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BY THE U.S. GOVERNMENT
OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535



Published Monthly by The West Virginia Highlands Conservancy

the Highlands Voice

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Main Street, Glenville, WV. Postmasters address forms 3579 to 206 Union Street Webster Springs, WV 26288.

Vol. 7 No. 7

July 1975

USFS and Citizens Ponder Implementation of PL 93-622

George Washington National Forest headquarters in Huntington, Virginia, was the setting on July 12 for a 4 1/2 hour meeting between representatives of the U.S. Forest Service and wilderness proponents to discuss implementation of Public Law 93-622, the Eastern Wilderness Act. The meeting was organized by the Wilderness Society.

A wide variety of topics were introduced for discussion by Bruce Dickerman, representing the Wilderness Society. Briefly, there was a broad range of agreement between the Forest Service and the wilderness proponents concerning interpretation and implementation of the Eastern Wilderness Act.

Of chief concern was Forest Service policy towards Study Areas created by PL 93-622. In one area from each Study Area, called the Cranberry Back Country, the study status of the Monongahela National Forest, and Summary's Right on the Deerfield and Dry Run, details of the George Washington National Forest.

In response to Dickerman's questions about timbering within Study Areas, the Forest Service manager spoke in opposition to timbering. The general feeling was that there would be no active timbering or timber sales within the areas, or in areas immediately adjacent to Study Areas.

Foreword permits were also equal with disclaimer for Study Areas. It was pointed out by Monongahela Supervisor Ralph Mumma that Cranberry used fear no threat from timbering activity since timbering is presently not being permitted on the entire Monongahela pending judicial appeal of the 1974 timbering ban.

A problem of study areas and wilderness areas is the presence within their boundaries of non-conforming structures. These take the form of any man-made structures, including lodges, trail shelters and bridges, as well as blazed trails. The Forest Service is now working on removing these structures from the Wilderness Area created by PL 93-622. In Study Areas no effort is generally being made to remove non-conforming structures. The Forest Service opinion is that while the areas are being studied no improvement or repairs will be made on existing structures within the Study Areas. For example, in the event a trail shelter within the Cranberry Back Country Study Area should collapse, the Forest Service will allow the shelter to remain in that condition.

A great deal of discussion centered around location of lodges on both within wilderness and study areas. Generally the Forest Service position was that trails should be located at points where it is naturally feasible to cross a stream without the aid of bridges. If that means replacing existing trails, then, certainly, that must be done. Bridges were considered necessary for bridges should consist of nothing more than a double log laid across the stream. The log should be laid on the ground and the stream should be washed away.

Another question which faced forest owners was the placement of signs or trailheads warning of potentially hazardous stream log ahead. All elements of the program, however, that bridges, signs in the form of a double log, would be placed only on a log, rather than a double log.

The question of motor vehicle operation within the Study Areas was easily dealt with philosophically - no motorized or mechanical vehicles would be permitted. However, it was pointed out that in the Cranberry Back Country pre-existing roads give the mineral owner rights to operate any motorized vehicle within the area, and that the Forest Service has no control on their movement. The complexity and hopelessness of the situation was illustrated by the fact that, according to the language of PL 93-622, Forest Service personnel must use horses to go into the CBC in order to find out what the mineral owner's trucks have been doing.

All major access points to wilderness and study areas on the Monongahela National Forest have been posted, alerting the public to areas' status and specifically prohibiting motorized traffic. The George Washington National Forest is in the process of erecting similar signs.

The topic which presented the widest divergence of opinion was the institution of user permit systems for entrance and overnight camping in the wilderness areas. Opinions ranged from limiting numbers allowed into the area on any given day to no permits at all. Even among Forest Service personnel there was little agreement on this question. Mike Penfold, Supervisor of the Jefferson National Forest, felt that in the near future the number of users and campers would have to be restricted on a daily basis, and open fires would have to be prohibited. Penfold based his beliefs on the increased user-demand on the Jefferson, especially in the James River area. David Scott, USFS Recreation supervisor from Region 8, Atlanta felt that any regulated permits detracted from the "wilderness experience."

Ralph Mumma, MNP Supervisor, explained that the present system in effect for Other Creek and Dolly Dods, was merely a means to measure use of areas, not to restrict use. Wilderness proponents generally accepted the argument necessary for permits to enter wilderness areas, but there was no specific agreement

on the nature of the permit system most desirable from a user's point of view.

Forest Service personnel explained to private citizens at the meeting that the Forest Service is gradually adopting a policy of maintaining a low profile for wilderness areas. Since most of new wilderness areas are essentially fragile and delicate in nature, a conscious effort will be made by the USFS to de-emphasize the existence of the areas to prevent overuse.

The Forest Service hopes to restrain overuse of the wilderness areas by an almost total lack of publicity. No signs will be posted near wilderness areas to draw attention to them. Small, unobtrusive signs will be placed at access points to the areas simply for the purpose of notifying users of the special requirements for use of the wilderness. Brochures, maps and similar material will not be readily available to the general public. Such materials may not even be prepared.

