTK requests filed with PWSA in June of 2020 brought a retaliatory response: Residents were given a 7,185-page unsearchable PDF document, which raises the questions: If officials are certain of the effectiveness of their flood mitigation plan, why not provide all requested documents without the need to file RTKs? Why erect roadblocks and hurdles to the truth about the MOC and its possible effect on flooding in the neighborhood?

—continued on page 3

Community Demands Flood Relief

By Junction Coalition

Run residents and supporters, community organizations, and public representatives urged the Pennsylvania Department of Environmental Protection (PA DEP) and the US Army Corps of Engineers (USACE) during the recent public comment period to have the Pittsburgh Water and Sewer Authority (PWSA) remove the MOC road from their Four Mile Run Stormwater Project permit application. The stormwater project, sold as a solution to The Run's chronic flooding problem, enjoys nearly universal public support. But independent experts' analysis shows the current plan is inadequate, partly because it includes the MOC.

The community has been asking for flood relief for more than a decade. They were told the city lacked funds as the problem worsened from combined effects of climate change and overdevelopment of surrounding areas. Run residents learned of the MOC from a 2015 Pittsburgh Post-Gazette article reporting it as a done deal. In 2016, a 25-year flood event gained citywide attention when dramatic footage showed firefighters rescuing a resident and his son from the roof of their car. Later that year, Pittsburgh Mayor Bill Peduto tasked PWSA with finding funds and developing a plan to fix the flooding. PWSA secured \$40 million for the Four Mile Run Stormwater Improvement project, which has been hijacked to accommodate MOC.

"We need the watershed improvement plan to work," stated Run resident Ziggy Edwards. "We don't need to spend tens of millions of our tax dollars on a shuttle roadway that may hinder flood relief and eventually wipe two historic neighborhoods off the map."

Frustrated by the city's lack of transparency about plans for their neighborhood, Run residents began filing Right-to-Know (RTK) requests in 2018 with the City of Pittsburgh and PWSA. In addition, they consulted with independent experts in infrastructure and flood mitigation. These are their findings so far concerning the stormwater project:

PWSA's plan has been scaled back and does not live up to its promise.

Meetings at Mayor Peduto's office in 2019 show Chief of Staff Dan Gilman "wondering if instead of a 25-year storm which is what current development designs for, should we be designing for a larger storm event?" But in 2020, PWSA announced they were using a 10-year plan for a community that experiences 10-year events yearly, along with 25- and even 75-year floods semi-regularly.

PWSA has chosen to use its funds elsewhere. Of the \$40 million budget for this project, PWSA plans to spend \$14 million. When asked where the remaining \$26 million would be spent, PWSA responded via email, "The remaining funding can go towards future projects in the upper portions of the watershed" and "provide opportunities to collaborate with the universities."

At a public meeting on September 15, PWSA was asked, "Using the same exact circumstances, including rainfall per hour, location, etc. of the 2009 flood, if a 75-year storm event occurred after your 10-year plan is completed, how many inches or feet of water and sewage can residents expect in their basements?" PWSA answered, "A reduction of about 45 percent"—which translates to 38+ inches. PWSA's current plan means residents would still have to decontaminate their homes and replace furnaces, hot water tanks, and washers and dryers out-of-pocket year after year.

PWSA's plan prioritizes the MOC above flood mitigation.

PWSA chief of program management Alex Sciulli stated the 10-year event plan was more "cost effective." Given former executive director Robert Weimar's repeated public statements that PWSA has "one shot at getting this right," a more cost-effective plan would prepare for larger storm events while the neighborhood is torn open. Pittsburgh's Department of Mobility and Infrastructure (DOMI) uses this same logic to justify piggy-backing the MOC on the stormwater project.

—continued on page 2



Left: The 2009 75-year flood event. Right: The 2016 25-year flood event. City officials have long cited a lack of funds to resolve the severe flooding.



The Junction Hollow Trail from above. Pittsburgh officials and private partners are pushing to build a road through the public park to shuttle students and university personnel to and from a private development.

Preserving Our Parks

By Chris Zurawsky

Pittsburgh's Schenley Park was once a horseback riding haven. While the stables and a racetrack are long gone, the Bridle Trail remains—a reminder of a bucolic past and a refuge from the surrounding city. At its eastern end, the 1.4-mile walking and biking path starts at a busy five-way road intersection but quickly dips into dense woodland, clinging to a rocky hillside above an interstate highway. Built in the 1950s, the high-traffic commuter route skirts the park in a stream valley—Four Mile Run—where a neighborhood of approximately 172 households and a handful of businesses hangs on amid the roar of tractor trailers, overpass infrastructure, and persistent flooding caused as much by municipal neglect as geographic location.

When the trees are bare, the Bridle Trail affords a birds-eye view of "The Run"—including the twin onion domes of St. John Chrysostom Byzantine Catholic Church, Andy Warhol's childhood place of worship. Unfortunately, the noise and visual pollution of the interstate mars the natural and man-made beauty.

About halfway along its route The Bridle Trail takes a sharp turn north above another, smaller streambed, Junction Hollow. As the trail crosses multiple stone bridges, built by the federal Works Progress Administration at the end of The Great Depression, one is struck by the quiet: a sharp shift from the drone of speeding vehicles to bird songs, creaking tree branches, and the rustle of leaves.

Formerly a residential and industrial corridor serving steel mills on the Monongahela River, today Junction Hollow is home to a soccer field and a popular bike trail connecting the city's universities to the riverfront. While a train line still runs through, the occasional blast of a locomotive's whistle and the clank of steel wheels on rails are as much a romantic reminder of simpler times as modern-day intrusions.

