Volunteers Needed for Spring Field Trips

Our Youth Programs staff is gearing up for a busy Spring! We have a total of 16 field trips on the March-May calendar, and are working to add more. Eight of the field trips are part of our 4th grade watershed program, and the other eight are non-watershed field trips focusing on a variety of themes.

We’re always looking for extra hands at these field trips. If you’re interested in using or expanding your environmental education skills, these are the volunteer opportunities for you! Reach out to our Lead Teacher/Naturalist, Amy Moore, at Amy@PotomacAudubon.org or (681) 252-1387 if you’re interested in lending a hand.
2.9 Billion Birds Lost

By Wil Hershberger, Nature Images and Sounds, LLC

Counting birds in winter and spring is becoming more popular every year. It all started at the turn of the 20th century, when Frank Chapman decided to use binoculars to count birds on Christmas Day in the year 1900 rather than participate in the traditional “side hunt.” This was the genesis of the well-known and beloved Christmas Bird Counts that are now sponsored by the Cornell Lab of Ornithology and the National Audubon Society. The loose nature of these counts lead scientists at the Patuxent Wildlife Research Center to develop something more statistically rigorous and also focused on breeding birds rather than wintering birds. Chan Robbins did just that with the Breeding Bird Survey (BBS) project, which began in 1966 and counts birds during the breeding season rather than at the beginning of winter. By 1970 most of the glitches were worked out of the BBS count protocols, and now thousands of routes are run from coast-to-coast every year (ref 1).

With these massive data repositories chronicling the numbers of birds in both winter and spring at hand, scientists have been looking for trends both at the national level as well as regionally to assess the health of bird populations in North America. Early on, it was clear that many species were declining, many showed signs that they had been declining before the counts were started. Recent analysis reveals the more than sobering conclusion that North America has lost more than 2.9 BILLION individual birds from the population since 1970. That is nearly THIRTY PERCENT of all birds on the continent (ref 2). What has happened?

Within the last 50 years, the intensification of agriculture has resulted in the loss of countless acres of once viable breeding habitat for birds of many guilds (ref 3 and 4). From forests and grasslands to riparian and coastal habitats, all of the niches within which birds live have been impacted. Along with the loss of habitat comes the unimaginable scourge of pesticides – nearly ONE BILLION pounds of pesticides are applied to the land in the U.S. EVERY YEAR! (ref 5). These pesticides have an alarming, deleterious effect on birds (ref 6) and the foods that they rely on to raise their young and support themselves throughout the year (ref 7 and 8).

The staggering explosion in human population on this planet is the primary driver of all of this havoc. In an attempt to produce enough food to feed the nearly 8 billion humans (well beyond the carrying capacity of the planet (ref 9, 10), agriculture is tasked with producing more with less effort and less time every year. The idea of living with the land, nurturing the land so that it will nurture us, has evaporated along with the 128 billion gallons of water per DAY that is used in US agriculture (ref 11).

Even in our area, over the last few years, we have been witnessing the decline of our common birds, such as the Carolina Chickadee and the Tufted Titmouse. I have received many emails asking me what is happening to these species. Habitat fragmentation, global warming, the leaching of pesticides into every corner of our “natural” habitats, the loss of insect diversity and abundance… are all taking a toll.

So, with this bleak picture of the current state of the planet, what can we do to keep our birds from disappearing? First and foremost, we must make certain that our legislatures, both local and national, know of our concern and that we feel that world governments need to address the overpopulation threat, as well as the threat that pesticides pose to wildlife and humans.

On the local level, we can make certain that we offer clean food, fresh water, and cover for birds and wildlife on our properties. Use native plants in our landscaping and replace non-natives with native plants where possible. Provide nesting boxes or leave dead trees standing on your property (where they would be safe from falling on people or structures). Do not use pesticides on our properties. Keep cats indoors. Make windows safer for birds. Become involved with citizen science projects like the Christmas Bird Count. Reduce or eliminate the use of plastics in our lives. Drink Smithsonian-certified, bird-friendly, shade-grown coffee.

