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# the Highlands Voice

Vol. III, No. 3

June 1971

## PRESIDENT'S COMMENTS

It seems it would be a good time to bring everyone up to date on the status of our environmental problems around the state:

**ROWLESBURG:** The Corps has frozen funds for land acquisition and construction. It has contracted a private firm to evaluate an environmental impact statement which it must file. Unless the firm digs into the matter itself and secures their own information, the "evaluation" will be meaningless and will not be what the Governor requested. Probably will be no further developments until November. Meanwhile, opponents are gathering their own data for their own environmental impact statement.

**BLUE RIDGE:** Former Secretary of the Interior Stewart Udall has publicly admitted his error in pressing for the expanded water impoundment for pollution dilution of the Kanawha Valley. If the FPC approves the plan in its original form, it would spell a disastrous precedent for the way industrial pollution is to be treated for years to come. Several sanitary engineers have told me that it will be possible for these industries to do a much better job of treating their own wastes.

**OTTER CREEK:** Parsons District Ranger Harry Mahoney has reopened the McGowan Mountain Road probably to accommodate a new logging operation recently started near the end of the road on the Yellow Creek drainage. The Forest Service says it was too far along with this sale to halt it.

**BACK FORK OF ELK:** The West Virginia Highlands Conservancy filed a formal protest according to law against a proposed stripping permit on the Sugar Creek drainage of Back Fork. As usual, there was no acknowledgement from the silent DNR, and the 30 day period was up May 14. No information concerning the DNR's position, if any, is available.

**SHAVER'S FORK:** The West Virginia Highlands Conservancy filed a formal protest according to law against a proposed stripping permit on the historic Fort Milroy area of Shaver's Fork. No acknowledgement has been received from DNR.

**"ROUTE 50 WEST":** A "reclaimed" strip mine slid down the hillside during recent rains and completely blocked U.S. 50 east of Clarksburg.

**VEPCO AND PUMPED STORAGE:** Although we have received no official word that we were promised, apparently VEPCO has temporarily abandoned immediate plans for a pumped storage facility in our eastern panhandle. One site that was given a great deal of scrutiny was the Moorefield River Gorge, one of the most outstanding scenic areas in West Virginia.

**SCORP:** During the recent legislative session the House passed a resolution against building dams on the Cheat because of recommendations in the State Comprehensive Outdoor Recreation Plan thus admitting that such a plan exists. No copy of this mysterious plan has been available for review although many have been promised us and many people swear such a document actually exists.

## ANATOMY OF A FLOOD

By Gordon T. Hamrick

The evening of July 15, 1970, at Bergoo, Webster County, West Virginia, was a little different from previous nights. A brief thunderstorm at 9:30 p.m. had produced approximately one-fourth inch of rain before tapering off into a light drizzle. Residents of Bergoo prepared for slumber, unaware that events were in the making that would cause the night to be one to be long remembered. A second brief thunderstorm about 12:30 a.m. awakened a few residents, who promptly turned over in bed, and resumed their interrupted slumber.

About 2:00 a.m., most residents were awakened by a noise like a freight train. Lights began to flash on in houses as people sought the source of the noise. As I struggled from a deep sleep, I glanced at my watch; the time was 2:08 a.m. Glancing out my bedroom window, which overlooks Leatherwood Creek, I was shocked to see the creek running full, from bank to bank. Since the creek channel at this point was normally some eight feet deep and thirty-odd feet wide, this was obviously a flash flood, but from where, and why? Even as I watched, the creek spilled over its banks and started running down the road beside the house.

After hastily donning my clothing, I stepped out onto the back porch and listened into the night. I needed no spotlight to tell me that the creek had broken through - or over - the road further upstream and was running waist-deep down the back side, in an ancient river channel. My spotlight showed a muddy tide of water slowly and inexorably creeping up through the garden and across the lawn. Brother Noah, perched atop Mount Aarat, was no more effectively marooned than I.

Since I was obviously going nowhere, I went back inside, made a pot of coffee, and sat on the porch, listening to, and watching, the water. At some point, about 5:00 a.m., I went back to bed and slept a couple of hours.

Daylight came slowly, with a spatter of rain still falling. When I could see clearly where I trod, I ventured forth and joined with other residents in assessing the damage and speculating on the source of the flood.

The damage caused by the flood was highly visible - all bridges serving Bergoo washed out or put out of commission; large portions of the roads missing; and mud and debris everywhere. A means of access to the outside via a mining road up Redoak Mountain that connects with a County road was explored with dismal results. The trucks - 4WD - became mired down in slides in the road. Bergoo was truly isolated; pedestrian traffic was possible around the mountainside on a "path" that would have discouraged an ambitious mountain goat.