After purchasing 28 acres of Junction Hollow from a private parking lot owner in 2000, the city solidified its status as a natural area in 2005 with a resolution declaring that the parcel "shall hereafter officially be dedicated for park purposes and shall be added to the boundary of Schenley Park."

Twenty years on, however, the explosive growth of Pittsburgh's "eds and meds"—higher education and health care—is posing a serious threat to Schenley Park, especially a proposed shuttle bus road primarily serving Carnegie Mellon University.

Schenley Park's value as a protected natural space has never been clearer than in this time of pandemic-induced social isolation and limited travel. Pittsburghers have rediscovered the profound health benefits of their city parks and the need to preserve them.

And yet, for the past five and a half years, the city and its Department of Mobility and Infrastructure have gone to bat for CMU and real estate developers, pushing hard for the shuttle bus at numerous community meetings and linking its construction to a

large stormwater management project in the park that would greatly enhance the park's natural amenities by expanding wetlands and daylighting Four Mile Run, which is currently buried in a pipe under the hollow.

City officials insist the shuttle road will be low-impact—a "trail" for "low speed and enclosed transportation vehicles," as they characterize it. But urban planning experience has shown that if you build it, they will come.

Put another way, increasing capacity increases demand. The axiom was famously illustrated in Robert Caro's *The Power Broker*, a biography of Robert Moses, the king of New York City infrastructure. Moses connected the Bronx and Queens with a bridge that quickly filled with traffic. A second bridge also jammed up. Then another. Moses' parkways suffered the same fate.

The Schenley shuttle bus road may start small, but locals have already raised concerns about public safety vehicles using the existing bike and pedestrian path as a shortcut. And as commuters discover the new "trail," pressure will build to turn it into another high-traffic artery for motorized vehicles, like roads strung along streambeds throughout the Pittsburgh area.

Given its location in the middle of Pittsburgh's thriving East End, everyone wants a piece of Schenley Park. It's home to a skating rink, golf course, and the sprawling Phipps Conservatory and Botanical Gardens; and it hosts numerous large events each year, including a vintage car race and auto show that attracts tens of thousands of people. Beyond the shuttle bus route, heavy traffic may be generated by proposals to build a parking garage behind the Phipps Conservatory, along with a Department of Public Works facility on the golf course, where a new \$5 million clubhouse and events venue recently went up.

Over the years there have been many proposals to develop sections of the park or build infrastructure that would diminish its natural qualities. Most famously, the University of Pittsburgh floated a plan in 1958 to build six professional buildings and several student dormitories in Junction Hollow, essentially filling the natural ravine with concrete. And the shuttle bus proposal itself has deep roots, going back at least to 2001 when a study found a desire among park users and local residents "to retain the tranquil setting in the hollow" and to ensure "that the kinds of development and transit connections being considered will be sensitive to the quiet natural setting of the neighborhoods in and near Junction Hollow."

Instead of shrinking Schenley's natural spaces, the city should be looking for opportunities to expand them. Another large Pittsburgh park, Frick, created a connection to the river by rehabilitating a former industrial site in a stream valley, and work is underway on a similar project in Highland Park.

Like the frog in the pot of boiling water, the demise of Schenley Park as a sylvan refuge could happen bit by bit—a shuttle bus road here, a maintenance building there, more cars traveling to a holiday flower show or another wedding reception overlooking the 18th green. For our mental and physical well-being, we need more nature, not more traffic.

Community- continued from page 1

Expert sources tell residents that PWSA's plan:

- Concentrates the flood work in the Schenley Park/Oakland end of the watershed, which does little to address flooding in The Run. Two-thirds of The Run's flooding comes from the opposite end of the watershed.
- Fails to account for 5,200 structures above Panther Hollow Lake in Oakland that feed an enormous amount of wastewater, sewage, and runoff into a 50-inch pipe—which completely bypasses the Panther Hollow/Junction Hollow area of the watershed and feeds directly into The Run. Even though it only accounts for one-third of the cause of flooding, PWSA's plan does not address that specific water/sewage mix and its effects on the neighborhood.
- Is designed around the MOC, which undermines flood control efforts. The road adds at least 0.80 acres (34,850 square feet) of paving to the area. With the types of storms Pittsburgh has had in the past 10 years, a year with 50 inches of rain would generate 1 million+ gallons of runoff. The design in the permit application shows no stormwater inlets of pipes along the road.
- Levels approximately 7 acres of tree canopy, beginning with 900 trees in the northern end of the park. These trees will never be replaced in the space the roadway would commandeer. Planted saplings cannot equal the water absorption of 7 acres of mature trees.

Displacement is not a bug—it's a feature of PWSA's plan.

One source concluded that the 10-year plan "makes no sense" unless the ultimate goal is to "change the floodplain and eliminate properties." A Mayor's office meeting shows Mr. Sciuilli stating just that: "More cost-effective options may be to change the floodplain and purchase the affected properties." The "cost-effective" 10-year plan makes sense only within a larger, longer-term plan to raze the neighborhood, forcing residents out and demolishing structures. And, as sources have revealed, this is the preferred result stated by Civil & Environmental Consultants (CEC), PWSA's partner in the design: "Let the water go where it wants to go." After the first public meeting that introduced CEC as lead designer in the flood mitigation plan, CEC representatives asked Run residents if they would take offers for their properties.

