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October, 1974

West Virginia Coal Companies • the Neglected Polluters

Ed Light
by
research Director, Campaign Clean Water

Nevertheless, that left 333 active deep mines, or more than half of the active deep mines in the State, and including many large and acid dischargers, which had never even applied for a permit!

The Chief of the Division of Water Resources blamed this situation on a lack of staff. There were only twelve inspectors employed to cover the entire State, and seven engineering positions were unfilled due to the low salary scale. Several other Water Resources personnel concurred with their view, but also add that they have been hindered in going after certain violators because the prosecutors and the courts in some areas of the state do not feel that coal companies have an obligation to obey the law. A lack of staff also curtails DNR's follow-up capacity: for instance, a Boone County coal operator discharging acid water told Campaign Clean Water that he found the permit application form too complicated so he didn't bother sending it in, and he never heard anything further from the State.

It was precisely because of problems like these at the state level that the United State Congress passed the sweeping Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). The law proclaims as a major goal to achieve wherever possible by July 1, 1983, water that is clean enough for swimming and other

recreational uses, and clean enough for the protection and propagation of fish, shellfish, and wildlife.

In order to attain this national goal, the Act established a Federal permit system—the National Pollutant Discharge Elimination System (NPDES). The permit system is reinforced by stiffer penalties and Federal enforcement power. Nevertheless, the agency responsible for administering the new law—the U.S. Environmental Protection Agency (EPA)—has an even poorer record than the State in requiring the coal companies to comply with the law.

The Federal law sets out a series of mandatory deadlines:

—By April 18, 1973, all point source dischargers (defined to include all active strip and deep mine) shall have applied for an NPDES permit.

—By January 1, 1975, all applicants are to have a permit.

—Compliance progress dates are set by EPA as conditions of the permits, most acid treatment plants, must be built within two years.)

—By July 1, 1977, all permit holders are to achieve "best practicable treatment" of their wastes. For coal mines, "best practicable treatment" has been defined as neutralization of acid, and low levels of iron and silt.

(Continued on Page 6)

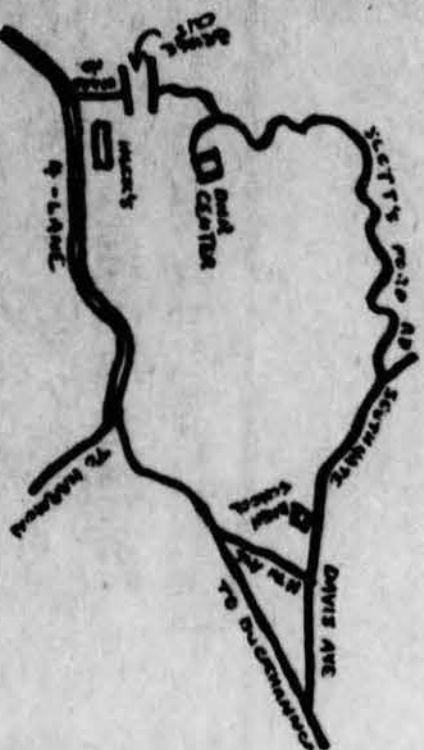
SCHEDULE OF EVENTS FOR WEEKEND REVIEW

October 18.
5:00-10:00 P.M. Registration at the
DNR Operations Center.
7:30-10:00 P.M. Films, slides and discussion.

October 19.
8:00 A.M. - 6:00 P.M. Registration desk
open.
8:15 A.M. Tours begin leaving the DNR
Center at fifteen minute intervals. Bring
your own lunch and thermos.
6:00 P.M. Outdoor Chicken Barbecue
at the DNR Center. (Paid Advance
Registration Required)
7:30 P.M. Evening Program.

Panel Discussion: Recreational
Development and Land-Use Plan-
ning.

October 20.
9:30 A.M. WVHC Board of Directors
Meeting, DNR Center.



Tour Summaries on Page 6

DETOUR TO HIGHLAND REVIEW

With its customary alacrity and devotion to service the Department of Highlands has reneged on the completion date for replacing a bridge.

Last May the Chenoweth Creek bridge on Ward Road collapsed. Target date for replacement was September 1, seemingly an adequate time span. So far only time has been spanned.

When you arrive for "The Weekend" you will have 2 options: (1) Park on Ward Road; cross the creek on our stepping stones (or ferry if the water is high), and walk up the road about 300 yards to the DNR Operations Center. (2) Driver back to the Elkins end of the 4-lane; turn left on 11th Street; left again at the traffic light on Davis Avenue on past the High School where Davis Avenue then transforms itself into South Gate Road after making a half-right curve; left again on Scotts Ford Road; and follow the narrow winding blacktop a couple of miles to the Operations Center.



from
the
Editor

As is commonly known the U.S. Senate passed an Eastern Wilderness Areas bill, S. 3433, last spring. Included in the bill were Dolly Sods and Otter Creek, both of which would become "instant wilderness" areas in the Senate bill. The Cranberry Back Country was placed in a study-area category which, while not making the CBC a wilderness area, would give it the same protection as a wilderness area during the study period.

Also commonly known is the fact that a bill passing one house of Congress does not a law make. In the case of S. 3433 the House of Representatives turned it into H.R. 13455 and sent it to a subcommittee of the House Interior Committee. The House has been dithering around since deleting one area after another from the Senate bill and hoping how soon Congress would adjourn so that the whole thing would have to be done over again next year.