One fact was immediately obvious; this was no flash flood of water. It was a flood of mud, rocks, and other debris. The creek channel by the house had shrunken from an eight foot depth to a paltry three feet in depth; obviously, the water was carrying a tremendous load of trash, but from whence had it come?

As I explored this question, another fact became apparent; rainfall was not general, but was what the meteorologist refers to as "locally heavy". The section of Bergoo in which I live received only a light shower; further upstream, the downpour was heavier - much heavier. Elsewhere, downstream, the precipitation pattern varied. At the Cecil Hines residence, about one mile northwest of Bergoo, the waters gouged a chasm into his lawn enough to bury a large car - at a spot where no stream - or runoff drainage - existed. William "Bill" Gillespie informed me that at his camp, on Point Mountain, they had four inches of rain in five hours, and that they could see a storm in the Leatherwood Creek watershed for at least two hours more.

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Rock Run, on the west side at the upper limits of Bergoo, did not flood at all. Neither did its sister stream, Blazed Fork (or Peaceful Valley), which showed only signs of a slightly higher than normal water flow. Mean Run, some one hundred yards or so upstream on the west side of the creek, flooded with a vengeance, carving great gashes into the mountainside and dumping hundreds of tons of debris on the valley floor, where the gradient decreased.

On the opposite side of the valley, Appletree Run came out with tremendous force. Arden L. Hamrick, who lives at the mouth of Appletree Run, says they had a "very heavy" rain about 12:30 a.m. and that Appletree Run reached flood stage about 1:00 a.m. This, I am willing to concede, is in line with my other observations - namely that the minor tributaries reached flood stage well before the main stream due to lesser length and steeper gradients.

Further upstream, on the Gauley Divide side of the valley, Powell Fork (better known as 3-A Hollow) flooded, completely obliterating an orchard and field at its mouth and carrying rocks, mud, and other debris completely across Leatherwood Creek, effectively blocking the flow of Leatherwood Creek. This was one of the more characteristic patterns of the flood; each tributary that flooded carried a heavy load of debris from strip mine operations into and across the main creek, forming a chain of pools behind which water piled up. Powell's Fork also completely altered its channel for the last five hundred yards or so of its length, moving to a new channel several hundred feet downstream from the old channel.

On the opposite side of the creek - the Redoak Mountain side - Hammond's House Run did not flood. Neither did a small unnamed stream a few hundred yards upstream. Further upstream, at the J. Price Hamrick home, the Stillhouse Run came out in a mighty wave of mud and water, sweeping everything before it. Mr. Hamrick says the Stillhouse Run reached flood stage "about 1:30 a.m.", and he and his son, Bobby, were out getting the vehicles to higher ground when he heard a mighty roar and flashed a spotlight upstream to see main Leatherwood Creek coming down in a wave of logs, rocks, and mud, with the face of the advancing front appearing to be some eight feet in height. Fortunately for Mr. Hamrick, the main creek spilt some five hundred yards from his home, with part of the water following the main creek channel and the remainder coming down a mining road in front of his home. Fortunately, also, by this time, the Stillhouse Run had cut through the road and the water in the vicinity of the house had receded. The wall of water coming down the mining road reached the trench carved by the Stillhouse Run, turned at right angles, and rejoined the main stream. The time was 1:38 a.m.

Later, in the company of Bill Gillespie, I traveled the Right Fork of Leatherwood Creek to assess the damage. We were unable to cover the entire length of the Right Fork in the time available; however, Bill called a day or so later to inform me that he had flown flood damage surveys and that flood evidence in the form of crushed-down brush and grass was visible to the headwaters of the Right Fork, just under Sharp's Knob, in Randolph County.

George and Leroy Crislip and I traveled the Left Fork of Leatherwood Creek a few days later. Here, the story was plain. The rain on Redoak Mountain did not reach the Monongahela National Forest boundary; it ceased just prior to reaching a small stream outside the National Forest. Below this point, along the strip-mined area, slumps, mudflows, and rock slides were frequent. Along the spoil banks, a comparison of protected areas (areas under large rocks, for example) indicated that as much as six inches of spoil bank had been removed by the rainfall. The Left Fork, above the mined area, showed evidence of only a slightly higher than normal water flow. Obviously, the source of the debris was downstream.

The first indication of one of the sources of debris was located just above a mining bridge that crossed the Left Fork of Leatherwood approximately one-fourth mile above the "Big Falls". Here,

runoff from a then-abandoned mining road on the Fork Bridge of Leatherwood, had carried a huge amount of debris into the main stream channel, damming the stream. Slightly further downstream, a slide on the left side of the Left Fork had also created a minor dam. Water backed up above these two obstacles until sufficient force was accumulated to move them; the debris, mostly logs, brush, etc., then lodged against the mining bridge. Here, the water accumulated to a depth of fifteen feet or so, before sufficient force was built up to destroy the bridge.

