

# the Highlands Voice



VOL. IV, NO. 5

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## PRESIDENT'S COMMENTS

Observers of the Forest Service and other large bureaucratic organizations eventually wind up asking themselves, "Does the left hand know what the right is doing?" To avoid having a similar question asked of ourselves, it is imperative that we maintain good lines of communication internally. Several suggestions and means for doing just this are currently available.

Believe it or not, we can learn quite a lot just by reading the newspapers. Most of them couldn't care less what happens to the countryside, but many do a pretty good job of providing on the spot coverage of many things of interest to the Conservancy. Unfortunately no one person can monitor all of the state's newspapers, and that is where you folks can come in.

One of the most helpful people to me is Sandi Lindberg of Elkins. She is a busy, young mother, involved in many community affairs, and she doesn't have the time to participate in the Conservancy's field activities; however, I receive from her once a week clippings she has obtained from reading her home town newspaper. Through her efforts, we have learned of illegally advertised strip mines, a strip mine application which would have gone in right above the Bowden Fish Hatchery if the Conservancy hadn't alerted the public, misimpressions to the Elkins community conveyed by the Forest Service, about the only information we are able to get concerning Corridor H, and many other similar important pieces of information that enable us to act more quickly.

Recently, we have been getting some Beckley coverage from Nick Zvegintzov of Rupert and occasionally an article from the Gazette from an unknown donor, but we would like to have more scissors-wielding informants throughout the state. Our publicity chairman, Bobbi Nagy, has recently written to a number of people requesting that you help out in this manner. If you received such a letter, we would appreciate hearing from you. If you cannot do this or do not want to, please let us know so that we may find someone else for this helpful service. Thank you.

Bob Burrell

## OTTER CREEK PROSPECTING PUT ON SHELF

By Skip Johnson

(From The Charleston Gazette, August 23, 1972)

Island Creek Coal Co., which spent \$100,000 on a unique horseback core-drilling operation in the Otter Creek area of the Monongahela National Forest, has at least temporarily abandoned plans for further coal exploration there. F. A. MacDonald, an attorney for the Huntington-based firm, confirmed Tuesday that Island Creek has decided that "for the present time and for the foreseeable future" it will do no more prospecting in Otter Creek. Island Creek owns mineral rights to 18,500 acres in Otter Creek, a scenic, isolated section of the Monongahela northeast of Elkins.

The horseback core-drilling operation--unique in the nation--came about after the West Virginia Highlands Conservancy objected to Island Creek's plans to bulldoze roads into Otter Creek. The conservation group went to court and obtained an injunction that prohibited the company from building roads to transport drilling equipment. In proceedings before Judge Robert Maxwell of the U. S. District Court of Northern West Virginia at Elkins, the coal firm and the conservancy agreed upon the horseback method. The laborious operation started last January and was completed in June. A total of five holes was drilled.

MacDonald said the coal firm has informed the court that it plans no further drilling at the present time and suggested that it be let out of court proceedings "without prejudice to either party." MacDonald said Judge Maxwell hasn't yet acted on Island Creek's request.

"We're willing," commented conservancy lawyer Willis Shay of Bridgeport. He said he has advised the court that the conservation group will accept Island Creek's proposal. Shay added that the injunction will remain in effect against the U. S. Forest Service, whose plans to complete a road in the McGowan Mountain section of Otter Creek were at least temporarily halted by the court order.

The Forest Service currently is in the process of making a study of future management of the Otter Creek basin. Shay said he had been advised by Forest Service officials that the study may be made public by the end of the year.

The coal firm and the Highlands Conservancy took different viewpoints on whether Island Creek's decision to shelve plans for further coal exploration in Otter Creek means it didn't find sufficient coal there. Conservancy lawyer Shay said the analysis of all five drilled holes, taken together, indicated the coal there is "of questionable value." He said that one 30-inch seam--which he described as "marginally operable"--was found 667 feet below the surface, and that the other seams were smaller.