Somewhere along the way some enterprising Rep discovered that if one dithered long enough some coal company would come along and solve the problem of potential wilderness areas by making them unfit for wilderness designation or anything else. This is precisely what has happened to the Cranberry Back Country.

While most of the country mooned around over the fact that an overwhelming majority of its people had elected a lawbreaker as its president the Back Country was quietly dropped from H.R. 13455's list of study areas (see Dave Saylor's report elsewhere in this issue.) The circumstances surrounding the disappearance of the Back Country from H.R. 13455 are tragic, and they are likely to be repeated elsewhere in the east.

Back in the Dark Ages when Gifford Pinchot, Teddy Roosevelt and the boys were dashing around trying to keep Americans from burning up, blowing away and washing their country out to sea someone dreamed up the Monongahela National Forest. Whoever it was thought that if the Federal Government owned the Appalachians from Monroe County to Preston County the hills would be green, the earth would bear fruit and the water would be clear and pure. So the government bought the Monongahela, from the ground up. How was the government to know that the Monongahela's true value lay in the other direction, from the ground down?

In the case of the Cranberry Back Country an incredible land boondoggle took place. In 1908 the Cherry River Boom and Lumber Company sold its untouched mineral holdings to the West Virginia and Pittsburgh Railroad Company and the Gauley Company, known to us as Mid-Allegheny Corporation. In 1934 Cherry River sold its surface holdings, which at the time consisted of nothing since Cherry River had stripped away all Back Country timber and much of the area had burned, to gullible government. What the government lawyers did not realize, were not aware of, or profited from, was the deed Cherry River had signed over to the Gauley Company for the mineral rights.

Kentucky mountaineers are often criticized for their stupidity in giving away their mineral rights to underhanded coal operators, but at least they got

How long will the legislative members of West Virginia continue to ignore the abuse of land and mineral owners of West Virginia? The huge oil and gas corporations make sure they have their lobbyists in Charleston, well financed to win and dine the legislators and get laws their way. If the landowners are expected to buy justice we are in big trouble. We cannot do much wining and dining of legislators with the \$300 or less per year to which turn of the century leases hold us.

The price they pay and the damage they do with the old leases should cause the huge companies to bang their corporate heads in shame, but we find they have no shame. They have found a way to rip off the landowners stuck with these old \$300 leases even further. The gas companies have found they can extract petro chemicals by scrubbing the gas from the old \$300 wells, making millions of extra dollars by selling the gas to the consumer at full price.

The Consolidated Gas Co. built a scrubbing plant at Hasting Station in Wetzel County at a cost of over \$14.5

BACK COUNTRY LOST AS WILDERNESS

by Ron Haraway

something for their action. The government got nothing when it bought the Cranberry Back Country. The Gauley Company's deed gives the owner of the mineral rights the right to do anything necessary to the surface above the minerals they own in order to mine any minerals underground. Thus the government paid Cherry River several pennies from public coffers which Cherry River had, in effect, already sold. The Gauley Company got a bargain. They paid only for the mineral rights, but got the surface thrown in as a consolation prize. The government thought it had bought the surface, but they neglected to recognize the fact that someone else owned exclusive rights to do as the pleased with the surface.

What all of this means to the Cranberry Back Country is that one of the east's finest wilderness areas, certainly West Virginia's finest, is now being developed as another southern coalfield. The Mid-Allegheny Corporation, formerly the Gauley Company, is moving ahead with plans they have held in abeyance for five years. Very simply the plan calls for all the minable coal under the Cranberry Back Country to be mined.

Work has already begun in the CBC several miles behind the locked gates on Cranberry River and the Middle Fork of Williams. Roads are being built along the Middle Fork. Laureilly Branch and Cashcamp Run on Cranberry to enable Mid-Allegheny to take core samples along the ridge separating Middle Fork from Cranberry where the North-South Trail now runs. Twenty-four core samples are to be taken regardless of the recent core sampling done in the area by the Forest Service for Congressman John Slack. The equipment for drilling the holes is being moved into the CBC via four-wheel drive vehicles, and mining is scheduled to begin as soon as the core samples are analyzed.

At the moment it is expected that Mid-Allegheny's main opening will be in the vicinity of the Little Fork of Williams. The original plan called for a new tippie complex at Three Forks near the mouths of Little Fork and Middle Fork, and a railroad extension from Cove Run up the Middle Fork. Confirmation of tippie construction and railroad building has not been received to date.

Two years ago when an eastern wilderness bill was introduced in Congress for the third time wilderness supporters were confident that Cranberry was going to make it. Concern was felt then for Otter Creek and Dolly Sods. Two years later Otter Creek and Dolly Sods are virtually in and Cranberry is definitely out. What the hell happened?

After it went into operation it paid for itself in 1 1/4 million. After it has been making millions ever since. The land and mineral owners got nothing.

How long is the West Virginia Legislature going to allow the reign of West Virginia landowners by these huge, out-of-state-owned corporations? These same companies are devastating our property with pipelines running everywhere to create a storage field in order to sell gas to our neighboring states in winter. The gas companies do not want to lease their pipelines right-of-way. Once they have acquired their pipelines right-of-way they become the property of the gas company to use for eternity with the landowner paying the tax.

Clanro Demands Legislative Regulation of Drillers

by Jack A. Slack

Our great-grandchildren will still have to put up with the aggravation and pay the tax one hundred years from now, and be denied use of the land for building.

