



the Highlands Voice

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SHAVER'S FORK: ITS STATUS AND ITS FUTURE

When I first came to West Virginia and heard of Shaver's Fork (that's right, I am an "outsider," but I hasten to remind you that I am here by choice and not by chance), I conjured up visions of a marvelous, unspoiled area that stretched for miles and through which a magnificent river flowed, full of clear water and native trout. The area was not a virgin forest, but had bounced back rather well after the first decimation of the spruce forests. Many friends brought back glowing reports of hiking miles back over Cheat Mountain and visiting seldom seen sites. Through talking with the late Warren Blackhurst and reading his books, I imagined a thoroughly wonderful place. RR buffs who had been on the last logging run to Spruce described the historic romance of the headwaters. One of my employees, a native of the area, often offered to take me into the headwaters area and spoke highly of his family's haunts for generations. From Cheat Bridge to Bemis was a big blank known to me only through a sketchy account in Walter Burmeister's Appalachian Water and a misimpression gained from the Forest Service map which conveys the illusion of a vast unspoiled mountain river. I had personal experience with the river all the way from Bemis to Parsons, and found it pleasant, beautiful, and even exciting. Although somewhat developed along U.S. 33 and near Parsons, such man made intrusions seemed to blend with the wildness.

But of the upper river, I waited too long. Like so many things, I put off visiting the headwaters when I should have gone, thinking that such a large piece of land would be around for awhile. The first questionable intrusion was the development of trailer camps along U.S. 33. Was this what was in store for the rest of the river? A few legislative sessions ago, many people were working to get Shaver's Fork included on a Scenic River's Bill. They were denied even the chance of a public hearing by a piece of dazzling cloak room foot work that is still hard to understand. They were beaten handily by a great deal of money and a tightly organized group of then anonymous profiteers.

Next reports of continued siltation, fish kills, State Road Commission dredgings for gravel, etc. began to filter down. Inquiry revealed that the

Mower Lumber Company owned 60,000 acres of surface and mineral rights south of U.S. 250. Logging and road building operations were being carried out, but were not subject to DNR or Forest Service control. At least three dirt roads penetrate the area as far as Spruce and there are several side roads from these. Some parts of these are visible to the Cass RR tourists. These roads are in constant use by the public; a few of them use the roads for fishing purposes. Judging from the tremendous amount of beer cans, litter, and motorbike tracks, the area is used for many other purposes now.

The Spruce to Cheat Bridge section of the river is stocked once a year by the DNR from the Western Maryland RR. It is an interesting game. The Randolph County Conservation officer sees to it that the fish are placed in areas where you have to work to get to but the RR man who drives the stocking truck likes to stop the truck at the easy places. It is no secret that most of the fishing in the upper parts is done by RR section crews.

Also going on all the time, but much less known to the public, is constant strip mining. Aerial photographs taken several years ago even then show tremendous slashes in the Cheat Bridge area. Much of the stripping was done prior to the 1967 law and almost none of that was reclaimed. Some of this was done as long as 25 years ago. Naturally-seeded vegetation on some of these old benches consists of pathetic 6" seedlings of black birch. In other places spruces are making a valiant attempt to achieve adolescence but many growing too close to the highwall are either buried or uprooted from landslides and erosion. Those strip mines going on since 1967 have been subject to control and reclamation. Although a lumber company owns these lands, tree seedlings on these reclaimed benches are conspicuous by their absence. Complaints about siltation are met with official explanations of "We are doing all we can do" or "The problem is only temporary." The problem from that particular project may or may not be temporary, but the trouble with that argument is that another operation begins at the cessation of the last in the same area so that in effect the siltation is continuous, a fact so far ignored by the surface rights owners, the stripper (usually Kelley's Creek Fuel Co.), and the DNR. It isn't generally known, but in the past some of the mining in the upper Shaver's Fork area was done by prisoners from the Huttonsville Medium Security Prison.

As of yet, acid drainage from the strip mines isn't usually much of a problem, but who can guess what it will be 20, 50, or 100 years from now? Since the pH of streams like Red Run is 6.0 at the mouth, official explanations claim that strip mining improves the quality of Shaver's Fork, a stream of naturally low acidity and no buffering capacity due to the presence of pyritic shales instead of limestones and drainage from over 50 old abandoned mine openings in the area. Actually the pH of Red Run below the strip mines is 4.9. The raise in pH takes place much further down between U.S. 250 and the mouth. Official explanations deal with "inversions of calcareous shales" as improving water quality, but what effect would it have on low pH adapted plants like spruce that have lived in harmony with the native soils for ages?

Rains bring heavy amounts of siltation down from these activities on Black, Buck, Lambert, and Red Runs. It also runs off the poor private logging road west of the river and south of Red Run. After torrential downpours, streams that drain undisturbed areas still run crystal clear (Blister, Stone-coal, Whitmeadow, Crouch, John's Camp, Watertank, and Yokum Runs).