Meantime, downstream, a second stream from the mining road on Fork Ridge had broken through the road and had come down the side of Fork Ridge, carrying everything in its path. This slide completely blocked the stream to a depth of four feet or more. Still further downstream, on Redoak Mountain, Rock Run had passed flood stage, carrying enormous quantities of rocks, dirt, logs, and other debris into the stream channel, completely blocking the channel. The stage was set for a flood of major proportions.

The picture of the flood, as read from the evidence left along the creek banks, reads thus: the water first backed up behind the debris from the mining road and slide; it was then temporarily halted by the mining bridge. Once the mining bridge gave way, the water rushed downstream, only to be halted by the obstruction created by the Fork Ridge breakthrough. Once this obstacle was overcome, the water rushed over the "Big Falls", where it built a log-jam of massive proportions. Here, a tremendous head of water was built up while seeking release from the obstructions. Eventually, a new channel was forced on the opposite side of the stream; since the gradient here averages more than 45 degrees, the power was awesome. The water smashed into the Rock Run obstacle, carving through it like a hot knife through butter, and carrying the debris with it.

From this point, there was no further obstacle downstream until the Stillhouse Run was reached; consequently, the Left Fork came out in full flood, carrying a tremendous load of rock. At the Forks of Leatherwood Creek, the Right Fork had not yet reached flood stage; consequently, the Left Fork threw a massive dam completely across the stream channel. Continuing downstream, the flood from the Left Fork cut consecutively through the Stillhouse Run obstruction and the Powell Fork obstruction - the latter some eight feet in height. At the site of old Redoak town, the flood was temporarily halted by two mining bridges, until sufficient force was built up to remove the bridges. This is the wave of mud, rock, and water that first inundated Bergoo, as trash lodged against the Western Maryland bridge and the lower highway bridge, forcing the water into the low-lying areas. Flood crest was reached about 3:00 a.m., and the waters began to recede.

Approximately half-an-hour later, the waters once again began to rise, indicating that the Right Fork had reached flood stage. The two levels of the different flood crests were visible on some of the buildings surrounded by the waters. The flood from the Right Fork carried more water and, lacking a deep stream channel, was deeper in Bergoo than was the earlier crest. However, the Right Fork carried virtually no debris which probably saved Bergoo from complete destruction. The second flood crest was reached at 3:33 a.m., and the waters started receding.

I know of no accurate method of measuring the amount of water that passed through Leatherwood Creek on the night of July 15-16; shifting stream channels and changing stream bed conditions make accurate measurements impossible. The fact that the level of Sutton Lake was raised by 3.23 feet indicates a tremendous amount of water. On the Left Fork of Leatherwood, on the slickrock of the Princeton Conglomerate, just above the "Big Falls", the unobstructed flow of water was indicated as being some six feet in depth, some twenty-five feet in width, on a 22 degree grade, with a relatively level creek bed. On the Right Fork, again on the slickrock of the Princeton Conglomerate, above the falls, a depth of slightly less than eight feet, a width of thirty feet, on a 21 degree grade, and a relatively level creek bed, was indicated. On the minor tributaries, only measurements on Powell's Fork were possible. These indicated a width of fifteen feet; a depth of six feet; a grade of 27 degrees; with a U-shaped channel.

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Most of the residents of Bergoo were fortunate, but two lives were lost in the flood. Ronald Barnhart and his wife, Janie, upon being told that the creek was in flood, jumped into their car and attempted to reach higher ground. They managed to cross the highway bridge in the middle of Bergoo, although the bridge was then under water. Halted by high water below the bridge, they attempted to return home, without checking the bridge. The highway bridge had in the meantime, been washed out, and the car went into the creek. The car was recovered a few days later, in Elk River, approximately one-fourth mile below Bergoo. Ronnie was found on an island at the mouth of Leatherwood Creek; Janie was found some five miles downstream, on a small island. Ironically, had they remained home, they would have been perfectly safe.

The force of a mountain stream - and Leatherwood Creek is a mountain stream - on the rampage is tremendous. Few people realize the potential power, because they never see the steeper portions of the gradients. It is not at all unusual for a minor tributary to drop 1500 feet in the course of three-fourths of a mile.

What is to prevent a recurrence of this disaster? Nothing! Strip-mined areas have not been reclaimed; roads have not been rebuilt; bridges have not been replaced. Only a benevolent God will spare the town of Bergoo further damage from flooding.

