

Append. R. 177



Published Monthly By The West Virginia Highlands Conservancy

the Highlands Voice

Subscription postage paid at Glenville, WV 26031 and at additional mailing offices under the postal act of March 3, 1979. Re-entry at Webster Springs with additional entry at Glenville, WV 26031. Main

business offices are located at 206 Union Street, Webster Springs, WV 26280. Executive editor, Ron Hardway, 206 Union Street, Webster Springs. Managing editor, Gilmer Graphics, Inc. 209 E. Main Street,

Glenville, WV. Postmaster's address forms 3579 to 206 Union Street Webster Springs, WV 26280.

Vol. 7 No. 2

February, 1975

West Virginia Highlands Conservancy Winter Board Meeting

Washington, D.C. Vice President Nick Zveginzov
Charleston Vice President Nick Lozano
Treasurer Art Foley
Secretary Ellen Snyder
Director (Two Year Term) Bob Burrell

Director (One Year Term) Joe Rieffenberger
Fred Kyle made a motion that the full slate of nominees be accepted. The motion passed.

The next meeting will be in mid-May at the time of the Cheat River Float trip.
Jannette Fitzwilliams suggested a standing ovation for outgoing interim President, Joe Rieffenberger. The motion passed.

Charles Carlson appointed Virginia McTeer of Charleston to be Membership Chairman.
Respectfully submitted,
Stauffer Miller, D.V.M.

Board Members Present: Charles Carlson, Joe Rieffenberger, Stauffer Miller, Bobbi Nagy, Jerry Kyle, Sayre Rodman, Ron Hardway, Mary Rieffenberger, Max Smith, Nick Lozano, Nick Zveginzov, Jeanette Fitzwilliams, and Geoff Hechtman.

Carlson Elected WVHC President

Charles Carlson, a retired forester, was elected to a two-year term as President of the West Virginia Highland Conservancy at the Conservancy's annual Mid-Winter Workshop board meeting, January 25, 1975 at Hawk's Nest State Park.

Carlson, an irreplaceable hiker and backpacker, is currently involved in many environmental issues around West Virginia. He is also assisting in planning efforts for West Virginia's observation of the American Bicentennial. Charlie is retired from the Department of Natural Resources for whom he served as a state forester on Kanawha State Forest for many years.

In other political activity at the winter board meeting Lowell Markey, Jean Rodman, Nick Zveginzov and Nick Lozano were elected to two-year terms as Regional Vice Presidents. Markey will represent the Highlands Region, Rodman will sit for the Pittsburgh Region, while Zveginzov will represent Washington and Lozano will represent Charleston.

Arthur Foley of Charleston was elected Treasurer for the Conservancy, succeeding Charlie Carlson. Stauffer Miller of Moorfield was elected to a second two-year term as Secretary.

Elected to two-year terms on the Board of Directors were Ellen Snyder and Bob Burrell of Morgantown, Geoff Hechtman of Reston, Va. Dave Elkinton of Canaan Valley and Sayre Rodman of Oakmont, Pa. Joe Rieffenberger of Elkins was elected to a one-year term on the Board.

Newly installed president Carlson appointed Virginia McTeer of Charleston to replace Carolyn Killoran as Membership Chairman.

users, conservationists and managers talking to each other for the purpose of agreeing on guidelines for planning and regulation of recreational activities and developing a process of continuing citizen input. She moved the Conservancy endorse the idea of Project Guidelines, and urged members to participate. The motion passed.

There was no report from the Wilderness Committee except to congratulate ourselves for the recent enactment of the Eastern Wilderness Bill.

Ed Light of Campaign Clean Water reported on the EPA permit system for strip mine and flaws therein. Nick Zveginzov made a motion that the Conservancy associate itself with Campaign Clean Water's appeal to the EPA on this matter, that we pay \$100 to Campaign Clean Water for this purpose, and that we register our appeal in a letter to EPA from the Conservancy. The motion passed.

Nick Zveginzov reported on the Strip Mine Committee. He reported that the recent congressionally approved surface mine bill had been vetoed by President Ford. Zveginzov also reported on apparent legal violations he has noted in surface mine application procedures, and also on how the bond is repaid. He made a motion that the Conservancy contact attorney Roedeker to see if we can assist in his current McDowell County law suit pertaining to the above strip mine violations. The motion passed. The motion also authorized payment of \$100 to Roedeker, if needed, for his services.

Bobbi Nagy reported on Germany Valley task force. She said that National Landmark status is being considered for Germany Valley. She said that there are only two mammals on the list of West Virginia endangered species, both are bats, and one is in Germany Valley.

The list of nominees for board positions was presented. The candidates were as follows:
President Charles Carlson
Highlands Vice President Lowell Markey
Pittsburgh Vice President Jean Rodman

Interim President, Joe Rieffenberger, called to order the winter meeting of the West Virginia Highlands Conservancy at 8:00 P.M., January 25, 1975, at Hawk's Nest State Park.

The Mid-Winter Workshop, which was held the morning of January 25, 1975, dealt with the proposed construction of the Eden Ridge Project dam on the New River, and efforts to thwart it; also, the workshop dealt with plans for either national park or wild and scenic river status for the West Virginia portion of the New River.

Charles Carlson read a treasurer's report. Total assets are at \$9,523.53. He also presented a copy of the annual audit of the Conservancy books, dated the 22nd of January, 1975. David Elkinton made a motion of gratitude for treasurer Charles Carlson's services over the past few years, and also that he be reimbursed for some unaccounted expenses. The motion was unanimously and hastily approved.

The secretary of the Conservancy was urged to write a letter to the outgoing and absent Membership Chairman, Carolyn Killoran, thanking her for her past years of service. Also, a motion was made to give her a standing ovation. This motion was also hastily approved.

David Elkinton reported for the Rivers Committee. He reported no significant changes since the last meeting.

David Elkinton made a motion that an additional \$200 be approved for the attorney's services in the Davis Power Project case. Also in the motion was the provision that past unauthorized legal services costs be approved. The motion passed.

Nick Lozano reported for the Trails Committee. He said that the historic meeting of national forest supervisors had not yet taken place. They had not met because the George Washington National Forest had recently gotten a new supervisor. He said that the Jefferson National Forest had already given approval for the Allegheny Trail to pass through it.

Jeanette Fitzwilliams discussed Project Guidelines. This is a grass roots movement to get recreational



The Caudy River canyon below Charleston Ferry.



Outlooking Tourism

By Bob Burrell

Overlook

This month we are overlooking tourism—great hope for West Virginia's future or the last straw? Many people believe that the development of tourism as a major industry in West Virginia is the solution to curing our financial ills while at the same time preserving our natural and scenic beauty. Others predict that the tourist business is too risky and unpredictable and makes demands on the land equal to those of strip mining, clear cutting, and other forms of entertainment regarded as economically healthy for our state.

We certainly can look to other states such as Arizona and Maine who have greatly capitalized on tourism. It has been years since this overlocker was in Arizona, but at the time, the overall impression was good. Many people seemed to be employed in this pursuit, little evidence of the Gatlingburg-Coney Island syndrome was in evidence, and a variety of attractions were available for a dude ranch, you could take your pick, or if you wanted to backpack in the boonies, you had much choice for this as well. All tastes in between were capable of being accommodated and Arizona at that time didn't make West Virginia's mistake of trying to provide at each location something for everyone (this is why you find "game rooms" in all WV State Parks among other things).

Maine certainly has a lot to offer, but they are making a WV mistake, i.e. they are letting industry #1 ruin industries #2 (fishing) and #3 (tourism). Logging and the paper pulp industry are currently being allowed to ruin the rivers, estuaries, and bays, namely the very things one would drive all the way to Maine to see. Of course, WV State Capitol types seem bent on luring tourists to view strip mines and muddy rivers here.

But many questions remain to be answered if we still favor the tourism-salvation approach. For openers, many of the local folks don't want tourists and this might be considered question number 1. A few years ago when we were trying to get the Shenandoah and Cacapon on the National Wild and Scenic Rivers Act, eastern panhandle newspapers were sharply critical of the thousands of people who would descend upon and change the character of their towns. (How curious! Recently southern WV weeklies were opposed to a similar status for the New River because Wild and Scenic Rivers status would NOT be attracting money spending types or anybody else). In other words if you want to bring tourists in, you not only will want them and make them feel welcome, but you must also be ready to take care of them. Which brings us to question #2, where are you going to put them?

