

**Urgent!**

The West Virginia State Library is seeking for a full-time staff of one person to be located at the State Library Building, 100 State Capitol Building, Charleston, W. Va. 25305. The person selected will be responsible for the operation of the State Library Building and the State Library. The person selected will be responsible for the operation of the State Library Building and the State Library. The person selected will be responsible for the operation of the State Library Building and the State Library.

Librarian, WV Library  
Periodicals Dept.  
Downtown Campus  
Martinsburg WV 26506



# THE Highlands Voice

Volume 6, No. 2

February 1974

Published Monthly By The West Virginia Highlands Conservancy

Entered as second class matter at the post office in Marlinton, W. Va. 26554 under the postal act of March 3, 1879. This publication is published at 200 Main Street, Marlinton, W. Va. 26554, while supplementary editorial offices are located in Webster Springs at 300 Union Street and in Elkins at PO Box 1121. Executive editor, Ron Harshbarger, 300 Union Street, Webster Springs; managing editor, Susan Services, Inc., PO Box 1271, Elkins; postmaster address forms 3579 to PO Box 1271 Elkins, W. Va. 26021. Subscriptions for the Voice are \$2.50 per year with a \$5.00 member - ship fee in the W. Va. Highlands Conservancy, \$3.00 without such membership fee.

## Blue Ridge Approval Signals Changes For New River

On January 22, 1974, there were several attempts to amend the perennial Rivers and Harbors Bill (S.2798), the pork barrel that distributes largesse around the country in the form of public works. The amendments were all aimed at reducing environmentally unfavorable aspects of the bill. The Proxmire amendment would have altered the discount rate allowed for new construction projects. Realistic interest rates would cancel many projects because the cost-benefit ratios would not warrant their construction. This amendment failed and a substitute was offered by Sen. Buckley and, although not as strong as the Proxmire amendment, would have been a step in the right direction. It, too, was defeated. Finally, Senator Sam Ervin attempted to amend the bill by eliminating dam construction on the New River, thus preventing destruction of a part of his beloved North Carolina. Again defeat. Neither Senator Randolph nor Senator Byrd saw fit to support any of these amendments which in itself is not remarkable, but our Conservancy Congress-watchers tell us that down in the pits leading the fight against the Ervin amendment was our own Senator Randolph, champion of the public works. Senator Byrd, we were informed, was originally in favor of the Ervin amendment, but voted late. When he saw what direction the tide was going, he cast his lot accordingly, apparently in a political move to keep his strength with any Senate majority, regardless of the effects on his native state.

At all hearings thus far, it has been clearly established that the Blue Ridge Project would result in detrimental flows to the West Virginia portions of the New River, greatly reducing the recreational aspects of this stream and drastically changing its ecology. Accordingly, led by professionals in the Division of Wildlife Resources and the State Attorney General's office, West Virginia interened in the proceedings. Such interention was responsible for further field hearings and more intensive investigation. First this one, then that one, made supplemental decisions, most of them not very pretty for West Virginians, but the most recent decision (yet to be fully approved by the FPC) states that any benefits

or storage of water for pollution dilution caused by the Kanawha Valley chemical companies are out. Largely due to the insistence of the state of West Virginia, the FPC staff has removed its insistence on the inclusion of excessive amounts of water storage which will result in a smaller reservoir. Further, largely due to the efforts of West Virginia, the flows at Bluestone Dam will be limited to 2,500 cfs during the critical summer months of recreation and warm water fish species feeding times. West Virginia then got almost everything it requested and the West Virginia Highlands Conservancy owes a great debt of thanks to the untiring ef-

forts of Chauncey Browning and Frank Ellison whose insistence for West Virginians paid off.

Although we in West Virginia may take comfort in the latest decision, the Blue Ridge Project will undoubtedly be built and as such does not represent any victory for our conservation friends in Virginia and North Carolina who are still saddled to what amounts to a Davis and a Rowlesburg combined. Although our state officials who have been unjustly accused of "dropping their opposition" can no longer object to the project per se on technical grounds, conservationists are still urged to back efforts aimed at halting this wasteful project.

## Bottle Bills Get Hearings, Need Letters

I am not a Martin Luther, a John Wesley or a voice crying in the wilderness. I have had a lot of help from many people in pushing a "Bottle Bill" for the State of West

### Legislation in the W. Va. Legislature Pending by Nick Zvegintzov

Here are summaries and comments on some bills pending in the WV Legislature that relate to our interests. I would like to thank many legislators who sent copies of their bills, but I have not at press time received all the bills I would like to study. "HB" is a House of Delegates bill, "SB" a Senate bill. "Charleston, WV 25305" is enough address for a letter to either.

HB 630 (Prunty) The sole purpose of the bill appears to be to prohibit surface mining on public lands.  
Comment: Looks good.

cont. on p. 7

Virginia. But more help is needed immediately if West Virginia is going to bring its litter problem under control.

During the last session of the West Virginia legislature Senators Si Galperin and Pat Hamilton introduced a "Bottle Bill" in the Senate. The bill did not get out of committee.

I was discouraged at the time, but events since then have convinced me that now, more than ever, is the time to press the W.Va. Legislature for controls on throw-away, non-returnable beverage containers.

I am a member of the Kanawha Trail Club, and we frequently take day hikes in Kanawha State Forest throughout the year. Last summer I spent very few moments enjoying the tranquil atmosphere of the forest during our hikes. Instead, I spent most of my time in the forest picking up bottles and cans carelessly, thoughtlessly and maliciously thrown down by last week's party-goers. At one

cont on p. 7

## Fire Patrol Survives Fuel Shortage

Despite nation-wide fuel shortages the U. S. Forest Service foresees no difficulty in maintaining aerial surveillance of the Monongahela National Forest during the spring 1974 fire season.

According to D. P. Fenwick, USFS Fire Staff Officer, the Monongahela is now employing one-hundred percent aerial surveillance of the forest during five seasons. Greenbrier Airport, Inc., White Sulphur Springs, holder of the USFS contract for aerial fire detection, has confirmed that fire detection flights will be given number one priority in the event that fuel allocations force cutbacks in the company's air opera-

tions.

Fenwick noted that federal regulations allow civilian federal agencies one-hundred percent of their fuel needs for emergency services. "We consider protection of forests from wild fire in this category," he said.

Gauley District Ranger M. L. McManigle observed that the Forest Service is maintaining three fire towers on the forest to supplement aerial surveillance. The three towers are Red Oak, Gauley District, North Fork, Potomac District, and Olson, Cheat District.

McManigle also noted that in the event of fuel cutbacks for air patrols, four additional towers could be restored to service.

These include Bickel Knob near Elkins, Mikes Knob in the Cranberry Back Country, Gaudineer Knob on Cheat Mountain, and Hopkins Tower on the Greenbrier District.

Several state fire towers, still in operation, will also supplement patrol of the Monongahela. McManigle pointed out that the Gauley District alone is surrounded by state towers such as Potato Knob in Webster County, Cattle Knob in Nicholas and Buck Knob in Pocahontas.

Fenwick explained that manned fire towers on the national forest have been phased out because aerial surveillance is more economical.



The Wall Street Journal recently published (Jan. 3) a sneering attack on environmentalists and their relation to present energy and economic crises. The editorial did not blame environmentalists for the energy

## From the Editor

crisis. In fact, it condescended to point out that the Journal did not hold environmentalists solely to blame for energy shortages.

But the Journal insisted that environmentalists and their concerns "can't stand much scrutiny" and that their solutions to environmental ills require costs which are "exorbitant." The editorial accused environmentalists of misleading Congress and pressing unwise environmental controls upon a helpless public. While environmentalists regard the Journal editorial as ludicrous, we must be aware that public sentiment now eyes environmental concerns with a jaundiced eye.

Elvis Stahr, former President of West Virginia University and now president of the National Audubon Society, responded to the Journal's charges with a lengthy letter in the Feb. 7 edition.

Stahr's letter began by asking the Journal exactly who they were talking about. conservation in West Virginia. But frankly, with the commendable exception of Congressman Ken Hechler, our Congressmen and Senators just do not see eye to eye with the Conservancy and our program for protecting the West Virginia highlands, its mountains, rivers, and resources, from the excesses of industry gone mad.