Meantime, plans are underway to make a second cut on the areas already strip mined. Progress - it's wonderful, except to those who must bear the consequences.

#### WHAT'S WRONG WITH NEGATIVISM?

By Charles Morrison

Following the defeat of the SST in the U. S. Senate, Senator Jackson stated that the action was a vote for negativism. I had to agree! But then, pursuing the idea a bit further, I asked myself the question "What's wrong with negativism?"

I concluded that the only thing wrong with negativism today is that there isn't enough of it. Someone ought to be able to say "No" to the conversion of our natural resources at a rate neither nature nor we can restore. Someone ought to be able to say: No, we don't want to increase our Gross National Product if it means increasing our Generated National Pollution.

Twenty years ago someone should have said: No, we won't burn that kind of fuel until we can control the by-products of its combustion. If they had, we'd know how by now. Some of the "No's" will have to be individual, some will have to be those of foresighted business and industrial management, and some will have to be sustained by the power and sovereignty of the State.

Perhaps in some ways the predictions of environmental science will turn out to be wrong. If so, this will prove to be no great disaster. The disaster will come about if we trifle with the thought that we need not be concerned with the rate of conversion of our natural and fuel resources. There is an environmental limit to the rate of conversion about which we cannot afford to be wrong.

IN MEMORIAMBy Bob Burrell

The Conservancy lost an exceedingly valuable member May 5, when Elkins attorney Keith Cunningham died unexpectedly working late at his office. Mr. Cunningham became interested in the work of the Conservancy having been attracted to it by our position and legal activity regarding the Otter Creek injunction. He first became a member, then later gave a \$100 contribution to our efforts. Still not enough, he eagerly was the first to accept an invitation to work actively with our new Shaver's Fork task force.

In this latter regard, Mr. Cunningham was most active in working with the fledgling group. He kept us informed of the legal aspects of the Linan hearings and has reviewed and interpreted many legal matters pertaining to Shaver's Fork. At the time of his death, he had collected much data, information, and maps for our use.

Attorneys who are conservation activists are rare in West Virginia, and Mr. Cunningham's untimely death presents the Conservancy with a severe loss. In addition to this loss, his death is also a great personal one to those who knew him, even if only from his most interesting correspondence.

The West Virginia Highlands Conservancy offers its sincerest gratitude to his support and work and extends its sincerest sympathy to his family and to the Elkins community.

FOREST MANAGEMENT PRACTICESON THE PUBLIC LANDSBy George Langford

At last the public has had its say in the controversy over who shall have control of the national forests -- the people or the timber industry. The testimony given in the Senate hearings conducted by Senator Frank Church on April 5-7, 1971 will provide ammunition against anyone attempting officially to turn the national forests into woodlots.

The testimony constituted indictments of (1) clearcutting as a practice and (2) the Forest Service as an administrative body.

There were several ecological revelations described which make clearcutting unjustifiable as a multiple use-sustained yield practice. It is simply not usable in perpetuity; it destroys many other uses and resources of the forest. It is only useful for one purpose: getting the maximum amount of cellulose to market now (and to hell with the future).

Clearcutting can accelerate nitrogen loss because of increased bacterial activity brought about by warming the soil. This drastically reduces soil fertility; repair of the damage can take 20,000 years unless nitrogen-fixing plants (such as alders) are introduced as an intermediate crop.

The increased decay and increased mineral losses due to removal of the forest cover cause water pollution and stream eutrophication; runoff is increased substantially during the summer months (the implication being that the soil dries out more and fire danger is greater).

The modern (i.e. huge) logging equipment used to take advantage of the cheapness of clearcutting is destructive by (1) requiring more intensive roadbuilding, (2) killing seedlings, (3) accelerating erosion, and (4) churning the forest floor.

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The reseedling of clearcuts with seeds treated with Endrin (for control of rodents feeding on the seeds) is disastrous; the poisoned seeds kill rodents at first, but then their predators are also poisoned, and the final result is an increase in rodent populations. I wonder if the Forest Service knows what coyotes do for a living. . . .

Clearcutting reduces the diversity of the forest and encourages a monocultural system. The reduction in variety encourages runaway insect infestations, which simply cannot be controlled in single-species forests except by large-scale broadcast spraying (which is now unacceptable to the people of this country) which kills all insects (and birds), requires ever-greater spraying because of the reduction in predation, and so on. . . Diseases and other natural disasters can race unchecked through such an homogeneous forest. Imagine that we had committed our national forests to chestnut as the crop before the blight was introduced. . . .

