

the Highlands Voice

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PRESIDENT'S COMMENTS

Since the Otter Creek situation is now in limbo, so to speak, I think now is a good time to review the entire affair from the beginning.

Last October the Conservancy featured the Otter Creek area in our Highlands Week End Review and proposed that the Forest Service consider giving it consideration as a wilderness area under the Wilderness Act of 1964. They replied that they did not think it was qualified as wilderness under the definition supplied in this act.

The area was the chief topic of discussion at our mid-winter workshop on the first of February 1970. Forest Supervisor Dorrell presented a proposed multiple use plan for Otter Creek and stated that this plan was unnegotiable. Mr. McDonald, a vice-president of Island Creek Coal Company stated that his company had no plans for the coal which underlies much of the area in the foreseeable future. His vision was poor. Two weeks later his company formally announced to the Forest Service that they intended to begin immediate preparations to prospect in the area, this prospecting to take the form of twenty-eight miles of access roads to five core drilling sites.

In late March the Conservancy held a public meeting in Parsons pointing out to the local people that the area was a saleable commodity as it was and far more valuable economically as wilderness than as a timber producing area.

On April 22nd a similar meeting was held in Elkins at which time the Forest Service displayed maps of the proposed core drilling sites and mining operations of Island Creek Coal Company.

On April 30th the Conservancy filed with the Forest Service an appeal to change their multiple use plan for the area and a request for a stay of any further activity within the area until this appeal could be heard and answered. This appeal was drawn up by Fred Anderson in only one week. On May 7th, Congressman Ken Hechler of West Virginia introduced H.R. 17535 which provides for the protection of the Otter Creek area, and two others, under the Wilderness Act.

Approximately the middle of May the coal company moved into the area with their bulldozers and began to cut the first of their twenty-eight miles of road. On May 31st Sayre Rodman and myself hiked into this site and took extensive photographs of the operation.

On June 2nd the Conservancy, through its attorney, Willis O. Shay of Bridgeport, filed a complaint for injunctive relief against the coal company and the Forest Service to halt activity in the area. U.S. Judge Robert Maxwell issued a temporary restraining order halting all activity.

Through June and July a number of hearings were conducted resulting in the court imposition of a preliminary injunction against the Forest Service and Island Creek Coal Company and forbidding further activity in the area until a trial could be held. A coal company motion to dismiss was denied.

On June 9th Senator Jennings Randolph introduced S. 3937 calling for the same protection as Mr. Hechler's bill in the House.

In late July the coal company appealed Judge Maxwell's denial to dismiss and our case now goes to the United States Court of Appeals for the Fourth Circuit in Richmond, Virginia. Any appeal from a decision of that court would have to be made to the Supreme Court in Washington. Since these courts are very busy and crowded these appeals could take as much as two years to hear during which time no roads or other development may be undertaken in the Otter Creek basin.

On July 27th the Conservancy received a reply from the Forest Service to their appeal and this is now being evaluated by our attorneys. This reply can, of course, be appealed to the Forest Service headquarters in Washington and this decision will be made shortly.

And that is Otter Creek to date.

Tom King

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HAVE YOU HEARD THE ONE ABOUT . . . ?

Well, it seems that this cocktail lounge habitué was engaged in an intellectual discussion with a sweet, shapely young thing about the philosophical aspects of the power of money. She offered the opinion that there would be very few things she wouldn't do for \$10,000.

Sensing an interesting possibility, our hero then suggested that he had this very nice bachelor apartment and would she spend the weekend with him for that princely sum?

"Yes, I think that would be worth it indeed," ventured the lass.

"Well, would you also go with me for say, \$5.00?" the rogue rejoindered.

"Of course not!" our miss hotly replied, "What do you think I am, a prostitute?"

The famous reply to this question could only be, "We have already established that. We are just haggling about the price."

What is a ribald story like the above doing in the Highlands Voice and what does it have to do with conservation? It is one of my favorite stories and I apologize for throwing in a little bit of pool room humor, but I am constantly reminded when engaged in conservation work. Like last week when I read an editorial in the Grant County Press written in response to a couple of letters-to-the-editor that dared suggest that the VEPCO air pollution at Mt. Storm was a bit much.

"VEPCO . . . has been having big problems and admittedly, we have been unwilling to criticize the best thing that has ever happened to Grant County.