The Earth and nature are resilient. If we look to the Earth to nurture us, we must nurture the Earth in return. After all, she is our Mother.

Continued next page
This Race is for the Birds!” Set for Saturday, March 2

By Krista Hawley, Adult Programs Coordinator

This Race is for the Birds is running full speed ahead toward its third year at Broomgrass Farm. We are thrilled that the Broomgrass community is welcoming us back to their beautiful property, and truly value our partnership with them.

The trails at Broomgrass Farm offer gorgeous views, leading runners through fields and woods, and along beautiful Back Creek. This working farm is a trail runner’s paradise, and PVAS is looking forward to yet again sharing this course with you all.

While experienced runners may value the challenge of the hills and single track trails, the 5K course also provides excellent options for walkers and birders looking for an enjoyable traverse through the woods and fields.

Race details remain the same as in years past. We will be offering a professionally timed 5K walk/run, a 10K run, and a free Kids’ Fun Run. The 5K and 10K will kick off at 9:00 a.m. and the kids’ fun run will begin at 10:45 a.m. Race registration can be found at https://runsignup.com/Race/WV/Gerrardstown/raceforthebirds, and additional details are available on the race website, www.raceforthebirds.org.

You’ll also find details on sponsorship opportunities at the race website, or by contacting the Race Director at Race4Birds@PotomacAudubon.org or (304) 870-4414. Sponsors for the race receive a number of benefits, including press coverage in local news outlets, promotion on PVAS’s website/social media pages, and newsletter, prominent featuring on the race t-shirt, and free race entries/t-shirts.
PVAS Events

Adult Programs: Activities, Education and Community Science

February and March may be a time of hibernation for some, but at PVAS, it’s a time to get outdoors, learn about nature, embrace winter’s beauty and perhaps even try something new.

Bring your notebook on a stroll out into the preserves to try your hand at field journaling. Joy Bridy is excited to bring together anyone interested for some guided field journaling; observe and record nature, share favorite tools and techniques and enjoy the natural world. After field journaling, make it a full day of celebrating art inspired by nature with an afternoon of tile carving. Joy will guide you through drawing and carving one of your favorite nature images, then glaze and fire your tile for you.

Are your winter hiking boots ready for some outdoor trails? We would love to have you join one of our many bird walks held on the trails of Cool Spring Preserve or USGS’s Fish Health Lab. Expand your knowledge of the flora and fauna found at Stauffer’s Marsh with a guided nature walk on Saturday, February 8. Interested in learning how to identify trees in the winter, Herb Peddicord, retired from the WV Division of Forestry, will be leading a tree walk on the trails around Ferry Hill.

If you prefer to watch and learn about nature from the warmth of the inside, there are still plenty of opportunities for you! PVAS is hosting two field trips to the U.S. Fish and Wildlife Archives at the National Conservation Training Center. Mark Madison, Historian for the U.S. Fish and Wildlife Service and Chief of the Branch of Heritage and Partnerships at NCTC, will share his excitement through show and tell of some of the half a million objects that tell the centuries old history of wildlife conservation ranging from Rachel Carson’s typewriter to a black-footed ferret brought back from the edge of extinction. The President of the WV Chapter of the American Chestnut Foundation will be discussing the history of the American Chestnut, its relation to the State of West Virginia and how to identify various chestnut species. His Morgan County program will be free and open to the public. Enjoy the comfort of your own home? Well grab your binoculars and a cup of hot coffee and join the 23rd annual Great Backyard Bird Count! Each checklist submitted during the GBBC helps researchers at the Cornell Lab of Ornithology and the National Audubon Society learn more about how birds are doing and how to protect their environment. See www.birdcount.org for more information.

Looking to brush up on your birding skills? Birding 101 is the answer for you. Classroom sessions take place for four consecutive Thursday in April with birding field trips on the corresponding Saturdays. Class size is limited to 24 students, so don’t hesitate to register for this popular course!