Trees are a renewable resource only on a short-term basis; they cannot be considered a crop and "farmed". Farming is an intensive monocultural system which excludes all other uses of the land, and it is an ecological trap from which there is no escape. Cotton depletes the soil; other crops must be planted to replenish it but do their own brand of damage, and so on. By the same token, monocultural tree farming is also a trap -- we cannot afford to spray the forests with insecticides and fertilizers and we cannot afford to build the road networks or support the labor to care for such a vulnerable forest. Such a forest is depleted of its recreational resource as well as its ecological resources and elasticity.

We simply cannot afford to play God by using clearcutting and monocultural tree farming to improve on Nature -- the forests were here before the Forest Service. We must see the forest in spite of the trees.

The administration of our national forests is appalling in its abandonment of Multiple Use-Sustained Yield principles and in its surrender to the timber industry.

Many cases of gross overestimations of the "allowable cut" were described; in one case in Alaska, the amount of timber was found to be only one-eighth of the Forest Service's estimate. Wilderness and other protected areas are included in the land base used to determine the allowable cut even though those trees will never be cut. This simply inflates the amount of timber that can be "justifiably" removed.

The Forest Service is mining old growth timber throughout the country (and is destroying much de facto wilderness in the process, as the Highlands Conservancy's Wilderness Preservation Committee well knows). Even in the Monongahela National Forest, 400 to 500-year old trees are still being cut, although they grow too slowly to be an economical part of any sustained yield (they have to be replaced by faster-growing species). This mining inflates the allowable cut because that is determined by the assumed growth capacity of the "second forest". The Forest Service confidently expects that its own expert and intensive management can greatly increase the rate of cellulose production and uses these figures to arrive at any allowable cut the Administration decrees. It does so in spite of evidence that it has often failed miserably to reforest cutover lands.

The Forest Service has been subsidizing the timber industry (at the expense of present and future generations of taxpayers) by building recreational roads for timber access, by assuming more than its share of the costs of roadbuilding, and by calculating minimum stumpage prices so that a substantial profit is assured to the timber operator. It also "sweetens" sanitation cuts (removal of diseased or infested trees) with good timber. In the Monongahela National Forest, I think the minimum stumpage price is determined by the cost of the necessary roads -- the Forest Service wants to be sure its roads are "free". Often these roads are too costly, and no one bids on the timber.

Many sales go to a single bidder. Clearly, the taxpayer is not getting his money's worth. Intangible values are simply not being considered.

These new roads bring abuses, such as the use of 4WD vehicles in hunting (depletion of the elk herd in Wyoming) and poaching (black bear in West Virginia). Also we are experiencing the result of improved access to coal seams in West Virginia -- as along the Highland Scenic Highway. We can expect even greater interest in Otter Creek's coal if the proposed bridge across the Dry Fork into Shaver's Lick Run is built by the Forest Service; and the McGowan Mountain Road makes coal mining more likely as well.

Clearly the Forest Service is now dominated by the timber industry -- timber production is paramount, nearly everything else (including the environment) is second, and public uses of the forest are last.

All through these hearings there were examples of the Forest Service's defensive posture and its insensitivity to public concern and involvement. Clearly, the Forest Service cannot see the forest for the trees... and sees red instead of conservationists.

There were some interesting and constructive suggestions. One of the witnesses (from the National Parks and Conservation Association) proposed that both public and large private forests mandatorily be managed according to ecological forestry (in which all aspects of the forest environment are considered as one ecosystem). This witness also suggested that small private landowners be allowed to contract (voluntarily) with the government to allow their forests to be ecologically managed by professional foresters working for the government. These covenants would bring cash payments from the government, followed by a steady income in lieu of the "one-shot" windfall produced by premature sale to a private lumber mill. The small timberland owner would receive greater income this way (his forest would eventually be harvested, but perhaps not in his own lifetime), and the Nation would receive better forest products with less pressure on the national forests and with less harm to the environment.

These witnesses came from Alaska, Oregon, Washington, California, Montana, Wyoming, Idaho, Colorado, Pennsylvania, Virginia, Georgia, Alabama, North Carolina, Utah, Nevada, and West Virginia. They all had stories to tell of similar experiences with the Forest Service and its treatment of the national forests. We in West Virginia are not alone; don't blame just the managers of the Monongahela -- blame the entire Forest Service because what we see are symptoms of a disease penetrating to the very heart of that administrative body.

#### THE BLUE RIDGE PROJECT

In 1962 Appalachian Power Co. first applied for a permit to construct a pumped storage hydroelectric project on the New River in Grayson County, Virginia. The proposed project had a capacity to store 25,000 acre-feet of water for low flow augmentation. In 1966 Stewart Udall's Interior Department intervened and requested that much larger dams be constructed to store water to flush out the Kanawha River. The Federal Power Commission staff then recommended that 650,000 acre-feet of water be stored to maintain minimum flows from Blue Ridge of 400 cfs (cubic feet per second) from February through July and 5000 cfs the remainder of the year.