Mayor Peduto, a longtime proponent of the road through Schenley Park, effectively controls the PWSA.

Partnering with DOMI to prioritize the MOC at the expense of Run residents belies PWSA's stated independence and autonomy as a public entity.

Following PWSA's June 2020 board meeting, executive director Will Pickering responded to resident concerns over undue influence over PWSA by Mayor Peduto and the private interests that define his administration's agenda. A resident had stated that all except one board member were nominated directly by Mayor Peduto. Mr. Pickering clarified via email, "All appointments to the PWSA board are nominated by the Mayor and approved by Council."

Evidence shows PWSA's stormwater project fails to prioritize the severe flooding issue and was designed to accommodate the MOC.

Run residents say an acceptable plan must include:

- Pulling the submitted permits filed to the PA DEP/USACE.
- Revising the plan to prioritize flood mitigation over the road.
- Commissioning an Environmental Impact Study on the effects of the overall stormwater plan with and without the road.
- Resident-approved independent analysis of the revised plan.
- A Community Benefits Agreement with residents of The Run, whose community will be directly affected by their work.



Battle- continued from page 1

The Circular Excuses

Reasons for constructing the MOC continually shift. At one point the project was pitched as a "proof of concept" for autonomous vehicle shuttles. But in July of 2019, Pittsburghers for Public Transit produced a position paper titled "Wait, Who's Driving This Thing?" showing that AV feasibility is 30 years away, causing the city to respond, "There is no such thing as an autonomous vehicle" and claim they are abandoning the AV element. Other reasons given for the MOC include:

- "Economic development and job creation" - Opponents have repeatedly asked for a list of jobs that will result from the roadway, but the city has never produced a list or responded to the question.
- "It's needed for people to travel the route on e-bikes and e-scooters" - The existing Junction Hollow Trail already provides for those alternate forms of transportation. Filling in a few gaps along the existing route, as identified and suggested by the Southwestern PA Commission, would improve public mobility at a much lower cost.
- "Hazelwood residents need a faster route to Oakland to get to grocery stores, doctors' offices, and hospitals" - The MOC will not save time, Oakland does not have a supermarket, and taking a 15 mph shuttle to Oakland would not save a life if seriously injured. Opponents say a better use of public money for revitalization would be a supermarket, doctors' offices, and an urgent care facility in Hazelwood.
- "It may not even include shuttles!" - Then why build a \$23 million shuttle roadway? (An RTK document shows Don Smith of RIDC development group stating, "Let's get an imperfect connector road there now and more perfect long-term solution implemented later.")
- "It's good for Hazelwood because it's good for Hazelwood Green" - This reasoning evokes "trickle-down" economics, but even Mayor Peduto knows most people never benefit from this economic model, as evidenced in his recent Tweet: "Mid-sized & smaller cities, who have taken on the expenses & lost the revenue, are being told no relief in sight. Yet extremely wealthy & politically connected are being handed 100s of millions. This will never bring back our economy. It has never trickled down to the people."

A comprehensive study by Tech4Society (T4S), **A People's Audit of the Mon-Oakland Connector**, shows that the shuttle would not save time and would come at a much greater cost than the **Our Money, Our Solutions**, alternative plan proposed by the neighborhoods of The Run, Panther Hollow, Greenfield, and Hazelwood. The resident-driven plan addresses their long-neglected infrastructure and transportation needs.

Bonnie Fan, a T4S researcher states, "We examined the City's arguments in favor of the Mon-Oakland Connector and found that a similar service could be provided with shuttle consolidation between the universities and UPMC, that the Connector would barely serve the projected [Hazelwood Green] ridership, and that it provided no travel time benefits compared to transit improvements from Our Money, Our Solutions."

"Schenley Park belongs to the people not the universities"
-Barb Warwick
Greenfield Community Association board member

The Degradation of the Park

The existing Junction Hollow Trail/Three Rivers Heritage Trail is the only route that allows bicyclists and pedestrians to travel between Oakland, Greenfield, Hazelwood, South Side, and Downtown without sharing space with motorized vehicles. A soccer field and practice area along the trail is in frequent public use by athletes of all ages, and is an especially popular spot for youth soccer. Families, hikers, bikers, runners, commuters, and dog walkers all use the trail—and the park is home to many indigenous species of western PA wildlife.

Despite residents proposing existing alternative routes that would bypass the park and their neighborhoods, City officials have insisted the only viable route was through Schenley Park. But RTK documents reveal Department of Mobility and Infrastructure (DOMI) Director Karina Ricks stating that the MOC is not a transportation solution and indicating other routes would have to be used—the very same resident-proposed routes derided by city officials as non-viable.

At a packed and contentious November 2019 public meeting, attendees from various Pittsburgh neighborhoods, including Squirrel Hill, Hazelwood, Greenfield, and The Run, vehemently denounced the roadway project. At one point, DOMI Director Ricks interrupted the meeting, trying to defend the construction of the road through Schenley Park by declaring, "It is not a road! [repeated twice more] It is a trail! It is a trail that can accommodate low-speed and enclosed transportation vehicles."

Paved strip
By Print
A meeting about the city's plan to use part of Schenley Park to connect Oakland to the Hazelwood Green development off Second Avenue turned into an existential argument about the very nature of a road.
"It is not a road. It is not a road. It is not a road," Karina Ricks, the director of Pittsburgh's Department of Mobility and Infrastructure, said.
"It is a trail. It is a trail that can accommodate low-speed and enclosed transportation vehicles."
"You're saying it's not a road. It's a road," said Dave Hamburger of The Run. "You can call it a trail. You can call it a road. It's still going to cause more flooding."