We continue to extend an open invitation to all community members to attend our Monthly Programs held at the Hospice’s Education Center on the second Wednesday of most months. Each month offers an in depth look at a variety of natural history topics.

Please visit https://www.potomacaudubon.org/calendar/ for further information, updates and additional programming.

Volunteer Spotlight

Have You Met Peter and Mary Palmer?

Peter and Mary Palmer have played an integral role in several large PVAS projects at the preserves over the years. They have helped with trail construction at Stauffer’s Marsh, installing the drainage at Yankauer, building the Nature Playspace at Cool Spring, and most recently they assisted with erecting the new trail signs at Cool Spring...and they’re not done! KC already has them hooked into projects for 2020. They’re the busiest retired couple you’ll ever meet. They have an unparalleled partnership, and always show up ready to work with a great sense of humor. They are generous with both their time and equipment, never hesitating to haul in the skid-steer or piece of rental equipment for a project. Mary completed the Master Naturalist program in 2018, and is also a Master Gardener. She is both a handy and knowledgeable volunteer to have around.

All of our PVAS volunteers are great! If you know someone who deserves a shout out, please contact Kristin at Kristin@PotomacAudubon.org.
Local Report for the 120th Christmas Bird Count

By Bob Dean, Coordinator/Compiler for the Charles Town & Inwood Christmas Bird Counts

This season’s Christmas Bird Counts in the Eastern Panhandle uncharacteristically found the same number of species, both tallying 72 species. The Charles Town CBC was held on December 15th and the Inwood count was held on January 4th.

The Charles Town count had 22 participants who braved winter conditions with temps ranging from 37-45 °F, accompanied by light southwest winds. There were cloudy skies throughout the day. The seasonably warm conditions and lack of ice to the north probably explains the shortage of waterfowl. Only nine duck species were encountered, in spite of the abundance of rivers and ponds within the count circle.

There were five species found in record high numbers for this count, which began in 1952: Redhead duck (12), Bald Eagle (26), Yellow-bellied Sapsucker (30), Common Raven (37), and European Starling (14,539). For this count, the 72 total species was significantly behind the recent 20-year average of 77.2. The “Best Bird” status goes to the Redheads (3 previous counts) found by Cathy Purchis, followed closely by the Peregrine Falcon (6 previous counts) found by Wade Snyder, Chuck Parker, and Phil Wesler. Of notable absence were the Eastern Screech Owl, Swamp Sparrow, and Eastern Meadowlark.

There were 26 participants on the Inwood count who, likewise, braved winter conditions with a temperature range from 40-61 °F and light northwest winds. Skies were cloudy, and finally began dropping light rain late in the day. Rivers and ponds remained unfrozen both here and to the north, hence the presence of only five duck species. Also notable by their absence or relative scarcity were the Northern Harrier (1), Horned Lark (absent), and Yellow-rumped Warbler (1).

The 72 species recorded for this count were slightly above the recent 20-year average of 68.85. A remarkable seven species were found in record high numbers for the Inwood count, which began in 1953: Mallard (196), Black Vulture (135), Cooper’s Hawk (11), Red-shouldered Hawk (24), Eastern Screech Owl (18), Carolina Wren (135), and American Robin (2,289).

Designated “Best Bird” was the Long-eared Owl (1 previous count) found by Cathy Purchis, Keith Brink, and Stan Corwin-Roach. Other “good” birds were the Greater White-fronted Goose (1 previous count), sorted out of a large flock of Canada Geese by Vickie Crites, Charles Ziegenfus, and Bob Dean; and a Fox Sparrow (5 previous counts) found at our very own Stauffer’s Marsh Nature Preserve by Wil Hershberger and Mike Wiltshire.

There could be no better way to end a long day in the field than a Tally Rally with a wonderful dinner, and that’s exactly what we were treated to after both of these Christmas Bird Counts. True to the spirit of the season, Gary Sylvester met us at Cool Spring Preserve with a fabulous meal after the Charles Town count, and then followed that up with a completely different menu at the home of Sarah and Stan Corwin-Roach after the Inwood count. Thank you Gary!