The gas companies should pay an annual rental for these right-of-ways that can increase with the price of gas instead of \$4.00 a rod for a strip 100 feet wide for eternity. How much sacrifice can the landowners of West Virginia be expected to take for the benefit of other states, huge corporations and special interest groups. In our area the good farm land that is not being criss-crossed by pipelines or torn up by drillers is being condemned by special interest groups for dams. If these groups have their way the landowners of West Virginia will be sitting on top of the hills looking down at water.

I must remind the legislators that they have an obligation for the welfare of the landowners too, not just the big corporations and special interest groups.

Jack A. Slack is president of the recently-formed Concerned Land and Mineral Resources Owners, Rt. #1, Box 22, Jans Low, WV 26279.

the Readers' Voice

TIMBERLINE MISUNDERSTOOD

To The Editor:

I feel a responsibility to write this letter which may clarify certain misunderstandings concerning our Timberline Development located in Canaan Valley. There are several statements I would like to offer.

1. The owners of Timberline, (Allegheny Properties, Inc.) have already preserved 307 acres to remain in a natural undeveloped state. This area includes such natural amenities as all Blackwater River Front, all Yoakum Run, the Boiling Sand Springs, and all Sand Run and Sand Run Glade. Also included is our man made 45 acre lake to be used as a wildlife refuge and breeding area.

2. Future development on the remaining 1100 acres will also include more dedication of green belt areas and also more tracts for private

purchasers. There is also the feasibility of a ski area or some higher density development on land other than the original Timberline section of 702 acres.

3. There is no intention of opening the facilities presently available to the general public. There is discussion and the probability that a Canaan Valley cross country ski trail would utilize trails built on Timberline. It is our hope that hiking trails on Timberline would be connected with other state and public trails.

4. Without the clause in our contract, "or for the joint use of tract purchaser's and the general public," (taken from context) there could never be any public use of trails across Timberline property for hiking, horse back riding or cross country skiing.

5. For the record the 1800 acre Harmon tract had been posted with "No Trespassing" signs for many years prior to the 1972 purchase

by Allegheny. Since then we have enforced the "No Hunting" because Timberline has been dedicated as a wildlife preserve. The "No Trespassing" has not been enforced against art classes, hikers, or fisherman on the state stocked Blackwater River. Timberline crews have also spent much time removing years of trash left by those who have continually abused the rights of private property owners. This has been done both on state, private, and forest service roads leading to, or in, the vicinity of the Timberline development. I am sorry to add that this job continues to require a weekly effort on our part.

Sincerely,
David M. Downs
Vice-President
Allegheny Properties, Inc.

CRANBERRY BACK COUNTRY 1934-1974

"There is excepted from this conveyance ...
all coal and other minerals in or underlying
the lands... together with the right to
enter upon and under said lands and to
mine..."

Endangered Species List in Preparation

The West Virginia Department of Natural Resources has announced plans to develop an endangered species list for the Mountain State. The list is being prepared by the Wildlife Resources Division of the DNR.

Wildlife Resources Chief Dan Cantner explained that the list was being prepared under guidelines established by the Federal Endangered Species Act of 1973.

Cantner commented, "The significance of this list is that future land and water developments may be altered if a major species on this list is seriously threatened."

While much of the work of the list will be done by the DNR wildlife specialists and other vertebrate scientists the general public has been invited to submit their suggestions and recommendations to the DNR.

Interested persons should direct their comments to James Rawson, Wildlife Resources Operation Center, P.O. Box 67, Elkins, WV 26241.

Something Stinks on the Potomac

(My God, It IS the Potomac!)

Jellystone Park (yes, Yogi, there really is one!), that camping mecca on the Potomac, has been shut down for the second time in nine months due to failure by the developers to control sewage discharges.

Jellystone Park, near Martinsburg, is another one of the civilization-away-from-civilization developments which have been springing up all over West Virginia lately like ramps in springtime. While motivated by the same principles as Snowshoe, Timberline, Glade Springs and others, Jellystone is a much more primitive example of fast-bucking the environment.

Basically Jellystone has been designed as a condominium-style campground for successful Washingtonians and Baltimore oles. Lots are being sold in sizes ranging from 2400 square feet to one-half acre, and at prices ranging between \$1,495 and \$14,995.

But Jellystone has run afoul of the West Virginia Department of Health and the Federal Department of Housing and Urban Development. Last November the state Department of Health, acting on complaints from some of the late purchasers at Jellystone, investigated the development. They found that only 32 of the existing 1700 lots had adequate sewage facilities for overnight use. Consequently the Health Department ordered the campground closed until sewage facilities were developed. A deadline of June 1, 1974 was imposed.

After the deadline had passed the Department of Housing and Urban Development was alerted by some disgruntled customers to advertising discrepancies.

Jellystone officials had placed full-page ads in Washington-area newspapers announcing that water, road and sewage facilities were up to par. Several new purchasers of lots found out differently when they trekked out to visit their sylvan hideaways. Unable to reconcile themselves to their disappointment the new Jellystone tenants complained to HUD. HUD immediately prohibited further sales of lots in Jellystone.

Does this mean that Jellystone Park will not be completed? Certainly not. According to John McDowell, Deputy Administrator of the Office of Interstate Land Sales Registration at HUD, Jellystone may resume selling

lots as soon as they correct their advertisements and announce to prospective buyers that roads into Jellystone are unimproved, that water may not be safe for drinking and that there are no sewage facilities.