Mild milky siltation also comes off on Glade Run, north of U.S. 250 draining a small Forest Service supervised clear cut which is just about to be closed. No such F.S. operations will take place on such "visual impact" areas in the future, we are told. Many of the high walls and piles of overburden may easily be seen from the Gaudineer fire tower. Although it may be argued that the purpose of the tower is for fire control purposes and not sight-seeing, it must be pointed out that the fire tower is in the center of a "Scenic Area" where the public is practically invited to climb it and it is used by many naturalists attracted to the unique area, most notably to study the many different species of warblers.

Several Forest Service roads exist north of U.S. 250 and all are used heavily by recreationists, logging trucks, and soon, coal machinery. F.S. 27 east of the river, a fork of which leads to the Gaudineer area, and F.S. 209 and 92 west of the river service the area. F.S. 92 runs along the crest of Cheat Mountain and sends a spur down practically every hollow as far as McGee Run. The Western Maryland Railroad follows the river from near Spruce to U.S. 33. Once the angler or paddler gets beyond the terminus of F.S. 209 he seldom sees man's activities except at the mouth of each run where the roads intrude.

Near the mouth of Yokum Run is the controversial Linan (deep) mines. The rights are owned by Mower and leased to David Francis' coal interests. All of the outbuildings were painted freshly with forest green and fresh trout were placed in one of two plastic swimming pools fed by draining water from a nearby inactive mine. This was done just prior to an inspection trip by the Reclamation Board in May. Pebble sized, white limestone covers the ground over most of the area.

The coal interests had applied for a water permit from the DNR and it was denied. The decision was appealed before the Water Resources Board. Chairman John Ailes recently announced the board's approval giving it an aura of unanimity of opinion on the matter when in fact 2 of the 5 members disagreed with the decision, but no vote was taken. Unless there is a further appeal through the Attorney General's office or some rejection or qualification from the Forest Service, Linan will reopen and begin new deep mining activity in the Yokum Run area. Part of the operations will include in the future new mines being opened at Stonecoal Run near U.S. 250, one between Stalnaker and Suter Runs above High Falls and one below Bemis. New roads of course will have to be built to some of these new mines. The Mower Lumber Company, who in spite of their name considers themselves as a "land management company," own the mineral rights in most cases and lease them to Linan, but the company who will profit the most from not only these operations, but also in many other areas of West Virginia, will be the Western Maryland Railroad. Right now there is only one train a week down Shaver's Fork to Elkins. Its makeup at present depends entirely on the coal output of Webster County. Converting Webster, Pocahontas, and Randolph Counties into primarily coal-producing counties will be of fantastic profit to this railroad firm.

Forest Service plans for the area are also imminent. The Shaver's Mountain trail from Gaudineer to Bemis is pretty good, spoiled only by bears chewing on the trail signs. The trail on the other side of the river is terrible passing through clear cuts, brush thickets, and other uninteresting sights. The Forest Service has outlined a rectangular area above Bemis on the west side of the river that will be studied as a Pioneer Zone. This will

include the High Falls area, but only the west bank. A system road will be built which will connect F.S. 92 at McGee Run (actually there is an extension now down to Suter Run for logging purposes) with the Files Creek Road (W.V. 38) coming from Beverly. Side roads presumably will be built down each hollow. Although they do not plan to construct a road along the river, it is predicted that the pressure on the Forest Service to do so will be intense. For those mines located on the west side of the river, bridges and/or conveyor systems will have to be built to get the coal to the RR on the east bank or else coal trucks will have to be employed to haul the coal out to Beverly. Use of the area will multiply drastically from fishermen, coal mine employees, as well as the kind of people currently "visiting" the headwaters around Spruce. The new Forest Service road will be of tremendous free benefit to coal and logging interests in that it will open up much now "undeveloped" territory.

The pressure on the public is enormous. It is being made to choose between an environment and jobs and in doing so will fail to realize that it is an extremely unfair choice. Why can't the public have both? Each move towards the opening of the mines is accompanied by much publicity in the newspapers. The big questions are: Will these activities be compatible with water resource, wildlife, watershed, and recreation uses? Will wilderness knowledgeable people be content to fish under a coal tipple? Can the water quality of Shaver's Fork be maintained in the face of all of these planned activities? If not, who will be the loser and who will make it right?

A warning has been sounded by the U.S. Bureau of Sport Fisheries and Wildlife (they run the federal fish hatchery at Bowden which uses Shaver's Fork water): "Our greatest concern is for hatchery operations in the future. We are convinced that any further deterioration of water quality in Shaver's Fork will not only seriously endanger hatchery fish populations, but may also reduce or eliminate desirable species of fish from the river. It appears that the natural buffering capacity of Shaver's Fork has been reached and no further increase in acidity can be tolerated."

And that is the status of Shaver's Fork in mid-Summer 1971.