We had hoped that the energy crisis would at last bring it home to the people and the people's representatives, that industrial gluttony is just as cardinal a sin as epicurean satiety. We must admit that we had it all wrong. Our legislators have been as quick as industry to push the panic button and demand that provisions immediately be made so that the American People, God bless 'em, can have all of the gasoline, heating oil, electricity, horsepower, highways and man-made lakes which we have grown accustomed to. The price will be higher, of course, but let us have more, more, more and to hell with costs. We can always go on strike for higher wages to make it up.

Congress is doing all it can to see that no one suffers. Strip mining controls on a national basis are without a future. Senator Randolph says the nation must have much more strip mining, but "it must be environmentally acceptable." We don't know what the Senator means by that. But we've seen the tortured Appalachians strip mined for the last four years in a manner that is "environmentally acceptable" to the West Virginia Reclamation Division. If that is what the Senator means by "environmentally acceptable" stripping, we say "Dead is dead, whether the deceased is shot, stabbed, poisoned or bulldozed."

Congress is also working hard to relax those annoying air pollution laws, which were passed, according to the Wall Street Journal, only because environmentalists led Congress down a primrose path with questionable statistics and scare tactics. But Congress is now trying to make amends for their gullibility to the air polluters. Somehow environmentalists managed to convince an unwary Congress that the reason their eyes watered and their throats grew scratchy while strolling down 5th Avenue was largely due to poisonous automobile exhaust. And that jet pilots need no radar to find New York City -- they get up 20,000 feet and head for the big yellow cloud. So automobile manufacturers were given a deadline to get the poison out of their products.

The deadline arrived, and with it an acute gasoline shortage. Congress quickly determined that a good way to alleviate the He asked, "Are they the conservationists who have warned for years that there is no free lunch? Who have warned that shortages were inevitable unless we developed more prudent approaches to our use of energy and finite resources? Are they the environmentalists who have been calling for more mass transit instead of more freeways - - - For smaller, more efficient cars - - - For recycling valuable resources - - - For such old-fashioned concepts as buildings with windows that open - - - and do not have to be heated or cooled twenty-four hours a day, everyday?

Stahr then went on to proclaim that environmentalists "believe that broadside assaults upon the environment or upon the environmental safeguards enacted in recent years are both unjustified and dangerous to the long-range interests of our country and its people."

Stahr concluded that "the energy crisis poses many challenges and opportunities. Rational discussion and sound balancing of energy and environmental priorities are terribly necessary."

Stahr's rebuttal to the Wall Street Journal, while not as forceful a rebuttal as we would hope to counter the serious allegations made by the Journal, nevertheless points out that environmentalists are being saddled with a large burden of responsibility for the energy crisis and its related economic crises now facing America.

Personally, we wonder how the editors of Wall Street Journal would regard thinly veiled accusations by the Voice that financial newspaper editors favored rivers which have been declared fire hazards, unregulated strip mining, indiscriminate highway building, burning of high-sulphur coal without air pollution controls, dams on the Cheat and Blackwater Rivers and non-returnable, flip-top beer cans.

We don't really think the editors of financial newspapers favor the list of environmental atrocities we've just mentioned. But when we read in their newspapers implications that the environmental movement has precipitated the energy crisis, we wonder what they do believe. If all environmentalists ask themselves that question, the movement will never die from complacency.

## Letters

### The Reader's Voice

The plan for the Snowshoe ski resort calls for building the overnight accommodations as well as the ski runs on the head of Shaver's Fork of Cheat. This plan casts a shadow on the wisdom of the developers and the prospects for success.

Resorts in Switzerland house the guests in existing communities (Cass or Marlinton or Huttonsville, for instance), leaving the wilderness to the skiing and climbing. There are good reasons. First, it avoids the environmental problems of hauling supplies and fuel and human wastes in and out of the wilderness. Second, it gives the existing community an opportunity to invest in small businesses (equipment stores, souvenirs, eateries, craft workshops) around the resort and frees the developers from planning all these centrally. Third, it gives the vacationer a variety and choice in spending his time and money that no central concessionaire can match.

The Swiss airline carries millions of people to Switzerland for winter vacations every year, tens of thousands from North America. They know that a winter vacation is not just riding up a hill on a winch and sliding down on your feet (or rear end). In their publicity they say:

"The villages are villages, not collections of buildings made to look like villages. . . . The man at the table next to

you may be a farmer, not just another skier. His way of life may not be your way of life; and it is this interplay of different ways that makes life live."

Switzerland, like West Virginia, has rugged land. Unlike West Virginia, it has prosperity. The Swiss have prospered by the wisdom that people like a wilderness to visit, but they like to live in a community. To put accommodations in the wilderness destroys the wilderness without building a community.

Can West Virginians not be as wise as the Swiss? Do the planners of Snowshoe feel that their clients will be happier at night in their Shangri-La on the springs of Cheat than in one of our communities? Have they tabbed the local people as hostile natives to be trucked in to run the plant and trucked out again at the end of their shift? (In North Carolina, maybe, but surely not in West Virginia!)

These are hard questions, but asking them now may mean the difference between success and failure for the developers, and for West Virginia the difference between harmony of man and nature or the conflict of man against man and man against nature.

Nicholas Zvegintzov  
Rt. 2, Box 222  
Repert, WV 25984

We have received criticism in the past for never finding anything good to say about West Virginia's Congressmen and Senators. We would like to compliment our solons if they would ever do something beneficial to conservation in West Virginia. But frankly, with the commendable exception of Congressman Ken Hechler, our Congressmen and Senators just do not see eye to eye with the Conservancy and our program for protecting the West Virginia highlands, its mountains, rivers, and resources, from the excesses of industry gone mad.

### By Ron Hardway

We had hoped that the energy crisis would at last bring it home to the people and the people's representative, that industrial gluttony is just as cardinal a sin as epicurean satiety. We must admit that we had it all wrong. Our legislators have been as quick as industry to push the panic button and demand that provisions immediately be made so that the American People, God bless 'em, can have all of the gasoline, heating oil, electricity, horsepower, highways and man-made lakes which we have grown accustomed to. The price will be higher, of course, but let us have more, more, more and to hell with the costs. We can go on strike for higher wages to make it up.

Congress is doing all it can to see that no one suffers. Strip mining controls on a national basis are without a future. Senator Randolph says the nation must have much more strip mining, but "it must be environmentally acceptable." We don't know what the Senator means by that. But we've seen the tortured Appalachians strip mined for the last four years in a manner that is "environmentally acceptable" to the West Virginia Reclamation Division. If that is what the Senator means by "environmentally acceptable" stripping, we say "Dead is dead, whether the deceased is shot, stabbed, poisoned or bulldozed."

Congress is also working hard to relax those annoying air pollution laws, which were passed, according to the Wall Street Journal, only because environmentalists led Congress down a primrose path with questionable statistics and scare tactics. But Congress is now trying to make amends for their gullibility to the air polluters. Somehow environmentalists managed to convince an unwary Congress that the reason their eyes watered and their throats grew scratchy while strolling down 5th Avenue was largely due to poisonous automobile exhaust. And that jet pilots need no radar to find New York City -- they get up 20,000 feet and head for the big yellow cloud. So automobile manufacturers were given a deadline to get the poison out of their products.

The deadline arrived, and with it an acute gasoline shortage. Congress quickly determined that a good way to alleviate the shortage was to lengthen the deadline for automobile exhaust controls. The effect of that far-sighted decision is beginning to pay dividends (again), and gasoline is once more available.

But they're working on water quality. Both Senator Randolph and Senator Byrd voted against an amendment to the recently passed Rivers and Harbors Act (S. 2798) which would have required a detailed study of the New River in North Carolina before the Federal Power Commission could grant a license to build the Blue Ridge Power Project. If Blue Ridge comes, can Davis and Rowlesburg be far behind? All three projects are as useless as snow in Florida, so if one is built there can be no reason why the other two will not be built.

What about wilderness, parks, natural streams preservation, recycling, sewage treatment? There really is nothing to say except to throw up one's hands and repeat "what about them?"