An excerpt from an article in East End Print describes a contentious public meeting in November 2019.

"The very idea that the City wants to allow vehicles on the path where we walk, run, and bike is incomprehensible to me," said Greenfield Community Association Board member and Run resident Barb Warwick. "CMU and Pitt want to run their shuttles steps away from the field where our kids play soccer—and Peduto and City Council are just letting them do it. It's total disregard for our neighborhood and our kids' safety. Schenley Park belongs to the people, not the universities."

The \$63 Million Question

\$40 million for a stormwater mitigation plan that doesn't fix the chronic flooding and \$23 million for a roadway through a park that is not a transportation solution raises many important questions, including one at the root of it all: While the current pandemic has devastated our city's economy for years going forward, and with Mayor Peduto stating that all major development projects should be put on hold for several years, why are city officials so determined to bulldoze through two healthy neighborhoods and Schenley Park when evidence shows that their proposed shuttle roadway is non-essential?

The Reveal

Documents received through numerous RTK requests, along with statements and actions by proponents of the MOC, reveal many concealed truths—including Mayor Chief of Staff Dan Gilman referring to the overall 4MR Stormwater Project that presently includes the MOC as "a clusterf@sk."

In October 2017, a source in the Pittsburgh Parks Conservancy stated that the roadway "has to happen" because "no one will sign onto it [the development] unless [the MOC is] built." And in October 2018—when directly asked by Run resident Kristen Macey, "Why is putting this roadway in so important to you?" County Executive Rich Fitzgerald answered, "This isn't for you; this is for the universities to get down to the Hazelwood [Green] plan."

A "Mayor's Meeting Minutes" RTK document reveals Heinz Endowment (owners of the HG site) representatives stating: "The connector road to Oakland is incredibly important. Developers have indicated their interest in the Almono site is contingent on the road being constructed." The roadway project is indeed a sign-on condition for potential HG developers and tenants, rather than a necessity that would serve the affected communities and public.

"The Mon-Oakland Connector fails as a transit project," says Laura Wiens, executive director of Pittsburghers for Public Transit. "The resident-led Our Money, Our Solutions, alternative transportation plan is far more effective than the MOC across all key metrics—speed, ridership capacity, cost, accessibility, the impact to the natural environment, and impact to housing affordability in the corridor. \$23 million in public money should be used to meaningfully address transportation barriers in Hazelwood, Greenfield, and Oakland, and not advance private development agendas that push residents out."

"This isn't for you; this is for the universities to get down to the Hazelwood plan."
-Allegheny County Executive Rich Fitzgerald

The Multibillion-dollar Answer

Essentially, the public is expected to pay for the MOC so that the multibillion-dollar non-taxable entities and others who stand to profit from the roadway... can profit from the roadway. The roadway would provide the sign-on condition demanded by universities—a publicly financed private driveway to the private HG site from Oakland campuses. And it would establish a beachhead for university expansion by seizing a portion of Schenley Park and commandeering neighborhood streets and green space with the eventual goal of erasing two healthy communities along the route.

Evidence shows that the Mon-Oakland Connector project is a Trojan horse—the first step in an attempted massive land-grab by Oakland universities and other private interests for profit-seeking expansion and "growth" through premeditated community erasure.

The Op-Ed

"Growth for the sake of growth is the ideology of the cancer cell"—Edward Abbey

A 2017 city-mandated survey in The Run shows an overwhelming majority of residents adamantly opposed to the roadway and unanimous demand for effective flood relief. Residents reached clear consensus on their community's needs through true democratic process, but city officials continue governing via crony capitalism. Deals made behind closed doors are inherently non-transparent and undemocratic—and break the regulations surrounding any development plan that state public officials have an obligation of transparency with full public vetting before any decisions are made. Development plans must have the affected community's approval, and residents have every right to veto any project that would harm their community—because democracy does not end at the ballot box, it only begins there. If growth for the sake of growth is the ideology of the cancer cell, Pittsburgh city officials are cancer-causing agents.

As city officials and their private partners continue driving down a path toward confrontation with opponents of the roadway, it's worth pointing out the similarities between the MOC project and attempts to build oil pipelines through sacred indigenous lands. For residents of The Run, their historic community is sacred, and they "refuse to be a sacrifice zone for private development through predatory land speculation and gentrification." They have vowed to protect Schenley Park as well as their community.

Every justification put forth for building the MOC has been proven false. Proponents now seem to be at a loss for any argument other than, "We have to build it because we've been secretly planning this behind closed doors for years!" This may be the heart of the matter regarding the MOC:

- Do elected officials have the right to rule by decree, including striking secret deals that will erase whole communities off the map for profit for their campaign contributors—the privileged and well-connected few?
- Does a healthy, vibrant Pittsburgh neighborhood have the right to decide its own future, or should it be forced to allow shady back-door development deals to erase their community for privatized profit?

The Stand

Opponents say money for neighborhood revitalization need not include tens of millions for multibillion-dollar, tax-exempt institutions. Run residents continue to file RTK requests for hidden details on the MOC and flood-mitigation plans, hold community marches and press conferences, produce multimedia materials, and lobby City Council among other actions to stop the construction of the MOC. A grassroots, multi-community coalition has grown to include social justice organizations, neighborhood associations, churches, community groups, and others aligning with residents in opposition to the MOC and calling on City Council to reallocate MOC funding to their community-generated Our Money, Our Solutions plan. Although the Mayor's office continues to ignore the communities' plan, in December 2020, City Council approved shifting \$4.1 million in roadway funding to bike and pedestrian infrastructure improvements in Hazelwood, along with other more pressing needs in the wake of a pandemic-driven deficit. And Allegheny County Port Authority has added weekend bus service to the 93 Hazelwood route—improving mobility for Hazelwood residents—two main points of the resident's proposed OMOS plan.