Respectfully submitted by your faithful compiler.
Family and Youth Programs

Homeschool Adventures

Each month, we host educational, nature-based programs for the local homeschool community. Programs are held at Cool Spring Preserve, are typically two hours in length, and always include time outside for nature exploration. Separate sessions are held simultaneously for ages 5-7 and 8-12, and pricing ranges from $12 for PVAS members to $15 for the general public. Like all of our youth programs, our goal with Homeschool Adventures is to help young learners better understand the natural world and their connection to it.

For this issue of Valley Views, one of our longtime homeschool students from Charles Town, Andrew Garrison (11 years old), submitted an article on his experience with our programs. Elias Rata (8 years old) also submitted a Monarch butterfly drawing to share with our members.

We hope you enjoy Andrew and Elias’s contributions! You’ll find our upcoming Homeschool Adventures programs for February and March in the enclosed Month-at-a-glances, and a full calendar for 2020 at www.potomacaudubon.org/calendar/category/homeschool-programs/.

My Homeschool Experience

By Andrew Garrison

I have been going to the homeschool programs at the Cool Spring Nature Preserve for two years. These programs are always fun and interesting.

We have done many fun and educational activities at the nature preserve. We tagged Monarch butterflies when we were learning about migration. We made small wind turbines and saw how much electricity they made when we were learning about sustainable energy. We wore waders to go in the creek to find aquatic life. We played a bird migration game that showed what it is like to migrate, and what dangers birds face when they migrate. Also, we played a camouflage game with white shirts in the snow when we were learning about how animals camouflage themselves in winter.

Overall, these programs are educational and fun and I think it would be a great addition to your home schooling day.

Three of our Homeschool Adventures students (including our article author), left to right: Cole Christensen, Connor Herbert, Andrew Garrison.

Wee Naturalist Programs

Jennifer Reed recently shared with us that her sons - Jamison and Jack - love attending our Wee Naturalist (preschool) programs because “the topics covered are always engaging and presented in a way the boys will remember far into the future.” Jennifer went on to share that, “both Miss Amy and Miss Laurel have realistic expectations of child development and behavior, and encourage the kids to do their best.”

We pride ourselves on creating memorable experiences in nature for our youngest students, ages 3-5. We’ll be hosting several “Storytime with the Turtles” hours in February and March, as well as programs on feeder birds and bird eggs. See the enclosed Month-at-a-glances for more info on our upcoming Wee Naturalist programs, and find a full 2020 calendar at www.potomacaudubon.org/calendar/category/wee-naturalists-pre-k/.

School Programs Available Free of Charge

Thanks to grant funding from our friends at the Eastern West Virginia Community Foundation, we’re able to offer many of our in-class school programs and field trips completely FREE of charge to disadvantaged local schools. We still have funding left for Berkeley and Jefferson counties, and would love to work with as many students (grades PreK-6th) as possible. Please feel free to spread the word! Interested teachers or administrators should contact Program Administrator Erin Shaw at Admin@PotomacAudubon.org or (681) 252-1387 with their requested program theme, number of participating classes, and ideal dates/times. A list of school program themes, broken down by grade level, can be found at this link: https://www.potomacaudubon.org/education/school-programs/.
Top 5 Environmental Writers

By Griffin Bosserman, AmeriCorps Environmental Educator

When one thinks about environmental and ecological enthusiasts, scientists and more technical backgrounds often come to mind. Yet there is another lens through which we can become enamored of and immersed in the natural world: the lens of environmental writing. By opening a door to the humanities, environmental writers tug at a different heart string. This helps to bridge the gap between different types of thinking, connecting a variety of environmental stewards.

Below is a list of (in my opinion) the top five environmental writers. From prose to poetry, they invoke our “wild side!”