MacDonald, the coal firm's lawyer, said "it's a matter of who evaluates it. We found Sewell coal in varying thicknesses, so we know it's there." Asked if Island Creek considers the coal under Otter Creek economically feasible to mine, he commented that "everybody can draw their own conclusions. We're satisfied for the present."

Prior to the core-drilling, it was estimated in a fact sheet published by the Monongahela National Forest that the Otter Creek basin was underlain with 24 million tons of potentially recoverable coal, including 22 million tons of low-sulphur Sewell coal. There have been proposals from conservationists that the Federal government buy the mineral rights in Otter Creek and other scenic areas of the forest.

## A LETTER OF APPRECIATION

August 17, 1972

Willis Shay  
794 Shannon Road  
Bridgeport, W. Va. 26330

Dear Willis:

It is a rare day when the West Virginia Highlands Conservancy can claim an almost complete victory. Our lot seems to be one of constant reversals and disappointments, but the recent decision regarding the final findings on the Otter Creek core samples was a pleasant shot in the arm to remind us all to keep our noses at the grindstone as you have so ably shown us. The decision by Island Creek Coal Co. to pull out of Otter Creek for good was very good news to these tired ears. Of course, we don't know what our old friends in the Forest Service will do, but the Otter Creek Wilderness Area has been saved from some 27 miles of prospecting roads through the efforts of the hard work of many people such as yourself.

Of course there were many Conservancy members who helped out in this matter, but in my opinion, you should be singled out for all of your painstaking work and your perseverance on our behalf. You were always there when needed and we are grateful for all of your time that you spent on this case. The West Virginia Highlands Conservancy desperately needs other attorneys living in West Virginia to become concerned with such problems and help us out. You have been a pioneer and have blazed a well-marked trail that I hope others will soon follow.

On behalf of the entire membership of the West Virginia Highlands Conservancy, I want to extend our most sincere appreciation for a tremendous job well done.

With deepest regard,

Bob Burrell  
President

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### HIGHLAND SCENIC HIGHWAY--NEW DEVELOPMENTS

By Roger Peterson  
(From Gazette-Mail, September 3, 1972)

A bill now making its way through Congress will put the Highland Scenic Highway on sounder financial footing, and turn it into a West Virginia version of the famed Blue Ridge Parkway. It may also alleviate some--but not all--opposition to the highway from conservationists. Construction on the proposed highway along the spine of the Appalachians began in 1965, three years after Congress approved it. Now, seven years later, the road snakes for all of 10.2 miles before dead-ending in a construction area east of Richwood.

The state announces new Interstate and Appalachian highway construction contracts as fast as it can, but this road has inched along at less than a mile and a half a year. It was originally proposed as a 160-mile, two-lane road reaching from its present beginning atop Kennison Mountain east of Richwood, through much of the Monongahela National Forest, to Gorman on the West Virginia-Maryland border, traversing on the way some of the Mountain State's most remote and scenic land.



Now, the Federal Aid Highway Act of 1972 reclassifies the highway from a public land highway to a scenic and recreational parkway, opening a pipeline to six times as much money and making it strictly a tourist road closed to commercial traffic. The Public Land Highway program has held a low priority and the entire nationwide program was funded with only \$12 million, a spokesman for Sen. Jennings Randolph, D-W. Va., said. Of that sum, the Scenic Highway got \$4.9 million, but it's not yet released and a new contract not yet let.

The new designation will let the Scenic Highway share in a national pot that grows to \$75 million in fiscal year 1974, and \$100 million in fiscal year 1975. This new funding is expected to "substantially increase" the speed of construction, the spokesman said. The new restriction on commercial vehicles, and environmental protection written in the bill, will cut back some opposition from conservationists.

The West Virginia Highlands Conservancy had worried in the past that the road would be "an inroad to open up areas to natural resources," with coal and timber trucks vying for space with tourist caravans. But the new money and increased speed of construction will only fan the bonfires of conservationist discontent. The road "will penetrate three of the major wild areas remaining in West Virginia," the Conservancy said, "Cranberry-Williams River Region (already penetrated), upper Shavers Fork region, and the Dolly Sods-Flat Rock Plains area," the group has warned.