So, to the readers of The Highlands Voice who wonder why the Voice is usually so critical of our legislators, we urge you not to lose sight of the Conservancy's goals. If you understand our goals and believe in them the Conservancy may be around for many years to prod the consciences of our legislators and influence legislation in the public interest. If you still believe that there is anything for which we can compliment our legislators, the Conservancy is a great auk.



We are overlooking from the Gaudineer Tower this month, but in order to do so we had to violate a Forest Service closure order of the significant structure. Apparently it is unsafe to climb any more. Or maybe un-

## Overlook

safe to understand what can be viewed from it. What immense things may be seen are obscured by dense fogs so it will be our purpose this month to see if we can cut through some of the haze.

Most of the story is familiar to you by now. Most of the Upper Shaver's Fork watershed is being exploited for personal profit and ownership title is outside of Forest Service control. There is timber up there and a very long, but thin seam of coal. Also, what some people think will turn in to the Aspen of the East. At any rate, most of these exploiters are playing a game with agencies charged with the responsibility of environmental controls. Played by making up their own rules as they go and against people who sometimes appear that they don't know how to play, the exploiters are clearly winning. When the rare occasion comes up whereby a rule is against the interests of the exploiters, no matter, the rule is ignored.

For the last two years, the area has been plagued by a plethora of small companies nobody ever heard of and whose connections are exceedingly difficult to trace. Company A leases mineral rights to Company B who is in charge of securing export coal for Japan. B in turn employs Company C to actually mine the coal. C does this with great dispatch, ignoring the amenities of applying for permits and such, and by the time the opponents find out what is going on, all have accomplished their purpose, the game has been won and it is on to the next rubber or chucker or whatever. It would come as no surprise to anyone if it could be proven that Companies A, B, and C were in fact paper creations of only one company. Or one man. Either case, he or it wields an immensely effective smog machine.

Well, let's trump their opening pawn with a card played from the hand of the Division of Water Resources. This is a good move be-



By Bob Burrell

cause these fellows invariably refuse to grant water discharge permits, and for very good reason. It was a good move, but the Governor has a higher trump, the Water Resources Board, a quasi political group of yes men who usually overrule the professional decision. On this board sit men with a self interest who usually follow the advice of King Coal's representative? Does Conservation have a voice on the board? Ostensibly yes, but we understand he does not attend the meetings any more.

But doesn't the home team have any knights or castles that can hold the king in check? Apparently not, for when they are sent out to make inspections of enemy territory, they are run off by armed bishops who don't want any white chessmen messin' around on their black spaces. And no one complains. But then, how can you? Take out an injunction? Where, in Randolph County? Do you know what happens to any kind of conservation issue taken into a Randolph County court? Jack lighters are heroes there, so don't expect any action from them. You don't even get a chance to collect \$200 for passing go after having just paid a stiff rental on Boardwalk.

Well, then, let's drag out our big guns, the Feds. Let's not mess around with these locals, we'll go right for the big time. Forget it. We used to have the Army Corps of Engineers. Peculiar bedfellows, but once in awhile they showed signs of being human and could exert considerable force on stream malefactors under the 1399 act. They also would answer all letters promptly. The Corps was very instrumental in enforcing this Act in the Huntington District, at least, and put the double check on a lot of coal black kings. But then a new law came into

being (McCleaver's First Law: When a law is found to be good and effective, weaken it with additional legislation.) The Corps no longer has jurisdiction over pollution permits and such enforcement powers that they once used are gone. Instead, this has been given over to a new government bureaucracy, the EPA (Environmental Protection Agency). Being new, they do not have effective means of communication, they do not have policies to cover things that are going on in the field, and they don't seem to be interested in enforcement.

If the coal company is not at this time discharging wastes into a stream, EPA is not interested. EPA is also not interested in what may happen to a stream in the future, e.g. what might happen if seepage starts in the future from an abandoned mine. EPA is not interested in prosecuting a violator who discharged without a permit and then closed his operation before EPA got wind of it. EPA is not concerned with the social harm wrought to local inhabitants by environmentally unsound projects or pollution. "That's just political b-----t!" said one high EPA official to me over the telephone (they never put anything in writing) "We are only concerned with water quality." Well, I got news for you, EPA, Shavers Fork water quality ain't what it used to be.

So we have a governor who doesn't care, a conscientious state agency whose hands are always tied from above, an ineffective county government, a dawdling, disinterested Federal agency, and an apathetic public who allow it all to happen. It is no wonder that the Shavers Fork exploiters always take home all of the marbles. How long are you willing for this to go on?

## Otter Creek Trip Report

On the weekend of Feb. 2-3, I led a merry band of stalwarts on a backpack trip into Otter Creek. Sort of keeping check on WWHC interests. Unlike so many comments I had heard about Otter Creek's trails being crowded with too many hikers, our group didn't see a soul. Small wonder. It was about the third straight weekend of rain and the whole basin was as soggy as a West Virginia ski slope. Also, that was the weekend of the great gas shortage.

Three observations were made. First, four-wheel-drive trucks and all terrain vehicles have been allowed to enter the basin via the Big Springs Gap Trail whereupon they ford the creek and then use the Otter Creek Trail as their personal road bed. This has resulted in tremendous gouges along the abandoned RR grade. The muddy, thin topsoil has been eroded away in the steeper sections and will require years to replace.

Vehicles have traveled in each direction as far as a fallen boulder or blow down would permit. At each of these deadends there was the familiar collection of discarded beer cans and booze bottles, items missing from the interior campsites. Those thoughtless few who could have carried out such debris the easiest, didn't. And they caused inestimable damage to these fragile trails in the process.

The final observation could have been related only to the gas shortage or it may portend of events to come. A quarter tank of gasoline was siphoned from my car parked overnight along W.Va. 72 and damage resulted when force was used to remove the locked cap. This is cited as a warning for those requiring the leaving of their automobiles unattended for such periods of time.

Bob Burrell

## Capping the Bottle

How do bottlers feel about efforts taking place throughout the country to ban throw-away beverage containers? Thus far West Virginia's bottlers have been opposed to S 50 and HB 823. Their arguments against the bills have been defined largely by economics, but their figures are questionable, their logic vague and their conclusions without merit (see "Bottle Bills Get Hearings..." by Charles Bowers, P. 1).

But is bottler opposition to throwaway container restrictions universal? Decidedly not. Some bottlers, far from fighting legislative attempts to control their industry, have actively joined the side of environmentalists in pushing for control of non-returnables.

The following letter comes from Texas, and it was written in response to the non-returnable situation there. As in West Virginia, legislation has been introduced to ban non-returnable beverage containers and to require merchants and bottlers to pay deposits on returned containers.

The Voice has been given permission to reprint the letter in its entirety. Please note that the letter is two and one-half years old. The fact that the letter was written in 1971 gives credence to the author's opinion expressed in his second paragraph.

May 21, 1971

Mr. Pat W. McNamara, Jr.  
State Chairman  
Public Relations Committee  
TEXAS BOTTLERS ASSOCIATION  
Coco-Cola Bottling Co. of Lubbock  
P.O. Box 1048  
Lubbock, Texas 79408

Dear Pat:

I have just read your May bulletin to all Texas bottlers in which you advocate that we attack the environmental problem by supporting anti-litter laws and recycling pro-

grams of one-way containers. The implication is that we should fight a tax or ban on NR bottles and cans. This letter is being written to voice a contrary opinion.

Firstly, the idea that we can eliminate litter by educating the public "not to litter" is a pipe dream. Those who do the littering are unconcerned about their environment and will not be moved by appeals. Trying to punish the litter bugs is also a pipe dream. How are you going to catch them? It is not possible to have the entire

countryside under constant surveillance. Secondly, the idea that NR bottles and cans can be recycled as a practical solution to waste disposal problem is so absurd that I am amazed that any thinking person could fall for it. Consider what is involved in such a program of recycling NR bottles as that being currently presented by GAMI on TV and in magazines. They would have us believe that it is a good idea to collect NR bottles (they don't say how), return them to the glass plant, melt them down and make new bottles. They are pushing this ridiculous program to set up a massive smoke screen in order to lull the public to sleep. Of course they want to make a new bottle each time a drink is sold. They are in the packaging business. But would it not be easier, less expensive and more practical to send returnable bottles back to the local bottler for refilling?