Does this mean that people will not buy lots at Jellystone once they find out the true conditions existing at the campground? Certainly not. According to Arthur K. Radin, Vice-President of Fire American Land Sales Corporation, developers of Jellystone, "more than 25 persons" had bought lots since June 1 despite being advised on the true state of water and sewage facilities at the campground.

Does this mean that Jellystone Park may not be completed since people are willing to buy a punctured pig-in-a-poke? Certainly not. Jellystone officials have simply scrapped their old plan which called for completion of the park by June 1, 1974, and filed a new one with HUD setting June 1, 1975 as a completion date.

Does this mean that Jellystone Park will be what it claims to be on June 1, 1975? Certainly not. Vice-President Radin is well aware of modern recreational development trends. He blames Jellystone's failure to meet this year's deadline on the energy crisis.

What will next year bring for Jellystone? With all the crises besetting American industry today, who can say?

WVHC FACT

UPPER SH

Photos by

On Saturday, September 14, ten Conservancy die-hard took a self-guided tour into the Land of Mower. The object Company and its associates have done to the upper wa

Temperatures were in the fifties, rain fell intermittent team wanted to see. Nevertheless the team managed to negr from Cheat Bridge to the abandoned logging town of Spr

While the weather was not conducive to good photo enough evidence along the roads to justify the unrest felt below, all the work of Conservancy member Lee Crisplip, offi Shavers Fork. The photographs are, of course, selective. O immensity of the devastation delivered upon this land be co best by those who did it; the Mower Lumber Company, or th New York, NY 10036.



WVHC caravan pauses along Mower road between Cheat Bridge and Spruce. The road to this point is well drained. Beyond this point little or no effort has been made to divert water flows from the road surface.



The Mower Lumber Co. has claimed that it does not practice clearcutting. The disaster pictured here and in the next two photos is located near the headwaters of Second Fork of Shavers Fork a few miles northeast of Bald Knob.



FINDERS VISIT SHIVERS FORK

by Crispip

urchased passes at the Pocahontas Motel on RT. 250 and the tour was to see first-hand what the Mower Lumber shed of Shavers Fork. and dense fog blanketed much of what the investigating te above 20 miles of Mower's muddy, unimproved roads e on the edge of Snowshoe's property. ropy or far-flung trekking the fact-finding team did find all conservationists over Shavers Fork. The photographs nute but graphic testimony of what has been happening on y by going to Shavers Fork and seeing for oneself can the ebended. The reasons why it was done can be explained V.R. Grace and Co., Grace Plaza, Avenue of the Americas.



The crowning disaster of the fact-finding tour was the discovery of a freshly bulldozed road running from near the Cane Scenic Railroad tracks to Old Spruce. In the photo the freshly dozed road can be seen in the upper left hand corner cutting directly across Shavers Fork. As is clear from the photo no effort was made to prevent siltation from the road into Shavers Fork.



Glum looks predominant as the Conservancy fact finders pause for reflection on the Western Maryland railroad tracks at Spruce. The freshly bulldozed road has been carved through the gap in the trees noticeable from left to right in the upper part of the photo.



A visit to the Bald Knob fire tower led to the discovery of a beautiful spruce forest surrounding the tower. This tiny patch of forest is owned by the State of West Virginia. A few feet away from the W.Va. Mower boundary line evidence was found of the appreciation Mower has for their part of this Canadian-like forest.

Guest Editorial



Wilderness Time Flying

By Skip Johnson
(The Charleston Gazette)

Only about a month remains for Congress to pass an Eastern Wilderness bill, or the whole process will start all over again next year.

The Senate has already passed a bill, S3433, but the House bill hasn't moved out of the Interior Committee's subcommittee on public lands.

Both bills would designate the Otter Creek and Dolly Sods areas of West Virginia as instant wilderness, and would place the Cranberry Back Country in a study category for possible wilderness designation.

According to the Wilderness Act, which came into being on September 3, 1964, wilderness is defined as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."

Under the act, lands in the wilderness system cannot have permanent improvements or human habitation, and the imprint of past human activities must be "substantially unnoticeable."

Wilderness designation does not, however, lock these areas up from public use. They can still be enjoyed by hikers, campers, backpackers, horseback riders, canoeers, skiers, hunters and fisherman.

There are many reasons for setting aside certain areas for preservation, and one of them is that rare or endangered species of wildlife are given added protection. Another reason is that the nation is officially recognizing wilderness as part of its way of life.

However, it's going to be a close call if the House is to pass the bill, and the Senate is to concur, before recessing for the year around mid-October.

When the current recess ends this week, another day or two of hearings are scheduled, and congressional sources also say the Public Lands Management Act is ahead of the wilderness bill on the House Interior subcommittee timetable.

One plus is that Rep. John Melcher, D-Mont., chairman of the subcommittee, and Rep. Harley Staggers, D-W.Va., whose district includes the West Virginia areas being considered for wilderness status, are both in favor of the bill.

What is needed from West Virginians is a word of thanks and encouragement to both Staggers and Melcher in their efforts to move the bill out of committee. Write Staggers at Room 2366, Rayburn House Office Building, Washington, D.C. 20515.

the comprehensive plan, we should be in position to begin connecting various existing trails within the Monongahela by next spring, forming the through Allegheny Trail.