Appalachian Power Co. knuckled under to the pressure from Udall and redesigned the dams and hoped that they would be able to get the necessary license to proceed. They did not foresee the opposition that was going to come from the Izaak Walton League, the Conservation Council of Virginia, the Highlands Conservancy, Attorney General Chauncey Browning and others. Opposition to the project did not develop because anyone objected to the generation of electricity, but because of the fact



that the high flow that would be released from Blue Ridge during the summer would raise hell with fishing and other recreational uses of New River during the summer and early fall.

Udall has finally seen the light and admits his mistake in the Blue Ridge case in a syndicated column. Udall's column was attached to a brief filed with the FPC by the Conservation Council of Virginia, the West Virginia Natural Resources Council and the West Virginia Division of the Izaak Walton League. According to Udall the Interior Intervention "delayed a useful, relatively clean hydroelectric project" and "jeopardized one of the East's finest wild fishing and boating streams--the New River." Udall also stated that "it improperly shifted the onus of pollution control away from the polluters."

The FPC staff has also changed its mind in favor of a smaller project that would store 250,000 acre-feet of water instead of 650,000 acre-feet for low flow augmentation. The FPC staff now recommends minimum releases from Blue Ridge of 3,000 cfs from April through October and 5,000 cfs the rest of the time.

A small amount of low flow augmentation is desirable to help maintain a healthy stream. The lowest flow recorded at Kanawha Falls on the Kanawha River, which is just below the confluence of the New and Gauley, was 690 cfs in 1921. The lowest flow at Kanawha Falls in recent years was 1000 cfs in July of 1966. Flow augmentation that would maintain a minimum flow of 2000 cfs at Kanawha Falls would be reasonable. This could be accomplished by maintaining certain minimum flows from Summersville Dam and Blue Ridge. The necessary flow from Blue Ridge would be considerably less than the latest recommendations of the FPC staff.

Lets hope that the FPC will come through with a reasonable decision on the Blue Ridge project.

#### ROWLESBURG DAM

The Corps of Engineers is taking a further look at the proposed Rowlesburg Dam on the Cheat River. Alternatives to Rowlesburg and a model analysis are being conducted at the Corps' Vicksburg Experiment Station. An environmental impact study will be conducted by a consulting firm from Amherst, Massachusetts. Apparently the consulting firm will rely primarily on information supplied by the Corps for their environmental study. According to the Morgantown Post, Bob Burrell is just a little skeptical about this type of approach.

Land acquisition will not proceed until the studies are complete. The land office in Rowlesburg will continue to conduct research into deeds.

#### THE OTTER CREEK CASE

The decision of the Fourth Circuit Court in Richmond concerning Otter Creek was mentioned in the April issue. Here are excerpts from the decision written by Judge Winter:

"West Virginia Highlands Conservancy sought a preliminary and permanent injunction against Frederick Dorrell, Forest Supervisor of the Monongahela National Forest, and Island Creek Coal Company to halt certain mining and timber-cutting activities in the Otter Creek area of the Monongahela National Forest in order to preserve the wilderness characteristics of that area. Pending trial on the issue of permanent relief, the district judge granted a preliminary injunction, and both parties appealed. Island Creek, however, later dismissed its appeal, but Dorrell has proceeded, challenging the preliminary injunction on the grounds that Conservancy lacks standing to bring this action and the district judge abused his discretion in granting interlocutory relief."

"Before us Dorrell contends first that Conservancy lacked standing to maintain an action challenging the administration of the Otter Creek area.

Under recent decisions of the Supreme Court, standing to challenge an administrative decision is present when the plaintiff alleges injury in fact and is seeking to protect an interest within the zone of interests protected by the statute or constitutional guarantee in question . . . Here, Conservancy alleged injury in terms of aesthetic, conservational and recreational values, injury which is generally recognized as sufficient to confer standing."

"The decision in Sierra Club would thus seem to exclude a holding that Conservancy lacks standing because, as we have stated, Conservancy and its members have a special interest in the Otter Creek area. The area is one of the objects of their principal detail. Their interest and the injury they would suffer are much more particularized and specific than those of Sierra Club and its members in a portion of Sequoia National Park. We think our case falls outside of the doctrine of Sierra Club, and, consistent with the other authorities we have cited, we conclude that Conservancy has standing to maintain this action."

"We turn next to Dorrell's contention that the district judge abused his discretion in granting a preliminary injunction.

The decision to grant a preliminary injunction is discretionary with the district judge and may not be set aside on appeal unless an abuse of discretion is shown."