I have been amused for years at Richwood's insistence at having the Highlands Scenic Highway completed to bring tourists to insufflate their sagging economy. As one who has stayed at about every accommodation Richwood has to offer (there is one new hotel I haven't see yet), I can assure them that well traveled tourists with money to spend require more than what extremely modest (and I am being quite

charitable) local facilities can accommodate. Indeed, when we had our Highlands Review there a few falls back, many of our older members did not attend because their requests for reservations were not even answered! Richwood will also have to learn some of the more basic amenities of travel before it becomes a tourist center. Now as for eateries, no one will argue that one of the finest bowls of soup or tastiest steaks in the state can be had at Prelazes, but as fine as it is, it is small and Richwood would either need a much bigger Prelazes or several more like it, to say nothing of the common, familiar names such as MacDonalds, Fish and Chips, or whatever. And this is a problem. Local capital just does not exist and to build tourist establishments in towns like Richwood will require outside investors. Which brings us to the next problem, the traditional WV phobia against "outsiders."

It is no revelation to anyone that money, resources, and people have been leaving the state for decades, leaving us poorer with each passing year. So what happens when we do get an outsider's advice or outside capital comes in to create a tourist mecca? In the case of the former, a well meaning WVHC member and Baltimore attorney wrote a well meaning letter to a county weekly pleading for the saving of the Canaan Valley. The same man has been instrumental in saving Tucker County from financial ruin due to the Rowlesburg Dam, in other words the man is consistent. His thanks has been that he has been bombarded with unkind letters to the editor suggesting in effect that Tucker County doesn't need any outsiders telling them what to do. From where I sit, there isn't a county amongst us that doesn't need all the outside help it can get. In the case of the latter (outside capital building a new tourist attraction), we have Snowshoe. By all of the usual measurements, this ought to be the greatest news our state could use so why all of the fuss? If you are still with us, let's look at the next problem, lack of planning.

We certainly need things like Snowshoe, but does it have to be at such a critical location, shouldn't more attention have been paid to the environmental impact this will make, and shouldn't Pocahontas County have been permitted or urged to have considered all of the economic problems and pressures to which they will be subject and not just those the developer wished to make known? The same thing is true in Canaan Valley or anywhere else in our unplanned state. The local folks want the dollars, but they don't want to be told where the gas stations would be located, how their land should be divided, or where scenic corridors or zones should be placed. As a result, eastern travelers to places like the Davis Reservoir will be faced with miles of road lined with all sorts of strip developments with which we who live in the state are all too familiar.

O.K. now suppose we get our well monied tourists past all the urban blight which they thought they were leaving behind in Philly or D.C. or Cleveland and were led to believe they would not find in Wild,

Wonderful West Virginia, just how will the local people profit from these tourists, and by this I do not mean just those people in the tourist business, but also how will the entire population of the County benefit? New roads will be needed and these will require more frequent upkeep. If the population increases around these meccas, strains on already inadequate schools will be felt. Other types of services such as fire protection, solid waste disposal, even telephones will be needed. Who will pay for this and how will tourism income be channeled, if at all, to these services?

Let us take an imaginary vacation to Tucker County. First we will stop at Blackwater Falls. We paid our money by check to Charleston several months ago to secure our room. How much of this is seen at City Hall in Davis or at the Parsons Courthouse? After two meals at the franchised lodge restaurant, we decide maybe better vittles can be had in Davis and this turns out to be right, but either way we take comfort in the fact that the money we spent has contributed to the income of the people who run either eatery and to the employment of a few local youngsters. But we came to hike or maybe ski or fish the upper Blackwater or just drive through the Valley stopping often for pictures. True, we buy a tank of gas here and there, a roll of film at the Lodge gift shop, maybe even a souvenir from a roadside hawker. But how will this small amount pay for the roads, schools, etc. Taxes? Easier said than done, but wait! Maybe if the tourist paid the tax directly instead of having the tax directly applied to the man in business, the bite on the local people would not be felt and we could easily visualize how the tourist pays for his keep.

Sound crazy? The people in New Orleans didn't think so when they decided to tax each tourist for each night's accommodation at a hotel or motel, to add a small surcharge on to every taxicab fare, and so on. The money is to pay for New Orleans' newest attraction, a sort of superdome. The bite is small, but collectively from all of the thousands of people who do the tourist route in New Orleans, the sum is fantastic. Isn't this what places like Tucker County ought to be doing? Shouldn't small surcharges on each hotel or Lodge room or cabin at Blackwater and Canaan Valley be returned to the County? Perhaps a small coin from each restaurant meal (commensurate with amount of bill) or ski slope ticket returned to Tucker County would help this potentially attractive-to-tourists area bring the desired financial benefits to the County without forcing the residents to sell off to industry all of their prime and unique natural wonders.

Tucker County is about to make the most crucial decision in its entire history. Which is it to be—economic security through wise, planned tourism or short term gain from hocking the family jewels and permitting unplanned development? The wisdom of Solomon would seem to be required and Tucker County could well use all the outside help it can get.

Mr. Ron Hardway, Editor
THE HIGHLANDS VOICE
Webster Springs, WV, 26288

Dear Ron:

Several things prompt me to write. It is bright and sunny, but there is still a lot of snow on the ground. Arthritis adds to the reason I am not anxious to go out, but I would enjoy a trip into one of the valleys or forests of West Virginia with some snow on the ground. Or even a hike along "my own" Potomac River by way of the C&O Canal towpath. Writing to you about some related matters is the best I will be able to do, however.

What impels me to write mostly though is the most recent issue of *The Highlands Voice*. Not only are there some reports of noteworthy accomplishments on and within its covers, but there are challenges for the future, energy-related problems with which I have been long and intently concerned, and opinions which I respect but with which I do not fully agree. Then there is the article about the New Creek Valley citizens' group, reminiscent of the Beaver Creek Valley Association here in Washington County, its success and its dissolution into limbo as far as the general environment is concerned.

I am writing this letter too from the background of a year's experience on a county planning commission, and having to watch while dominant and selfish interests invoke the laws intended for the people's general welfare to further their own personal or corporate interests; and of being largely unsupported in attempting to stop them.

Perhaps the article which rekindled my imagination the most was "Overlook", by Bob Burrell. It matters little that the basis of the column, or page, is Gerald Schneider's article in *American Forests*. Years ago my correspondence with Bob convinced me that he understood the importance of education if man is to achieve some sort of balance between his environment and all the influences which tend to make it less hospitable. Correctly, "Overlook" rules out as education so much that is written in the conservationist press these days.

This leads me to my own particular criticism of the conservation organizations, and I belong to most that are generally known. To varying degrees all of them are overly circumscribed by peculiar areas of self-interest, geographical or topical. To the basic problems listed under Failure No. 6 might be added one that in my opinion clouded the Conservancy's viewpoint on the Davis Power project; that is, the whole problem of our tax structure as it affects the economy of local and regional governments. Why should any community have to choose between its cultural and environmental heritage and the schools and hospitals it needs for its people?

Conservation, like the professions, ought to be a way of life, not just an avocation or exercise in self service. It ought to be taught that way from the early grades into the academic years and in the schools of business, law, medicine, theology, and engineering, particularly the latter. The whole basis of engineering should rest on a foundation of environmental conservation. But the managers of our society have seen fit to make it otherwise.

As a way of life, conservation ought to produce the same kind of answers whether the problem is in our own back yard or in some far away place. Its impact is long range, and whether the immediate effects are beneficial or adverse is not particularly important.

Nor should a project with environmental impact be judged on the basis of who is promoting it. For my part I can't see much difference environmentally between the Corps of Engineers building a dam across the Cheat at Rowlesburg or the Allegheny Power System building one across at the Blackwater at Davis. Yes, there are differences, physical, political, and in short term economics, but are environmental considerations to be diffused by these other matters in making an environmental comparison? Only if the ingredients are contained separately until they are measured can the right mixture be obtained.

I'm still reading letters in the *Parsons Advocate* about the pollution-free source of energy which Davis will produce. Pumped storage hydroelectric plants do not produce energy in the first place. They give the energy produced somewhere else a time-displacement factor, and in doing so they use more energy than they return to the power system. So what's pollution-free about that? It's all in breadth or narrowness of the beholder's vision.

Nor can conservation interests best be served as long as its efforts are divided into self-seeking groups of birdwatchers, fishermen, hunters, level walkers, backpackers, etc., or by a point of view confined to one's own valley. There are practical constraints on all human endeavor, of course, but the true conservationists should not have a closed mind to other needs in other places.