The current program of setting up collection stations to recycle aluminum cans is another smoke screen being set up by the aluminum and can industries. The public is being asked to collect aluminum cans and take them to the collection depot. The redemption price is 10¢ per pound and it takes 40 cans to make one pound. It would take 400 cans to earn \$1.00. Any school kid could point out the absurdity of such economics. It is also a fact that a new can is manufactured from scratch at a fraction of the cost of getting back metal from collection depots. The can

cont. on p. 6



## The Highland Scenic Highway :

The Highland Scenic Highway, the multi-million dollar Appalachian ridge-runner, continues to limp along despite grudging cooperation from a disenchanted United States Forest Service and growing public displeasure with the project. Information on the highway has always been difficult to obtain, and "facts" have usually been unreliable. Monongahela National Forest Supervisor Al Troutt's presentation on the scenic highway during the West Virginia Highlands Conservancy's Mid-Winter Workshop in January constitutes the first substantive discussion on the controversial road since a similar presentation was given to the Conservancy in October, 1970.

The following article is an attempt to survey all that we know about the Highland Scenic Highway, its origin, development, problems and present and future status.

### Origin of the Scenic Highway

No one seems to know who was originally responsible for the idea of a "scenic" highway through West Virginia's most remote backwoods areas. West Virginians have been preoccupied with road building since pioneer days, and roads have always been considered good for the people, the economy and the state.

Mountaineers have discussed scenic highways through West Virginia since the completion of the phenomenally successful Skyline Drive in neighboring Virginia. But

River and 76 along Cranberry River. At the time (1965) these roads were unimproved dirt tracks, negotiable only during dry weather. Backpacking was not in vogue, and only the hardest of hunters and fishermen penetrated the area. These groups of sportsmen were not inclined to protest road construction since they felt that a new road would allow them easier access.

Environmental concern in the United States was just beginning to blossom, and no vocal conservation organization existed in West Virginia. The few individuals who were environmentally conscious lacked direction.

It was also difficult to determine who was responsible for the highway. Protests registered with the Forest Service produced the response that the road was being built by the state. Protests directed to the State Road Commission were dismissed on grounds that the road was federally funded. Protests forwarded to Congress met with platitudes or stony silence.

Public attention was first focused on the scenic highway during the Fall Week-end Review, sponsored by the West Virginia Highlands Conservancy in October, 1970. It was during this annual conference that many conservation-oriented West Virginians first heard of the scenic highway and saw the road for the first time.

A series of articles in the *Charleston Gazette* and *The Highlands Voice* had appeared shortly before the October meeting. These articles began posing serious questions about the intent and effects of the scenic highway, and conservationists attending the October meeting had, for the first time, sketchy ideas of the consequences of further construction on the road.

Armed with a few facts and the evidence of their own eyes a semblance of organization began to grow in opposition to the scenic highway. But it took an incident only indirectly concerned with the scenic highway to solidify opposition to continuing construction.

Beginning in 1970 the West Virginia Highlands Conservancy organized a strong effort to preserve the Cranberry Back Country as a National Wilderness Area. The effort was joined by several national conservation organizations, including the Wilderness Society and the Sierra Club. Bills were introduced in both Houses of Congress to bring the Back Country under the protection of the 1964 Wilderness Act. As the wilderness effort proceeded several alarming facts were uncovered.

the conception of a West Virginia scenic highway from Richwood to Gorman belongs to some nameless entity which has been lost in the shuffle of time and convenient memory lapses.

The first official statements to the public on the Richwood-Gorman scenic highway can be traced back to former West Virginia Governor W.W. Barron. Barron endorsed a scenic highway during his 1960 gubernatorial Campaign. But evidence seems to indicate that Barron's endorsement was not an idea originating with him. Soon after John F. Kennedy's election as president in 1960 he created a task force to investigate ways to rejuvenate West Virginia's sagging economy. One of the task force's recommendations, released in 1960 before Kennedy took office, was a federally-sponsored scenic highway for West Virginia.

Soon after Kennedy took office in 1961 West Virginia Senator Robert C. Byrd became interested in the project. Byrd requested that the Forest Service survey the highland regions of the Monongahela National Forest and propose a route for a scenic highway. This was done and the USFS report was given to Byrd on March 27, 1961. The route proposed in that report spanned the Monongahela from north to south, from Gorman to Richwood, and that route has remained virtually unchanged from that day to this.

The Federal-Aid Highway Act of 1962 allotted the initial funds for construction

Foremost was the fact that mineral deposits under the Back Country, primarily coal, were privately owned. Rumors that large-scale coal production was about to begin in the Back Country received confirmation when a new coal mine was opened on Williams River near the northern boundary of the Back Country. During the furor that ensued over coal mining in a wilderness area the public gradually became aware of the fact that the Highland Scenic Highway was a great deal more than just a road for tourists to admire the scenery. The public was presented with a view of the tourists' highway being overrun by heavily laden coal trucks. A quick check of regulations made it obvious at last that the scenic highway was just another state road, freely accessible to coal and timber trucks as well as commercial vehicles of all kinds, including tractor trailers.

Suddenly public indifference to the highway turned to suspicious outrage directed largely at the U.S. Forest Service. USFS response to public charges that the Highland Scenic Highway was merely a coverup for launching mining and timbering operations in areas largely untouched since the creation of the National Forest in 1911 was not reassuring. The Forest Service merely replied that the Highland Scenic Highway was a multi-purpose road, had always been a multi-purpose road, and they hoped, would always be a multi-purpose road. This attitude, plus USFS resistance to the Cranberry Back Country wilderness proposals, united conservationists in the belief that the Highland Scenic Highway was the Forest Service's road, designed to provide easy access to the Back Country's timber resources.

The coal mining scare in the Back Country gradually died down when the new operation on Williams River quickly worked out, and coal company claims of immense coal deposits in the region could not be substantiated. But concern over the Highland Scenic Highway was just beginning.

### Efforts to Stop the Road

West Virginia conservationists, particularly members of the Highlands Conservancy, began to question severely the USFS on the purposes and design of the Highland Scenic Highway. At the same time conservationists began writing to West Virginia's Congressional delegation and asking them for their thoughts and opinions on the scenic highway. In responding to conservationist's que-

on the scenic highway. It is at this point that Senator Jennings Randolph entered the picture. Randolph secured an amendment to the 1962 Highway Act which increased appropriations for Public Lands Highways. As a result of the increase the Federal Highway Administration allocated \$4.5 million to the State of West Virginia for construction of the Highland Scenic Highway during a three-year period, 1962 - 64. Studies began immediately by the West Virginia State Road Commission in cooperation with the Federal Highway Administration.

Official groundbreaking ceremonies for the Highland Scenic Highway were held on July 10, 1965. The ceremony took place just opposite the Cranberry Mountain Visitor Center along West Virginia Rt. 39, fifteen miles southwest of Marlinton and twenty-five miles northeast of Richwood. Senator Randolph attended the ceremonies along with West Virginia Governor Hullett C. Smith, Congressman Harley O. Staggers and numerous other dignitaries.

### What is the Scenic Highway?

From its inception the Highland Scenic Highway was officially designated as West Virginia Rt. 150. Thus, in official eyes, the road was merely another state road open to all traffic for all purposes.

But press notices and official publicity for the highway fixed the "scenic highway" image in the public's mind, and the public





# Road to Ruin

has always regarded W. Va. 150 as a "scenic highway." In fact, scenery quickly took a back seat to other, more profitable resources.

Initial construction on Rt. 150 began at the southern terminus of the proposed 160 miles long highway, and proceeded northward towards Williams River. This placed the first completed sections on the eastern boundary of the 36,000 acre Cranberry Back Country wilderness area, now being considered by Congress for inclusion in the National Wilderness Preservation System.

The USFS has supported the Highland Scenic Highway as a multi-purpose road. That is, the USFS supported the intent of a scenic highway as a road for sightseers, but also they placed prime importance on access to previously roadless areas of the Monongahela National Forest which the scenic highway will provide. The first three completed sections of the scenic highway, from W.Va. 39 to Williams River, placed a modern, high-speed highway on the perimeter of the Cranberry Back Country, a roadless area rich in timber and mineral resources.