"It is apparent that Conservancy has raised substantial issues concerning the application of recent federal conservationists legislation to the administration of the National Forest system. Such issues are of great current public concern. They should be fully developed and litigated at the trial level in order to insure their proper resolution. It is at that stage that the various defenses raised by Dorrell should be asserted. While we express no opinion on these questions on their merits, we can say that their resolution is not immediately apparent. That is enough to say that Conservancy has not embarked on frivolous litigation, ---"

"The district judge did not abuse his discretion in issuing the preliminary injunction. In deference to the position of the defendants, however, we suggest that the district court proceed to a final determination on the merits as expeditiously as practicable."

#### WATER POLLUTION CONTROL

Two AP articles that appeared in the Daily Mail near the end of April covered the problem of enforcing water pollution laws.

"A joint federal-state study says West Virginia has adequate laws to combat water pollution, but lacks the legal and technical staff to enforce them."

"Acid mine drainage, which affects more than 2,000 miles of streams in the state, receives the least attention from the state water pollution agencies because of limited numbers of qualified chemists and engineers, the study says. Only one chemist from the water resources division of the Department of Natural Resources is assigned to mine drainage control, and only one engineer is assigned to check on effluents from coal washeries."

"The study recommends organizing the state's various environmental protection agencies in a more rational and systematic manner. Six different state agencies now handle activities relating to water pollution control."

"The fight against water pollution in West Virginia has been given a major boost with a \$197,731 allocation (by the special session of the legislature) to the State Water Resources Division."

"The allocation will permit more enforcement of mine drainage laws, review of industrial discharge in all navigable streams and a statewide plan of municipal waste treatment facilities. Much of the improvement will come because the division will be able to add 14 persons to its staff through the next fiscal year."

"In the problem of enforcing mine drainage laws, Latimer cited the lack of professional staff. An engineer and two inspectors are to be hired under the allocation. Latimer said this will help the division to work out a better system for processing complaints."

#### HERE COMES THE COAL MINES

The chances will be fairly good that the steel hammer, car body and frame, or any steel gadget that you may buy in the next few years from Japan may contain steel that was manufactured by using coal from the Cranberry Backcountry. Coal mines in the Cranberry Backcountry have been discussed for the past few years, and it would appear that they may become a reality this summer.

Contrary to what I reported in the April issue, the Williams River Coal Company is still operating. Their activities did slow up, but they are still working the old No. 4 and No. 7 mines in the vicinity of the old tipple at North Cove on the Williams River.

The Williams River Coal Company has opened and is working a new mine (No. 101) near the head of Lick Branch. The coal is being hauled by truck down the old railroad grade to the tipple at North Cove. Another mine opening (No. 102) was started on Lick Branch near No. 101, but was abandoned for some reason.

Mine No. 103 is already staked out and last week David Francis requested that the Forest Service mark, as soon as possible, the timber at the mine site to determine its value. Mine No. 103 is just west of Little Fork and is not too far upstream from the Middle Fork. This mine will be inside the boundaries of the Cranberry Backcountry. Mine No. 104 will probably be located a mile or so up the Middle Fork from the mouth of the Little Fork. No. 104 will be south of the Middle Fork and east of Little Fork, and will probably be the big mine in the Cranberry Backcountry.

According to the information that I have, the Williams River Coal Company does not have a water pollution control permit for No. 101 or the other proposed mines as required by the Water Pollution Control Act as amended in 1969.

Plans for removing coal from the Backcountry are still rather vague, but here are a few alternatives that have been discussed by the coal companies, the Forest Service, and others:

- 1) Construct a large complex in the bottom at Three Forks including a preparation plant and tipple.
- 2) Truck the coal to the existing plant at North Cove.
- 3) Construct a tipple near Little Fork and ship raw coal by rail.

Under plan No. 1 the coal company would take about 188 acres of Forest Service land in the large bottom at Three Forks for the cleaning plant complex. It would require extension of the railroad to the Three Forks, including a short spur line up the Middle Fork. The surveying stakes up Route 108 and up Little Fork are probably related to this plan. Plan No. 3 would require extension of the railroad, but would help to preserve the large bottom at Three Forks. Plan No. 2 is being used at the present time.

Proposed mines 103 and 104 will definitely be inside the Backcountry boundaries. The Pocahontas Wilderness area proposed by the Highlands Conservancy includes a large portion of the Backcountry, but not all of it. The Conservancy proposal excludes the drainage area of Little Fork, so mine No. 103 will be outside the proposed wilderness area. The location for mine No. 104 is not definite, but it may be in the proposed wilderness area if it is located very far from the mouth of Little Fork.