Opponents of the MOC are asking the public to join them in rejecting secret deals made by local government officials, and to organize their own communities to participate in a true democratic process for citywide grassroots community development. 🙏

To support residents and opponents of the MOC, sign the petition at:
<https://actionnetwork.org/petitions/our-money-our-solutions>
And for more information, visit:
junctioncoalition.org

Welcome to Hell

By Ohio Valley Environmental Resistance OVER

On January 28, 2021, not long after 7 a.m., a small group of activists and a large paper-mâché fish set up a blockade on the only access road to Shell Polymer's office in Beaver, Pennsylvania. It wasn't long before private security arrived and instructed them to leave. Protestors weren't concerned with private security, so security called the local police. Upon arrival, police ordered the protestors to move to the adjacent road which is public property, but because the protestors didn't want to stop their blockade, the police threatened arrest. Protestors chose not to go to jail and packed up their fish and left.

Shell Polymers is a subsidiary of Royal Dutch Shell which is building an ethane cracker plant in Beaver, along with the Falcon Pipeline that will provide ethane to the facility. The plant will be used to produce plastic--which, when discarded, will break down into micro-plastics. A great deal of plastic is ingested by animals and humans, causing illness and premature death. The plant will also emit over 2 million tons of CO₂ every year, which will render the region's efforts to address climate change worthless.

For the past four years, environmentalists and public health advocates have condemned the Shell plant for the air pollution and waste it will dump on our region. Many people have testified at public hearings run by the Pennsylvania Department of Environmental Protection (DEP), submitted public comment for Shell's toxic waste permits, written letters to the editor, lobbied elected officials, and held countless events to educate the public about the dangers of what Shell wants to do. But after all of these efforts, the construction of the Ethane Cracker plant and Falcon Pipeline are well on their way to completion.

Recently, Shell submitted a permit to the DEP to use sulfur hexafluoride, a greenhouse gas 26,000 times more powerful than CO₂. Because there has been little public opposition or awareness about the permit, the expectation is the permit will be approved. After all, Shell was also allowed to continue construction at the plant despite the dozens of workers who have tested positive for COVID-19. The Falcon Pipeline was given a permit to be constructed over the Ambridge Reservoir, risking the drinking water for 30,000 people in the event the pipeline leaks or explodes. As the DEP doesn't seem bothered by the 522 tons of volatile organic compounds that the plant will release into the air every year, why should we expect anything Shell wants, or does, to get resistance from the DEP?

In response, activists like those who blocked the entry road on that snowy Thursday morning are going to continue to resist Shell through direct action. While many who read this may see them as outliers, they are not alone. Activists from Standing Rock faced off against water cannons and attack dogs to defend their sacred land.



Ohio Valley Environmental Resistance (OVER) activists block the access road to Shell Polymers office on Jan. 28, 2021.

In Virginia, the Yellow Finch Tree Sit blocked construction on the Mountain Valley Pipeline for over two years. In Ireland, people delayed Shell from building an oil refinery through direct action for ten years. The evidence from these struggles and countless others show that confrontational tactics can work when done in a strategic manner.

This is not to devalue the work of organizations that do political lobbying, filing of lawsuits, educational outreach, and research against what the petro industry is doing, but direct action is needed as well. We must confront Shell and the government agencies and non-profits that have rolled out the red carpet for them to set up shop here. Although some people may have the attitude that Shell being here is a done deal; we aren't those people. We will not allow the Ohio Valley to become another sacrifice zone like the petrochemical industry's "Cancer Alley" in Louisiana. As long as Shell and the other companies continue construction of their petrochemical infrastructure, we must and will resist them every step of the way.

"As someone who lives in a frontline community that will be directly harmed by Shell, as someone who is committed to using much more of the activist toolbox, I applaud the actions of these brave young people," said local activist Michael Badges-Canning. "I also recognize that the impact of Shell's reckless pursuit of profits puts all of us--the entire world--in frontline communities. Shell must be stopped."

The Ohio Valley Environmental Resistance (OVER) is helping form autonomous groups like these. If you feel called to be involved on the front lines or as a support person, please email OVER at overpa@protonmail.com.

Editorial illustration on page 2 by Marcel Walker
www.marcelwalker.com

Mike Check Says: **CHECK IT AHNT!**



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"Paramount among the responsibilities of a Free Press, is the duty to prevent any part of the government from deceiving the people..."
Justice Black -
New York Times v United States,
403 U.S. 713 (1971)



When King Coal Comes for the Family Farm

by Elaine Tanner

Sixteen years ago Jimmy's uncle passed away, and the family property in southeastern Kentucky went up for auction. If we knew then what we know now, I am not too sure we would be here today. From day one, it was a challenge to keep up with all the coal mining and permits tied to the property. This entire area had been mined in the 1940s and again in the late 1990s.