Bob Burrell

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COAL MINING IN THE MONONGAHELA NATIONAL FOREST

"The best way to protect the Monongahela National Forest for the future is to prohibit any coal mining which causes environmental damage in national forest areas," declared Rep. Ken Hechler. Congressman Hechler labelled proposals for the purchase of mineral rights in national forests as "a costly burden on the taxpayers, an unnecessary expense, and a delaying tactic which might actually encourage more mining in national forest areas."

As part of his bill, H.R. 4556, which places a Federal ban on all strip mining of coal six months after enactment, Congressman Hechler includes a section which also bans underground mining in wilderness areas and places severe restrictions on underground mining in national forest areas. The

Hechler bill requires each operator of any existing or planned underground coal mine to submit to the Secretary of Agriculture within 120 days "a plan for his approval that will insure that no mining shall be allowed on such area . . . until regulations are promulgated which will assure that there will be no adverse effects, such as subsidence, acid mine drainage, or any adverse on-site or off-site effects from such mining."

Congressman Hechler said that in four critical areas of the Monongahela National Forest in West Virginia, there are an estimated 569 million tons of coal, the sub-surface rights to which are currently owned by private interests. These include 65 million tons in Dolly Sods; 24 million tons in Otter Creek Basin; Cranberry Backcountry, 220 million tons; and Shaver's Fork, 260 million tons. "Much of this coal is low-sulphur Sewell coal, which makes it very much in demand in the light of tighter regulations against air pollution," Rep. Hechler pointed out. "This means that pressure for mining in the national forest gets stronger every day we delay action. The recent action of the House of Representatives in appropriating \$300,000 for the start of a two-year study of the locations, ownership and value of these minerals, prior to their possible future purchase, merely serves notice to the owners of these rights that they had better get busy and mine coal while they can. This will actually escalate coal mining in the national forest area while the study is going on," Rep. Hechler stated.

"It has been estimated that it will take well over \$40 million to buy up these mineral rights. In the first place, this is a terribly big bite to expect Congress to buy, when you consider that there are billions of tons of coal in other national forest areas throughout the nation which it would be very expensive to buy up. Second, why should this burden be placed on the taxpayers when the regulation and restriction of mining in national forests can be achieved by simply prohibiting any mining which causes environmental damage?"

Congressman Hechler stated that "those who insist the coal has to be purchased have a hang-up on the constitutional issue. They seem concerned that severe restrictions on mining in national forests would constitute taking property without compensation, in violation of the 5th amendment to the Constitution. But the power of Congress to regulate interstate commerce, in a whole series of court cases, has been interpreted to cover such regulations as affect coal mining. Furthermore, the courts have consistently upheld Congressional acts which since 1897 have limited the use of private property within national forest areas. Zoning, the prohibition of billboards along interstate highways, and water and air pollution control laws, all of which limit or prohibit the use of private property in a manner similar to what I propose for restrictions on coal mining in national forest areas, have been upheld by the courts. In the U.S. Supreme Court case of United States vs. Eureka Mining Co. (1958) the court ruled that the mere fact that the regulation deprives the property owner of the most profitable use of his property is not necessarily enough to establish the owner's right to compensation."

In recent letters to Secretary of the Interior Rogers Morton and Secretary of Agriculture Clifford Hardin, Congressman Hechler called for a moratorium "on all new prospecting, exploration and development of coal resources" on Federal and Indian lands. Rep. Hechler said that such a moratorium would put an immediate check on the threat of increased mining,

until such time as Congress can act to restrict and regulate any mining which will disturb or damage the environment in national forest areas.

(Let's get on the ball and back Mr. Hechler. Let him know of your support. Ed.)

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STRIP MINING DEALS DEATH TO BACK FORK

While controversy rages around the fate of West Virginia's most popular fish-for-fun stream, Shaver's Fork, the other fish-for-fun stream in West Virginia, Back Fork of Elk, is quietly being destroyed.

Back Fork is one of West Virginia's wildest rivers. It begins as a cold mountain stream near Parting Springs in Randolph County at an elevation of 3600 feet. Back Fork tumbles through a narrow canyon for 18 miles until Sugar Creek joins it at the site of the abandoned logging town of Skelt. Thereafter Back Fork is a sizable river, maintaining its rapid flow through more canyons and magnificent falls for another nine miles until it joins Elk River in Webster Springs. With the exception of half a dozen houses and camps at the mouth of Sugar Creek the entire Back Fork watershed is uninhabited until the stream reaches the outskirts of Webster Springs.

Only two public roads reach the banks of Back Fork. One road is a poor quality dirt road which leads from Webster Springs to the world's largest sycamore tree. From this point Back Fork is roadless for five miles of its length. Another county road runs briefly beside Back Fork at Skelt before climbing the mountains to Pickens. For the first 18 miles of length Back Fork can be reached only on foot. Logging roads and mining roads penetrate this area, but most are closed to public traffic. Those that are open are generally impassable.