1. Edward Abbey: Abbey is most notable for writing The Monkey Wrench Gang (1975), a novel depicting a group of ragtag heroes standing up for environmental degradation in America’s Southwest. Despite receiving much critique for this book, due to its perceived nature as a how-to-guide for blowing up a reservoir dam and other “eco-terrorist” activities, it inspired Dave Foremen to form the activist group Earth First. Abbey is also renowned for his non-fiction works, such as the autobiographical Desert Solitaire (1968), chronicling his service as a park ranger at Arches National Monument. In this book, we get a glimpse of his personal opinion on Western Civilization and environmental issues.

2. Robinson Jeffers: Born in Pittsburgh, Jeffers was the son of a minister and scholar whose work lead young Robinson to spend much of his youth throughout various parts of Europe, where he developed a knack for languages, especially writing. Upon returning to America as a young adult, he found himself in Los Angeles. In L.A. he became entangled in a controversial affair with the wife of a prominent lawyer, who shortly became the only human he had much fondness for. His initial works of poetry were celebrated by the media, until his pieces began to align with his philosophy of “inhumanism,” meaning the de-emphasiziation of human concerns for the greater good of all living creatures. His praise was stripped and he was chastised for some of his harsh ideals of putting the well being of animals over that of humankind. As Jeffers said in Hurt Hawks (1928), “I’d sooner, except the penalties, kill a man than a hawk.” It was only recently that people began to once again appreciate his unique approach writing, and his legacy lives on as thousands of visitors stop to visit his “poetry tower” at his old home in Carmel, California, where he did the majority of his work. The 2003 anthology, The Wild God of the World, is where I recommend that the reader gets to know some of Jeffers’ work.

3. John Muir: Known as “The Father of Our National Park System,” Muir was a pioneer of this great country, exploring uncharted territories, as well as a colorful writer and storyteller. As a young Scottish immigrant, John developed quite a knack for writing as he made his first long journey from Indiana to Florida. Upon getting sick in Florida, he decided to end his journey to the Amazon, and deviated toward the West Coast. In California, he would lead adventures in the grandiose Yosemite Valley, and eventually pushed for Yosemite and Yellowstone to become national parks. From there, he founded the Sierra Club and made conservation of natural spaces his life mission. Muir’s final stand was his fight to keep the waters of the Hetch Hetchy Valley flowing freely, and it’s been inferred that he died of a broken heart when his beloved valley was dammed. My First Summer in the Sierra (1911), gives a glimpse of the wild and untamed Sierra Nevada Mountains Muir so loved. A favorite of mine, The Wild Muir (1994), is a wonderful anthology of Muir’s short stories throughout his career.

4. Janise Ray: Born in rural Georgia, Janise grew up on a junkyard nestled in the heart of the longleaf pine ecosystem. Spending a majority of her childhood outdoors, she quickly became one with nature and had a knack for telling stories in and about it. As she grew up and went off to school, she found her passion for storytelling manifested into a gift of beautiful, yet technical, writing. Braiding together her love of the natural sciences and prose, she produced works such as Ecology of a Cracker Childhood (1999). A favorite of mine, this book alternates between a memoir chronicling her unique childhood amongst the longleaf pines, and an ecological guide about the ecosystem and all the various plants and animals residing within it. Ray also writes poetry, is an activist for the safety of children, and an avid environmentalist.

5. David Brower: A decorated mountaineer with more than 70 ‘first ascents’ to his name, Brower trained the 10th Mountain Division in mountaineering and cross country skiing before they went to Europe during World War II. Upon returning from the war, he began writing and editing environmental and outdoor literature. He became head of the Sierra Club’s board of directors, until he became outspoken against nuclear implementation and the damming of his beloved rivers. Becoming known as a curmudgeon, he wrote books late in life such as, Let the Mountains Talk, Let the Rivers Run: A Call to Those Who Would Save the Earth (1995). Brower was also the protagonist/antagonist (depending on the viewpoint) in John McPhee’s Encounters with the Archdruid (1975), in which he interviews Brower on three different environmental battles that shaped Brower’s legacy.