It was especially difficult when Consol Coal falsified permit records claiming ownership to the family property back in 2003. We literally watched the mountain fall to mountaintop removal, and we're helpless to stop them from blowing off what was left of the top of the mountain. At this point, it appeared we had landed in one of those plots you see in the movies when profit rules over people and the environment. These coal companies have the blessings of state agencies. The Department of Mines and Permits gave permission to release bonds, change mining plans, renew and amend actions like in original agreements signed by the uncle to plant 300 specific trees per disturbed acres. We fell short on this one. Today we have about a half a dozen pine trees up on the missing mountaintop for all the damaged acres, which we figure is about 175 acres TDA (total disturbed acres).

The state then allowed the transfer of Consol assets and permits to two more coal companies, Deane Mining RHINO and Deane Mining Quest. The state and all involved knew full well that we spoke the truth with documented cases from their own permit conferences and the full blown state hearing we started well over a decade ago.

As months and years went by, we sank deeper into a corrupted system that gives favor to corporations over the law and the right of the people to live in a safe and healthy environment. When we were told our water tested was fit only to flush our toilets, we organized and began to bring the house down on what these companies had done. After we filed for water replacement under the Safe Drinking Water Emergency Act, we did get water for our small mountain community. Again the system failed. However, in the process, we uncovered two million dollars of misappropriated federal funds. You can accomplish the impossible when you catch them in the act.

Before this part of the story will be over, a Circuit Court Judge in Frankfort must make a decision on our appeal from the decision made in the State Hearing case that has been going on for 14 years now. Decisions must be made: Number one, "Did the state and three coal companies fall under compliance with the Federal SMCRA Law?", and number two, "Did the company have a right to enter and mine 125 acres of this 245 acre property?" We cannot get the past sixteen years back, but they can make this right by reversing the permit and holding these state agencies and industries accountable.

We know that this was not an isolated case with these extractive industries. We discovered that there were many like minds we could join forces with to take on these wrongs. We rallied in Washington, DC, and from there to events across the country telling our story and encouraging others to take on the system and make things right. We lobbied in our state houses and in every office in DC and Atlanta we could get to listen to us.

A few years back, we formed a formal organization as Friends for Environmental Justice. During these formative years, we traveled to Kentucky to stir up those that should have done their job to help in the first place. When we were done, we could still go to our home in Ohio. Little did we know what was in store for the valley and for a world that was controlled by powerful political faces denying that climate justice was in need, and that we must move quickly to stop the destruction we saw coming.

This worked for a while... until the frackers came and another battle on the frontlines began to take place, which led us to the petrochemical development in the Ohio River Valley as we began to organize under the Ohio River Citizens' Alliance. This development led to organizing communities in several states and doing formal presentations for environmental organizations around the country.

Our work here on the mountain has just begun. In the fall, we held our first state water testing certification and made the program available to those stepping up to take water testing to a new level. We just completed our 30-x-70-foot greenhouse, so that we can begin to restock the forest with native plants and trees where the coal company left us with rock and stone. We will do our best to restore the forest to a place of harmony and be one with Mother Earth again. You can find our events and actions on our Facebook page FriendsforEJ.