The entire Back Fork watershed is privately owned, much of it by the Pardee and Curtin Lumber Company. Smaller holdings belong to various coal companies. Individual landowners hold only small, scattered lots.

Back Fork was logged over its entire length between 1920 and 1940, but the area quickly recovered. By 1950 the watershed was generally regarded as a wilderness. Logging occurred again in the early 1960's, but only in a few, widely scattered spots near the headwaters. By 1967 these areas had also recovered to the extent that signs of the logging were obliterated. Also by 1967 the recreational value of Back Fork had been recognized, not only by local residents, but by hundreds of campers, hikers and fishermen from out-of-state. Ironically, just as Back Fork was becoming a recreational asset to West Virginia, strip mining began systematically destroying the area.

In 1967 the H & E Coal Company received permits from the DNR to strip mine an area near Parting Springs between the headwaters of Back Fork and the headwaters of Sugar Creek, the major tributary of Back Fork. The mining venture was short-lived, but during the mining period in 1967 Back Fork suffered from heavy siltation. Reclamation was required on the stripped area under the 1967 Strip Mining Law, but the effort was a complete failure. While siltation was reduced from the site, no vegetative cover has ever established itself. Autumn olive was planted on the benches by H & E, but none of the plants survived. Nothing was done for spoil banks and high walls

Today, four years after reclamation, the area looks as if work stopped only yesterday.

Despite this reclamation failure, the DNR continued its policy of routinely approving stripping permits for the Back Fork in 1968. A locally owned company, L, L & L received permits to strip an area on the northern slope of Point Mountain on Big Run, a stream which contained native brook trout at the time the permit was granted. L, L & L began operating late in 1969. Siltation of Back Fork appeared immediately and eliminated fishing in the stream for most of 1970.

Popular outrage began to mount against L, L & L which suddenly changed its name to Cowen Construction & Supply Company. Local residents and Sycamore Chapter of the Izaak Walton League, unimpressed with the company's new name, complained to the Water Resources Division of the DNR and the Director's Office about the unchecked siltation of Back Fork. In June, 1970, the Water Resources Division reported that it had identified the Big Run strip job as well as a disastrous logging job on Cherry Root Run as the two sources of siltation. Webster County Reclamation Agent, Don Gilkeson, investigated the complaints and reported that steps were being taken voluntarily by the coal company to halt the siltation. Thereafter the siltation grew worse until the strip job closed in late 1970.

Reclamation Division Chief Ben Greene, was invited to address concerned citizens of Webster County on the Back Fork problem at the April meeting of the Izaak Walton League in Webster Springs. Far from allaying the fears of the people who came to hear Greene, he and Gilkeson revealed that Cowen Construction & Supply was going to apply for a 100 acre permit directly opposite the Big Run debacle on Sugar Creek. C, C & S owner, William Legg of Cottle, W.Va., was also present, and he remarked that if Webster Countians did not like his honest labor they could buy the coal from him. While numerous pertinent questions were directed to Greene about prospective damage to Back Fork from more stripping, Greene answered them all by saying that the DNR would "do all we can do" to prevent siltation of the river.

To further demonstrate their concern for Back Fork the DNR directed two of its fish biologists, Don Phares and Don Gasper, to make an in-depth study of all Back Fork tributaries to determine how siltation from stripping and logging could be prevented. In the conclusion to their report, issued in May, Phares and Gasper stated that there was no method known that could prevent heavy siltation to Back Fork, perhaps fatal siltation.

In the meantime conservation forces around the state began rallying forces in opposition to further stripping on Back Fork. A promise was extracted from DNR Director, Ira Latimer, to hold a public hearing before any more permits were approved. The Highlands Conservancy protested the Sugar Creek permit in a letter from Bob Burrell. The Izaak Walton League adopted a resolution at the state convention held in White Sulphur Springs over Memorial Day Weekend opposing all strip mining on Back Fork. Webster County residents also wrote letters in opposition to further mining.

In an attempt to objectively assess the situation Webster County newspapers carried a reader-response poll asking for opinions on abolition of surface mining, more regulations, or maintenance of the present situation. One-fourth of the subscribers responded and 87 percent of them favored complete abolition of stripping. Not a single vote was cast in favor of more regulations.

Webster newspapers carried the mandatory advertisement the week following the April appearance by Greene at the IWL meeting. The normal waiting period of thirty days passed, and conservationists took heart when the permit was not approved for Sugar Creek. But hopes began to sour when various individuals attempted to contact Director Latimer and Chief Greene to find out what was happening with the permit. Latimer and Greene were "unavailable" for nearly one month following the time the permit should have been approved or rejected.

During the second week in June, quietly and without comment, the Reclamation Division issued the Sugar Creek permit. At first Back Fork watchers were unaware that the permit had been approved because the company involved was the H & H Trucking Company. However, it was soon discovered that Legg's company had undergone its third name change in six months and that the Sugar Creek job was underway.