Trailheads to wilderness areas will also not be emphatically marked, and perhaps not marked at all. Policy on trail maintenance has not been formulated definitely, but the general feeling is that trails will be kept open largely by trail users. Blazing, clearing of deadfalls or blowdowns, etc., would end.

George Smith, Supervisor of the George Washington National Forest, pointed out the need for more recreation areas on eastern forestlands which would provide a transition area between multiple use sections and wilderness areas on the national forests. These managed recreation areas would provide a satisfactory outdoor experience for the majority of forest users who are not wilderness oriented. They would also reduce the demands on the wilderness areas by giving weekend backpackers and inexperienced hikers an alternative to the primitive conditions of wilderness. Smith's proposal met with general acceptance in principle among the conferees.

With the conclusion of the meeting wilderness proponents expressed their satisfaction with the direction the Forest Service is taking in implementing the Eastern Wilderness Act. The few points of disagreement which appeared during the meeting were minor in nature. Forest Service personnel seemed sincere and concerned with implementation of the wilderness act, expressing on several occasions their intentions to stick to the letter of the law. They pointed out that in places where PL 93-622 is vague USFS interpretation is geared for the greatest protection of the wilderness and study areas.

Representing private citizens at the meeting were Ernie Dickerman, The Wilderness Society, George Langford and Ron Hardyway of the W.Va. Highlands Conservancy, and Ed Pascoe, Ed Nance and Carl Holcomb of the Virginia Wilderness Committee.

U.S. Forest Service representatives were David Scott and Jack Wolfe, Region 8, Atlanta, John Kabr, Region 8, Milwaukee, Ralph Mumma, Monongahela National Forest Supervisor, George Smith, George Washington National Forest Supervisor, Mike Penfold, Jefferson National Forest Supervisor, John Palturyne, MNP Staff, Staff, Robert Fish, NRP Staff, and Joe Hinkle, District Leader, Neil Ashold, Leonard McNeal and John Irwin, GWNC Staff.



Cranberry road-building, and into east of Three Forks, leads the Wilderness Study Area. The USFS is unable to regulate road company activity in the area.



Town Meeting, DOH Style

Overlook

By Bob Durrell

This month we are overlooking what passes for a public meeting conducted by the Department of Highways concerning Corridor H. The meeting wasn't really a DOH idea, but when they saw they had to have a meeting, they conducted it their way. Actually, the meeting was precipitated by the U.S. Fish and Wildlife Service who had been trying for months to get a meeting with State officials regarding the mess at Bowden. They finally had to adopt a "do days or else" stance to get the meeting. The meeting was further precipitated by Senator Jennings Randolph who in effect ordered the DOH to meet with the environmentalists and explore their concerns. The DOH sent around a letter informing us that there was to be a meeting between the FWS and DOH in Charleston on July 11, 1975 and the environmentalists were invited to attend. What transpired was an extremely good example of how government is conducted in West Virginia.

Never having seen the Department of Highways offices before, I was actually staggered by the immense, sprawling buildings housing the State's biggest department of government. The building complex is easily bigger than the Capitol building and perhaps for the first time I realized what power and enormity we were up against. No wonder the highways bulldoze over anything and everything. Backed by powerful lobbies, it is clear where a huge portion of our tax dollars goes. It is too bad we don't have more to show for it than this big building.

When the meeting began, we immediately realized that little would be accomplished. Expecting a few people seated around a single table, where free exchange and give and take discussion could ensue, we were confronted by an assemblage of almost 70 people. Most were either from the DOH or the Federal Highway Administration although contingents from the FWS, the Forest Service, the State DNR, the Geological Service, and the State DNR. The conservationists were represented by Kermit Moore of the Izaak Walton League, Rafe Pomerance of Friends of the Earth, Fred Hyde of Trout Unlimited, and Geoff Green, Charlie Carlson and myself of the Conservancy.

The meeting was conducted by Joseph "Speed" Jones for the DOH who gave a little background of the Corridor and the DOH reasoning to date. It was clear that the DOH was going to follow their continued practice of the segmental approach to highway construction, i.e., completing a study and construction of only one leg at a time without giving thought as to how the next segment will be built. It was also clear that they viewed the Bowden situation as the only problem. Commissioner W.S. Ritchie, Jr., showed what he thought of the meeting by not attending, thus keeping his long record of not meeting with the environmentalists safely intact.

William Ashe acted as spokesman for the FWS and immediately countered with the statement that the DOH information about the Bowden situation was at considerable variance to their own and that this type of meeting was not what the FWS had in mind. A considerable discussion then followed between Ashe and Jones. Ashe wanted to know simply whether the DOH was going to ignore a letter sent by Regional Director of FWS, Richard Griffith, which stated that the FWS was expecting an environmental impact statement on the complete alignment. There was considerable hedging and nit picking, but finally Jones' answer was that the DOH would recommend the segmental approach. Jones did promise that no construction beyond Bowden would take place until the Bowden to Wymer EIS was completed. (He also promised later that no construction or land acquisition would begin on the Elkins bypass for five years.)