(WVHC members may wish to contribute either time or money to the West Virginia Scenic Trails Conference. Trail clearing parties are to begin work this fall. If you wish specific information on when and where volunteers are to meet to work on the Allegheny Trail contact the WVSTA at P.O. Box 4042, Charleston, WV 25304.)

WVSTA Meets With Forest Service

[from WEST VIRGINIA SCENIC TRAILS ASSOCIATION
NEWSLETTER]

The proposed Allegheny Trail is rapidly becoming a reality. On July 12, 1974, President Nick Lozano, Vice-President Robert Tabor and Secretary/Treasurer Bruce Bond met with U.S. Forest Service personnel at the Monongahela National Forest headquarters in Elkins. The results of the meeting were highly favorable toward a quick transfer of the Allegheny Trail from a line on the map to a designated footpath through the forest.

The delegation talked with various representatives of the National Forest in meetings coordinated by John Ballantyne, Staff Recreation Office. After a few introductory remarks, Mr. Ballantyne suggested that the meeting dispense with trail generalities and concentrate upon an exact routing. Discussion for the remainder of the morning centered upon the Scenic Trails proposal versus the route suggested by Monongahela personnel.

By lunchtime substantial portions of trail location had been settled and they agreed upon location deviated only slightly from our original proposal. The changes were principally due to possible infringements upon other planned forest developments. All things considered, the Scenic Trails delegation was highly pleased with the route selected.

The next step for the trail in the Monongahela National Forest is dependent upon the Forest Service. The Allegheny Trail, as a through trail, is to be included in the comprehensive plan being prepared by the Monongahela National Forest for submission to the Regional Office later this fall. It is expected that an approved plan will be ready for initial implementation in Spring 1975. Mr. Ballantyne added that the Supervisor's Office is very optimistic about the recreational aspects of Monongahela's comprehensive plan, especially the through trail concept. Hopefully, the West Virginia Scenic Trails Association will have necessary approvals in order to begin trail blazing in the Monongahela at an early date.

A second point discussed at the meeting was the need for a distinctive blaze color. Our first choice, international orange, has recently been given a national designation for trail use by "Off Road Vehicles." We certainly do not want to encourage usage of a hiking trail by motorcycles or other vehicular traffic. The special paint utilized for trail blazing is available in a very limited number of colors, most of which have already been designated for particular national forest uses. So, the next logical choice for our use seems to be yellow.

The meeting with the Monongahela National Forest was a very prosperous one. Assuming early approval of

Tour Summaries

The following tours have been lined up for the annual Highlands Weekend Review at the Department of Natural Resources Operations Center near Elkins. Those interested in taking the cave trip (No. 6 below) are urged to arrive early and sign up for the trip. The number of participants for this trip will be limited. All trips are scheduled for October 19.

1. High Falls of Cheat. By automobile to Bemis, then hike four miles along Shavers Fork to the falls. Leaders: Bruce Sundquist and USFS personnel.

2. Gaudineer Knob. By automobile to the top of Cheat Mountain on Rt. 250, then short hikes in the area of the virgin spruce stand and balsam fire swamp. Leaders: Dr. Eugee Hutton, E.M. Olliver.

3. Otter Creek. By automobile to Alpena, then hike as much as you wish on Otter Creek's blazed and maintained trails. Leaders: Sayre Rodman and USFS personnel.

4. Snowshoe. By automobile to Slaty Fork, then drive to the top of Cheat Mountain for a tour of this ski development. Leaders: William Brundage of the Conservancy and Dr. Thomas Brigham, President of Snowshoe, Inc.

5. Corridor H. An automobile tour along Corridor H construction parallel to Rt. 250 with stops along the way. Leaders: Donald Phares of the Conservancy and Roy Phares of the West Virginia Department of Highways.

6. Devil's Kitchen. This trip is for cavers and was originally scheduled for the Sinks of Gandy. The leader of the trip, Tony Struntz, has announced that spelunkers have declared a winter months moratorium on entering caves which contain hibernating bats. Since the Sinks of Gandy contains such a population that cavers are going to Devil's Kitchen instead. By automobile to Mingo, then into the cave. Leaders: Tony Struntz and the Netherworld Explorers. Bring appropriate clothing.

7. Seneca Trail. Short automobile trip, short hike. Leader: F. Milton Cunningham.

8. Historical Tour. Automobile tour with frequent stops, mostly in the Beverly area. Leader: Donald Rice, President of the Randolph County Historical Society.

Come early, stay late and enjoy the fresh autumn beauty of the majestic West Virginia highlands.

Neglected Polluters

(Continued from Page 1)

In the fall of 1973, Campaign Clean Water initiated an investigation into the compliance with the first mandatory deadline. It was felt that the success of failure of the coal companies and EPA in meeting the April/73 deadline would be indicative of the overall implementation process. Because of this fact (and because of the past history of blatant disregard for the law,) it was hoped that the coal industry would be made to take this new Act, symbolized by the April/73 deadline, seriously.

Responding to repeated requests for a list of those mines which had applied for permits, EPA alternated false promises to send out the information with assurances that the situation was well under control. It was not until May of 1974 that the list was made available—and then only because of a contact through unofficial channels.