The first contract for construction was let in 1965 for 4.4 miles. In 1966 a second contract was let for 5.8 miles. These sections were completed and opened to traffic in 1969 at a cost of \$2,388,051. The last section to Williams River was begun in 1968 and finished in late 1973 at a cost of approximately \$3 million.

During the eight years since the official groundbreaking ceremonies 13.3 miles of the Highland Scenic Highway have been completed at a cost of over \$5 million, an average of approximately \$376,000 per mile. An additional eight mile section is now under construction from Williams River to Tea Creek Mountain.

### Opposition Grows

During the first five years of construction the Highland Scenic Highway crept over West Virginia's most pure and extraordinary highland scenery with scarcely a murmur of protest. Reasons for the absence of public concern are many.

In the first place few people actually realized the road was being built. Construction was not kept secret, and construction bids were advertised in public newspapers. But after the initial splash of publicity surrounding the groundbreaking the Highland Scenic Highway disappeared from the news sections of newspapers and from people's minds.

If few people knew the road was being built, even fewer were familiar with the country through which the road was being built. The Cranberry Back Country had been closed to vehicular traffic for more than thirty years. The only roads near the vicinity of the Highland Scenic Highway were Forest Service Routes 86 along Williams

ries West Virginia's Representatives and Senator Byrd used what amounted to form letters. They endorsed the idea of a scenic highway, citing economic benefits to West Virginia. Only Congressman Ken Hechler expressed his concern over possible ulterior motives by the USFS.

Senator Jennings Randolph's responses established a different pattern. Randolph supported and defended the idea of a scenic highway in firm committed phrases. He cited the usual economic benefits of the road, but he went further in forecasting that the scenic highway would put West Virginia on the map of tourist meccas. He contended that the people of West Virginia wanted the scenic highway, and that he would work for its realization. Thus it became apparent that Senator Randolph was the Highland Scenic Highway's champion.

In mid-1972 the Highlands Conservancy abandoned attempts to discuss the road with Senator Randolph, and the Conservancy's attention was directed to the Forest Service which was showing signs of wavering in their support of the scenic highway.

In December, 1972 Conservancy Rivers Chairman Robert G. Burrell and a group of Conservancy members were invited to meet with Monongahela National Forest Supervisor Al Troutt and Eastern Regional Forester Jay Cravens to discuss a variety of common concerns on the Monongahela. During the meeting Cravens stated that the Forest Service would like to see the Highland Scenic Highway end at US 219. Cravens and Troutt asked the Conservancy to cooperate with the USFS in its effort to prevent new construction north of US 219 and, instead, to route the scenic highway along existing roads. The Conservancy agreed to sound out Senator Randolph on the proposal.

Shortly afterwards the Conservancy wrote to Senator Randolph, asking that the Highland Scenic Highway be terminated at US 219 and re-routed northward along existing highways. The Conservancy also went a step beyond the USFS position and asked Randolph to seek designation for finished portions of the scenic highway as a Parkway. Parkway classification would prohibit commercial traffic on the scenic highway, particularly coal and timber trucks. Senator Randolph did not reply to the Conservancy's letter.

On January 23, 1973, the Federal Aid Highway Act of 1973 was introduced in the U. S. Senate. Senator Randolph was a co-sponsor of the measure, and it was referred to his Public Works Committee. Section 137 of the bill provided for construction of the High-

land Scenic Highway "from West Virginia State Route 39 to U. S. 250 near Barton Knob." Since construction between W. Va. 39 and US 219 was nearing completion Section 137 had the effect of ordering new construction between US 219 and US 250.

The area between US 219 and US 250 is a particularly sensitive one, for here lie the headwaters of Shavers Fork. This delicate trout stream, which begins at an elevation near 4600 feet above sea level, is as famous for its abusement as it is for trout fishing.

It had been the scene of some of the Highlands Conservancy's most fierce battles with strip mining and logging. The area was one of only three black bear breeding areas in West Virginia, and many of its upper tributaries, through which the scenic highway would pass, were final havens for native brook trout. In addition to being highly popular with hunters and fishermen, the ecology of upper Shavers Fork was extremely fragile. Soil was thin and rocky, and the forest was essentially Canadian in quality. The Highlands Conservancy immediately began preparations for a strong protest against Section 137 of the Highway Act.

Of equal interest to those in opposition to further construction beyond US 219 was the apparent parting of the ways between Senator Randolph and the USFS. Not only had Randolph called for extension of the highway beyond the point the USFS wished to go (US 219), he had also changed the classification of the scenic highway from a multi-purpose road to a Parkway.

The USFS was strongly opposed to Parkway designation for the scenic highway because the burden of administering the highway would fall on the USFS. The Forest Service was completely unequipped to administer the highway, yet there was no way they could avoid the administration headache if the scenic highway became a Parkway.

To clarify the situation Ron Hardway, editor of *The Highlands Voice*, wrote to Senator Randolph advising him of Cravens' stated position in opposition to further construction beyond US 219 as expressed at the December meeting with the Highlands Conservancy. Randolph, acting upon the information in Hardway's letter, asked Forest Service Chief John McGuire for a clarification of the USFS's position in regard to the Highland Scenic Highway.

cont. on p. 6





# Industrial Ingenuity

**NO SHORTAGE:** Everybody, it seems, has a way to save gobs of energy.

Claiming pilot lights can burn 40% of the energy used by gas ranges, Robertshaw Controls Co. plans to market next month an electric igniter that will eliminate the pilot light entirely. A small Ohio company develops a heat exchanger that fits on the flue of an oil furnace and purportedly recycles

40% to 55% of the heat that normally goes uselessly up the chimney.

Paramount Television in Hollywood claims to have come up with a system to cut electrical energy usage 40% in the filming of its programs. On the other hand, General Electric Co. takes aim at the lowly night light, and develops a four-watt light that

saves almost half the electricity needed for present seven-watt night lights. Big deal? GE figures if each of the nation's 65 million homes used one of its new lights instead of present night lights, the saving would be something like 780 million kilowatt hours a year or nearly \$20 million in electricity charges. (Wall Street Journal)

## The Scenic Highway cont. from p. 5

Chief McGuire was lax in answering Randolph's query, and on May 10, 1973 the Senator called a meeting in Washington to discuss the Scenic Highway with the Forest Service. The USFS was represented at the meeting by Monongahela Supervisor Troutt and Rex Resler and Mike Howlett of McGuire's office. Senator Randolph was accompanied by his aides, McGance, Davis and Cummings.

During the meeting the Forest Service amended its previous statement in opposition to construction of the Scenic Highway beyond US 219. The USFS stated that it "is not opposed to the Highland Scenic Highway based on presently available information." But Troutt, Resler and Howlett strongly objected to designating the road as a Parkway. Senator Randolph, however, was not persuaded to return the status of the scenic highway to a multi-purpose road. The USFS also suggested in the meeting that existing roads be used to carry the scenic highway from US 219 to US 33. This was rejected by Randolph.

Senator Randolph's insistence on a separate highway as a scenic highway is based on his belief that the existence of such a road across privately owned inholdings of the Monongahela will make those inholdings easier to obtain for the National Forest. But Supervisor Troutt pointed out to Randolph that the proposed route from US 219 to US 250 passes through a heavily strip mined area, all of which has been ineffectively "reclaimed," and is highly inappropriate as an environment for a scenic highway.

Nevertheless the Senator declined to abandon his goal of building the scenic highway from US 219 to US 250. In its final form the Federal-Aid Highway Act of 1973 allows for construction of the Highland Scenic Highway from US 219 to US 250, but it authorizes no construction and appropriates no funds for construction.

The reason for lack of funding is the result of a series of complex legal and technical arguments by the Sierra Club designed to stop the Scenic Highway by depriving it of funds from the Land and Water Conservation Fund, the original source of revenue for Highland Scenic Highway construction.