I do not, nor should anyone else, frown on the formation of the New Creek Valley group. I know that valley. It is a precious retreat from much that is wrong with our social and physical environment and I would hope that neither Corridor H nor any other road like it ever defiles it. But isn't the real question, "Why Corridor H, or any other corridor for that matter?" Who will they benefit? The people of New Creek Valley or the Appalachian highlands? I really doubt it.

One of the recent tragedies on the American domestic scene is the interstate highway system. Much can be said about its economic benefits and safety features, but for one I don't believe all that's being said. I live within two miles of the intersection of I-70 and I-81. Commercial development has followed at a great pace, and with it an increase in the tax base. Even so, the County is as much or even further behind than ever in providing essential services such as stormwater drainage and sanitary sewers to older residential areas.

It is true that there are more jobs, but in conservation I have learned that most of them are filled by people sent in by the firms from their metropolitan outlets. More houses have been built, but most of them are occupied by the newcomers. For the most part those who were unemployed are still unemployed, and those who needed better housing still need it.

What has the highway system given us? Many things. Amongst them I would have to include the intention of permitting higher driving speeds, even to the extent that whatever safety features are built into the roads are largely offset, or more. At least the accident rates per year show no particular improvement except for the short time most drivers (except the truckers) observed a 55 mph limit.

Increased speed requires the consumption of more fuel per mile driven and increased pollution for the same amount of traffic. The effect is compounded by the increase in miles driven as a consequence of the improved roads. Emission control devices are next required, but these add to the fuel consumption again. As a consequence we are short of needed fuel, and the Alaska pipeline has to be built, with what consequences neither the opponents nor proponents know; and some of the latter probably don't care.

Conservation is such a broad discipline that no

one should use the label to describe or define an area of limited or self-interest.

Now that I've muddied the water a bit I'll conclude by saying that I enjoy my association with the Conservancy. In some ways it offers an answer to some of the questions I have raised. There have been challenges, disappointments, and unrecognized hours of professional endeavor on behalf of the organization (or so I thought).

In recognizing the hours of work you are contributing to the cause I wonder how many members realize the immense worth of the publication you are managing. It is certainly an educational prize. I hope the editors of the newspapers in the eastern panhandle all are on your mailing list. If they are not please add them and I will meet the added costs.

Sincerely,
Charleston Morrison
117 Moler Ave.
Hagerstown, MD

February 5, 1975

Editor
THE HIGHLANDS VOICE
The West Virginia Highlands Conservancy
206 Union Street
Webster Springs, West Virginia 26288

Dear Sir:

My good friend Harriet Sheetz of Keyser, WV, sent me a copy of the January 1975 issue of *THE HIGHLANDS VOICE* and I was pleasantly surprised to see Bob Burrell's "Overlook" piece based on the articles I did for *AMERICAN FORESTS* magazine. I was glad that he recognized my thoughts as constructive criticism and was most interested in his application of the ideas to *The West Virginia Highlands Conservancy*! I've had a good response to my articles, but you're the first to publicly print an analysis linked to your own conservation organization.

If you have any spare copies, I'd appreciate a few for my files and for *AMERICAN FORESTS* magazine.

Thank you in advance for any consideration you give to this request. I look forward to my trips to West Virginia (was at Dolly Sods in the summer and at the Forest Festival in Elkins this past fall and I should be returning again in April).

Sincerely
Gerald Schneider
1520 Gridley Lane
Silver Springs, MD



from the Editor

by Ron Hardway

This issue of *THE HIGHLANDS VOICE* is designed with two purposes in mind: to demonstrate to Conservancy members what the Conservancy is doing, and to illustrate to members who wish to get involved in Conservancy activities one way to become active.

What we have done with this issue is to print a series of letters written by and to Conservancy members concerning particular topics of concern to them. There is a series of letters relating to strip mining on Shavers Fork, another series concerning stripping on the Gauley River, and a third series on Corridor H.

We urge readers of the *VOICE* to take some time to read through these letters. In them one will find an impressive array of facts between the lines of pointed questions and official reluctance to answer the

questions. Not only will the reader become fully acquainted with the circumstances surrounding each of these particular crises, but one will also see quite clearly how the Conservancy goes about its business. It is on the strength of letters such as these that the Conservancy formulates its policies.

One other thing needs to be pointed out to general readers. Conservancy members whose letters appear in this issue originally wrote their letters out of personal concern for the subject area of their letters. None of the letters were officially decreed by anyone or anything other than their writers consciences.

The editor of the *VOICE* will welcome any comments from readers relative to the wisdom or lack of it in printing these letters. If response is encouraging an effort will be made to print Conservancy correspondence on other matters of concern to us all.

December 16, 1974

January 8, 1975

Benjamin C. Green, Chief
Division of Reclamation
W.Va. Dept. of Natural Resources
1800 Washington St., E.
Charleston, W.Va. 25305

Mr. William D. Brundage
Arbovale, West Virginia 24915

Dear Bill:

While we are not experts on the methodology and procedures involved in issuing a surface mining permit, our understanding is that the Class III legal advertisement is the first public notification of an application. Past experience has indicated a final decision on a permit is not made until after we have commented on an SMA.

We have received and commented on SMA 977, while 1178 and 1208 have been dropped, and 1263 and 1319 have not reached us yet. Our input was of a general nature concerning #977, recommending systematic monitoring and possibly daily inspection due to the sensitive nature of the Shavers Fork.

Rather than sending copies of our response to SMA's direct to you, we prefer to have requests made to the Department of Natural Resources. The entire file, including our response, is available for review in Charleston.

Ralph F. Mumme
Forest Supervisor
Monongahela National Forest

January 13, 1975

Mr. William D. Brundage
Arbovale, West Virginia 24915

Dear Mr. Brundage:

This will acknowledge receipt of your rather lengthy correspondence posing several questions relating to surface mining applications in the watershed of Shavers Fork, Randolph County. I will attempt to respond following the same general organization of your letter.

Expert testimony in the Lang Brothers case was given by several officials, including input from the West Virginia Highlands Conservancy. This office had direct contact with Dr. Bob Burrell of your organization who was directed to the Office of the Attorney General. As you may recognize, in any appeal case, legal direction is the responsibility of that office. The quality of the Department's testimony would speak for itself, as all six modifications directed by the Board related directly to testimony upholding our original denial for failure to adequately pre-plan the same.

At the present time, only one new completed application has been received, that being SMA-1206 issued to Energy Enterprises, Inc. That application is presently being reviewed with additional information including core drillings being requested by our Division of Water Resources. All other SMA numbers noted in your letter are in the preliminary stages and a completed application has not been received by this Division.

Any complete application within the proclamation boundary of the Monongahela National Forest is forwarded to their headquarters for their review. This occurs after the Department has deemed the application completed and has subsequently reviewed the information furnished.

Of course, all applications are required to conform to Article 6, Chapter 20 of the Code of West Virginia and rules and regulations promulgated thereto. As you are no doubt aware, these requirements are quite comprehensive and are designed to provide the minimum possible impact upon any area being considered.

I trust this will provide additional information the current status of the applications in the Shavers Fork area. If any additional information is needed, please feel free to advise.

Benjamin C. Greene, Chief
Division of Reclamation
Dept. of Natural Resources

January 29, 1975

Benjamin C. Greene, Chief
Division of Reclamation
W.Va. Dept. of Natural Resources
Charleston, W.Va. 25305

Dear Mr. Greene:

Your reply of Jan. 13 to my letter of Dec. 16 '74 requires further correspondence.

First I owe you an apology of sorts. I had incorrectly stated that your office had issued a permit to Joe Burford for SMA-1263 for 99 acres on Shavers Fork. Your letter implied, and other sources confirmed, that Burford does not yet have a permit. I had interpreted a Nov. 20 '74 Charleston Gazette statement that permit

was issued to "Joe Burford, Inc. 95 acres, Randolph County" to have meant SMA-1263.

I appreciate your answers to five of my thirteen questions. Since you made no reference to eight of my questions, I will ask them again.

1. For the Lang Brothers, Inc. appeal, was expert testimony requested from the Monongahela National Forest, U.S. Fish and Wildlife Service, Bowden National Fish Hatchery, U.S. Army Corp. of Engineers, U.S. Soil Conservation Service, and U.S. Geological Survey? If so, what testimony was given?

2. Has, is, and will the total impact on Shavers Fork of all past, current and pending permits be considered when reviewing each application?

3. What special provisions ("six modifications") in the Lang Brothers permit (SMA-977) will protect Shavers from environmental degradation?