When this belatedly obtained material was correlated with the Department of Mines list of actively producing mines, it became evident that of the nine hundred and thirty-six strip and deep mines in the state, less than half—three hundred and eighty—had applied for Federal permits. A total of five hundred and fifty-six (59%) had never applied for permits, and thereby been in violation of the Act for over a year! This represents over \$5,000,000,000 (five billion dollars) in criminal fines and over \$2,000,000,000 (two billion dollars) in civil fines owed to the United States Government, if the violators were punished to the fullest extent possible!

Up to this time when pressure began to be applied by Campaign Clean Water, the sole effort made by EPA to inform coal operators of their obligation had been to address meetings of the Surface Mining and Coal Associations. Finally in April 1974 a polite "information" letter was sent out to most of the mines, but still no hint of prosecution if they didn't apply for their permits. The Monongahela County coal operator mentioned earlier told Campaign Clean Water: "Yes, I know about this Federal law. I've got plans to build several acid treatment plants if EPA ever makes me."

An attorney with the regional EPA office admitted to Campaign Clean Water in May 1974 that the coal industry was low on their list of priorities. Then in June 1974, Campaign Clean Water reported the situation to every newspaper in the State. Both U.S. Attorneys for West Virginia agreed to take action, and the following program was worked out:

August 15, 1974: EPA mails certified letter to every illegal mine, stressing that they are violating the law and have 30 days to comply.

August 22, 1974: The U.S. Attorneys send follow-up letters promising prosecution if the companies do not comply.

September 23, 1974: Meeting to work out the details for prosecuting non-filers.

Hopefully by this Fall water pollution from all coal mines in the State will be regulated for the first time. Conservancy members are urged to stay abreast of the progress made in their area and be ready to write nasty letters to EPA if they fall back on their promises.

New FS Mining Regulations on NF

The United States Forest Service has announced new regulations for mining companies wishing to mine or prospect on national forest lands. The new regulations, effective since September, require mining companies to present complete plans for road - building, core-drilling and other land disturbance on national forest property. The companies will also be required to post bond which reflects expected costs of reclaiming and rehabilitating any national forest land disturbed during mining or prospecting.

The Forest Service stated that the new regulations "leaves no doubt" that economics and other related issues will be taken into account by the Forest Service when mining or prospecting permits are sought for national forest lands.

Another aspect of the new regulations allows the Forest Service to require detailed plans of any mining company movement on national forests if the Forest Service determines that significant land disturbance will result from the movement. The new regulation does not, however, define "significant land disturbance." The definition will be left to the discretion of the Forest Service which will evaluate each project on its own merit.

Nicholas Zingales

Members Back Up to the House

The reason we have got this far is because the House passed a creditable regulatory bill on July 25 by the decisive vote of 291-61. This was a bitter blow to the energy companies and the Administration (who had their own bill, rejected 156-255), a credit to environmentalists from all over the country, and a personal triumph for Morris Udall of Arizona, Patsy Mink of Hawaii, and all the staff of the House Interior Committee.

We'll go into the specifics of this bill if and when it becomes law, but meanwhile some words on the behavior of our delegation during this debate. On a scale of 1 through 10, Ken Heckler gets 10, Mollohan and Staggers get 0, and Slack gets -10.

Heckler submitted his own abolition bill which was rejected 69-336, but he fought throughout the debate, and voted against both the Administration bill and the Committee bill as too weak.

Mollohan and Staggers took no part except to vote for the Administration bill, thereby pleasing their corporate contributors, and then again for the Committee bill, thereby going with the majority. (Ah, politics.)

John Slack distinguished himself by speaking for an amendment which would have exempted the "mountaintop removal" method from all control! In his words: "Mountaintop mining produces flat land sorely needed in many hilly regions with minimum damage to the environment." (If you were on the mining and forestry tour at last year's Fall weekend you will have seen what a delightful and useful plateau is being built in the Greenbrier hills.) This amendment was actually passed, and it was only repealed by fast action the next day by Patsy Mink, a Representative from another mountain state - Hawaii. If I were Slack I would feel pretty small to think that the mountains of my own district had to be saved from my own deprecations by a Representative from a non-mining state out in the Pacific.

Developments on H.R. 13455

by Dave Boyer

At long last there has been some visible action by the Subcommittee on Public Lands of the House Interior Committee on the Eastern Wilderness Areas bill. Chairman Melcher held a hearing Tuesday, September 24 primarily to enable certain members of the House of Representatives having proposed areas in their Congressional districts to go on record in favor of the bill. Melcher and Congressman Young of Alaska were the only subcommittee members present.

While it is most gratifying to see definite action by the Subcommittee on Public Lands, there is some threatening news as well. Chairman Melcher's press release announcing the hearing included two lists, one of wilderness areas for immediate designation and the other of study areas. The Sept. 24 hearing, Mr. Melcher indicated, would be limited to his listed areas only. Only 16 of the 19 immediate wilderness areas and only 12 of the 40 study areas listed in H.R. 13455 were included in Melcher's list. (Other Creek and Dolly Soda were on Melcher's list for immediate wilderness designation. The Cranberry Back Country was missing from the list of study areas.)

Congressman Melcher states that his lists of areas are based on responses he received to letters sent out more than three weeks earlier requesting the 32 local Congressman to advise him of their position (One of the 32 would be Harley Staggers.) His staff apparently followed up the letters with phone calls requesting a reply. A favorable reply was received for each area on the Melcher lists. Either no reply or an unfavorable reply was received for those areas omitted.