According to the Sierra Club the Forest Service is entitled to receive monies from

## Capping

cont. from p. 3

people are desperately trying to brainwash the American people in an effort to stave off unfavorable legislation. The returnable bottle is the best practical answer and is sound from the ecological viewpoint. It makes no sense to return NR bottles and cans to be destroyed and remanufactured into new containers after each use when returnable bottles can also be returned to the local bottler, more easily and at less cost, to be used again and again. The one-way container is the reason the franchise boundaries are crumbling and a return to 100 returnable bottles would put the local bottler back into a position of strength and security. The one-way container is ecologically unsound, unnecessarily expensive, and is not in the best economic interest of the bottler. A total ban on NR bottles and cans would be the best thing that could happen to the bottler. As a bottler organization we should be doing everything we can to encourage such a ban. We, as an association, should be opposing NR bottles and cans for all the many reasons, ecologic and economic.

Sincerely,

N. E. Norton  
Executive Vice President

Note: Mr. Norton has since become President of the Royal Crown-Dr. Pepper Bottling Co., Corpus Christi, Texas.

the Land and Water Conservation Fund only to acquire privately held land for the purpose of establishing scenic trails, scenic rivers or recreation areas. Congress must designate the scenic trails, rivers and recreation areas before the USFS may purchase the areas.

The Sierra Club has pointed out that the Land and Water Conservation Fund was established to purchase inholdings in National Forests or Wilderness areas for protection against mismanagement or destruction of the natural qualities of an area, and to preserve the inholdings for outdoor recreational use.

Since the Forest Service had planned the scenic highway as a commercial highway the Sierra Club contended that all money acquired by the USFS for land acquisition for the scenic highway from the Land and Water Conservation Fund had been acquired illegally.

On June 23, 1971 Sierra Club attorney Jim Moorman also demonstrated to Cliff that no land beyond US 219 could be purchased for the scenic highway by citing the Department of Transportation Act, Section 4f. This crucial section makes it clear that public lands highways cannot be built in any significant recreation area unless there is no alternative to the route. The USFS replied to Moorman's seven page letter with a five-line blurb stating that Section 4f of the Transportation Act did not apply to National Forests. But in the two and one-half years since Moorman wrote to Cliff the Forest Service has not purchased any land for the Scenic Highway beyond US 219.

## Some Questions

With the Highland Scenic Highway creeping toward US 219 from Tea Creek Mountain those who hold the future of the road in their hands, namely Senator Randolph and the Forest Service, should answer some questions concerning the origins, the present and the future of the scenic highway. Answers to the questions may put the Highland Scenic Highway in proper perspective for the first time in its thirteen year history.

From whom did the scenic highway spring? Was it a legitimate exercise by a nameless group of West Virginians who saw a West Virginia "Skyline Drive" as a move towards a genuine tourist economy?

Or was the road a political plum? Was it the payoff for delivering West Virginia into the Kennedy camp in 1960?

Where does Wally Barron fit into the picture? The infamous governor was one of the earliest proponents of the scenic highway. In view of the former governor's subsequent decline and fall, perhaps the contracts for the first phases of construction should be examined. Who got the contracts? Who owned those construction companies? Do the books balance?

Why did Senator Byrd lose interest in the road after he got the project underway in 1961?

After letting the highway glide along for eleven years as a multi-purpose road, why did Senator Randolph suddenly alter its status to a Parkway in the 1973 Federal-Aid Highway Act?

Does the Senator truly feel that the road should be for sightseers only? Or does he think the Parkway designation will qualify the scenic highway as a "recreation area," thus making it unquestionably eligible for Land and Water Conservation Fund monies?

If Senator Randolph feels that the highway should be for sightseers only, why does he refuse to consider stopping construction at US 219 and utilizing existing roads for the remainder of the scenic highway? Does the Senator not know what the Mower Lumber Company has done to their land lying between US 219 and US 250?

In the event all logic is overcome and the USFS begins purchasing right-of-way north of US 219, what are they going to do about Snowshoe, the multi-million dollar complex now under construction on Cheat Mountain?

Does Senator Randolph know that Snowshoe has bought a large section of the scenic highway route out from under the federal government? Does he know that if the scenic highway route is overlaid on a plan of Snowshoe's hotel complexes and two of its ski slopes?

Furthermore, does Senator Randolph realize that if the Highland Scenic Highway, now a Parkway, manages to be re-routed around Snowshoe, Snowshoe itself is going to build yet another major highway from US 219 into their recreational compound because commercial traffic, i.e. supply trucks, will not be allowed to use the Highland Scenic Parkway?

## Conclusions

The Highland Scenic Highway has become a crippled giant whose future may become mired in the courts, and whose existence is a blatant disregard for the times now facing the United States in the immediate and far-reaching future. The highway must be terminated when it reaches US 219, or it must use existing highways if it moves farther north. There is no justification for continuing construction north of US 219.

Gasoline shortages and exorbitant gasoline prices are making automobile travel less enjoyable every day in the United States. It is irresponsible to plan a scenic highway which would encourage motorists to use their automobiles in an area barely able to meet the fuel needs of its own residents.

The USFS lacks the manpower and the time to administer the scenic highway as a Parkway. The USFS is already half-mad with the burdens of running a timber business while also making a stab at managing wildlife, water and outdoor recreation on the Monongahela National Forest. To further saddle the USFS with highway administration would probably send the Service over the edge and into a padded cell.

At the same time it is inadvisable to restore the scenic highway to multi-purpose. The Forest Service persists in burying its nose in the sawdust, and tree-farming the Monongahela. The Forest Service is run by men, and men are human. Humans can resist temptation only as long as temptation is not placed in their paths. The temptation to turn the Cranberry Back Country into a spider web of logging roads if the scenic highway were multi-purpose would, inevitably, be too great for the USFS foresters.

Re-routing the scenic highway north of US 219 to avoid Snowshoe is unfeasible. The road cannot be moved eastward because traffic on the road would interfere with the delicate ears of the Green Bank Radio Observatory. It could only move westward. This would present the ludicrous situation of the scenic highway running along the ridge top overlooking the Tygart Valley and US 219 on the Valley floor as the two roads run parallel into Elkins barely a mile apart.

The solution to all of these problems is simple. When the Highland Scenic Highway reaches US 219 no further construction should be contemplated. Instead the existing twenty-three miles of the highway from US 219 south to W.Va. 39 should be designated as a Parkway. The name Highland Scenic Parkway is perfectly appropriate because the twenty-three mile stretch passes through some of West Virginia's most spectacular highland scenery, from Williams River to the top of Black Mountain, nearly 4,700 feet high. Nowhere in the highlands is the scenery any different than it is here. Having seen this twenty-three mile stretch the touring motorist will have seen it all. Vegetation and topography does not change a whit north of US 219 to Germania.

And perhaps, some astute motorists, having driven over the twenty-three mile expanse of red spruce capped mountain peaks, precipitous Appalachian slopes and sparkling mountain streams, will realize that twenty-three miles of exquisite wilderness isolation has been sacrificed for a soulless expanse of asphalt, painted lines and crushed stones, and that the fragile West Virginia highlands cannot stand another inch of such sacrifice.



# Strip Law Being Sabotaged

Federal strip mining legislation is the object of a Washington cabal which hopes to prevent passage of stripping controls by the House, according to the New York Times (Feb 17).

The cabal consists of officials of the Nixon administration's Energy Office, the Interior Department and the Treasury Department, along with lobbyists for coal mining and electrical utility industries.

Industry sympathizers feel that legisla-

tion to control stripping now being considered by the House is anti-mining. The have succeeded in enlisting Rep. Craig Hosmer, R-California, and ranking Republican on the House Interior and Insular Affairs Committee, to support the coal and electrical power industries. Hosmer has prepared a new stripping bill which greatly modifies several of the stronger provisions of the bill now in its final stages in the House. But administration and industry officials are presently

drafting yet another bill, said to be even less stringent than Hosmer's substitute bill.

Industry representatives who devised the scheme included Allen Overton, President of the American Mining Congress, Carl Bagge of the National Coal Association, and David Toll, managing director of the National Association of Electric Companies. Names of administration figures who participated in planning meetings were not available.

## Legislation cont. from p.1

HB 690 (Goodwin, White) Would require of timbering operations a permit and bond procedure similar to that required from strip mining. No application fees or public notice procedures, nor any specific operating standards. In an accompanying fiscal note, the Department of Natural Resources estimated the cost at \$450,000 a year, and complains that it brings no revenue.

Comment: This kind of land use control has to come -- but this can only be a trial balloon.