The Conservancy has recommended the Scenic Highway be built by merely upgrading existing roads, rather than carving through the mountains, but Conservancy President Bob Burrell says Sen. Randolph has never answered letters on that subject. The bill as presently written calls for continued construction of the road atop the ridges along the upper Shavers Fork watershed east of Webster Springs. It would then stop at its junction with U. S. 250, and a second round of public hearings would be held before it continued north toward Elkins.

If it never goes beyond that point, short of the black bear breeding areas and trout streams of Shavers Fork, it would be "a whole new ball game . . . suitable for broad discussion," Burrell said. But if the federal government, prodded by Randolph's mighty Public Works Committee, pushes to extend the road, the Conservancy will be in there fighting. The Conservancy has already proven its readiness to fight. When Island Creek Coal Co. wanted to cut roads into the protected Otter Creek area of the Monongahela National Forest to prospect for coal--it owns the coal rights there--the Conservancy went to court and forced the coal firm to haul its prospecting gear by packhorse.

Despite the Conservancy's clout, Randolph has the power of the chairmanship of the Public Works Committee and he has wanted the road for some time. And his success with highway projects in the past has led to the nation's highway contractors listing him as a good friend.

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#### MOWER LUMBER COMPANY OPERATING ILLEGAL STRIP MINE ON SHAVERS FORK

It has been a busy summer up near Glade Run on Shavers Fork. Mower has stepped up their mining interests in the area and announced plans for opening some new mines. Before they can do this they must submit an application to the Water Resources Division of the DNR. Such a plan has not been received and no public hearings could be held until such plans were available.

Recently one of the Shavers Fork Task Force committee members was in the area and was stopped by a Forest Service employee who was making a usage survey of all who entered or left the area. They wanted to know what activity you were engaged in, how long you had been there, etc. Fair enough. But on the way out, our member passed a loaded coal truck leaving the forest. He returned to the FS employee and asked what that was all about, but the forester denied knowing anything about it. Personal investigation revealed that there was a huge area up on the Glade Run drainage that was being strip mined by Mower without a

permit from the Forest Service (who claim that they do not permit strip mining on the Monongahela) or from the Department of Natural Resources. The mine already had a huge high wall and over 700 tons of coal had already been removed. And the alert Forest Service survey taker didn't know anything about it!

Our reporting of this event eventually led to a warrant for the arrest of Ralph MacDonald of the Mower Lumber Co. by the DNR. A preliminary hearing was held, bond posted, and a continuation set for early October. Meanwhile DNR Director Sandy Latimer, after a meeting with Mower officials, issued an order to the Water Resources personnel that Mower could go in and remove the loose and uncovered coal. This was sort of a gentlemen's agreement and three DNR personnel were on hand to monitor this operation. Before their eyes (and the eyes of a WVHC member), the company even violated this agreement by proceeding to uncover more coal by removing the overlying shale. At this writing it was rumored that more legal action would be undertaken by the DNR, but we have no confirmation of this (Sept. 6). The fact remains that a sizable strip mine is being operated on public property in blatant disregard of all known laws.

Mower contends that it is merely doing some preliminary "facing up" operations in preparation for opening a deep mine (which hasn't been approved). The Forest Service in essence gave carte blanche approval for this operation by stating that an environmental impact statement wasn't necessary because "water drainage was not involved". Incredible. Official reaction from the Forest Service Regional Office in Milwaukee is still being awaited.