In a letter to Bob Burrell on July 16th Ben Greene offers an incredible excuse for approving the Sugar Creek permit. Greene says, "The permit issued to the aforementioned company will remine the area and return it to a reclaimed state . . . a permit was granted which will now allow for reclamation of this area by the company involved (H & H Trucking Company).... Basis for issuance of this permit was based in part, on the above mentioned information."

It appears that Chief Greene, completely disregarding the opinion of the DNR's Fish and Wildlife Division, the mountain of fact and opinion heaped upon the DNR by concerned and outraged conservationists, and the anti-stripping poll in Webster County, the County which will suffer from the stream siltation although the land to be stripped lies on the Randolph side of the Webster-Randolph county line, approved the Sugar Creek permit to enable a strip mining company which consistently operates on a marginal budget, has property impounded by the Sheriff of Webster County for failure to pay taxes, mocks strip mine opponents as "carpetbaggers" and "flower-lovers," and has an unbroken record of failure in strip mine reclamation because he (Greene) thinks the company will reclaim orphaned strip mined lands.

On July 11, five days before Greene's astounding letter was written, Elk River, a severely polluted stream itself, appeared crystal clear as its waters merged with the reeking, silt-choked ribbon of soup which once was the cold, sparkling, mountain trout stream of the Back Fork of Elk.

Ron Hardway

CODA: On June 6, while attending a Shaver's Fork field study at Cheat Bridge, I ran into a group of fishermen from eastern Pennsylvania who were taking a vacation in the area. Outraged at the heavy siltation in Shaver's Fork, they were ready to throw in the sponge and cancel their reservations in the nearby motel. They were not meat fishermen, but sport fishermen and had travelled a great distance to fish in our leading Fish-for-Fun stream. They asked me what I thought about pulling up stakes and going over to the Back Fork of Elk! It is times such as this that I am so ashamed - ashamed that I am so powerless to do something about it.

Bob Burrell

LETTERS OF PUBLIC OPINION

Let's use our best weapons--our pens!

Several issues are now in the balance, and your support of your elected officials, in writing, can encourage them to help us.

(1) President Nixon might soon order the Department of Agriculture and the Department of the Interior to halt development in and destruction of de facto wilderness, but so far the Forest Service has stalled him. A "Presidential Executive Order" would compel the Forest Service to halt activities such as those which cut into the Cranberry Backcountry, Otter Creek, and Dolly Sods de facto wildernesses so badly. Alternatively, the President could "ask nicely," as in a message to Congress but the Forest Service would just ignore unofficial platitudes. A compelling order would encourage speedy review of these wildernesses by the Forest Service, by Congress, and by us, because it would prevent the present "whipsaw" technique, whereby local groups have to fight the same battles over and over again. If you want to avoid a long, drawn-out battle over preserving these wild lands (which occupy only a minute fraction of West Virginia), write Mr. Nixon and encourage him to take the strongest possible action by issuing a Presidential Executive Order to halt destruction of de facto wilderness in the national forests.

(2) There is as yet no wilderness bill for West Virginia in this session of the Senate; I think Senator Randolph is looking for strong public support from the "grass roots." Let's give him some!

I am especially concerned that the immediately affected mining and timber industries' lobbies will discourage favorable legislation in spite of the long-range economic and social gains provided by nonconsumptive use of at least a portion of our wild lands. These lobbies are concerned out of all proportion to the amount of land and coal they could "preserve" for their own private gain. The coal and timber industries are inherently marginal and dependent on cheap labor; they have a vested interest in perpetuating poverty in Appalachia. Other, less destructive industries must be encouraged to locate here. They need a stable work force--why not use the potentially superior environment--the quality of life--as an inducement? None of that environment is secure at present; that is the crux of the matter--there just isn't enough land here which will outlast a man's life, and that he can learn to love.

(3) President Nixon recently sent to Congress the Administration's Wilderness Proposal for Shenandoah National Park. There are 73,280 acres (in eight separate units) in this proposal, larger than the preliminary Park Service proposal, but less than the 91,000 acres asked for by conservationists. Several issues in this controversy bear on West Virginians: (1) "Buffer Zones" of a rather arbitrary 1/8-mile width are provided around all the wilderness units to "protect" the wilderness, but one of the proposed uses of these Buffer Zones is for "motor trails" (i.e. roads). Such uses of "Buffer Zones" makes their intent quite suspect. It is simpler and less erosive of wilderness to let the boundaries abutt existing roads, power lines, etc., leaving room only for the existing use (if that use is justifiable). (2) Several exclusions to the protected area are intended to allow motorized servicing of shelters and overlooks, even though the public must walk to these facilities; this implies a double standard for Park Service employees,