4. Do the reclamation requirements in that permit include re-forestation?

5. Do the reclamation requirements in that permit require results as well as procedures?

6. (8. original) What weight (consideration) does the Division give the Monongahela National Forest comments when deciding the terms of a permit?

7. (12. original) What prospecting permits are issued or pending in the Shavers Fork watershed? To what companies? Where is each located? What is the acreage and coal-tonnage limits for each?

8. (13. original) What specific reasons does the Director have for not deleting Shavers Fork from all surface mining as authorized by W.Va. Code 20-6-11?

My request for a copy of the Attorney General's opinion concerning the legal advertisement content and timing must be repeated.

Your letter, and information obtained since my letter, prompt some new questions and comments.

We understand that prospecting occurred on the Barton Knob side of Red Run of Shavers Fork during December '74.

9. Is this correct? If so, what is the prospecting permit number, acreage, coal-tonnage, and to whom was it issued?

10. For calendar year 1974, what was the total acreage of prospecting permits in all of W.Va.?

11. For calendar year 1974, what was the total acreage of surface mine permits in all of W.Va.?

The Monongahela National Forest Supervisor has written that SMA-1178 (Thermal Fossil 20 acres) and SMA-1206 (Energy Enterprises 500 acres) were dropped) and yet you wrote that 1178 was in preliminary stages and that 1206 is the only complete application. Apparently communications between the Department and the Monongahela National Forest need to be improved.

There exists confusion over two applications by Energy Enterprises, Inc. i.e. SMA-1206 (500 acres) and SMA-1319 (803 acres). Because the maps in the legal advertisements showed the area of SMA-1206 completely overlapped by the area of SMA-1319, others and I assumed that 1319 replaced 1206. But you stated 1206 is now the only complete application out of 1178, 1206, 1263 and 1319. Therefore 1206, and 1319 must cover separate areas and the advertised maps must be incorrect, or at least misleading, or perhaps even illegal.

12. Do the areas in SMA-1206 and 1319 overlap or not?

13. If so, where do they overlap and how can they do so legally?

14. If not, exactly where do they adjoin?

If SMA-1206 for 500 acres and SMA-1319 are separate viable surface mine applications, as they now seem to be, the total newly disturbed surface area in Shavers Fork above highway 250/92 could be:

SMA-977 (permit issued) Lang Brothers, Inc.	42 acres
SMA-1178 Thermal Fossil Industries, Inc.	20 acres
SMA-1206 Energy Enterprises, Inc.	500 acres
SMA-1263 S.S. "Joe" Burford, Inc.	99 acres
SMA-1319 Energy Enterprises, Inc.	803 acres
	Total 1464 acres

Five simultaneous and/or rapidly successive stripping operations totaling nearly 1500 acres would profoundly impact the wildlife, trout fishery, Bowden Hatchery, water quality and watershed of Shavers Fork, even if the permits were to contain the most stringent controls, mining procedures, inspections, and reclamation. Added to the approximately 400 acres already disturbed by past strip mining, the total of nearly 1900 disturbed acres would be about 4.8% of the 40,000 acre watershed above highway 250/92. Of these 1900 acres, 1300 would be concentrated between two tributaries of Shavers Fork, Lambert and Red Runs.

These are depressing prospects for the future.

Dear Mr. Greene:

Thank you for your reply to our protest of SMA-1319. Concerning it, we offer some comments, make a request, and ask some questions.

You stated that the content and timing of the Class III Legal Advertisement relative to the application for a permit complies with an opinion by the Office of the Attorney General rendered several months ago. After reviewing correspondence with your office, reviewing W.Va. Code 20-6-8- and -9, and reviewing actual advertisements and experiences of ours and others, we still cannot understand how the ad content and its placement before the application is completed can comply with the law. Therefore we request a specific explanation, including a copy of the opinion by the Office of the Attorney General.

The 300 pages of testimony during the Lang Brothers, Inc. appeal testifies to the quantity of testimony. The overturning of the Division's position by the Reclamation Board of Review testifies to the quality of the Division's testimony.

Question 1. Was expert testimony requested from the Monongahela National Forest, U.S. Fish and Wildlife Service, Bowden National Fish Hatchery, U.S. Army Corps of Engineers, U.S. Soil Conservation Service, and U.S. Geological Survey? If so, what was given?

In early November, the Division issued a permit for SMA-1263 by S.S. "Joe" Burford, Inc. Possibly the Division feels the Lang Bros. appeal was sufficient defense of Shavers Fork so now it is back to routine issuance of permits.

Your letter said "Each of the pending applications will be thoroughly reviewed. . .", which implies each will be considered individually without considering the total impact of all current and pending permits for strip mining on Shavers Fork. The Burford permit seems to verify isolated review.

Question 2. Has, is, and will the total impact of all current and pending permits be considered when reviewing each application? If so, what was the conclusion for SMA-1263 (Burford's 99 acres)?

Mr. Raney's letter in response to our protest of SMA-1208 said . . . "protection of the Shavers Fork area from environmental degradation will be of utmost concern during our final evaluation of the application." This implies that the Lang Bros. and Burford permits contain special provisions to give protection.

Question 3. What specific special provisions in these permits will protect Shavers from environmental degradation?

Question 4. Do the reclamation items in these permits include re-forestation?

Question 5. Do the permit reclamation items specify procedures or results?

The Monongahela National Forest says every SMA located within or close to their boundary is submitted by your office to them for review and comment. They had not received SMA-1319 by Nov. 27, '74, which was 42 days after the legal advertisement.

Question 6. Which of the five SMA's (-977, 1178, 1208, 1263, 1319) have been submitted to the MNF? Of those not submitted, when will they?

Question 7. For which SMA's did the MNF comment?

Question 8. What weight does the Division give the MNF comments?

There are other questions concerning strip mining on Shavers Fork.

Question 9. What is the current status of SMA-1178 for 20 acres by Thermal Fossil Industries, Inc.?

Question 10. What is the current status of SMA-1206 for 500 acres by Energy Enterprises, Inc.?

Question 11. What is the current status of SMA-1319 for 803 acres by Energy Enterprises, Inc.?

Question 12. What prospecting permits are issued or pending in the Shavers Fork watershed? Where is each located? What is the coal tonnage limit for each?

Question 13. What specific reasons does the Director have for not deleting Shavers Fork from all surface mining as authorized by W.Va. Code 20-6-11?

William D. Brundage
W.Va. Highlands Conservancy
Rivers Committee

however I am looking forward to your answers.

William D. Brumage
West Virginia Highlands Conservancy

February 13, 1975

Mr. William D. Brumage
Arbuckle, West Virginia 24815

Dear Mr. Brumage:

Your recent correspondence requesting additional information in the area of Shavers Fork has been reviewed and I will answer the questions following the outline in your correspondence dated January 29, 1975.

1. Files reflect information and evidence from the Monongahela National Forest, Soil Conservation Service, and the West Virginia Geological Survey. In addition, evidence on the water quality was submitted from the Bowden National Fish Hatchery and a letter of support from the Bureau of Sports Fisheries and Wildlife is also noted.

2. Yes.

3. In addition to the requirements of Article 6, Chapter 20 of the Code of West Virginia, the following are six modifications as directed by the West Virginia Board of Review.

a. The boundaries of the permit area, including haulageways and access roads, shall be modified as set out on the map identified as "Exhibit - Proposal Map," attached hereto and by reference made a part hereof for all lawful purposes.

b. The method of mining and regrading plan shall be modified in accordance with the map identified as "Exhibit - Sequence of Drainage Control", attached hereto and by reference made a part hereof for all lawful purposes.

c. The drainage plan shall be modified in accordance with the map identified as "Exhibit - Proposed Drainage Plan", attached hereto and by reference made a part hereof for all lawful purposes.

d. The Appellant shall be required to monitor the water quality of the surface water drained from the disturbed area daily.

e. The Appellant shall process coal on the site of the permit area.

f. The Appellant shall otherwise comply with requirements set forth in Article 6, Chapter 20 of the Code of West Virginia and the Rules and Regulations promulgated pursuant thereto.

4. Yes

5. Yes

6. Considerable

7. Prospecting permits issued for the years 1974 and 1975 for Randolph County are as follows. Coal tonnage removal was limited to 250 tons for each permit.