The editorial continues by putting childlike faith in the West Virginia Air Pollution Commission, an agency which seems to be going out of its way to prove that it is not acting in the public interest (the Commission has ignored two polite requests of the Conservancy for information concerning air pollution at Mt. Storm, and by believing such myths* as that the new VEPCO stacks will be higher and thus better able to control pollution. The editorial concluded:

"Finally, in spite of the problems that have accompanied it, we shall always be grateful to VEPCO for choosing Grant County as the site for its generating station. We believe that all are in agreement that the tax revenue therefrom has brought about the realization of the most impossible dreams, with many more yet to come."

Apparently then, Grant County and VEPCO are not haggling about the price any longer.

We see this argument all too often in West Virginia: Union Carbide at Anmoore and Alloy uses it to get away with outrageous murder in addition to prostituting the air. The chemical industries are using it in their desire to prostitute the New River, but they want the public to pay the Madam. And we see the same logic developing in Tucker County with respect to the Davis Power Project. The sentiment in this economically besieged county seems to be "We would be foolish to oppose the power project, we need the taxes badly."

Charles Morrison puts it in words better than I:

". . . I favor some form of national or regional control over these matters. Local government, with its parochial concerns and pressures, will not exert effective regulation to prevent the deterioration of our environment. It never has, that is why we are where we are today . . ."

*Too often, tall stacks in Appalachia only insure that pollutants do not settle locally, but are transferred to the people who live downwind. If they are built without a study of local meteorological conditions, tall stacks are not a genuine solution. See Appalachia 3: 1-3 (1970), "The Air in Appalachia-Air Pollution and Plant Location," by C. L. Hosler.

"We cannot continue the present rate of energy conversion and waste without over-heating our planet, or at least some parts of it. No citizen, corporate or individual, has an ethical right to take clean air and return it contaminated to the atmosphere; or to package the necessities of living in such a manner that the solid waste therefrom presents with such a nearly unsurmountable problem. If private enterprise wants to remain private then it ought to manage the undesirable by-products so that they do not become a public problem."

Also, consider what Phillip S. Berry, President of the Sierra Club writes: ". . . one method which, in conjunction with several good suggestions by Ralph Nader . . ., would cause private industry to forcefully assume a new attitude toward the environment. If such new attitude is not brought about, proposals now heard from a few conservationists for public takeover of business may well come to pass. Most conservationists do not advocate socialistic takeovers, and clearly we have not, but we hazard the prediction that if socialism comes to this country it will not be for any reason Marx advanced. On the contrary, it will come because business failed in its responsibilities to the environment, its responsibilities to the future and in a very real sense its responsibilities to itself."

Power companies in Appalachia, please note!

The purpose of The Voice is to identify the problems and we believe this to be one of our biggest - the financial pressure on local governments, together with unregulated abuses of our environment results in tragic prostitution, pure and simple. For those of you living in Grant County, we hope the price you have agreed upon is satisfactory. We think it not.

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HIGHLAND SCENIC HIGHWAY - A ROAD TO SCENERY OR SCENIC RUIN?

The article in the May 1970 issue of WONDERFUL WEST VIRGINIA, "West Virginia Highland Scenic Highway." struck me as a warning to West Virginians that another slash and gouge will be taken at the State's scenic resources.

A statement in the article tells us the real purpose for this highway: ". . . the highway will open previously inaccessible hardwood forests. It has been estimated that at least 270,000 acres of potential timber producing land are within Monongahela National Forest near the proposed location of the highway."

It would be most interesting to know how much coal is also going to be made accessible by the highway. Is the highway actually a smoke-screen to devastate the environment? It may not be a scenic highway and possibly was never intended to be by those who fostered the idea. Could it be that in the name of recreation, West Virginians have been led to believe one thing in the guise of another?

What's left? That West Virginians get organized for the purpose of prohibiting the use of commercial trucks, other vehicles and machinery

on the scenic highway and that no timber, coal, and other mineral resources be taken or big dams be built within the entire watershed served by the highway.

What kind of scenic highway will it be? It just may be an excellent place to get a panoramic view of timber cutting, strip mining and acid-filled streams and probably stone quarries. To get to these resources will require more roads, the the kinds that cause land erosion and siltation of streams.