who are put above the public. Wilderness is eroded by motors regardless of who uses them; their mere presence is an affront to people seeking solitude. If these shelters concentrate the users of the wilderness excessively, they should be removed; they should not be used as an excuse for excluding large areas from the protection of the Wilderness Act. (3) Planned construction of a campground near a unique portion of one wilderness unit is used as an excuse for exclusion of part of that unit, in spite of the fact that the campground would endanger the water purity within the proposed wilderness and in spite of the fact that it is not compatible with wilderness use. The campground should simply not be located there (its planning probably antedates the Wilderness Act). (4) The NPS takes a strong stand against construction of dams (for water supplies of adjacent communities within the park, which is quite laudable, because it was understood from the inception of the park that water impoundments would not be allowed. It is irresponsible and indefensible for private developers to promote expansion into areas which ultimately become social and economic burdens on the general public. If there is insufficient water, then there should either be limited development, or the users of those facilities should bear the full cost of providing that water--but not by taking away irreplaceable, wild parkland in the process. Private-interest groups have too loud a voice, let public-interest groups give them some free competition, not free public lands.

The National Park Service and the Forest Service do not seem to like to have their management prerogatives limited by statute; this is a large part of their reason for opposing wilderness--money cannot be spent endlessly there--and money means jobs. Federal agencies are quite naturally fearful of becoming extinct, or even of failing to expand (more jobs means more pay for the supervisors of more employees...). It falls upon the public--you and me--to ask the President to stop XXX agency from "playing house" with our Wilderness.

George Langford, Chairman
Wilderness Preservation Committee

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THE RECLAMATION BOARD IN ACTION

It was a fairly local matter, but the effects will be state wide, i.e., recent hearings before the Reclamation Board regarding an appeal of a stripper whose permit had been revoked by the DNR. What was different about this operation was that the site was on a hill side opposite the Virgin Hemlock Grove of Cooper's Rock State Forest and drained by one of the few remaining trout streams in the state, Laurel Run, two reasons alone why the permit should never have been approved in the first place. It is easy to second guess, but it is difficult to see why the reclamation inspector for the area couldn't have predicted the alarm and problems caused by the approval of a permit in such a sensitive area. It seems inexcusable that Water Resources and Wildlife Resources personnel right in the same building (Fairmont Division) were not consulted before the permit was approved. The stripper could have moved on to other parts and not tied up and/or lost so much of his money during the resulting, prolonged deliberations.

Anyway massive protest was mounted in the northern counties and this resulted in the DNR revoking the approved permit through Governor Moore's intervention. Timbering and road construction had begun, but actual stripping had not started. The stripper, a Pittsburgh firm, appealed and hearings

were set, reset, and reset a few more times, but finally indeed were held in Kingwood July 20-24. The hearings were characterized by labored, nit-picking testimony which seemed to have been a necessary part of the record inasmuch as an appeal before the Circuit Court, regardless of the decision, seemed a certainty.

The Reclamation Board is composed of 5 men, each of whom (with one possible exception) represents an exploitive industry: Agriculture, forestry, engineering, "surface" mining, and water resources. Conservation does not have a voice on this Board. Throughout the hearings, when the state's witnesses were turned over to the appellant's attorney, the attorney did his best to try to discredit each witness. No complaints here, it's his job to try all he can. What was remarkable, however, was the cross-examination with discrediting bias on the part of some Board members. They often did a better job than the attorney.

It was felt that testimony from people or groups like the Conservancy or the student who collected over 9,000 names on a petition did not make much impression on either the appellant's attorney or the Board. They wanted facts, not public opinion. The attorney wanted the state's witnesses to deal in certainties of the future regarding damage from the stripping operation while the witnesses wanted a guarantee that no damage would ever occur. Obviously, neither side could possibly oblige the other. The decision is expected within 30 days. The question they are asking themselves is "If the DNR had justification in approving the application in the first place do they now have justification to take that permit away?" Only Governor Moore and Director Latimer can answer that question, and neither were on the stand.

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REGIONAL ENVIRONMENTAL SERVICE CENTERED IN CHARLESTON

The Conservation Foundation of Washington, D.C., has announced establishment of the Mid-Appalachian Environmental Service in Charleston, W.Va. Located at 1218 Quarrier Street, the service is similar to others assisted by the Foundation in Florida, New England, and the Central Atlantic and Rocky Mountain regions. It is designed to provide objective information on a range of environmental issues faced by West Virginia and the Appalachian areas of eastern Kentucky and southeastern Ohio.

Establishment of the Charleston office will place on a full-time basis, services heretofore made available intermittently by the Foundation. The areas of involvement will include air and water pollution control, land use, forest management, and the complex environmental problems surrounding the issue of coal extraction from the Appalachian region.

The service will operate as an arm of The Conservation Foundation, with program direction from a board of advisors. The board will be composed of individuals living in this region or otherwise familiar with its environmental problems. Presently, board members include Mrs. Don Richardson, Charleston, W.Va.; Dr. Harvey Sloan, Louisville, Ky.; Attorney David Schneider, Covington, Ky.; Sayre Rodman, Oakmont, Pa.; and Grover C. "Zip" Little, Kenova, W.Va.