Company	Location	District	Acres
Lafayette Fuel Co.	Mahie	Middle Fork	4.00
H.C. Gregoire, Inc.	Pickens	Middle Fork	2.00
Plamco, Inc.	Hackers Valley	Banks	1.00
H.C. Gregoire, Inc.	Halveta	Middle Fork	8.00
Pickens Mining Co.	Pickens	Middle Fork	6.00
Mill Creek Co., Inc.	Mill Creek	Middle Fork	3.00
Oba Mining Co., Inc.	Pickens	Middle Fork	10.00
Goula Leasing, Inc.	Mill Creek	Middle Fork	10.00
Mountain Top Fuel Co.	Huttonsville	Tygart?	5.00
Mountain Top Fuel Co.	Huttonsville	Tygart?	6.00
Fairfax Trucking Co.	Mahie Roaring Creek		3.00
New Era Resources, Inc.	Huttonsville Tygart		2.00

8. There is some question as to the legal authority for a complete deletion of a given area.

9. Prospecting permits issued to Mountain Top Fuel Company, Huttonsville, West Virginia, 11.00 acres total, 250 ton limit, occurred on the Barton Knob side of Red Run.

10. 3,233.14 acres of prospecting permits = 17% of SM permits. Prospects are not subject to reclamation tax, full bond, and full reclamation standard.

11. 16,919.49 acres of SM permit

12. Yes.

13. Though it is not a normal procedure, due to seam locations, elevations or other information, applications for the same area may be submitted.

14. They generally overlap.

May I again point out that if an application is within the proximity of the Monongahela National Forest, the same is forwarded to their Elkins headquarters for their review and comments.

As noted in the next to last paragraph of your letter, with one exception, all applications are pending and there has not been a wholesale issuance of permits

nor any large scale disturbance of the Shavers Fork area. May I again point out that the Department's position has been to weigh each application very carefully, based upon the merits of that application and its particular effect on any given area. This we will continue to do in accordance with Article 6,

The Bowden Hatchery Crisis

November 19, 1974

Rep. Ken Hechler
Room 242
Cassan House Office Bldg.
Washington, D.C. 20510

Dear Sir,

In the process of researching and enquiring into Corridor H, Highlands Scenic Highway, and surface mine applications on Shavers Fork, one thing stands out like a sore thumb—the U.S. Bureau of Sport Fisheries and Wildlife apparently has done nothing to protect Shavers Fork and our Federal Hatchery at Bowden.

Apparently the Regional Supervision for the Bureau gave his OK for the routing of Corridor H four years ago. It seems to me anyone in their right mind could envision the consequences. After the 150,000 fish kill at the Bowden Hatchery, Mr. Goldweith said in effect, don't worry about it. That represents approximately 10% of the trout stocked in the state of West Virginia each year. Further enquiries resulted in entirely non-committal replies—they don't seem to care at the higher levels in the Bureau. Apparently, the Forest Service is more concerned than the Bureau because they have started monitoring Taylors Run to get before, during, and after construction data on the water quality. The Highlands Scenic Highway is another project that could seal the demise of Shavers Fork and the Bowden Hatchery. Building of this highway would cause extensive siltation and would require the disturbance of formations containing a high concentration of iron pyrite, the culprit in acid mine drainage. What has the Bureau done about it—nothing to our knowledge.

The recent flood of surface mining applications on the Mower Lumber property have kept us busy. Applications for the surface mining of approximately 10% of the Mower property have been protested. The Bureau has been disquietingly silent on the issue. If they are permitted, these mines would ruin Shavers Fork and the Bowden Hatchery.

It seems to me the role the Bureau is playing, and more importantly, the role they plan to play in these matters should be given careful scrutiny. It just seems inconceivable that U.S. Bureau of Sports Fisheries and Wildlife would approve of these activities if they were working in the best interests of the people in these United States, and more particularly, in West Virginia. Your attention to this matter would be greatly appreciated.

Sincerely,

Don Brannon, President
Kanawha Valley Chapter
of Trout Unlimited

November 26, 1974

Don Brannon, President
Kanawha Valley Chapter of
Trout Unlimited
c/o Ernie Neeter
Box 286
Alley, WV 25002

Dear Don:

Thanks for your letter calling my attention to the lack of action by the Bureau of Sport Fisheries. I've written to the Director of the Bureau and asked him to take action to protect the hatchery. As you probably know, I've introduced legislation to protect Shavers Fork as a wild and scenic river but it has been bottled up in Committee. With the strip mining now planned, it's questionable whether Shavers Fork could now qualify.

Thanks again, Don. - I hope you'll write to other Members of the Delegation too to get them working on this. I'll let you know if I hear anything positive from the Bureau of Sport Fisheries.

Ken Hechler

Chapter 20 of the Code of West Virginia, as amended.

Very truly yours,
Benjamin C. Greene, Chief
Division of Reclamation
Dept. of Natural Resources

November 26, 1974

Lynn A. Greenwall, Director
Bureau of Sports Fisheries
Washington, D.C. 20240

Dear Lynn:

The Bowden National Fish Hatchery in Bowden, West Virginia is gravely threatened by strip mining, deep mining, and highway construction activities in the Shavers Fork watershed. These operations endanger the delicately balanced water quality in Shavers Fork. As you no doubt are aware, a major fish kill has already occurred at the hatchery. The future of the Bowden Hatchery and of this beautiful trout stream are tightly intertwined. I urge you to take a personal interest in this situation and press publically for a stop to strip mining, deep mining and highway construction in this watershed. Your help could be critical in strengthening the hand of those who are fighting to protect the Shavers Fork.

Ken Hechler

December 17, 1974

Honorable Ken Hechler
House of Representatives
Washington, D.C. 20515

Dear Mr. Hechler:

This acknowledges your November 26 letter concerning pollution in Shavers Fork.

This matter is presently under review, and we will provide you with a full response as soon as possible.

M.A. Manston
Director Fish and Wildlife Service

January 13, 1975

Honorable Ken Hechler
House of Representatives
Washington, D.C. 20515

Dear Mr. Hechler:

This further responds to your November 26 letter concerning highway construction and mining activities which threaten Bowden National Fish Hatchery.

Strip mining in Shavers Fork watershed above Bowden Hatchery has been opposed by our Service and documented since problems began around 1960. The responsibility for ruling on the issuance of mining permits is vested in the West Virginia Department of Natural Resources. Recently, we have gone on record by strongly advising that Department that additional mines would further deteriorate the water quality of Shavers Fork and, therefore, have respectfully requested that no permit be issued, or any project approved, that would jeopardize production at Bowden Hatchery.

With respect to highway construction activities within the vicinity of Bowden Hatchery, we have retained a consulting engineer in Elkins, West Virginia, to closely follow the progress of construction so that fish and wildlife interests can be protected. The West Virginia Department of Natural Resources is also aware of the problems there and provides guidance and support in dealing with the situation.

Since the highway right-of-way does not physically cross hatchery property, we have very little control over actual construction. Environmental impact statements were not required prior to February 1971. Since the construction of Corridor H between Canfield and Bowden was initiated before that date, no environmental statement was prepared.

The State Department of Highways did, however, prepare an environmental statement on Corridor H extending from Bowden (Shavers Fork) to Wymer. Representatives from our Service will review and comment on the draft statement. Please be assured that our review of the statement will give every consideration to the welfare of fish and wildlife resources in this immediate area.

We appreciate the opportunity to comment on this matter. If we can be of further assistance, please call on us.

Howard N. Larsen
Acting Associate Director
Fish and Wildlife Service

November 2, 1974

Ralph Mumme, Supervisor
Monongahela National Forest
Box 1231
Elkins, WV 26241

Dear Ralph:

The attached copy of a strip mine application advertisement is reproduced from the October 30 issue of the Webster Echo. I wish to draw your attention to the last six lines in column 1.

The ad states, "The surface of the area to be mined is owned by Georgia Pacific U.S. Forest Service Rainelle, West Virginia Richwood, West Virginia. . ." Since these lines obviously have been garbled by the printer I checked with the editor of the Echo and found that the lines should have read, "The surface of the area to be mined is owned by the Georgia Pacific Co., Rainelle, West Virginia, and U.S. Forest Service, Richwood, West Virginia.

What this plainly means is that the Forest Service has leased a piece of the publicly owned Monongahela National Forest to private enterprise for the purpose of strip mining.

Before I make a big deal out of it I would appreciate knowing your view and/or details of this alarming situation. Thanks.

Sincerely
Ron Hardway
206 Union St.
Webster Springs, WV

November 13, 1974

Mr. Ronald V. Hardway
206 Union Street
Webster Springs, WV 26288

Dear Ron:

I have been out of the office and, therefore, unable to respond sooner to your inquiry of surface mining on National Forest land as stated in the Webster Echo on October 30th.