Bob Burrell

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#### DORRELL HAS DEPARTED

On July 15, 1972, F. A. "Tony" Dorrell left the post of Supervisor of the Monongahela National Forest, which he had held since March of 1969. Dorrell has moved to Washington, D. C., where he will be Assistant Director of the Division of Fire Control of the Forest Service. Regional Forester Jay Cravens praised Dorrell and stated that: "He has demonstrated from past experience and while Supervisor of the Monongahela National Forest the distinct ability and qualities required for his new assignment. Many important things took place during his period as Forest Supervisor: Public involvement in planning and the establishment of the Dolly Sods Scenic Area; a \$600,000 mineral study was initiated to determine the feasibility of Federal purchase of privately owned mineral rights in sensitive areas; being instrumental in formulating and starting a new land use planning concept in the Southern Appalachian National Forests; and development and implementation of new standards and guidelines for timber management."

Many people who love the West Virginia Highlands do not feel that Dorrell did a good job as Forest Supervisor and are not unhappy to see him move to Washington. A few of the policies and actions of the Forest Service during Dorrell's reign that raised the ire of conservationists were: extensive clear-cutting; opposition to the establishment of wilderness areas; construction of open roads through wild areas; inadequate concern over the effects of coal mining; insufficient concern over the effects of logging operations and roads on trout streams and wildlife; the lack of meaningful communication between Dorrell and the public; and the absence of any real co-operation with the Department of Natural Resources.

The new Supervisor is A. Troutt, who is currently the Supervisor of the Hiawatha National Forest on Michigan's Upper Peninsula. Mr. Troutt will be taking over his new post on October 1.

In many respects the past three years have been a disaster for the Monongahela National Forest. I sincerely hope that Mr. Troutt will provide the leadership and direction that is needed for the protection and wise use of our National Forest.

Ernie Nester



## CITIZENS FILE SUIT TO STOP FOREST SERVICE ROAD

(From Elkins Inter-Mountain, August 29, 1972)

A request for a temporary restraining order that would halt the construction of 4.8 miles of roadway through--or near--one of the five remaining black bear breeding areas in the state of West Virginia was filed in U. S. District Court in Elkins Monday. The action claims that construction of the roadway--now about one-third complete--is "threatening the breeding habitat area of the black bear. "The suit also claims that the action of the Forest Service in constructing the road is both "arbitrary and capricious" in that the Forest Service failed to file an environmental impact statement.

Set for Tuesday, Sept. 5 at 10 a.m. is a hearing before U.S. District Judge Robert E. Maxwell. The suit, originally filed against U. S. Secretary of Agriculture Earl L. Butz, U. S. Forest Service Chief John Guire and former supervisor of the Monongahela National Forest F. A. "Tony" Dorrell, has been changed so that the final defendant is no longer Dorrell but the new supervisor, Alvin Troutt. Dorrell was recently promoted to a staff position in Washington, D.C., in the capacity of assistant director for forest fire control for the entire United States.

The application for a temporary restraining order comes after almost two months of legwork on the part of a group calling themselves "Citizens to Save Our State Animal" which circulated petitions through Randolph County and the state. Rounded up were a total of 600 opponents to the road's construction, among them prominent wildlife biologist, ecologists and hundreds of citizens throughout the county.

The roadway, being built by the U. S. Forest Service atop Cheat Mountain just inside the Shaver's Fork watershed south and east of Elkins, is intended to facilitate multiple-use management of the area. However, the road has come under fire by the W. Va. Department of Natural Resources which fears a construction of one of the five black bear breeding habitats remaining in the entire state. The Forest Service has pointed out, however, that it is not the road which would destroy the habitat, but rather the people who build the road.

DNR director Ira "Sandy" Latimer has further proposed that the road be gated at both ends--closed to public use--but the Forest Service has withheld its approval of the proposal pending completion of a management plan for the entire watershed which is due for completion in the fall of 1973.

Filing the suit in federal court in Elkins Monday were Carolyn Brady Wilson of Elkins, a member of the W. Va. Highlands Conservancy and ardent conservationist; Marcus W. Rennix, of Valley Bend, a prominent Randolph County nurseryman; Dorothy Lutz, an Elkins housewife; and Lloyd E. "Dabney" Kisner of Pocahontas County. Appearing as legal counsel for the plaintiffs are Steptoe and Johnson of Clarksburg, the same legal firm which applied for and received an injunction from Judge Maxwell that barred the bulldozing of roads into the Otter Creek basin northeast of Elkins.