Griffin is a recent graduate of Wofford College in Spartanburg, South Carolina, where he earned a B.A. in Environmental Studies. During his time at college, Griffin’s passion for environmental writing was sparked. Enjoy one of his poems (below), and join him on May 3rd for a creative writing workshop (“Brains in Bloom”) at Yankauer Nature Preserve!
Potomac Valley Master Naturalists Looking Ahead to Their 14th Year

By Krista Hawley, Adult Programs Coordinator/Staff Liaison to the Master Naturalist Program

Plans for the Potomac Valley Master Naturalists’ 2020 program year are in full swing. Two successful open houses were held, welcoming anyone interested in learning more about the program to meet the Coordinating Committee and socialize with active Master Naturalists. The class schedule has been set and opening weekend will be held the weekend of March 14th-15th at Cool Spring Preserve.

Over the course of a year, participants receive 62 hours of classroom and field instruction in a broad range of natural history and environmental education topics. While some students set their goal to complete the classroom, field, and volunteer work in one year, students actually have four years to complete all of the required coursework, as well as 30 hours of volunteer service. Once completed, they will have earned their certification. In order to keep that certification, Master Naturalists must complete eight hours of continuing education and 16 hours of volunteer service annually.

The Potomac Valley Master Naturalists are a diverse, talented, and dynamic group of individuals, each bringing a valuable skill to the table. It is this energy that fuels a tremendous amount of accomplishments. PVAS and the surrounding community rely heavily on these volunteers, and greatly appreciate the dedication and commitment of the Master Naturalists.

If you are interested in the Master Naturalist Program, please visit our website at https://www.potomacaudubon.org/education/adult/masternat/ or email me at AdultPrograms@PotomacAudubon.org.

Advice from a Condor

Don’t kill extra, eat what’s already there.
Don’t talk, just listen.
It’s okay to be rare, but don’t go unnoticed.
Fly higher than the rest, just not too close to the sun.
Fly home from time to time, remember your nest.
Find a suitable mate, and make it work.
*Gymnogyps californianus*, the real love birds.

- G. Bosserman
Notes from the Preserves

In the Preserves
By KC Walters, Land & Conservation Manager

Make a New Year’s resolution to volunteer at the preserves! We have so many exciting projects in store for 2020.

Wintertime means it’s time to walk the preserve boundaries. Cool Spring, Yankauer, and Stauffer’s Marsh have already been completed with the help of our AmeriCorps team. Next up, is the full perimeter of Eidolon, which will require two days to complete.

Wintertime is also a great time to knock back invasive plants while they are dormant. We have had successful workdays in December and January at both Cool Spring and Yankauer cutting autumn olive. The battle against invasive plants is a boundless task that will continue throughout the year. It may feel repetitive, and possibly even futile, but the efforts made at the preserves to reduce these species are significant and important. For example, every mature autumn olive is capable of producing 200,000 seeds per year and the germination rate of these seeds is as high as 90%. That means that every autumn olive a volunteer cuts down results in 180,000 fewer seedlings the following year.

Eidolon now features additional parking outside the front gate. All Terrain Excavating brought a backhoe up to Eidolon to expand the parking lot from a single space to three full spaces. We are hopeful this will entice more visitors to explore Eidolon and all her splendor! All Terrain also retrenched the drainage ditches along the entire driveway and reopened the blocked culverts. AmeriCorp Volunteers - Matt and Griffin - finished the job by placing rocks in front of the culverts to slow the water flow and prevent future blockages. While not a particularly exciting task for visitors, this was very important to have done to prevent driveway erosion, keeping the preserve accessible for maintenance and emergency personnel.

Boy Scout, Jimmy Humen, has broken ground on his Eagle Scout project at Stauffer’s Marsh. He is constructing a marsh-viewing platform off the West Pond Trail. We are excited to utilize this platform for bird walks, children’s field trips, and other PVAS programs. Our fingers are still crossed that we will soon receive a grant to fund an ADA trail at Stauffer’s Marsh. The proposed trail would run from the parking lot to the kiosk, and then follow the West Pond Trail to the new marsh-viewing platform. If you are interested in being a part of the ADA trail construction project, please get in touch with me.