After numerous calls, we believe the situation is finally clarified. Energy Producers, Inc., have applied for a permit to mine only on Georgia-Pacific surface. However, the access to this area will be across National Forest surface on an old road that was previously used for mining in the area. Mr. Robert Dunlop, of Dunlop Engineering, stated that no surface mining of National Forest land was involved. He is employed by Energy Producers, Inc., to do the necessary survey and design work for the surface mine application.

Enclosed is a map showing the proximity of this project to National Forest land. Tract #462 was acquired on August 28, 1936, subject to a mineral reservation. The minerals are now owned by the Dexter-Carpenter Coal Sales Corporation, Frank Ettari, President, of New Rochelle, New York.

Through agreement with the Department of Natural Resources, we will review the Surface Mine Application prior to a decision on the permit. No complete application has been received to date by the Department of Natural Resources.

We appreciate your bringing this matter to our attention and hope this clears the ambiguity caused by wording in the advertisement.

Please let me know if further clarification would be helpful.

Sincerely yours,
Ralph Mumme
Forest Supervisor
Monongahela National Forest

December 2, 1974

Mr. Ralph Mumme
Supervisor, MNF
Box 1231
Elkins, WV 26241

Dear Ralph:

Thank you for your letter of 13 November explaining the Forest Service's role in stripping application #1348.

I would like to make the following observations about this impending operation, and I will appreciate any comments you wish to make about my observations.

(1) It appears that USPA acquiescence to the arrangements outlined by Mr. Dunlop, i.e. use of the old road on USFS property, would be a wise move. I say that on the basis that since this is another Mt. Allegheny deal (they won the coal) they are effectively well-served to simply build a new road



Monongahela National Forest property, Gauley River, Webster County.

beyond the USFS boundaries. Then we're stuck with two silt slicks instead of one.

(2) However, I think the time is now for the USFS to begin to assert its own property rights in cases like these. It begins to look more and more as if the National Forest has been bought twice - once on the surface using taxpayers' money, and again under the surface using private capital. By applying turn-of-the-century industrial logic to the situation the subsurface deeds always seem to take precedence over surface deeds. I believe it is time for the USFS to test this logic in the courts. It simply makes no sense to me that the USFS can own the Monongahela National Forest and have no control over what is done to the surface of it. The Cranberry Back Country is a case in point, and I don't believe the Federal courts would uphold these mineral deeds - at least to the point where road builders and gas drillers can run amok in the CBC.

(3) Nick Zvegintzov has advised me that one of the MNF deputies in Elkins advised him that "lawyers" would be looking into SMA #1348. Are these lawyers USFS attorneys, Justice Department attorneys, or who?

(4) What will the USFS do if these attorneys decide that a case can be made for stopping SMA #1348? Will you carry the case to the courts?

(5) It is difficult to tell from the maps sent to me by you and the one which appears with the Class III advertisement for #1348 in the Webster Echo, but it certainly appears that the USFS owns the surface within 500 feet of the proposed strip. "Energy Producers, Inc." state in this same ad that there are no owners within 500 feet of the proposed strip.

(6) This comment has little to do with SMA #1348, but why did the Agriculture Department even buy Tract No. 462 in the first place? That particular spot has no redeeming qualities whatsoever since it is populated with a run-down coal tippie, a coal loader, an active railroad track, a power line, a road which looks as if it were constructed with one swipe of a bulldozer blade, and it is surrounded by abandoned strip mines, some of which are 20-30 years old. If the USFS felt that it was possible to rescue this area from the blight which has afflicted it, I would think that would encourage the USFS to fight that much harder to keep the strippers out.

(7) How much will the USFS depend on West Virginia DNR action in the case of SMA #1348? You should be aware that no strip application on Gauley River has ever been denied, that no company has ever applied for more than one permit on Gauley River, with one exception that reclamation work is shoddy, that Gauley River is sometimes thick enough to plow and that stripping regulation in Webster County is at an all-time high level of incompetency.

(8) Since SMA #1348 will affect the Gauley River will the USFS consult the US Corps of Engineers about the strip? As you know, the distance from SMA #1348 to Summersville Reservoir is not much.

SMA #1348 hardly seems important enough to inspire so many questions, since it is a case of the ruined being made worse. But I think the vital question here is not the strip itself, but how far the USFS intends to go with the strippers. Miller Ridge today, Black Mountain tomorrow, Gauley River today, Williams River tomorrow. It is time to take a stand.

I'll appreciate hearing from you. Thanks for your ear and time.

Sincerely,
Ron Hardway
W. Va. Highlands Conservatory

December 6, 1974

Mr. Ronald V. Hardway
206 Union Street
Webster Springs, West Virginia 26288

Dear Ron:

It is difficult, and often times impossible, to place in proper perspective the management problems created by the acquisition of anything less than fee simple title to land with no reservations or rights outstanding. On the Monongahela National Forest, less than 60% of the National Forest surface ownership also includes the subsurface ownership, and, to further complicate the situation, the areas of greatest mineral probability occur where the mineral rights are privately owned. In the court cases concerning subsurface versus surface rights, the Courts have repeatedly ruled in favor of the subsurface owner. It is unconstitutional to take, without just compensation, any of the outstanding rights.

Tract #462 was acquired in 1936 when the Monongahela National Forest land base was being acquired and at a time when strip mining was not a common method of mining coal. Unlike the western National Forests that were carved from the Public Domain, the eastern Forests were established through individual purchases of land on a willing seller/willing buyer basis. On numerous occasions a decision had to be made whether to acquire surface acreage only or not to acquire any interest at all. In 1936, plans undoubtedly were to block in additional areas around Tract #462 and, for one reason or another, these plans never materialized. As you are probably aware, we have been acquiring land from Georgia-Pacific in the Sharp's Knob area to block in National Forest ownership.

The coal tippie, loader, road, etc. on Tract #462 are under special use permit and have been since 1945. The permit was recently rewritten to include more specific requirements and a bond to insure that these requirements are met.

While we are not satisfied with the land ownership pattern, we prefer to look at the Monongahela National Forest as a whole rather than one small parcel. We are of the firm belief that National Forest stewardship has provided beneficial results for the resources and the public alike. We are sure you have considered what the Cranberry Back Country might look like today without the limited protection afforded by the Forest Service surface ownership.

Mr. Zvegintzov was informed that we had requested a legal interpretation on whether or not strip mining is considered legal under a mineral reservation dated August 28, 1936, on Tract #462. The attorneys provide legal service to the Forest Service and are employed by the U.S. Department of Agriculture through the Office of the General Counsel. We have subsequently been informed it will be necessary to obtain additional historical information concerning mining in Webster County before this interpretation can be made. This has no direct effect on SMA #1348 since no stripping on Tract #462 is involved.

You are correct in assuming that the Forest Service land is within 500 feet of the stripping on Georgia-Pacific land. Apparently, since the Forest Service is named as a "Surface Owner" in the advertisement, it was not considered necessary to include them again as surface owners within 500 feet.

In regard to SMA #1348, we have not received a copy of the application to date from the Department of Natural Resources. Following receipt, we'll review the application and provide the Department of Natural Resources with our input on the environmental impacts and any other information regarding the proposed operation of which the Forest Service has knowledge. We assume that the Department of Natural Resources obtains similar input from the Corps of Engineers prior to making a decision. The Department of Natural Resources, of course, is the regulatory agency responsible for approving or disapproving the application.

While I'm certain all of your questions have not been satisfactorily answered, I have attempted to respond as candidly as possible. While our individual positions regarding strip mining are not exactly the same, I firmly believe we are able to work together towards a program of management that will make the Monongahela National Forest a place in which we can both take pride.

Sincerely,
Ralph V. Mumme
Forest Supervisor
Monongahela National Forest

Weston, W.Va. This farming and glass manufacturing community of 7,000 located fifteen miles south of Clarksburg is facing the most momentous decision in its history. Interstate I-79, opened four years ago, was expected by community leaders to bring new business, but instead it funneled off not only the cream but much of the milk of commercial activity to larger towns further north. Weston is withering on the vine which was to bring new growth.

For over a decade the U.S. Army Corps of Engineers has been planning a high rise dam on the West Fork River at Brownville, two miles southeast of Weston. The project would transfer 32 miles of rural Lewis County (about one-twelfth its surface area) from private ownership to Corps of Engineers control and would cost, at most recent estimate, about \$106 million. Current hopes of commercial interests in Weston are perched on this project. The dam and reservoir, named after Civil War hero Stonewall Jackson, would provide flood control, water storage and outdoor recreation.