The big question is: What is the status of those areas not on either of the Melcher lists? There is some expectation that Chairman Melcher will hold another hearing after the election recess to cover the omitted areas, but this is highly uncertain as of now. I am told that during the ten days preceding September 24 conservationists conducted a very complete survey, by means of personal visits and telephone calls, at the offices of the 32 Congressmen having proposed areas in their districts. This survey disclosed strong support for all areas on the two Melcher lists. On the other hand, either definite opposition or extreme lack of enthusiasm was found in offices for the areas omitted from the Melcher lists. It is clear that to remain in the bill an area must have the written support of the local Congressman.

Your assignment this month, believe it or not, is to write to Senator Henry Jackson of Washington State (address is U.S. Senate, Washington DC 20510) about the federal surface mining bill.

Different but similar bills have passed both House and Senate and a Conference Committee is meeting to reconcile them. This is approximately stage 97 of 100 stages that bills go through - so we are coming down to the wire. Jackson is on this committee. According to environmentalists in Washington, he has been lukewarm but because of his Presidential ambitions he may be responsive to letters from around the country. So go get him. (Send copies to your own Senators and Representatives.)

Of the issues pending in this committee, these two seem to be the most important to us:

(1) The "Manassah amendment" would absolutely prohibit surface mining of federal coal under private surface. This would protect the livelihood of Western ranchers and Appalachian miners (because almost all such land is in the West.) It is supported by both groups, and fervently opposed by American Electric Power and Appalachian Power who would like to move their operations westward. This amendment is in the Senate bill but not the House bill. Ask for it to be included in the Conference bill.

(2) Mountaintop mining. Both bills allow the head-of-the-hollow and valley-fill methods of dumping soil on the downlope which are among the most destructive stripping methods in Appalachia, serving as a primary source of landslides, floods, and erosion. A simple restriction on dumping spoil on the downlope for both contour and mountaintop mining would greatly reduce the damage being done to our mountains.

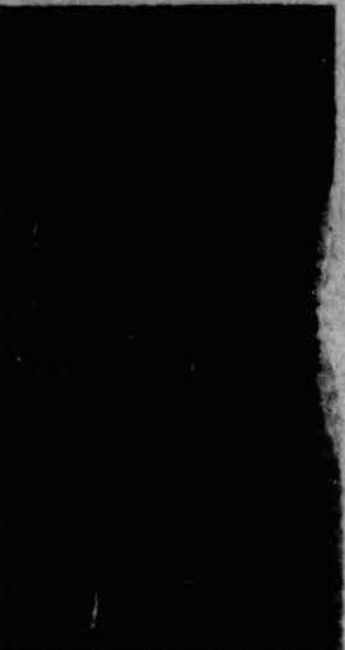
Strip Mining and Garbage

[The following is reprinted from page 1 of the Congressional Record of July 17, immediately after the Chaplain's prayer and before the start of the debate on the surface mining bills.]

Mr. Heckler of West Virginia, Mr. Speaker, some of the Members of Congress were distressed by a public opinion poll that was published some months ago that indicated that garbagemen rate higher than Congressmen in the public esteem. I have given some reflections to this. There may be a reason back of this: people like the fact that garbagemen go directly to the job of trash and pick it up and take it away.

Unfortunately in the strip mining legislation we are concerning, we have one bill, the Hoosier bill, that piles up more garbage, and we have the committee bill [H.R. 11500] which is a compromise, which takes away half of the garbage. That is really tempering with the problem.

Therefore, I think the sensible way to approach the garbage and strip mining problem is to clean it up entirely, as contained in a proposal I will present as H.R. 15000. It will clearly restore the esteem of Congress to face up to the problem directly instead of pussyfooting around the edge of the problem.



"Dolly Soda and Other Creek are in."



"Cranberry Back Country is out."

The Big and the Small of It

September 2-15 was another big period for stripping applications. Check them out below and protest as many of them as you wish. None of them are worth a damn, so any protest is appropriate.

- Barbour County:
 - #1292, Badger Coal Co., Union District, 33 acres.
 - #1293, Garburt Const. Const., Co., EB District, 89 acres.
- Laysan County:
 - #1294, Buhre Coal Co., Island Creek District, 40 acres.
- Lincoln County:
 - #1295, Ashburn Coal Co., Triadelphia and Oceana Districts (also in Wyoming County), 1,158 acres.
- Kanawha County:
 - #1296, Coker Coal Co., Cabela Creek District, 140 acres.
 - #1297, Valley Camp Coal Co., First District, 23 acres.
- Raleigh County:
 - #1298, White Ridge Coal Co., Mechanical District, 210 acres.

- #1297, White Ridge Coal Co., Richmond District, 270 acres.
- #1298, White Ridge Coal Co., Richmond District, 310 acres.

- Preston County:
 - #1299, Thomas Stone Co., Union District, 8 acres.
 - #1297, F.E. Gregory & Sons, Great District, 43 acres.
- Mingo County:
 - #1290, Peter White Coal Mining Corp., Stafford District, 30 acres.
 - Marion County: #1291, W & S, Inc., Paw Paw District, 30 acres.
- Upshur County: #1294, Loyal Coal Co., Warren District, 42 acres.
- Nicholas County:
 - #1295, A.F. & A. Coal Co., Hamilton District, 47 acres.
- Crawford Co. #1298, Jenkins Industries, Meadow Bluff District, 74 acres.

