

Protecting, preserving and restoring the Indian Creek Watershed and surrounding areas.



Rand Am II? (Proposed White Deep Mine)

Amerikohl Applies for Permit to Deep Mine

- We've started a new column about conservation. See 'Conserving Your Corner' on page 5.
- We still have 2009 Lottery Calendars and some of them have already won! Who knows what number could hit next? Please call to purchase yours today!

Longtime MWA members will undoubtedly remember the proposed Rand Am deep mine which our community fought and defeated back in 1994. This proposed mine led to the creation of the Mountain Watershed Association, and the denial of the Rand Am permit by the Department of Environmental Resources (the bureau formerly charged with permitting; DER recently evolved into the Department of Environmental Protection as we know it today).

DER denied the permit because of the high probability that discharges would result from the mining. Additional discharges in a 125 square mile watershed with 130+ existing mine discharges would be devastating.

Now Amerikohl Mining has proposed to mine much of the same area that the Rand Am permit sought to mine fifteen years ago.

If you live near the proposed deep mine, there are several things you should know. First, do not sign anything that gives up your rights to water, future costs, or that allows the company to not be held responsible for property damage. You have rights and options to receive compensation.

If the mining does take your water, the company is responsible for replacing your water supply. If you had a spring or well, the company will be responsible for the expenses associated with drilling you a new well and **operating** that well, and if they replace your water supply with public water they will be required to pay for your tap-in and **all future water bills**.

If you are unsure if your property is above or adjacent to the area that is proposed to be mined, you must take action immediately so that your water can be assessed prior to the mining. If you are above or adjacent to the proposed mine and your water supply has not been inventoried or you have not had a pre-mining survey, call the Pennsylvania Department of Environmental Protection immediately at 724-769-1100. Ask to speak with Joel Korecich.

On a related note, the Fayette County Board of Commissioners recently voted to allow the amendment of deep mining as a permitted use in agricultural areas. A local attorney approached the Board asserting that deep mining was 'left out' of the new zoning ordinance and should be added. Public notification was not adequate to allow citizens sufficient opportunity to voice their concerns, and public participation was limited as a result. This small change in the zoning ordinance will allow Amerikohl to operate the White Mine without applying to

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Rather than throwing it away, when you're finished with our newsletter please pass it along to a friend or neighbor!

We welcome submissions of articles and photographs from members, however, we retain editorial discretion. Please mail submissions to the address above or email to yrk@mtwatershed.com.

Call Now to Reserve Your Tickets for our Annual Banquet!

Our Fourth Annual Clean Water Banquet and Silent Auction will be held on Saturday, April 25, 2009 at Brady's Restaurant in Donegal, PA. Doors will open at 5:30 PM, and dinner will be served at 6:30 PM. Reservations can be arranged by calling Lindsey Maust at our office, through our website, www.mtwatershed.com, or by returning the enclosed invitation with payment. Payment will be required at time of reservation. A vegetarian option will be available, please select the vegetarian option when you make your reservation.

Note that in the interest of saving resources, no paper tickets will be mailed. Your paid reservation will provide entry into the banquet.

This year's auction will feature many great items from local and regional businesses. If you own a business, please consider making a donation to our auction.

Our banquet is a great time for us to celebrate our accomplishments, our volunteers, and clean water in the Indian Creek watershed! We hope to see you there!



2009 Wildflower Walk Scheduled

We have scheduled our annual Wildflower Walk in the Indian Creek Gorge. This free event will take place Saturday, May 9 at 9:00 AM, rain or shine. Our wildflower walk covers about a mile and a half at a very gentle pace, and the terrain is relatively flat. The walk normally lasts until around 12:00 PM.

Parking will be at the entrance to the Indian Creek Gorge off of Route 381 near Mill Run, PA. From Route 381, look for the Camp Christian sign, and turn down the road toward the camp. At the Y, turn right and you'll see a small parking area on



the right.

Our Wildflower Walk is led by local naturalist and MWA Board Member Lisa Smith. Bring sturdy walking shoes, water, and an umbrella, if necessary!

Come enjoy the beautiful Indian Creek Gorge with us!

Ecuador Approves New Constitution: Voters Approve Rights of Nature

Contributed by Mari Margill, Community Environmental Legal Defense Fund

By an overwhelming margin, the people of Ecuador on September 28, 2008 voted for a new constitution that is the first in the world to recognize legally enforceable Rights of Nature, or ecosystem rights.

The Community Environmental Legal Defense Fund (CELDF) is pioneering this work in the U.S., where it has assisted more than a dozen local municipalities with drafting and adopting local laws recognizing Rights of Nature.