To complete special projects such as the ADA trail, I am in search of volunteers with construction and carpentry skills. If you are willing to donate your time for such projects at the preserves, please contact me.

There will be fewer regularly scheduled workdays during the early spring, due to the scheduling of large preserve improvement projects requiring contractors. But you can still help! Email me at Katelyn@PotomacAudubon.org if you are seeking independent maintenance projects. I can help you identify preserve needs, coordinate a weekend workday, and link you up with other volunteers. I am always happy to help you complete volunteer service hours.
West Virginia’s Green Amendment

By Neal Barkus, Panhandle Progressive

On February 11, 2019, thirty-two West Virginia legislators - all Democrats - introduced Resolution 25 in the West Virginia House of Delegates. The resolution called for an amendment to the West Virginia Constitution creating a right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. Modeled on a similar amendment in Pennsylvania, the “Green Amendment” declares that these public natural resources are the common property of the people and appoints the State of West Virginia as trustee of those resources. These declarations would have sweeping legal consequences if the Green Amendment is adopted.

The Green Amendment reads like this:

The people have a right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. West Virginia’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the State shall conserve and maintain them for the benefit of all the people.

It was referred to the House Agriculture and Natural Resources Committee from which it did not emerge during the 2019 regular session. That committee was co-chaired by Del. Roy Cooper and Del. Martin Anderson, both Republicans.

The Green Amendment will be reintroduced in the upcoming general session. Eastern Panhandle Delegates John Doyle, Sammi Brown, and Isaac Sponaugle are among the co-sponsors. The Resolution will once again be referred to committee, where its future is uncertain.

According to Article 14-2 of the Constitution, the Green Amendment must be reported out of committee and then supported by two-thirds of both the House of Delegates and the Senate before appearing on the ballot in November.

The Green Amendment would substantially change the legal landscape regarding environmental rights and law. Presently, any rights to environmental cleanliness are created by statute or regulation. For example, DEP regulations now govern the amount of various chemicals that are permitted in our drinking water. The determination of what is permissible is heavily influenced by the industries that are affected by the regulation.

With a Green Amendment, the people’s right to a clean and healthy environment would occupy a higher order of legal significance. Statutes and regulations would have to be consistent with the right or be subject to rejection in a court as unconstitutional. If the West Virginia Legislature or the DEP created a statute or regulation affecting the cleanliness of drinking water, they could do so only after considering how the protected environmental rights could be preserved with the least impact. This is a feature of acting as a trustee of those rights. Where protected environmental rights would be destroyed, no governmental action could be taken.

The trusteeship feature is very significant. The beneficiaries of the trust are the current generation of West Virginians and all future generations. So the government actor would have to consider not only the immediate effect of an action, but its long-term effect. And as a trustee, the primary concern would be the preservation of the environment. Where job creation or some other competing policy objective conflicted with these rights and could not be reconciled, the competing objectives would have to give way.

Taking the Rockwool situation as an example, if the Green Amendment were in place, a private citizen would not be able to sue the company directly for any industrial activity. Instead, the private citizen would challenge the state for issuing the air quality permit. Perhaps even local governments, which are instrumentalities of the state, would be subject to suit for acts in the permitting process that unconstitutionally infringed the protected rights.

Pennsylvania’s Green Amendment was enacted in 1971, but through early judicial interpretation, its impact was blunted. Instead of reading and enforcing the plain language of the amendment, Pennsylvania courts treated it as a policy statement, the meaning of which was determined by legislatively-created statutes and rules. This ended in 2012 with the case of *Robinson Township v. Commonwealth*, which successfully challenged the constitutionality of a one-size-fits-all zoning scheme that permitted drilling, fracking pads and gas wells in every zoning district, including residential districts, near schools, playgrounds and hospitals.