Along the section of the highway completed so far, there are at various intervals, tiny spurs of roads taking off from the main road. It will be interesting to see when these spurs will be extended and where they will lead to.

The scenic highway is an inroad to open up areas to natural resources. If it is used for anything other than a scenic highway then we have been misled and should begin to take an interest to see that it is used for the purpose that it was proclaimed and not as a mask for an ulterior motive.

Some of the best streams in the state, the Cranberry, the Williams, the Cherry (and others to follow) are now being placed in a vulnerable position. It also means that unless the government owns the mineral rights, sections of the national forest are threatened.

It's ironic that a scenic highway is being built for people to come into to see some of West Virginia's prime scenery and for recreation purposes, when it eventually could become a place that people will avoid. If West Virginia continues to disfigure its environment at the rate it's going, it might as well close shop in trying to promote travel and tourism. The bulldozer, the saw, and the coal and timber lobbies will nullify our efforts to capitalize the beauty of our land and waters.

George Breiding

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ON THE NATURE OF VIRGINITY

In response to an article by Bill Blizzard in the Charleston Gazette which questioned Otter Creek's wilderness qualifications on "virginal" grounds, Bruce Sundquist penned the following thoughtful essay:

Mr. Blizzard contends that the Wilderness Act requires an area to be "substantially untouched, primeval, and virginal." The Wilderness Act however specified merely that the area retain its primeval character and influence: that the area appear to have been affected primarily by the forces of nature, and that the imprint of man's works be substantially unnoticeable. The basic error in Mr. Blizzard's thinking lies in his concept of a primeval wilderness. He obviously envisions 1000-year-old trees and all the mossy trimmings. Actually fires were common in America long before man set foot on this continent. After each of these fires, rhododendron thickets grew thick; these were later replaced by hardwoods like those now in Otter Creek, and still later these lost out to the dense spruce forests. Then came more fires caused by lightning

or whatever. How is one to tell present-day Otter Creek from the Otter Creek of 5000 B.C., 60 years after a lightning-caused fire? Certainly not by the 60-year-old hardwoods. Certainly not by the few remaining rhododendron thickets. Both of these grew all by themselves quite naturally- just as they did in 5000 B.C. How about the coal diggings? Find them! You will have to look very hard and know just what you are looking for. No one else would recognize them as a work of man. How about the hiking trails that were once old logging grades? Hiking trails, as such, exist in all wilderness areas. They do not invalidate an area's wilderness credentials. There are many old logging grades in Otter Creek that are not hiking trails. These are virtually impossible to recognize as a work of man nowadays except by an experienced person who knows what to look for. Thus it is fair to say, certainly, that all the railroad grades have long-since vanished and only hiking trails remain. The Wilderness Act, it should be pointed out again, does not require virginity, only the appearance of virginity. How about logging roads and logging at the periphery of Otter Creek drainage. No one denies that these are incompatible with wilderness status. The intention is to ask that these areas be included in the Wilderness as special exceptions- thereby not setting any bad precedents. The U.S. Congress may decide that this cannot be allowed and may hence remove these peripheral areas from the Wilderness bill. The reason the Conservancy wants these peripheral areas in the Wilderness bill is to try to preserve the integrity of the complete drainage so that after the peripheral forest has regrown, the entire drainage will be free of water pollution, free of the sights and sounds of civilization- giving all who visit the area the feeling of complete remoteness from civilization. This is a very rare feeling these days- and certainly one that will grow a lot rarer and more badly needed in the generations to come. The Conservancy thinks this is a very worthwhile thing to attempt. It is certainly worth the consequent, greatly increased agony and frustration at the hands of those who oppose any West Virginia Wilderness. We certainly respect the right of people to not feel the need for any of these human values associated with wilderness. However we regret that some of these same people are seeking to deprive others of these values we hold so dear.

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PRESIDENT NIXON AND CONSERVATION

Most conservationists thought a clear victory had been had in February when the National Timber Supply Act was soundly defeated. However, in a press conference in late June President Nixon seemingly ignored congressional action and urged an increased harvest of softwood timber. It was felt that this statement was in response to tremendous pressure brought by lumber lobbies through the Cabinet Committee on Economic Policy and the Task Force on Softwood Lumber and Plywood. Having overcut private holdings to maintain exports (in the West), the lumber industry is expected to use this statement of Nixon's to bring pressure on the Forest Service to increase cutting on public lands.