The executive director is Norman R. Williams. Williams resigned his

post as Assistant to the Director of the State Department of Natural Resources in May to accept this assignment. Previous responsibilities included supervision of the Department's Neighborhood Youth Corps summer employment program, the state-wide river and stream improvement campaign, and departmental legislative concerns.

The new environmental service, with Miss Betty Hall serving as secretary, welcomes visitors and inquiries or suggestions regarding educational assistance which might be made available to conservation groups and individuals concerned with environmental improvement.

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A HIKING GUIDE TO THE MONONGAHELA NATIONAL FOREST

The U.S. Forest Service's management of the various "values" of the M.N.F. reflects, to a considerable extent, the relative demand for these values. Thus though abandoning trails, failing to clean up after logging operations, etc. may seem like mismanagement to some, it probably merely reflects the demand for lumber values relative to the demand for esthetic values (scenery, etc.). Obviously then, those of us interested in preserving the scenic and natural values in the forest can promote the cause by increasing the demand for such values.

To this end a hiking guide to the Monongahela National Forest is being planned - to be published and sold by the W.V.H.C. The job is partly done already: the U.S.F.S. has "trail logs" of many of its trails; we already have guides to Cranberry Backcountry, Otter Creek, and Dolly Sods, and Pittsburgh A.Y.H.'s "Hiking Guide to Western Pa. and Northern W.Va." already has write-ups on several other M.N.F. trails. Much work needs to be done however - much more than could readily be accomplished by a few people. Volunteers are needed to "adopt" various sections of the forest (or just one trail) and to prepare trail write-ups giving such information as:

- (1) Access points
- (2) Location of springs, shelters, points of interest
- (3) Route descriptions
- (4) Evaluation of scenic value, hiking difficulty, trail condition
- (5) Mileage between various access points
- (6) Availability of water
- (7) Possibilities for swimming, cross-country skiing, etc.

Those interested in helping in even a small way on this project should contact Bruce Sundquist, 210 College Park Drive, Monroeville, Pa. 15146 who will coordinate the various efforts, prepare the final draft, handle printing, etc.

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HIGHLANDS WEEKEND REVIEW

The annual Highlands Weekend Review will be held October 15-17 in Tucker County centering around Blackwater Falls State Park. Make a note now to attend. Hikes will be conducted in Dolly Sods, Otter Creek, Canaan Valley, maybe the Blackwater Canyon, and an auto tour of the Cheat Valley threatened with inundation by the Rowlesburg Dam. A caving trip and a

tour of the new Canaan Valley State Park may also be possible. David and Linda Elkinton have headed up a fine committee in charge of local arrangements. The traditional Saturday evening program will concern the future of the Canaan Valley. DNR Director Sandy Latimer, Monongahela Power Executive Vice-President and General Manager L. S. Singley, and noted Appalachian ecologist Robert Leo Smith have agreed to participate in a panel discussion. An invitation has also been extended to Highway Commissioner William Ritchie. Descriptive brochures will be mailed out soon.

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BLUE RIDGE HYDROELECTRIC PROJECT RECEIVES TENTATIVE APPROVAL

Lengthy and involved proceedings before the Federal Power Commission concerning environmental and social implications of a pump-storage hydroelectric development proposed by the Appalachian Power Company at Galax, Va., reached another turning point June 22 when Presiding Examiner William P. Levy recommended a 50-year license be issued to the company.

A challenge raised initially by the Conservation Council of Virginia, the West Virginia Natural Resources Council, and the Izaak Walton League (and subsequently joined by the State of West Virginia) questioned augmented storage requirements imposed upon the company by the Department of Interior. At issue were water quality needs of the Lower Kanawha Valley and adverse effects which flows released from the project would have upon recreation and fisheries in the New River.

The FPC Examiner, by scaling to 400,000 acre-feet the 650,000 acre-feet of storage set forth in the modified plan, and by limiting average water releases from the lower reservoir to 3,000 cubic feet per second during the recreation months of April through October, and 5,000 cfs the rest of the year, appears to side with the petitioners - and with former Secretary Stewart Udall's current repudiation of the entire "flushing out" concept implicit in Interior's position. However, the recommendation contains some small type. Excess releases, when necessary for "rule curve requirement" and in certain other circumstances are allowable. The victory may be more apparent than real.

(From Mid-Appalachian Environmental Newsletter)

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FROM THE CONSERVATIONIST'S BOOKSHELF

"Once you become a walker, you become a conservationist: no one can walk for days on end through wild and unspoiled country and then stumble on some man perpetrated horror without having his blood start to boil."