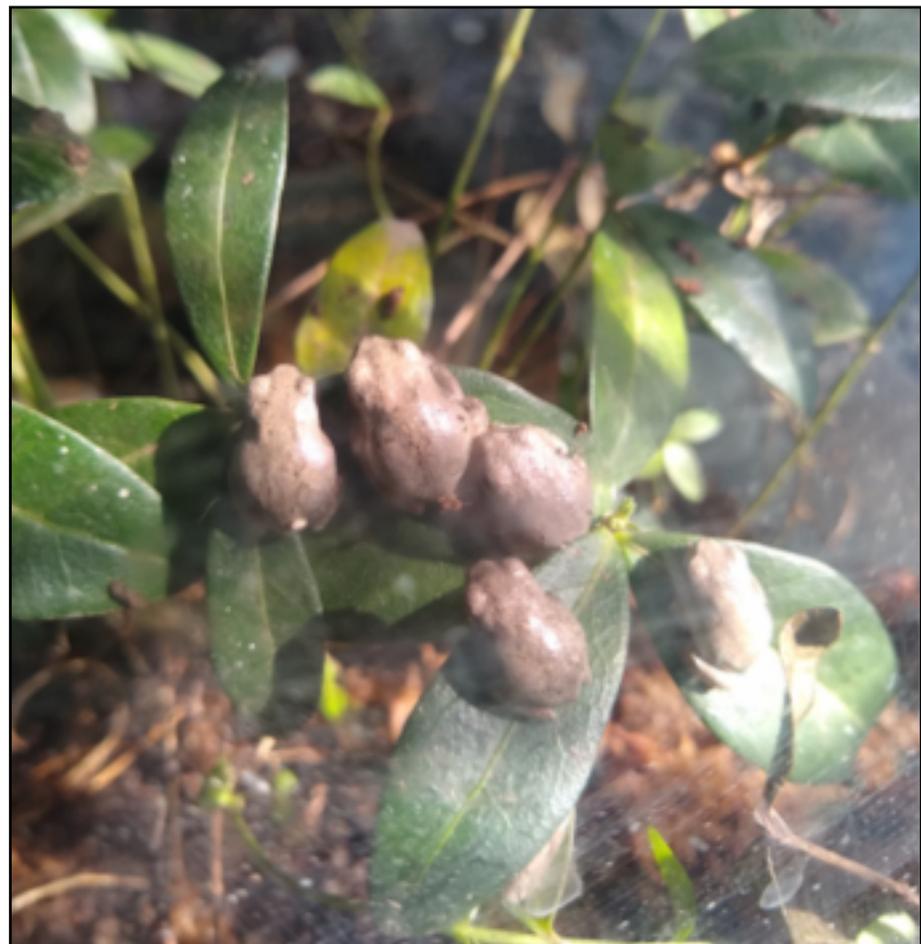
Raising Rescue Frogs

by Corina Lang

Some years ago, it was brought to my attention that some tree frogs spawn and deposit their eggs in vernal pools, temporary bodies of water void of fish to ensure the survival of the tadpoles, which transform into froglets about 60 days after emerging from the eggs. As a keeper of two ponies, I provide water troughs for them, and the frogs have decided these are swanky digs for spring break activities resulting in quite the tadpole population. All good, until the temperature starts to plummet and the tadpoles don't have enough time to complete the transformation process – morph into froglets, acclimate gradually, and go into hibernation. This process requires a physiological response including the production of a glycerin type chemical, similar to antifreeze, which enables them to basically freeze solid in the leaf layer at the base of tree roots, withstand the winter, and revive when the spring temperatures call them back to life. Most agree, it probably takes a newly morphed froglet about a month or so to adjust and withstand this process.

When the winter temperatures came, there were about 100 gray tree frog tadpoles in my two troughs. At first, I moved all of them to one tank and utilized a trough heater which kept the water temperature above freezing. Also, I fed the tadpoles daily with the hope they would transform in time to go off and hibernate. Well, I had to move on to plan B and bring them inside where I kept them alive in large glass containers. Things were going fairly well: I farmed out about 20 to hapless victims, and many of the little swimmers transformed into froglets. Gray tree frogs don't mature until around two years of age at which time they are considered frogs. At this point things become more complicated. The froglets need a biosphere of sorts, basically a terrarium providing all their life needs, the most difficult being providing live tiny insects for them to eat. Most folks don't know you can procure fruit flies even in the dead of winter to feed small amphibians and reptiles. We could go into a philosophical/moral discussion here, but I went with the flow.

After some mortalities, I have about 30 thriving froglets and only two tadpoles who seem to be traveling to the beat of a different drummer. I look forward to early to mid-April when I can release the little ones to the real world and hope for the best. After relating this story to two First Nations folks, they both responded, "Their future generations will long tell the tale of their first winter." I hope so. At least I have made an attempt to outnumber the Washington lobbyists with tree frogs. I think Granny D would approve.



Communities Across the South Unite in Opposition to Dirty Biomass Industry



by Emily Zuchino

NORTH CAROLINA – Three years ago, residents of Richmond County, NC, were fighting to stop a dirty Enviva wood pellet facility from building in their community.

Meanwhile, residents in Colbert, GA, were learning about a new polluting industry that had been proposed in their community – the Georgia Renewable Power Biomass Plant, promising to burn only “clean, untreated wood” but instead burned carcinogenic creosote-treated railroad ties as well.

Both Debra David of Concerned Citizens of Richmond County and Ruth Ann Tesanovich of Madison County Clean Power Coalition became leaders in their local fights to stop these polluting industries. They went up against big corporations, their elected officials, and a system that limited their involvement at every turn.

Despite community opposition, both these facilities were built, but Ruth Ann and Debra have not stopped fighting. They have continued to share their first-hand experiences, telling their stories to local and international media and to other communities facing similar threats.

Now Richmond County faces another polluting industry. The proposed building site is just one mile from the Enviva wood pellet plant. International Tie Disposal plans to burn creosote treated railroad ties to create biochar.

When Ruth Ann Tesanovich heard about this proposed facility in the town of Hamlet in Richmond County, it was all too familiar.

She immediately began sharing her story with Richmond County residents and has worked to get her story out to local media outlets.

Across the South, biomass facilities continue to expand, mostly in rural areas with a need for economic development. Many residents aren't so sure the short-term economic gain is worth the long-term cost.

As the opposition grows, so do creative strategies to push back on the harms caused by the biomass industry.

In Richmond County, even after the plant was built, local residents didn't stop fighting for their community. In 2019, local residents won a lawsuit requiring Enviva to reduce Volatile Organic Compounds (VOC) by 95%. In Colbert, GA, the local group celebrated as the Georgia legislature banned the burning of creosote-treated railroad ties for power generation in August of 2020.

Armed with this information and support, the residents of Richmond County continue to pursue all avenues. Just this week the local city council passed a resolution calling for the state Department of Environmental Quality (NC DEQ) to hold a public hearing on the permit application.

When we join together, we are stronger, better informed, and better equipped to stand up for our communities, our health, and environmental justice.

Become part of the regional movement to protect our forests and our communities. Take the Stand4Forests pledge, and ask your elected officials to do the same.



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For a complete list of elected officials, scientists, and other organizations that have signed on to the Stand4Forests platform visit <https://stand4forests.org/endorsers>

Add your organization to the Stand4Forests national platform!

Read it in full and add your name online at

[https://stand4forests.org/.](https://stand4forests.org/)



Make the Throw-Away Go Away



by Scot Quaranda

NORTH CAROLINA – Before the 1950s and 60s, we built the majority of products we produced and consumed to last. People returned glass milk bottles for sterilization and re-use. Restaurants offered ceramic plates and stainless steel cutlery, and the plastic bag didn't exist yet.

Since then, as technology progressed, we have developed an ability to produce low-cost products en masse. This, alongside a growing culture of disposability, has given us mountains of waste, devastated landscapes, and a culture of "single-use".

Today we use around 50% more natural resources than 30 years ago and produce a whopping two billion tons of waste each year.