HB 813 (McManus, Seibert)

SB 168 (Brotherton, Hubbard) The State Soil Conservation Committee (SCC) shall adopt guidelines for the control of sediment in land-disturbing activities. Landowners shall file a plan with the SCC or their local Soil Conservation District (SCD) before beginning such activities.

Comment: Judging by what heinous practices are presently condoned by the SCC and the SCD's (for instance, many strip miners are officially SCD co-operators) this doesn't look like much.

SB 59 (Palumbo, Hubbard) Makes miscellaneous changes in the control of surface mining:

(1) Operators need not maintain approved drainage if "there is no natural drainage. . . out of the disturbed land."

Comment: Huh?

(2) Allows surface mining within 100' of public property.

(3) Removes benchwidth limitations.

(4) Requires regrading to approximate original contour.

Comment: (4) is in the pending Federal bill. (1) through (3) look bad. Something fishy going on.

SB 75 (Hubbard) Junk. Nobody may keep junked cars except in a junkyard or garage. State may remove them. \$10 deposit on

new cars sold in the state.

Comment: The Appalachian Regional Commission gave WV \$750,000 to remove junk, which is being spent by James Manchin. It's not enough, but they are not likely to give any more, especially if WV itself does nothing. This bill failed in the last session, because some people like to keep junkers, and because some legislators regard the "deposit" as a hidden tax. If it fails again, an alternative would be to require that property-owners pay an annual license fee for their junkers.

(A House Bill similar to this one was passed 67-31 by the House on February 13, and sent on to the Senate.)

SB 76 (Hubbard) According to the summary: The purpose of this bill is to include operators of wildwater expeditions, float trips, etc. as outfitters or guides and authorize the director of natural resources to promulgate rules and regulations for such services and to eliminate the one-year resident requirement for outfitter and guide license.

Comment: Don't know what's up here.

HB 795 (Shaffer, Moore) Specifies that "no mine shall be opened or reopened where the total area of the entry or entries therein is greater than two hundred feet and where coal is removed commercially and not incidentally without a surface mine reclamation bond."

Comment: Directed against surface mines which masquerade as deep mine "facing up." Looks good.

SB90 (Susman and Hubbard)

HB 741 (Sommerville and Polen) This 131-page bill creates a new Department of Environmental Protection and Control to take over the functions of the Air Pollution Control Commission (at present independent) and the Department of Natural Resources Divisions of Water Resources and Reclamation (among others). Upgrades water pollution control to conform to the (U.S.) Water Pollution Control Act Amendments.

There appear to be two substantive provisions:

(1) To satisfy the Water Pollution Act.

(Under the "new federalism" this act authorizes a State to perform its own water pollution licensing and testing if it satisfies certain Federal requirements as to legal powers and existing bureaucracy.)

(2) To bring the Air Pollution Control Commission under more control.

Comment: "He who lies with a dog will rise with fleas."

The dog is the Division of Reclamation, which deals with strip mines. For political reasons it proclaims that strip mines are not an environmental problem in the state. The Forestry, Water Resources, Parks, and Wildlife Divisions have to lie along-side because they are also in the DNR. If there is any improvement to be made in WV's environment by bureaucratic shuffling, it would be to sever the Division of Reclamation from the environmental agencies, rather than to put anything else in with it.

SB 111 (Nelson) Creates a Department of Environmental Control to take over functions presently covered by the WV Code under "water resources act," "water pollution control act," "natural streams preservation act," and "air pollution control act."

Comment: Bureaucratic shuffle -- but not the same one proposed by the mammoth Susman/Hubbard/Sommerville/Polen bill. This one possibly beneficial in that it would sever strip mine licensing from environmental control, and thus permit some adversary debate between these two functions of state government.

(For a summary of HB 823, the "Bottle Bill" see "Bottles. . ." by Charles Bowers, P. 1.)

## Need Letters cont. from p.1

point it got so bad in Kanawha State Forest that beer drinking in the forest was forcefully prohibited by the Department of Natural Resources. Charleston area beer distributors and retailers recognized the seriousness of the problem when they supported the DNR crackdown on beer drinking in the forest, even though it cost them some sales.

I ran an unofficial survey in the State Forest to determine the effect the excessive littering had on forest management. I discovered that four forest employees had to devote a full day each week to picking up cast-off cans and bottles. I also was advised that each of these men was paid \$16.00 per day for their work. Over a year's time this would amount to nearly \$4,000 spent by West Virginia taxpayers to just pick up cans and bottles in Kanawha State Forest. If the other West Virginia parks and forests have similar problems even half as bad as Kanawha's, the taxpayers are putting out over \$50,000 annually to pick up cans and bottles.

Senator Galperin of Kanawha County was aware of the throwaway container problem in Kanawha State Forest. On January 17, 1974, Galperin and Senator Pat Hamilton of Fayette County introduced S. 50, a bill banning throwaway beverage containers and modeled after Oregon's highly successful no-throwaways law.

Since last summer I had been trying to get local officials and organizations to endorse such a measure, but most were unable to openly endorse the bill due to incorporation regulations. However, I did find some sympathetic and active individuals within some of the organizations who joined with me for a ban on throwaway containers.

Spearheading our efforts was Mrs. Carter Giltanin. She brought Jane Henley into the fray, and we began compiling facts and figures to use in Senate public hearings which were due on January 30th. We also received a much needed shot in the arm from a remarkable group of Charleston High School students led by dynamic senior David Arnett.

Our citizens' group was a bit awed as our opposition lined up prior to the opening of the Senate hearing. ALF/CIO Glass Manufacturers and unions from Pittsburgh, Huntington and Fairmont, and Weirton Steel among others had brought in their big guns to open up on the Senate. They had twenty-two speakers prepared to oppose S. 50, but time limits allowed only six of them to speak.

The crowd in attendance grew so large by the time the hearing opened that we had to move into the Senate chamber. Those favoring S. 50 spoke eloquently and factually, and the Charleston High School group emphasized their point by dumping several large, plastic trash bags of discarded cans and bottles in front of the Senate committee.

The hearing ended without a clearcut victory for either argument. But it was clear

significant that the six industry spokesmen against S. 50 could offer no alternatives to what we could do with throwaway containers.

The point was not lost on members of the Judiciary committee.

On January 28, Delegate Billy Burke of Gilmer County introduced HB 823, a measure similar to S. 50. I quickly asked House Judiciary chairman A. L. Sommerville for a hearing before the committee.

We had less than two days to prepare for this hearing, but our presentations seemed to me to be even more effective than our presentation to the Senate. In addition to our own speakers, Mrs. Giltanin, Jane Henley and David Arnett, Del. Burke and Senator Galperin also spoke forcefully and effectively for the bill.

S. 50 and HB 823 are both in committee undergoing examination by the legislators.

It is our responsibility now to keep their interest alive by pressing upon them the importance of these bills. I believe the situation has reached crisis proportions, and anyone who frequents Kanawha State Forest would agree. Throwaway containers affect us all, and I am sure that there is not a single Conservancy member who has not had their esthetic principles offended by these permanent blights upon our beautiful landscape.

Now is the time to get the crisis under control. Sentiment in Charleston is favorable to some sort of control on beverage containers, and S. 50 and HB 823 are about the best we can do. Let us not "throwaway" the opportunity. Write to your own legislators and as many members of the House and Senate Judiciary Committees as you have time to write or call. Our grandchildren deserve a West Virginia free of mindless littering, and so do we.

Here is a list of members of the House Judiciary Committee. Write to them at the following address: Committee on the Judiciary, House of Delegates, State Capitol, Charleston, WV 25305.

(Democrats)

A. L. Sommerville, Chairman  
Irvin S. Queen  
Clarence C. Christian, Jr.  
Clayton C. Davidson  
Robert W. Dinsmore  
Frank E. Jolliffe  
Donald L. Kopp  
Mary Martha Merritt  
Ernest C. Moore  
T. J. Scott  
William E. Shingleton  
Larry Tucker  
Leonard Underwood

(Republicans)

W. C. Field  
Cleo Jones  
Harry Moats  
Fred L. Mulneix  
Robert C. Polen  
Thomas E. Potter  
Michael R. Shaw  
Jody C. Smirl  
Robert B. Stone  
Paul Zakab, Jr.