Over the past year, the CELDF was invited to assist the Ecuadorian Constituent Assembly to develop and draft provisions for the new constitution to put ecosystem rights directly into the Ecuadorian constitution. The elected Delegates to the Constituent Assembly requested that CELDF draft language based on ordinances developed and adopted by municipalities in the U.S.

“Ecuador is now the first country in the world to codify a new system of environmental protection based on rights,” stated Thomas Linzey, CELDF’s Executive Director.

“With this vote, the people of Ecuador are leading the way for countries around the world to fundamentally change how we protect nature,” added Mari Margill, Associate Director of CELDF.

Article 1 of the new “Rights for Nature” chapter of the Ecuador constitution reads: “Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. Every person, people, community or nationality, will be able to demand the recognitions of rights for nature before the public bodies.”

Legally Enforceable Ecosystem Rights: From the U.S. to Ecuador

The Legal Defense Fund has assisted communities in the U.S. – in Pennsylvania, New Hampshire, and Virginia – to draft and adopt first-in-the-nation laws that change the status of ecosystems from being regarded as *property* under the law to being recognized as *rights-bearing entities*.

From Tamaqua Borough in Pennsylvania, to the Town of Barnstead in New Hampshire, to Halifax in southern Virginia, the Legal Defense Fund works with

communities that recognize that environmental protection cannot be attained under a structure of law that treats natural ecosystems as property.

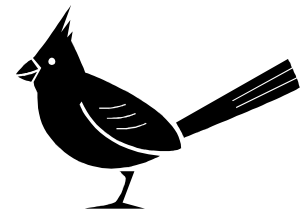
All of the major environmental laws in the U.S. – including the Clean Air Act, the Clean Water Act, and similar state laws – treat nature as property under the law. These laws legalize environmental harms by regulating how much pollution or destruction of nature can occur. Rather than preventing pollution and environmental destruction, these laws instead codify it.

The Rights of Natures laws developed by the Legal Defense Fund for local municipalities in the U.S. represent changes to the status of property law, eliminating the authority of a property owner to interfere with the functioning of ecosystems that exist and depend upon that property for their existence and flourishing. These local laws allow certain types of development that do not interfere with the rights of ecosystems to exist and flourish.

These local laws – and now Ecuador’s constitution – recognize that ecosystems possess the inalienable and fundamental right to exist and flourish, and that people possess the legal authority to enforce those rights on behalf of ecosystems. In addition, these laws require the governments to remedy violations of those ecosystem

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Our Laurel Landscape Bright Red in Winter

If you have a backyard birdfeeder you've likely seen the beautiful Northern Cardinal.

The male Northern Cardinal is bright red against the newly fallen snow this time of year. His face is dark and mysterious with a bright beak of orange. The crest upon his head is prominent. The cardinal's name actually refers to the cardinals of the Roman Catholic Church who adorn themselves in red robes and tall caps like the crest on the Northern Cardinal's head. The female Northern Cardinal is duller reddish brown with a gray mask on her face.

Cardinals were not always as abundant in Pennsylvania as they are now. The cardinal was once only found in Southeastern United States, but over the last century cardinals have expanded their range and now inhabit areas as far north as Maine and southern Canada. The population of cardinals rose steadily in the 20th century due to warmer winters in the early 1900s and an increase in backyard birdfeeders offering

high-energy seeds. Cardinals are found year-round throughout their range. They live in thickets, hedges, bushy fields, swamps, towns, and cities. Winter feeding helps all birds including cardinals survive the frigid winter weather.



These redbirds, as they are often called, begin calling in February and March signaling the onset of the breeding season. Their songs can be very complex. Some common song phrases are *purdy, purdy, purdy* and *wheet, wheet, wheet*. Cardinals mate for life. Males often feed the females as part of their mating rituals it almost looks as if they are kissing with their beaks. This act of feeding the female

continues after the female lays two to five eggs as the females do most of the incubating. The male Northern Cardinal is a very protective, territorial songbird. He will chase off other males entering his territory, and has been known to see his reflection in glass surfaces and spend hours fighting the imaginary intruder.

To attract the Northern Cardinal to your backyard, you should plant small shrubs like dogwood for them to nest in. Also plant the natural foods they desire like blueberries, mulberries, and elderberries. In the dead of winter, keep birdfeeders full when other foods are harder to find. Keep cats locked inside. Domestic cats are the most dangerous predator to wild birds. Last but not least, supply cardinals with water to bathe in; a birdbath or little pond works well. Take these steps and soon you'll entice a beautiful Northern Cardinal to call your backyard Home Sweet Home!

*Pencil drawing courtesy of MWA
member Jon Shogan.*

Rand Am II continued...

the Fayette County Zoning Hearing Board for a special exception to operate. We are considering our rights to appeal.

We have a copy of the permit and all of the maps in our office and they are available for review. Please call 724-455-4200,

extension 1#, to make an appointment.