The *Robinson Township* court ruled that the people had withheld from government the power to trample environmental rights, which the Green Amendment had raised to the same level as the right to free speech or the right to be free from unreasonable searches and seizures. While the Green Amendment did not impose on the legislature a duty to enact affirmative statutes, a duty was created to avoid infringing those rights by legislative action.

Like West Virginia’s proposed Green Amendment, Pennsylvania’s placed on the Commonwealth the duty to preserve and maintain the state’s public natural resources. This duty was held by the court to mean that the government must prevent and remedy the degradation, diminution, or depletion of public natural resources and do so in a way that is consistent with the fiduciary obligations of a trustee, including the duties of prudence, loyalty and impartiality.

The principle of anti-degradation does not mean “no activity.” Instead it allows for sustainable development and activities that do not harm the quality and quantity of the water, air, fish and other aspects of the natural environment, now or in the future. Under this standard, it is hard to imagine how mountaintop removal mining could be given a permit by state authorities.

continued next page
Pennsylvania is not the only state with a Green Amendment. The Montana Constitution declares a right to a “clean and healthy environment.” This is supported by other features of the state’s constitution. A section entitled Protection and Improvement reads like this:

The state and each person shall maintain and improve a clean and healthy environment in Montana for present and future generations. The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

The Montana Supreme Court enforced these obligations against the Montana Department of Environmental Quality when it issued a permit to a massive open-pit gold mine to discharge polluted water into streams.

In fact there is a movement, called For the Generations, devoted to the passage of Green Amendments across the country. In advancing our own Green Amendment, progressive West Virginia legislators are out in front of many states. This amendment would be a game-changer for us. Wish them luck.

Camp Registration is Open!

If you’re reading this on or after February 1st - registration for Audubon Discovery Camp is open! We’re once again hosting weekly camp sessions at both Cool Spring and Yankauer Nature Preserves from June 8th through August 7th. We have a variety of brand new themes planned, and are in the midst of hiring a fantastic camp staff (if you know anyone interested in applying, please point them to this link: https://www.potomacaudubon.org/about/positions-with-pvas/).

Financial assistance to attend our camps, as well as a number of overnight/away camps, is available. Applications for camp scholarships are available on the PVAS website (https://www.potomacaudubon.org/education/youth/discovercamp/scholarships/), and should be postmarked no later than April 3rd.

We also have camp gift certificates available - reach out to Erin Shaw at Admin@PotomacAudubon.org (681) 252-1387 if you’re interested in purchasing one.
The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through May. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please contact any of the board members listed here or see http://www.potomacaudubon.org. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Marylan.

All Officers, Board Members, and Staff can be contacted at 681-252-1387.

**PVAS Officers and Board Members** (year of term expiration in parentheses)

- President: Suzanne Offutt (2020)
- Past President: Michael Sullivan (2020)
- Vice President: Jim Cummins (2020)
- Secretary: Georgia Jeppesen (2020)
- Treasurer: Stephen Paradis (2021)
- Board Members-at-Large: Patty Bain Bachner (2020)
- Susan Brookreson (2020)
- Don Campbell (2021)
- Shannye Carroll (2020)
- Melissa Gonzalez (2021)
- Mina Goodrich (2021)
- Rita Hennessey (2021)
- Tiffany Lawrence (2020)
- Pete Mulford (2021)
- Patti Mulken-Corley (2021)
- Stephen Paradis (2021)
- Rita Hennessey (2021)
- Tiffany Lawrence (2020)
- Pete Mulford (2021)
- Patti Mulken-Corley (2021)
- Stephen Paradis (2021)
- Rod Snyder (2021)

**Emerita Board Member:** Jean Neely

**Special Contacts**

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- Lead Teacher/Naturalist: Amy Moore (240-818-4714) Amy@PotomacAudubon.org
- Adult Prog. Coord: Krista Hawley (703-303-1026) AdultPrograms@PotomacAudubon.org
- Program Administrator: Erin Shaw (681-252-1387) Admin@PotomacAudubon.org
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