On the other side of the coin, President Nixon declared that "in the past we have moved too slowly . . . towards the completion of our national wilderness system" and that "Wilderness is a magnificent part of our American heritage. The wilderness that witnessed the Nation's birth no longer

spreads from one ocean to the other, but neither has it all been tamed. Many of these untamed lands, majestic reminders of primeval America have been reserved and now comprise the National Wilderness Preservation System. We must do more now to preserve additional areas of this priceless national heritage."

"On the legislative side, the Congress now has before it 20 wilderness proposals transmitted by the previous Administration and endorsed by this Administration. Early action on these measures would represent the quickest way to expand our wilderness system. Therefore I urge the Congress to give speedy and favorable consideration to as many of these proposals as possible."

To accomplish this the President has asked the Secretaries of Agriculture and Interior to augment their study of wilderness areas and to speed up their action on them.

From Potomac Basin and National
Wildlife Federation newsletters.

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MORE ON OTTER CREEK

On August 22, 1970, Senator Jennings Randolph at the request of Marvin Watson, President of Occidental Petroleum, called a meeting at Blackwater Falls to bring officials of Mr. Watson's company and its subsidiary Island Creek Coal together with conservation representatives and mayors of nearby towns. After an introduction by Senator Randolph, Mr. Watson explained their purpose in Otter Creek. He made it clear that they were going to assess the quality and quantity of coal in Otter Creek. If they can't, then he felt the government must. He stated that Otter Creek can not become a wilderness until this is done.

The company wants to drill five cores. Depending on the analysis of the cores, the following possibilities were mentioned:

1. No coal or of poor quality = No problem.
2. "Good" coal = option A: put on their list of resources.
3. "Good" coal = option B: sell to U.S. Government.

Mr. Stonie Barker, President of Island Creek, stated that no one knows for sure how much coal is in Otter Creek, but that the Forest Service believed that there was as much as 85 million tons.

If the company decided to mine the coal themselves, they said they wanted it done under strict limitations and any plans for such would be announced well in advance at public hearings. Tony Dorrell spoke briefly and stated that the Forest Service had no choice but to assist the company in their legal rights. [At issue before the court is the question "Does the public have any legal rights?"]

After a brief recess, the Conservation groups made cautious statements, the only significant thing being said was the suggestion for the Conservancy's lawyers to get together with those of the company for discussions. This seemed to be agreed on.

There then followed a lengthy discussion and question and answer period. Many interesting statements were made, two of which were memorable. Mr. Barker stated that they wanted to mine the coal in a manner that would satisfy "the most ardent conservationist. [Tom King's reply: "Mr. Barker hasn't met some of the ardent conservationists that I have."] The other statement, made by Mr. Watson in answer to a question concerning pollution of Dry Fork was a belief that as soon as pollution appeared, state officials would put a stop to it immediately. We felt that both of these statements were terribly naive and indicated a great unawareness of the local situation.

From the discussions, the listener could perceive two questions. One, the conservationists allowed the discussion to degenerate into an argument with Mr. Dorrell as to whether Otter Creek was a wilderness or not. I say degenerate because we have been through all of the arguments many times before, nothing could be settled there, and the important question must be answered by Congress and the Courts. The second question was a much larger one. Even if Otter Creek is denied wilderness status, are Island Creek's aims compatible with the National Forest? Is any coal mining activity in the National Forest compatible with the aims and purposes of a National Forest? This is a question we and the legislatures must address ourselves to.

Many of you have an admired, but unabashed love affair with Otter Creek. Mine is with Dry Fork. The most beautiful part of Dry Fork together with the most challenging rapids occur near the mouth of Otter Creek where supposedly coal washers, tipplers, haul roads, etc., would be located. Pollution of Dry Fork's waters would undoubtedly occur to the detriment of downstream communities of Hambleton, Hendricks, and Parsons. This was clearly what was bothering those in attendance from these areas.

Following this meeting there was another regarding a proposed timber sale on Little Stonecoal Run of the Otter Creek area proposed for Wilderness Study. Following the meeting a 90 day moratorium on this sale was granted.