We are planning to oppose this proposed permit because of the possible impacts to water quality and quality of life in our watershed. We are seeking donations to help fund our legal

defense. Please mail donations to the Mountain Watershed Association at PO Box 408, Melcroft, PA, 15462. All donations are tax-deductible to the fullest extent of the law.



Conserving Your Corner Support Local Recycling Programs!

Going green doesn't have to involve drastic changes in life style. Reducing, reusing, and recycling are small changes that will help the planet and your wallet. Using a reusable water bottle filled with tap water instead of buying bottled water can save large amounts of container waste, energy, and oil (used in the production of plastic). It also saves money in the long run. Another good way to reduce your consumption of plastic is to purchase nylon or canvas bags to use when you go shopping instead of using plastic bags. According to the Yahoo! Green website it is estimated at least 100 billion plastic bags are tossed in the garbage each year, and only 2% are recycled.

Recycling is important because we are running out of landfill space to put waste. Recycling prevents many products from making it into landfills.

Ecuador continued...

rights. The Ecuador constitution operates in the same way.

CELDF, founded in 1995, is the only public interest law firm in the U.S. that specializes in building a body of law focused on establishing Rights of Nature.

CELDF has served as special legal counsel to over one hundred municipal governments across the U.S., and serves as a legal advisor to organizations and governments in other countries, including Ecuador, who are

Making products from raw materials is much more expensive compared to making items from recycled products. These costs reach us, the consumer, through higher prices.

So, you ask, where can you recycle locally? Unfortunately, as the price fetched by recycled materials declines, opportunities to recycle are becoming few and far between.

Locally, recycling is available in Springfield Township in Mill Run at the township building and in Normalville at the Community Center.

Donegal Township also offers recycling, through Acme Recycling, at the township building (Route 31 in Donegal). All recycling drop offs will take clean aluminum and steel cans, glass bottles and jars (colored and clear), plastics #1 and #2, and paper (including magazines and t

elephone books).

Saltlick Township also has a new trash service provider, Allied Waste, as of January 1, 2009. Allied Waste is collecting recyclables curbside on the first Thursday of every month. These recyclables include clean glass jars and bottles, aluminum and tin cans, plastics #1-7, paper grocery bags, and flattened- cardboard boxes in 3-ft sections.

We are fortunate to still have local options as recycling opportunities dwindle, so please do your best to support these operations so that they continue to be available for us!

Reducing, reusing, and recycling are just a few ways to start going green. Incorporating these little changes into your everyday life will help save the planet, and in the long run they will help save you money!

Next edition: light bulbs...

focused on driving similar laws into their governing frameworks.

Today's environmental laws are failing. By most every measure, the environment today is in worse shape than when the major U.S. environmental laws were adopted over thirty years ago. Since then, countries around the world have sought to replicate these laws. Yet, species decline worldwide is increasing exponentially, global warming is far more accelerated than previously

believed, deforestation continues unabated around the world, and overfishing in the world's oceans is pushing many fisheries to collapse.

The people, communities, and governments that CELDF works with recognize that environmental protection cannot be attained under a structure of law that continues to treat natural ecosystems as property.

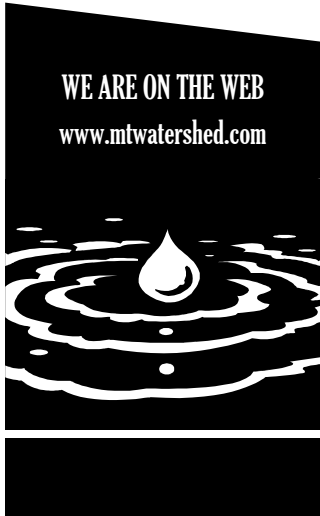
Mari Margill is the Associate Director of the Community Environmental Legal Defense Fund. Learn more at www.celdf.org.

Winter 2009



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If you haven't already renewed your membership in the Mountain Watershed Association for 2009, please do so today. See the membership form in this newsletter, and THANK YOU for your past support!

Please Invest in the Future of Our Mountains and Streams by
Becoming a 2009 Member of the Mountain Watershed Association

Name: _____

Address: _____

Phone: _____ E-mail: _____

Type of Membership

____ Basic (\$5)

____ Stream Friend (\$45)

____ Family (\$7) Number of people _____

____ Stream Hero (\$90)

____ Group (\$15) Number of people _____

____ Lifetime Member (\$500)

____ MWA Donor (\$20)

____ Donation (Tax Deductible)

I would like to receive MWA's quarterly newsletter via email!

Please make checks payable to: Mountain Watershed Association
1414B Indian Creek Valley Rd., P.O. Box 408, Melcroft, PA 15462

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and
restoring the
Indian Creek
Watershed and
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