It may not be surprising that one of the main culprits is plastic. It litters our land and chokes our oceans. It can be found in quite literally every corner (and stomach) on this planet, even on Antarctica. Plastic is produced using fossil fuels and is responsible for 5% of greenhouse gas emissions globally. Its toxic nature causes harm to millions of living creatures, including humans. We've all seen the devastating images of entangled turtles and suffocated seabirds.

While the plastics industry would like consumers to think that many plastic products are recyclable, less than 10% of all the plastics produced since the 1950s has actually been recycled, with the rest incinerated, dumped in landfills, or left to pollute the environment.

There is now a growing awareness of the long-term destructive impacts of plastic and our need to "turn off the tap" on the production of plastic. As a result, several corporations and even governments have announced commitments to switch to alternatives, mainly paper.

What's less well known is that each year, we cut down three billion trees to make paper packaging. That's roughly an area the size of the United Kingdom. Many of these trees come from the world's most endangered forests, which are home to indigenous communities that depend on forests for their livelihood as well as countless threatened and endangered species. These forests are important carbon storehouses and vibrant, unique eco-systems that once displaced can never be replaced.

We are currently in the midst of a climate and biodiversity crisis that calls for the protection and restoration of forest landscapes.

To do so, it's imperative that we limit the number of trees that are used to make single use products and packaging.

It's ironic that in 1959, Swedish engineer Sten Gustaf Thulin invented the plastic bag as an alternative to paper bags, which were considered bad for the environment because of their contribution to forest loss.

It's clear that neither plastic nor paper is an environmentally safe option.

We shouldn't have to choose between paper or plastic at all, especially when we have readily available alternatives. It's time to halt our reliance on single-use products altogether.

This is why over 180 organizations have come together to call for an end to single-use, throwaway products, asking for transformational change to our production, consumption, and end-of-use systems to enable a truly circular economy.



We call on governments, businesses, investors, non-profits, and civil society to reject single-use products in favor of reusable, recyclable, and compostable ones made with the lowest possible environmental and social footprint.

Many of the solutions already exist:

- *Reuse and refill systems*
- *Make products from 100% recycled materials that can feed back into a circular system*
- *Use alternative materials to fossil fuels and tree-based feedstocks*
- *Re-design products to save on overall material use*

Most importantly, we must work collaboratively to enable transformative action on single-use items. To do so will reap far-reaching benefits for both ourselves and our natural world.

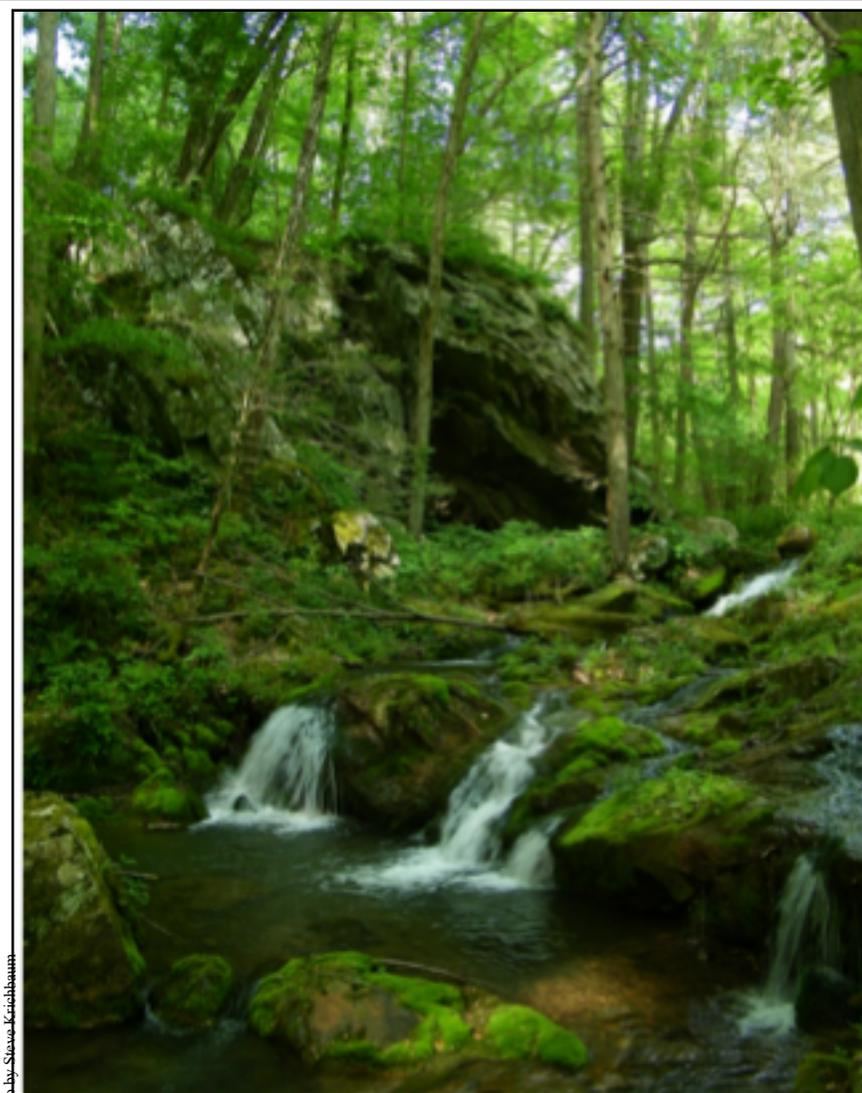


Photo by Susana Krachibauer