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AND STILL MORE ON OTTER CREEK

At Senator Randolph's meeting referred to above, the question was brought up concerning the current status of the wilderness bill and what effect things like core drilling and the Little Stonecoal Run timber sale would have on the bill. Mr. Phil McGance, a legislative assistant of Senator Randolph's, replied that any alterations of the area now would harm Otter Creek's chances of a beneficial wilderness status report from the Department of Agriculture. He also predicted a dismal report from the study group even in the absence of such alterations.

Item: Guess who is Agriculture Secretary Clifford Hardin's chief Executive Assistant Secretary? His name is Edgar F. Behrens who was for many years general operations manager for the National Forest Products Association, the big lobby that worked so hard pushing the National Timber Supply Act and makes "educational" films showing why

we shouldn't allow forests to lie around in wildernesses. What sort of a report can we expect from Agriculture with such vested interest people occupying such strategic positions? Now I am not saying that Mr. Behrens will influence the report on Otter Creek, but how comforting it would be if the same position were occupied by, oh let's say Stewart Brandborg!

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THE COAL RUSH IS ON

The most casual observer can not help but notice the ruckus being raised about brown outs, power failures, and the general increased urgency to mine coal. Recently, the entire Sunday supplement of the Morgantown newspaper was devoted to coal and how great it is. The thickened supplement was filled with full page ads by the coal companies and power monopolies inducing new potential customers to buy coal. All of the articles were complimentary to the coal company with ludicrous titles of articles such as "Coal is Clean" and "The Energy Crisis." This was a neat package and unfortunately this all too common practice is palmed off on the public as "news."

One interesting item found in the PR inspired copy was the following:

"Japan's steel industry, as an example, has become increasingly dependent on U.S. coal exports. In what may be a pattern-setting agreement, a Japanese trading concern has agreed to help finance construction of a 30-million ton capacity coal mine in Virginia, to be built and mined by Island Creek Coal Company a subsidiary of Occidental Petroleum Corporation."

Is this where the Otter Creek coal would go? Or perhaps to one of the many inefficient pumped storage electrical units that will soon pepper the Highlands? Or perhaps it will be used to fill up the barges that will be able to float down the Monongahela when the Rowlesburg dam begins releasing its waters?

Sounds like the timber and lumbering boys who want to get at our National Forests to meet their exports, balance of payments, and other pocket lining terms.

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MORE COMMENTS AND THOUGHTS ON DAVIS POWER PROJECT

From Anson Courter (Conservancy Veep):

I am generally opposed to making fluctuating lakes (Fontana, plus or minus 80') in scenic mountain valleys. While power companies, with an eye on rates, do not underestimate costs as the Corp of Engineers does, they also overestimate recreation benefits and underestimate, to the point of ignoring, even, present recreational, scenic and wildlife values. Their dealings with the public in such cases are really adversary proceedings.

From Charles Morrison:

One such project leads to another. The engineers of one company are in competition with those of another to provide their managements with ideas of similar or more impressive scope. I saw this with respect to 500 kv transmission, even though technically the industry was not ready for it.

One thing that makes pumped-storage seem attractive at the present time is the inflated first cost of new equipment and the high interest rates which are needed to obtain the capital. These both contribute to higher annual costs, and thus there is more to be saved between the installation of new primary capacity and secondary capacity. On the other hand, fuel costs to supply the losses in the cycle have not increased at the same rate. In terms of dollars, the cycle looks more attractive than ever before.

In the light of inflationary prices and interest rates, something could be said for the alternative method also. Most company managements have an eye on using low priced fuel. This is one of the bell-weather indicators which makes an impression on the security analysts, and few people realize how influential these people are in the management of industries they really know little about. And they are not at all concerned with social values, problems of the environment, etc. Their lives are so sheltered that they are part of the pollution problem.

Another observation. Because so much of the good coal in the East has been mined, the Coal Operators Association adds its dollars, its research, and its promotion to the selling of coal that ought to remain in the ground.

From Skip Johnson, Charleston Gazette:

Native brook trout only occur in the headwaters of the Stoney River, acid mine wastes having ruined the lower river. To make it a complete victory for the polluters, a permit has recently been granted to strip in the headwaters watershed.

A RELATED OBSERVATION:

Been to Blackwater Falls lately? Remember when one could always see fishermen below the falls? No more, its too acid.