# Of pH and Moss

By Gordon T. Merrick

During the course of the past year, I have written a number of articles for the VOICE in which I freely used the term "pH". Not so long ago, a reader came to me and said that while all that was very interesting, just what was "pH" and why is it so important? I started off with the usual explanation that "pH" was a logarithmic...when my questioner, with just a shade of impatience, broke into my explanation with a, "Yes, but what IS pH?"

I must confess that there he had me. I've searched through all types of reference books without finding a truly satisfactory answer to that question. The best definition that I can find comes from a manual on photography and reads: "Any solution having more hydrogen ions than pure water is called acid; any solution having fewer hydrogen ions than pure water is called basic or alkaline. Therefore, it is the hydrogen ion that determines the classification of the solution being tested."

This is not the place for a lesson in chemistry and I am probably one of the least qualified persons to teach chemistry. However, in simple terms, the hydrogen atom (H) naturally occurs with positive and negative electrical charges called electron of the hydrogen atom is like a randy sailor on shore leave after six months sea duty; it goes wandering off after the first pretty face it sees.

Now, any atom that has fewer electrons than it has in the natural or elemental stage is called an ion. H is a hydrogen atom; H<sup>+</sup> represents the hydrogen ion

after the negative has wandered off. The number of hydrogen ions in any solution or material being tested is always very small and, since acidity/alkalinity is based upon a logarithmic scale, the value will be negative. Therefore, we invert the H<sup>+</sup> to read pH and so away with the minus sign. pH therefore means the negative logarithm of the concentration of hydrogen ions in the solution or material being tested.

The pH scale divides the range of alkaline and acid materials into 14 points. Halfway, or 7, is neutral, but does not mean that the solution or material is not acid or alkaline; it means only that the two conditions are exactly in balance and that available nutrients are unlocked and available to plant life.

For example, take phosphorus, one of the essential minerals for plants. When the pH is high - above 7.3 - phosphorus combines with calcium to form calcium phosphate, an insoluble compound. Let the pH value fall to 5.0 or below, and the phosphorus locks up with iron in the soil and becomes unavailable to the plants. The same is true for other minerals, although the pH values are different. Thus, the pH value of the soil determines the growth of plant life in and on that soil. The one exception to this general rule is the conifers which, with the aid of a liberal allowance of time, have worked out a symbiotic relationship with certain fungi. These fungi (mycorrhiza) live on the roots of the trees and break down

minerals so that they may be absorbed by the tree.

\*\*\*\*\*

Did you know that nature has, in the lichens, provided a fairly accurate indicator of air pollution. There are more than 2,000 different kinds of lichens known in America but none will grow in cities or any place where fumes contaminate the air.

The most common lichens are of one or two types, one crustlike, the other coral-like. The crust forms resemble fragments of leaves cemented to rocks; some are lobed and ruffled; some like lettuce leaves, and range in color from gray-green to red-green. Some are flat, smooth, and dark-green above and sooty, black beneath. One species - Cladonia - grows on old stumps and rotting logs and sends up little - gray stalks bearing red tips.

On your next outing, look for lichens and see if you can determine their state of health. Look along highways and see how far back into the woods you must go before locating healthy colonies of lichens. If you happen to be in the West Virginia Highlands, look at the rocks and cliffs and see how the lichens are faring. If the atmosphere is not suitable for lichens, it is not suitable for breathing. Something must give.

By Charles E. Mohr

# Bat Facts

In 1815, John James Audubon calculated that a three day passenger pigeon flight in Kentucky totalled two billion birds. Without doubt, it was the most abundant migratory bird in America, but by 1900, the passenger pigeon was rarely seen, and the last zoo survivor died in 1914. One factor often mentioned in accounting for its rapid decline was its low reproduction rate: two young a year.

The bat might be compared to the passenger pigeon - so abundant that its disappearance could not be conceived. Yet the latest information from a few caves for which there are early records reveals staggering reductions in bat populations. The first alarm was sounded at Carlsbad Caverns in 1955 when the first of a series of southwestern bat die-offs was noted. In the investigation that followed, it was found that the population at Carlsbad was down from 8,700 to about 3,800,000 in 1956. By 1962, it had dropped to about 250,000 - about one for every thirty-five that were there 35 years earlier.

A current survey of 100 of the nation's leading bat experts indicates that a total of 22 species or subspecies (out of 78 in the United States) is believed to be declining in part or in all of their ranges.

Declines in cave populations were noticed and reported as early as 1952 by Charles E. Mohr on the basis of data from many bat banders who up to that time had banded 70,000 bats, mostly in caves. By 1952, populations had been reduced at many sites and one species, *Myotis sodalis*, had virtually disappeared from its known hibernating caves in the Northeast. This bat has been on the list of rare and endangered species since 1966. Five other bats have been nominated for the revised endangered list.

In the opinion of virtually every bat expert, inadvertent disturbances of bats by spelunkers, who often are unaware of the effect of their visits, and also by scientists carrying on banding or other research may have been responsible for marked reductions in well known cave populations.

When they enter hibernation, insectivorous bats are heavy with fat deposits. They are able to survive the winter-long fast only because of the metabolic economy achieved through dormancy. Higher first-year mortality rates noted among young bats have been interpreted as the inability of many of them to accumulate enough

to: W. Va. Highlands Conservancy

Sign Me Up!

name \_\_\_\_\_

address \_\_\_\_\_

\_\_\_\_\_

fee enclosed

bill me

26288

I'm A Membership Coupon ... Mail Me

206 Union Street / Webster Springs W. Va.

fat reserves to last until spring (W.H. Davis and H.B. Hitchcock). Since even minimal disturbance during hibernation may arouse the bats to an active state create a drain on their energy supply, the frequency of unnatural arousal must be kept to a minimum.

Also, handling of pregnant females may cause abortion. S.R. Humphrey found that some species are much more sensitive to disturbance than others. In the case of the Big-eared bat, *Plecotus townsendii*, "Even the simple presence of people causes them to vacate their preferred nursery roost, to move to a new and perhaps less desirable site. Many probably desert the cave altogether." In many southern caves which serve as nursery roosts for huge colonies, summer visitation appears to increase perceptibly the number of accidents to young bats. When disturbed, many fall from their fairly precarious perches and are consumed by a host of predatory invertebrates and vertebrates (D.D. Gillette and J. D. Kimbrough). Humphrey documents severe population declines that closely followed visits by spelunkers. Myers noted some recovery of populations of *M. sodalis* and *M. grisescens* after he reduced his banding visits to one a year.

A few state and federal agencies alerted to the problem by speleologists and biologists, have gated some caves and have restricted access to others, permitting only approved investigators to enter the caves. Recently however, G. Williams, R. Bridgeman, and other southwest cavers reported that many governmental agencies in the West, where much of the land (86% in Arizona) is in the public domain, are faced with so many "administrative problems of a far higher priority than cave conservation" that obtaining their cooperation "has thus far proved to be frustrating, contradictory, perplexing, and mostly impossible." That even where sincere efforts are made to protect bat populations, ill-considered acts have proved to be disastrous is ironic. Several well-intended but enexpert gating operations by federal agencies prevented free access by the bats and resulted in drastic reductions of wintering populations before the situations were discovered and corrected.

Concern about the survival of many species of bats has become world-wide. Following the discussions of 60 bat experts from 20 countries immediately before the 2nd International Bat Research Conference in Amsterdam in 1968, R. E. Stebbings summarized the main causes in the decline of bat populations as loss of habitat through urbanization and deforestation, loss of roost sites through destruction of old buildings and appropriation of caves by mushroom growers, harmful effects of chemicals (both insecticides and fumigation), vandalism, disturbance during banding, killing for "scientific" studies, and the development of an international traffic in bats.

Efforts are currently being made by bat biologists to enlist the cooperation of organized spelunkers through voluntary action based on education and conservation policies adopted by the NSS, leading to drastic reduction of trips to bat caves during critical life history periods.

With the development of master plans for many public lands, proposals for wilderness status, including the concept of underground wilderness, and the designation and use of environmental study areas in cooperation with educators, perhaps bats may not go the route of the passenger pigeon.

Note: *Myotis sodalis* and *Plecotus townsendii* are found in Hellhole Cave, Germany Valley, W. Va.