- Braxton County: #1290, Harry C. Boggs, Salt Lick and Otter Districts, 44 acres.
- Harrison County: #1300, LaRose Fuel Co., Coal and Clark Districts, 13 acres.

That's a grand total of 2,610 more acres of West Virginia scheduled for deposition in the Gulf of Mexico. Added to the applications for the two week period immediately preceding September 2 that's a total of 3,729 acres going under the blade.

Send your protests to: Room 322, 1800 Washington St., E. Charleston, WV 25302. Send the original to Mrs. S. Lattner, and send copies to Don Greene and Arch Moore. If you can find their addresses (it's not as easy as you might think) send a copy to the coal company applying for the permit you are protesting.



Other Voices

Recent attempts by strippers to subvert the 22 counties stripping moratorium imposed by the West Virginia Legislature in 1972 has sparked formation of a new anti-stripping organization. Called "Lincoln County Citizens to Abolish Strip Mining" the group has recently released a press item, the text of which follows:

Once again the corporate coal interests are shifting into high gear in preparation for the new moratorium vote.

Lincoln County Citizens to Abolish Strip Mining was formed in July 1974 to oppose the intended breach of the strip mining moratorium in Lincoln County by Capitol Fuels (i.e. Appalachian Power). We are now moving toward creating a state-wide group to put pressure on candidates for office this fall and to begin lobbying toward next January's vote on the moratorium.

We need a similar organization in your county. Can you provide assistance in either or both of these areas:

—forming a county organization or reorganizing an old one:

—sending us a list of names and addresses whom we could contact for support.

You can express your interest in protecting West Virginia land from the destruction brought from strip mining by an immediate and positive reply.

Lincoln County Citizens' address is Box 575, Hamlin, WV 25523. Please note that the press release does not ask for money, only for sympathetic assistance.

With increasing public awareness of electric power utility companies ripping off consumers comes a timely handbook from the Environmental Action Foundation.

How to Challenge Your Local Electric Utility is a consumer activist's handbook which includes chapters on changing discriminatory rate structures, challenging advertising, opposing new power plants and power lines, promoting energy conservation, challenging rate increases, replacing your company with a publicly owned system, plus a bibliography detailing other sources of information on power companies.

This handbook is particularly relevant in light of the disclosure that Appalachian Power has been overcharging its West Virginia customers for the controversial "fuel charge" addition to bills.

The handbook is available from the Environmental Action Foundation, 720 Dupont Circle Building, Washington, DC 20036. 1-9 copies cost \$1.00 each. 10-99 copies sell for .85 cents each, and 100 copies or more are available at .50 cents apiece.

A weighty tome has come our way which anti-water pollution addicts may wish to squeeze out of a sympathetic Congressman. Adverse Effects of Coal Mining on Federal Reservoir Projects is a hearing record of a subcommittee of the Committee on Government Operations dated October 25, 1973. The title adequately explains the contents.

But of particular interest is an exchange of letters between Harry Caudill and Congressman Henry Reuss, chairman of the House Conservation and Natural Resources Subcommittee, and Caudill's written testimony submitted to the hearing. Good reference material.

Even more pertinent for WVHC members is the testimony of J.D. Brackenrich, chief of the DNR Planning and Development Division. The Voice will have more to say in a future issue about Brackenrich's testimony in a future issue, but those interested in getting a head start may turn to p. 350 of the hearing record.

The record is not for sale, but a copy may be obtained from a friendly Rep. Try Rep. Reuss first. No members from West Virginia or Pennsylvania serve on the subcommittee, but Gilbert Gude of Maryland does. Try him. West Virginians can always put the word to Ken Hechler. Hechler often works wonders in securing difficult to obtain documents from the caverns of bureaucracy.

CONSERVANCY PUBLICATIONS

A new edition of the Monongahela National Forest trail guide is now available. Users will be pleased to know that the format of the guide has been altered, and it will now fit conveniently in a large pocket or an outside pocket on a pack. The new guide measures 5 1/2" x 9". It cost \$2 and can be ordered from the address below.

1. Otter Creek Trail Guide & Management Plan - 75 cents.
2. Dolly Sods Trail Guide & Management Plan - \$1.25.
3. Cranberry Backcountry Trail Guide & Management Plan - \$1.00.
4. Hiking Guide to the Monongahela National Forest - \$2.00.

These may be ordered from:
Mrs. J.C. Rieffenberger
Route 1, Box 253
Elkins, West Virginia 26241

Copies available at 1-3 discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Sundquist, 210 College Park Drive, Monroeville, Pennsylvania 15146. Prices as of January, 1974

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You are mighty poor Americans if your care for the well-being of this country is limited to hoping that that well-being will last out your own generation. No man, here or elsewhere, is entitled to call himself a decent citizen if he does not try to do his part toward seeing that our national policies are shaped for the advantage of our children and our children's children.

—Theodore Roosevelt

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Carolyn Kilforan, Membership Chairman,
6202 Division Rd.,
Huntington, WV 25705

CLIP AND MAIL

OUTDOOR CHICKEN BARBECUE

Catered by Elkins Jaycees
DNR Center 6:00 P.M.
October 19, 1974

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\$2.75 per person if received by Oct. 6; \$3.25 per person after that. DEADLINE: Oct. 15.

Send check payable to West Virginia Highlands Conservancy to:

Jill Linden
Box 292
Elkins, WV 26241

NAME: _____

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