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## CONSERVANCY ANNOUNCES SPEAKERS BUREAU

(News Release from Bobbi Nagy)

A Speakers Bureau, dealing with environmental issues within the state of West Virginia, has recently been established by the West Virginia Highlands Conservancy. The Conservancy is a non-profit, West Virginia-based organization, dedicated to preserving the natural, scenic, and historic areas of significance within the Mountain State.

Several areas of particular concern for West Virginians have emerged. These areas are the Cranberry Backcountry between Richwood and Marlinton, the Cheat Valley in Tucker County, Otter Creek near Elkins, the Davis Power Project in Tucker County, Shavers Fork of the Cheat River, and Dolly Sods near the Spruce Knob - Seneca Rocks National Recreation Area.

Any organization interested in learning more about activities in these areas should contact the following speakers: Bob Burrell, 1412 Western Ave., Morgantown, W. Va. 26505 for Cheat River Valley; Herb Eckert, 22 Bates Road, Morgantown, W. Va. 26505 for Otter Creek; David and Linda Elkinton, Jordan Run Road, Maysville, W. Va. 26833 for the Davis Power Project; Craig Moore, P. O. Box 2, Green Bank, W. Va. 24944 for Shavers Fork; Helen McGinnis, Carnegie Museum, 4400 Forbes Avenue, Pittsburgh, Pa. 15213 for Dolly Sods; and Ron Hardway, 533 S. Main Street, Webster Springs, W. Va. 26288 for the Cranberry Backcountry (taped lecture only).

For further information, write the publicity committee, c/o Bobbi Nagy, Star Route #5, Franklin, W. Va. 26807.

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### RESOLUTION ON WILDERNESS AREAS

The following resolution was passed by the Board of Directors at the July, 1972, meeting:

Whereas, the U. S. Forest Service has not advanced any wilderness proposal in eastern national forests for consideration by the Congress; and

Whereas, the U. S. Forest Service takes the position that no eastern national forest contains an area which qualified under the Wilderness Act of 1964 even though Congress created three eastern national forest areas with the passage of the Act in 1964 (Great Gulf Wilderness in New Hampshire, Linville Gorge and Shining Rock Wilderness Areas in North Carolina); and

Whereas, other Federal Agencies such as the National Park Service and the U.S. Bureau of Sport Fisheries and Wildlife are advancing eastern wilderness proposals for consideration by the Congress, some of which have already been approved by the Congress (portions of Moosehead, Monomoy Island, and Great Swamp National Wildlife Refuges); and

Whereas, the National Park Service has proposed 73,280 acres of wilderness for the 193,000 acre Shenandoah National Park in Virginia, such park having the same history of land use and abuse as nearby George Washington and Jefferson National Forests which are said by the Forest Service to contain none whatsoever even though the two forests contain nearly two million acres; and

Whereas, the Shenandoah proposal has already been heard (May 5, 1972) by the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee, on which occasion Subcommittee Chairman Senator Frank Church specifically criticized the anti-wilderness stance of the Forest Service with respect to eastern national forests and cited the Congressional intent that the Wilderness Act serve eastern U.S.A. as well as the west and that its provisions were so drawn as to permit the inclusion of eastern areas; and

Whereas there is great public support for wilderness areas in eastern national forests as evidenced by the strong citizen efforts to secure the filing and passage of wilderness bill by the Congress even though unsupported in such efforts by the U. S. Forest Service; and

Whereas, the Forest Service, in its effort to defeat public support for wilderness and avoid the application of the Wilderness Act to eastern national forests, is now advancing and supporting new legislation to establish a second competing and confusing system of Wild Areas to be heard and judged by House and Senate Agriculture Committees; and

Whereas wilderness proposals are heard and judged by House and Senate Interior and Insular Affairs Committees, both committees having greatly different orientations and outlooks; and