Here are the addresses of the three companies involved in the mining operations in the Three Forks area:

Mr. David L. Francis, Chairman  
Princess Coal Sales Company  
P. O. Box 1210  
Huntington, W. Va. 25714

Mr. S. D. Brady, Jr.  
Executive Vice President  
Mid-Allegheny Corporation  
Box 430  
Summersville, W. Va. 26651

Mr. Ralph T. Huffman, President  
Williams River Coal Company  
P. O. Box 1210  
Huntington, W. Va. 25714

#### MISCELLANEOUS BACKCOUNTRY ITEMS

The Forest Service will be making a comprehensive study of the Cranberry Backcountry in the near future to develop a management plan for that area. Proposed timber sales that have been placed in a hold status will remain so until planning for the area is complete. Other areas in the Monongahela Forest that will also be studied are Meadow Creek, Otter Creek and Shavers Fork.

Last year an exploratory gas well was drilled near Redoak fire tower, which is near the Backcountry boundary. No additional drilling is being done at the present time, but seismographic studies are being made at two locations for Consolidated Gas Company.

Georgia-Pacific has not started to remove the timber from the timber sale in the Little Fork area. They may be waiting for the Williams River Coal Company to complete their road building in the area.

#### ENVIRONMENTAL INFORMATION CENTER

The Conservation Foundation, which has its headquarters in Washington, D. C., is going to establish an environmental information center in Charleston in the near future. The center will be called the Mid-Appalachian Environmental Services Center and is designed to provide objective information on a range of environmental issues in West Virginia and the Appalachian regions of eastern Kentucky and southeastern Ohio. The emphasis will be on air and water pollution control, land use, forest management, and the complex environmental problems surrounding the issue of coal mining.

The director of the center in Charleston will be Mr. Norm Williams, who resigned from his position as assistant to the Director of the Department of Natural Resources a few weeks ago. Mr.

Sayre Rodman, a vice-president of the Highlands Conservancy, will serve on the board of advisors for the center.

#### MEETINGS

- JUNE 5            NATURAL RESOURCES COUNCIL - The meeting will start at 3:00 p.m. at the Holiday Inn at Parkersburg, which is located at the junction of U. S. 50 and I-70.
- JUNE 5-6         SHAVERS FORK FIELD TRIP - The Shavers Fork Task Force and anyone else who is interested will meet at 10:00 a.m. Saturday morning at the Gaudineer picnic area. Contact Bob Burrell or Craig Moore, Box 2, Green Bank 24944 for more information.
- JUNE 26         BOARD OF DIRECTORS MEETING IN PARSONS

#### STRIP MINING

Reproduced below are portions of an open letter from Dr. M. I. Mendeloff, who is president of Concerned West Virginians, P. O. Box 286, Charleston, West Virginia 25321.

"The recent legislature proved itself to be the obedient servant of the strip mining industry. The legislation that it passed was everything that the strippers wanted - the industry will pay a pitifully few extra dollars for the privilege of ripping our state apart. We will still have highwalls, landslides and ruined streams in almost every area where coal is stripped. One of the principal measures that could have reduced the destruction - a reduced degree of the slope upon which stripping would be permitted - was not only not changed from the present 33 degrees to 20 or even 25 degrees, but was made permanent at 33 degrees by this new law. Multiple seam mining will be allowed so that entire mountains can be destroyed. A vague type of drainage system is called for, but in order to be effective such systems would require strict enforcement. The current administration's record of enforcing the strip mining law has been a sordid one and CONCERNED WEST VIRGINIANS does not expect any change for the better. Director Latimer has been unbelievably agreeable to the desires of the strippers and Reclamation Chief Greene seems to interpret his job as one of defending the strippers rather than one of defending the state.

The recent legislature only proved the point that the majority of the people in West Virginia state government who are in a position to influence strip mining do not have the courage to curtail this industry. Since the current administration has abdicated its responsibility in the matter, the preservation of our state from strip mining must depend upon the legislature's voting to abolish this method of mining coal."

EDITOR'S NOTE

I will be attending Vanderbilt University from June 14 until August 6 this summer. Bob Burrell has agreed to help compile the August issue of the Voice, since I will be out of touch and without a secretary. Please send to Bob only items for the August issue. After the August issue, I will be back on the job.

Ernie Nester, Editor  
Box 298  
Alloy, West Virginia 25002

Bob Burrell, President  
W. Va. Highlands Conservancy  
1412 Western Avenue  
Morgantown, W. Va. 26505

Prof. S. B. Gribble  
W. V. U. Library  
Morgantown, W. Va. 26505

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# the Highlands Voice

Vol. 3 # 4

## 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