An alternate plan, expected to cost only a fraction as much, has been proposed by the Upper West Fork River Watershed Association. It would consist of a series of earthen dams on tributaries of the West Fork. The small dam system would require relocation of relatively few individuals, and remove none of the land from the tax rolls. Many miles of free flowing streams would be preserved, farm lands would be undisturbed, and the great controversy over the value of minerals in the area avoided. The small dam system would provide the needed flood control, water storage, and recreation.

Weston is a small town with a tightly-knit business community.

Some of the principal advocates of the Corps project are connected with the electronic media in town and most coverage of the Corps project has been favorable. Proponents of the small dam system complain that the same source has been able to do much to shape public perception of the arguments for the small dam system. They say it is dismissed with a wave of the hand and a comment such as "They're trying to maintain a rural atmosphere," or "they're opposed to economic progress." In this climate of hard sell, party lines are clearly drawn.

Beyond the outskirts of Weston there are few big dam advocates in this 60 percent rural county. The County Commissioners have never declared for the

Corps. Project. The issue was avoided by all candidates in the recent election, except Richard Bonnett who opposed the big dam and won a very close victory over Glen Hamner. The *Weston Independent* one of the city's two weekly newspapers, ran a county wide survey on issues prior to the election. Seventy percent of the 100 respondents were opposed to immediate construction of the high rise dam.

Watershed proponents points to a long list of arrangements in calculating benefits which they say gives Stonewall Jackson Dam and Reservoir a running start. Since it is in Appalachia, for many years the expense of operating the dam is counted a benefit of the dam, rather than a cost, since it is an "economic aid" to the area. At the time the project was designed the discount rate (a kind of interest on the government's investment) was 3 1/4 percent. At the present time 5-5/8 percent is the rate used on such projects. The Federal Government borrows money at approximately 7 percent and will probably raise the discount rate again in the next few months. Last year new Principles and Standards were adopted by the Congress to more accurately calculate the cost and worth of water resources and to tighten up federal spending. The engineering on the proposed Stonewall Jackson Dam was completed prior to enactment of the new criteria and so does not have to meet them. Another sore point is that public meetings on the project from its inception has been held either in Clarksburg, over an hour's drive north of the dam area along old U.S. 19, or near Washington D.C. The one and only meeting held at Weston was 21 years ago. There was no other provision for input, criticism or opposition, except from selected government agencies.

Some 28 percent of the benefit of the big dam project is to be from recreation, with the expectation of the equivalent of 650,000 one-day visits per year soon after construction. This is equivalent to over four visits each year by every man, woman, and child living in Lewis and the six surrounding counties. The projected total rises to 1.4 million visitor-days when the facilities reach 'full use.' Half the \$18 million dollar cost of this massive recreation development will be paid by the state of West Virginia, according to the plan. Normally, a state must sign a commitment to pay its share of the funds, but Congress has excepted the Stonewall Jackson project, since the West Virginia legislature can not, by terms of the state constitution, commit future revenue. Governor Arch Moore has not signed the recreation contract, which was originally presented to Governor Hult Smith in the late 1960's. Of interest is the fact that the Burnsville Dam, a very similar Corps project only a twenty minute drive away on I-79, was not considered in calculating the need for recreation. At one point these lakes would be about two miles apart at high water.

The present effort of the Upper West Fork Watershed Association, led by Ken Parker of Rt. 3, Weston, is to get an evaluation of the merits of the alternate proposals. The West Virginia State Soil Conservation Committee, through its Chairman Gus Douglas, has indicated willingness to plan and build a small dam system if authorized.

Residents of the 32 square miles to be condemned are reluctant to change their land and minerals for money in this inflationary time. The price of land is rising at about 10 percent a year, and most of the residents produce a significant part of their own food. This provides a powerful hedge against inflation in a time when money is decreasing in value so rapidly.

At first only the most general reference to minerals was made by Corps representatives. Efforts by Concerned Land and Natural Resources Owners, Inc., a West Virginia non-profit corporation, brought about recognition of 19,000 surface areas of coal in the area. What constitutes a fair price for this vast resource is likely to be a hotly debated question if the Corps builds the big dam. Still in question is the effect of the high rise dam on mining of coal in an additional 70 square miles of drainage area above the project.

Would the Corps project stop the population drain from the Weston area? Matt Holt, member of the Upper West Fork River Watershed Association, points out the experience in some other areas of the state where Corps of Engineers projects have been built. In Summers County, site of the Bluestone Dam and Reservoir, there are new industries and the decline in population from 1960 to 1970 was 15.5 percent. In Nicholas County, where the Summersville Dam is located, the population decline was 11.3 percent in the same decade. In Braxton County, in spite of the Sutton Dam, the decline was 16.4 percent. The state of West Virginia declined in population during these years by 6.2 percent, about half as much as these counties. Of course a dam is not the only factor to affect population but obviously it will not build a populous county either. Mr. Holt suggests that if a dam will bring benefits to a community in West Virginia, it should surely show up in Taylor County. There, Grafton Dam has been in place for several decades, and the county has a second advantage of excellent railroad connections. However, there has not been a significant amount of new industry in the 38 years since 1937 when Grafton Dam was built, and Taylor County has lost a whopping one-third of its population.

One hundred six million dollars would make a well-filled pork barrel for Weston. It could be Lewis County's biggest boom in history to be followed by its biggest bust. Whether the moderate small dam system is chosen, or whether federal gold rains down the sky, Lewis County, West Virginia, is the place to watch in the next decade.

Strip Licenses to Pollute Repealed

Campaign Clean Water, along with the Highlands Conservancy and other West Virginia environmental groups, is attempting to reverse an EPA decision to grant all West Virginia strip mines "licenses to pollute." The EPA had been issuing strict water pollution cleanup permits to other industries, but backed down when it came time for strip miners to receive the required federal discharge permits.

Among the permit provisions which make a mockery out of the federal Water Pollution Control Act are:

-Compliance with the permit is determined by the stripper testing pollution levels on his two best days each month.

-Virtually unlimited sedimentation is allowed during and after rainstorms.

-The stripper is not responsible for any pollution following release of the regrading bond.

EPA actually issued only one discharge permit to a West Virginia strip mine (White Ridge Coal in Raleigh County) when the appeal was filed. They have since decided to base the rest of the permits on the outcome of this precedent-setting appeal, which is expected to be resolved this spring. The formal hearing will be held before a Federal Administrative Law Judge. Among the points the environmental groups will make are:

-Strip mine pollution is a serious enough problem to require daily sampling of water quality.

-Sediment control during periods of rainfall is possible.

-Pollution control during the revegetation period is needed.

-Some federal discharge permits have been issued to strip mines in other states without the objectionable byproducts contained in the West Virginia permits.

-Violations of federal discharge permits are punishable by fines of up to \$25,000 a day. Most important of all, citizens can sue to enforce these permits if the government fails to act.

Planning for Forests in the Future

By JEANNETTE FITZWILLIAMS

The Potomac Appalachian Trail Club is inviting recreational users, conservation groups and managers of our natural resources to join together in a series of meetings to exchange ideas and draw up a set of guidelines for individual conduct and citizen input for trail related activities.

With the tremendous expansion in recreational use in our parks and forests we feel the time has come for recreational users (hikers, canoeers, skiers, cavers, horseback riders, motorcyclists, hunters, fishermen, car campers, bird watchers), the conservationists (Wilderness Society, Izaak Walton League, National Wildlife Federation, Sierra Club and many others) and the managers (national, state and local rangers and park officials) to sit down together and in a spirit of goodwill and cooperation get to understand each other's needs and points of view in order 1) to come to agreement on general principles that will form the frame of reference for future regulations and planning and 2) to evolve a workable process for continuing meaningful citizen input into management.

We further believe that these meetings to exchange ideas should take place first at the grassroots or local level and then, as agreement and understanding are reached at that level, move on to area-wide, regional and finally Eastern level. The PATC regards itself merely as one of the participants in these discussions but, at least in the early stages, it will be glad to act as a staff resource to keep the various groups in touch with each other.

To start people thinking and to get the discussion going we have prepared a draft of proposed guidelines. These are based on extensive reading of the publications put out by the various groups and a on research findings. However, we have not only tried to consolidate these often conflicting ideas but much more importantly we have tried to get at the rationale or guiding principles back of the dos and donts. In many instances we believe the differences are due to local differences of time and place and purpose. We would emphasize we are not asking anyone to endorse this draft but to be one of a group that will rewrite it.

We have also prepared a response form designed to point up areas of agreement, disagreement and omission. These two documents will explain more fully what we are trying to do and why.