Whereas the Wilderness Act of 1964 has not been tried and found wanting with respect to eastern wilderness areas, and in view of all the foregoing circumstances;

The West Virginia Highlands Conservancy unequivocally supports the use of the Wilderness Act for the protection of eastern national forest wilderness areas and denies support for new legislation which would create a separate and confusing and inadequate system of protection for such areas, and directs that a copy of this resolution be forwarded to all members of the West Virginia Congressional delegation and to the Senate Agriculture Committee which will hold public hearings in Washington, D. C. on July 20, 21, 1972 on wild areas legislation, Bill No. S.3699 et al:

In so doing, the West Virginia Highlands Conservancy wishes to make clear the fact that it supports the concept of protection for areas which cannot qualify under the Wilderness Act but notes that the Congress has not yet had an opportunity, because of Forest Service opposition, to judge any eastern national forest wilderness proposal.

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LETTERS

July 20, 1972

Mr. Ernie Nester, Editor  
The Highlands Voice  
Box 298  
Alloy, West Virginia 25002

Dear Mr. Nester:

Thank you for taking the time once again to send me a copy of The Highlands Voice.

As always, I found your articles most interesting and hope that you will continue to provide me with your magazine in the future.

Sincerely yours,

Arch A. Moore, Jr.  
Governor



## HIGHLANDS CONSERVANCY MEMBERSHIP

Organized in 1967, the West Virginia Highlands Conservancy is dedicated to preserving and protecting the natural, scenic, and wilderness areas in West Virginia. Major projects of the Highlands Conservancy have been the attempts to secure wilderness type protection for the Cranberry Backcountry, Otter Creek, and Dolly Sods. You can help the efforts of the Conservancy by becoming a member and by encouraging other concerned citizens to join and participate in Conservancy activities.

Here are the membership categories:

### Individual Membership:

- a) Regular - \$5 from the rank and file who can give time and interest to Conservancy.
- b) Associate - \$10 from those who can afford a small extra gift in addition to their interest in West Virginia's outdoors.
- c) Sustaining - \$25 from those able and willing to give larger amounts necessary to underwrite our program.

### Organizational Membership:

- a) Regular - \$20 from a small organization anxious to help the Conservancy score conservation gains in the Mountain State.
- b) Associate - \$30 from a larger organization whose membership approves the efforts of the Conservancy.
- c) Sustaining - \$50 from a large national organization, which appreciates the importance of a highlands area to the people of the eastern seaboard.

To join, send the appropriate fee to our membership chairman, Mrs. Carolyn Killoran, 407 Circle Drive, Hurricane, W. Va. 25526. Make checks payable to the Highlands Conservancy.

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## WILDERNESS AREA GUIDES

The Wilderness Committee of the Highlands Conservancy has produced excellent booklets covering three of the major wild areas in West Virginia. Guides are available for the Cranberry Backcountry (52 p., 90¢ each), Otter Creek (32 p., 50¢ each), and Dolly Sods (63 p., \$1.10 each). The illustrated booklets each include a detailed trail guide or maps for hikes through the area. The guides also include detailed management proposals for the areas including wilderness proposals.

Copies of these guides can be ordered from Carolyn Killoran, 407 Circle Drive, Hurricane, W. Va. 25526. Copies of all three guides are also available at a 1/3 discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Sundquist, 210 College Park Drive, Monroeville, Pa. 15146.

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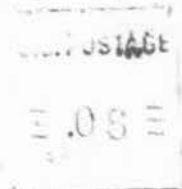
## SUBSCRIPTIONS TO THE "VOICE"

You can subscribe to the Highlands Voice by sending a membership fee of \$5.00 per year to Carolyn Killoran, 407 Circle Drive, Hurricane, W. Va. 25526. All members receive the Voice, which is published about 6 times per year.

ADDRESS CHANGES

Please send all address changes to our membership chairman, Carolyn Killoran, 407 Circle Drive, Hurricane, West Virginia 25526. Your mailing address for the VOICE will then be corrected.

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