"Please do not misunderstand me. On balance, I am in favor of man. But there have been moments when my vote might have gone the other way - and such moments have mostly come when I have stumbled on the atrocities of the feeble-minded. . . . A dozen years ago, for two long and satisfying summers, I walked the virgin forests of western Vancouver Island, British Columbia . . . All through those two summers, with increasing and appalling frequency, I would emerge without warning from the coolness and cloistered calm of huge trees and green undergrowth into the glare and heat and desolation of gouged earth and splintered wood. (I have never recovered from those summers: logging is still one provocation that I acknowledge might drive me to murder). But most of all now, I fear the deadly tentacles of the engineering mind. More and more, it seems, the engineers are gathering up the reins of power. And they are little men, most of them, with no concept at all of what their projects are doing to the face of the earth. They will, if it serves any half-baked economic purpose, slash a freeway through irreplaceable redwood groves. Driven by an undeniable and quite understandable professional challenge, and by an equally understandable desire to have plenty of work in the years ahead (and also driven, even less consciously, by the built-in self aggrandizement mechanism that rots into the structure of almost all our human institutions) they will concoct plans for gigantic and quite unnecessary dams. . . ."

"But wait a minute. I did not mean to write these last two paragraphs. After all, I have made my point: once you become a walker, you become a conservationist. The rest follows. And I had intended to move on without delay to a warning. But I think I shall let the intruding paragraphs stand. It's not that I needed just to get them off my chest. Much more importantly, they are a shining example of what I had wanted to sound a warning about. They are self-righteous. And self-righteousness is an occupational hazard for conservationists."

". . . The lesson to be learned . . . is that we conservationists must strive to suppress our self-righteousness. It is difficult, I know. I too am pretty damned sure that we are holier than the litter louts and the engineers. But we must not let the conviction show. Not because it is bad for our souls or something, but because it reduces the chances that we will achieve what we desperately want and need to achieve."

Colin Fletcher, from The Complete Walker,
Knopf, New York, 1968

The State Supreme Court will be asked to overturn a decision by Kanawha County Circuit Court Judge Frank Taylor which gave absolute authority to the State Water Resources Board to issue permits to Linan Smokeless Coal Company to open three mines in the Monongahela National Forest.

Taylor this week ruled that a decision of the Board on June 4 allowing Linan to open the mines was final and not subject to appeal.

Water Resources Chief Edgar Henry and Deputy Attorney General Frank Ellison, however, plan to ask the state's highest court to decide whether Taylor's decision was legal.

Taylor's ruling cleared the way for Linan to begin operations along the Shaver's Fork of the Cheat River.

Henry initially rejected applications for mining permits from Linan, contending pollution from the mines would harm the stream, which is a popular fishing area.

Meanwhile, Ellison indicated he would make another appeal to the Kanawha County Circuit Court challenging the authority of the Board to issue a mining permit on its own authority.

UPI August 6. 1971

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A LETTER

3435 Quebec St.
Washington, D.C.
July 28, 1971

Mr. Anthony Dorrell
Forest Supervisor
P.O. Box 1231
Elkins, W.Va.

Dear Mr. Dorrell:

Over the July 4th weekend, a friend and I went camping and hiking in the Otter Creek Basin. We and all the other campers we met there agreed whole-heartedly that it is a beautiful area, not only for camping and hiking, but also for swimming, climbing, or just relaxing.

However, we were all bothered by the motorcycles and trailbikes roaring through the woods, leaving clouds of smoke behind and chewing up the trails. It seemed to us that this serene stretch of woods and streams is no place for motor vehicles, and we wondered whether you could take some steps, as for example some sort of barrier across the Big Springs Gap Trail, to eliminate motor-cyclists from Otter Creek.

It would be much appreciated if you could be of assistance here. Many thanks.

Sincerely,

Peter Aron

cc: Senator Jennings Randolph
The West Virginia Highlands Conservancy

RANDOM MUSINGS

I have seen some beautiful bumper stickers these days- Ron Hardway's contribution: STOP HEIR POLLUTION. Another one was seen in New England: LIFE IS MORE THAN PEOPLE. But my number one favorite was seen on a VW during one of our Highlands Reviews at Mouth of Seneca. The car bore a Massachusetts license plate and was driven by a huge man bewhiskered in the style of Rasputin - it just reaked of MIT and its bumper read: HELP STAMP OUT ENTROPY. (This will send you non-science types for your dictionaries).

A couple of more late flashes on the forthcoming Highlands Weekend coming up Oct. 15-17. There will be a rugged hike for experienced hikers through the magnificent Blackwater Gorge. Also, a whitewater rafting trip through the beautiful, wild Cheat River Canyon. Beginning at 9:00 A.M. on Saturday, the trip will be 12 miles in length and include 38 major rapids. Make reservations by sending \$15 to Mt. Streams and Trails, Box 106, Ohiopyle, Pa. 15470. Price includes all equipment and lunch. Refundable if no water or interest. Further details from Bob Burrell.

Bob Burrell edited this version for summer student Ernie Nestor. Ernie will be back at the pen next issue.

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