We are starting discussion groups in the Washington, D.C. area and hope to start groups elsewhere as fast as we can find groups representing users, conservationists and managers near enough to each other so that they can conveniently meet over the next few months. You can help by sending us the names of organizations you think should be asked to join in this venture. If you can give us the name of the present or other key individual in these groups, it will be a great help. Send this information to Jeannette Fitzwilliams, chairman of Guidelines Committee, 13 West Maple St., Alexandria, Va 22301. Home 703-548-7490. Office - 202-447-8836.

We hope you and your organization will be interested.

Gauley and Meadow Rivers Worth a Close Look

By PAUL DAVIDSON The Highlands Voice
page 8



The Gauley River is a supreme whitewater challenge.

EDITOR'S NOTE: The following statement on the New River was prepared by Conservancy member Paul Davidson for presentation at a series of public meetings held in January to discuss the future of the New River. Paul's major concern is that the wildness of the Gauley and Meadow rivers is being overlooked in the furor over the New River. Paul is co-author of "Wildwater West Virginia."

I am Paul Davidson, Morgantown, West Virginia. By profession I am a physician. By avocation I am a riverman. My interest in West Virginia rivers has resulted in two guidebooks on rivers in this state.

My purpose in appearing at this hearing is to propose an alternative to the sections of New River being considered for protection. The Gauley River from the Summersville Dam to Swiss and its major tributary, the Meadow River, should be evaluated for inclusion in any proposal to protect wilderness rivers in central West Virginia.

The only civilization of the Gauley canyon was the building of the Nicholas, Fayette, and Greenbrier Railroad. The railroad is currently only used along the lower eight miles of the river section in question.

The lower 29 miles of the Meadow is similarly unspoiled by man. A middle 5 miles of the Meadow River parallels and is partially visible from West Virginia Route 41 as it passes through Russelville and Nallen.

Thus the entire 24 miles of the Gauley Canyon and 24 of the 29 miles of the Meadow are suitable for wilderness designation with the minor limitation of the little used railroad track high on the steep canyon wall.

The Gauley and Meadow river channels are filled with thousands of huge boulders that fell from the great sandstone cliffs that form the canyons. The canyon rim rises up to 1000 feet above the river. The river gradient is 27 feet per mile along the Gauley and up to 200 feet per mile as the Meadow crashes through its cut in the Gauley's canyon side. For comparison the New has a gradient of ten feet per mile. The discharge

of the Gauley is an annual mean 2600 cubic feet per second. The Meadow discharges 740 cfs. The water is of a good quality with little silt or acid contamination, no industrial wastes, and minimal sewage.

The area being proposed for study is entirely forested. There is no area currently being farmed or grazed and the steep slopes and cliffs would seem to preclude any such land utilization in the future. Fishing resources include frequent trout stocking at the base of the Summersville Dam. Elsewhere fishing is for reproducing species and includes wall-eyed pike, small-mouth bass, catfish, sunfish, and muskellunge. The area is unique as one of the most isolated warm water fisheries in the state.

There is coal exposed along these sections of the Gauley and Meadow Rivers. None is being mined either by stripping or deep mining. The seam is probably too thin and overburdened by too much sandstone to be mineable.

The recreational use being made of this area has not been quantitatively studied. It is limited because of the difficult access to the canyon floor. Known activities in this wilderness area include trailbiking, four-wheel-drive motoring, and hiking. These activities are primarily utilized as a means to fish the Gauley. There is evidence of primitive camps used by fishermen at several points along the river.

One of the more significant recreational uses being made of the Gauley is for whitewater boating. Since 1968 the popularity of the Gauley has resulted in annual pilgrimages to the river by paddling groups from all over the country. For the past five seasons three commercial rafting firms have made autumn trips on the Gauley. In both 1973 and 1974 Gauley Downriver Races each attracted over one-hundred paddlers from throughout Eastern United States.

A brief description of the river as a whitewater resource excerpted from *Wildwater West Virginia* says, "It is the absolute swirling, pounding, crashing end. . . The Gauley has become the East's qualifying cruise for the title of expert paddler. It is big, it is long,

it is inaccessible, it is tough, it is dangerous, it is intoxicating."

The Meadow above US 19 has two excellent stretches of whitewater suitable for periods when the Gauley is too high and for the less experienced paddler.

The potential of the whitewater paddling sport as a recreational industry has not yet been scratched. It has the appeal, the challenge, and the excitement of skiing without the overwhelming problems of crowded, expensive facilities and undependable weather conditions in the mild winters of West Virginia. The season for paddling at the elevation of the Gauley is virtually year around.

The ecologic damage done to a wilderness area by paddlers is essentially nil. Access points to the area are already present and would need minimal development.

To appreciate the economic advantage of whitewater boating for the area one need only look at the Chattooga in South Carolina, the Youghiogheny in Pennsylvania, the Snake in Wyoming, the Salmon in Idaho, and the Grand Canyon of the Colorado. On all these rivers recreational industries have developed in the past five years which now necessitate regulations to limit utilization. There is a unique recreational future for West Virginia in the sport of whitewater boating both in commercial rafts and with individual whitewater canoes and kayaks.

Undeveloped uses of the Gauley-Meadow Wilderness Area include back-packing and rock-climbing. The beauty of the inaccessible canyon with its historic sites, immense tan cliffs, and swirling water could also be appreciated from an excursion train without destroying the wilderness experience.

In conclusion, I propose that steps be taken to include portions of the Gauley and Meadow Rivers in any plan for protecting the New River Gorge.

Killoran Retires From WVNC Membership Committee

Carolyn Killoran, veteran Conservancy member and long-time Membership Chairman, has resigned her position effective February 1, 1975.

Carolyn has served the Conservancy as Membership Chairman throughout the Conservancy's formative years. During her tenure membership in the Conservancy expanded from a few dozen to over 700 members.

In her letter of resignation to former President Joe Rieffenberger, Carolyn commented: "It has been a rewarding and gratifying experience for over these past six years. Today's signing of the Eastern Wilderness Bill by President Ford at least permits me to bow out with a smile and glowing memories of all the hard work, by so many, that brought Dolly Sods and Otter Creek to this point. . . Much has been accomplished. . . much remains to be done."

The Conservancy wishes Carolyn health and success in new pursuits.

JOIN THE WEST VIRGINIA HIGHLANDS CONSERVANCY

We travel together, passengers on a little space ship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace preserved from annihilation only by the care, the work, and, I will say, the love we give our fragile craft. --Adlai Stevenson

- \$5.00 Individual regular
- \$10.00 Individual associate
- \$25.00 Individual sustaining
- \$20.00 Organizational regular
- \$30.00 Organizational associate
- \$50.00 Organizational sustaining

NAME: _____

ADDRESS: _____

ZIP _____

Make checks payable to "West Virginia Highlands Conservancy." Mail membership form and dues to:

Virginia McTear
1026 Sixth St., Apt. 2
Charleston, WV 25302

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 as been altered, and it will now fit conveniently in a large pocket or an outside pocket on a pack. The new guide measures 5 1/4" x 9". It cost \$2 and can be ordered from the address below.

1. Otter Creek Trail Guide & Management Plan. \$1.00.
2. Dolly Sods Trail Guide & Management Plan - \$1.50.
3. Cranberry Backcountry Trail Guide & Management Plan - \$1.25.
4. Hiking Guide to the Monongahela National Forest \$2.00.

These may be ordered from:

Ron Hardway
206 Union St.
Webster Springs, WV 26288

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, 1975.

CONSERVANCY OFFICERS

And Other Stumbling Blocks

President: Charles Carlson, Box 131;
Charleston, WV 25321

Vice President:

Highlands: Lowell Markey, RFD #1, Box

99-A; Keyser, WV 26726

Charleston: Nick Lozano; 1020 Grosecup

Ave.; Dunbar, WV 25064

Pittsburgh: Jean Rodman; 32 Crystal Dr.

Oakmont, PA 15139

Washington: Nick Zvegintzov; 3703 Jenifer

St. NW; Washington, DC 20015

Secretary for Membership: Virginia McTear;

1026 Sixth St., Apt. 2, Charleston, WV

25302

Treasurer: Arthur Foley; 670 Gordon Dr.;

Charleston, WV 25314

Secretary: Stauffer Miller; Box 508,

Moorefield, WV 26836

Voice Editor: Ron Hardway; 206 Union St.,

Webster Springs, WV 26288

Rivers Chairman: Bob Burrell; 1412 Western

Ave.; Morgantown, WV 26505.