Also, people don't like to swim in Pendleton Lake at the Park because of its acid content that irritates the eyes so badly.

FROM AN OLD, YELLOWED, TATTERED ISSUE OF THE PARSONS ADVOCATE:

Back in the days when hearings were being held regarding the Rowlesburg dam, the question of hydroelectric facilities came up. According to the Advocate, the Monongahela Power Company itself stated that pumped-storage plants consumed more coal than if primary generating stations were installed, an observation made by Charles Morrison in the last Voice and as of this writing, still unrefuted.

FROM AREA NEWSPAPERS:

One thing that bothers me is that in all of the area's newspapers whether it be the Grant County Press, Elkins Intermountain, Hillbilly, Parsons Advocate, Morgantown Post, or whatever, the ONLY side of this story that has been told publicly is that found in the company's own prospectus.

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NOMINATIONS

I have asked Max and Sona Smith and Eleanor Bush to serve as a nominating committee for the Conservancy and to report a slate of new officers by December 1st. Additional nominations will, of course, be accepted from the floor of our meeting providing that the consent of those nominated has been obtained in advance.

John Killoran made the observation several weeks ago that the Conservancy has come of age, I agree, and I believe that a change of officers this winter will greatly benefit our organization by giving it the new ideas and new leadership that any growing concern must have. Let me say that if any member has a name to suggest to the nominating committee I hope that they will write to Max Smith at 314 Center Street, Bridgeport, W. Va., and pass their ideas on to him.

Tom King

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POWER CONSUMPTION

Alleged power demands and utility advertising were high priority items on the agenda of the Sierra Club Board of Directors at their regular meeting May 2 and 3 in San Francisco. Concerning power needs, the Board resolved: "The Sierra Club believes that the generation and use of electricity in the United States have increased to the point where their adverse effects on the total environment are evident, unmistakable, and undeniable. All forms of electrical power generation, whether hydroelectric or by steam produced by nuclear reactors, or the burning of fossil fuels, can only destroy what remains of the beauty and habitability of the earth if allowed to continue to proliferate. The Sierra Club opposes the concept of the inevitability of continued escalation of power needs, and believes that measures to effect economies in the use of electricity must be taken without delay,"

The resolution on utility advertising stated: "The Sierra Club urges immediate enactment of legislation by each of the United States to prohibit any franchised electric or gas utility, either publicly or privately owned, from engaging in any form of advertising conceived, designed or intended to cause any increase in the consumption of electricity or gas, and to prohibit any and all other activity, on the part of such utilities, to promote use of gas or electricity." The Board instructed the staff to prepare pilot legislation to end utility advertising in California and New York.

From the Sierra Club Bulletin

BITS AND PIECES

The Cheat River Valley Conservancy would like people to write Governor Moore to request that further study be made of the Rowlesburg Dam project. The group meets again at 8:00 P.M. in St. George on Sept. 9 . . . The Dept. of Natural Resources has turned down a permit to strip coal on Shaver's Fork by the Linan Smokeless Coal Co. . . . We also understand that a number of mines in the Nicholas County area are in trouble with the DNR over water pollution problems. The Williams River Coal Company is one of these . . . We would like to see the DNR come out with a policy statement concerning the Davis Power Project as has been promised for some time . . . Charleston and Huntington recently made national headlines for being the second dirtiest particulate city and the third worst sulfur dioxide city in the nation respectively. We predict that our rural areas (Mt. Storm, Canaan Valley, etc.) will soon catch up in case anyone takes the trouble to monitor such areas . . . Herb Eckert and Dick Kimmel have written a ballad about Otter Creek appropriately entitled "The Ballad of Otter Creek". They have copyrighted the song in the Conservancy's name. Anyone know how we might get someone like Billy Edd Wheeler to take a crack at it? . . . Marvin Marshall of the Forest Service Lands Staff reports that subdivision of lands slated for inclusion in the Spruce Knob-Seneca Rocks NRA is resulting in increasing trouble and cost of land acquisition . . . The perennial, foolish bill to connect the James River in Virginia with the Kanawha in West Virginia has been reintroduced in the House. This time by Congressman Kee who incidentally not only has refused to acknowledge our request on this matter, but never answers any of our letters. Would some voter living in Mr. Kee's district find out why for us?

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