Ashe then turned to the problems at Bowden. Since the DOH had given a assurances regarding the South Springs and other features at the current construction site and these assurances have not been kept, what assurance would the FWS have that the North Spring would not also be fouled up? Ashe also asked what is the state prepared to do if damage to the North Spring can not be minimized. This evinced the incredible answer from Jones that they would pay for the relocation. "It doesn't have to be in West Virginia. It could be put in California." Jones also suggested that maybe all they would have to do would be to install a cooking plant for Shavers Fork water which revealed an incredible ignorance of the quality of the water of that once fine stream. Jones also said that they have not had the input of the FWS on the criteria necessary for protection. He further stated that the DOH must know what the subsurface conditions are and he wouldn't be prepared to give an answer until he has all of the data.

Ralph Mumme, speaking for the Forest Service, backed up the FWS position by stating the case for a full alignment environmental impact statement. Mumme pointed out that the FS can not give reasonable input on a Bowden to Wymer EIS since there would not be any alternative to this section of the highway. (Mumme's explanation also served to show how wasteful and inefficient the segmental approach is and what problems it can create). Mumme asked if one of the alternatives would be to go back to Elkins and proceed to Pasons. The DOH was clearly not going to do this or even consider it.

At that point a new card was played by an agency not heretofore heard from, the Federal Highway Administration. A spokesman for that agency then took over by pointing out that \$20 million dollars had already been spent on the project and they did not want to lose that expenditure. (This

figure would soon escalate to \$25 million before the three hour meeting adjourned, but it was refreshing to see bureaucrats worried about how they spend taxpayers' money for a change.) There then ensued an argument about whether the National Environmental Protection Act covers this situation with the FHWA stating that it did not, but the lawyer representing the FWS quickly pointed out that NEPA does indeed apply.

At this point Kermit Moore of the IWLA brought up an excellent line of questioning on how the DOH had answered questions concerning the environmentally sensitive areas. He didn't get any good answers. Moore pointed out an exceedingly important point that was overlooked by all in the confusion. He pointed out that once again, the West Virginia angler must pay for governmental ineptitude twice, once through his taxes and again through his fishing license. Since things like hatcheries are partly funded by revenues derived from the fishing licenses, it is clear that West Virginia anglers wind up on the short end again.

Ashe then made a list of the FWS recommendations not kept by the DOH. Jones said he wanted to see the list. Ashe made it clear that the agreements were not being kept. Jones stated that the South Springs problems had been resolved which triggered one of the morning's more interesting exchanges. Bowden Manager, Duane Wainwright, then ticked off an impressive list of recent violations. He recited physical data and wasn't offering opinions. About the best Jones could do to counter this was to state that he had different information.

The final straw took place when Federal Cochairman Don Whitehead of the Appalachian Regional Commission, sponsor of the highway, stated that the ARC was committed to Wymer and could not unilaterally call for a stop or a retreat. This would have to come from Arch Moore. Most disturbing were his views on Bowden. If environmental damage at Bowden could not be mitigated, then we would have to "bite the bullet" and make some hard choices. It was clear that if there has to be a choice between the highway and the hatchery, the ARC will opt for the highway.

Later, Deputy DNR Director Rodney Clay spoke a few words for the DNR, but he didn't say anything, thus adding further anguish to the several professional wildlife biologists present whose advice and experience have consistently been ignored at every step of the way. The state employs some of the best people available for such jobs, but never pays any attention to them. No comments were made by the USGS.

The Conservancy's position was made quite clear, although at no time was it asked for. We pointed out that there was an alternative to the Bowden-Wymer segment if a complete EIS were not made, no road at all. We stated that we were in

favor of the highway, but not at the expense of the 16 rivers and streams yet to be muddied, the inviolate mountains and wildlife habitat yet to be invaded, and the scenic vistas yet to be destroyed. Once again we pointed out the results of the Markey-Green report and requested that if amateurs such as ourselves could turn up such important reasons for building the highway along the northern route, why couldn't the professionals follow up on them.

It was clear that nothing was resolved by the meeting; only the differences were sharpened. Once again, the Conservancy finds itself reluctantly being forced to the Courts. At the present time, the FWS itself will institute an injunction against the State if the conditions at Bowden do not improve. But if the state can miraculously come up with a plan to bypass or firmly protect Bowden or if some political string pulling causes the FWS to give up, then the Conservancy will be going through a heavy line without any interference. It is the purpose of this Overlook to demonstrate the great lengths that the Conservancy has traveled to avoid the courts. In recent months we have been to the Fish and Wildlife Service, the Forest Service, the Department of Transportation, the President's Council on Environmental Quality, the Appalachian Regional Commission, and both Senators in an effort to avoid the Courts. Each and every attempt since 1971 to meet with the DOH has been rebuffed. Even though we were both present in the same room on July 11, the Conservancy still does not believe we have had the same kind of meeting with the DOH as we have had with all of these other agencies and people. In March when we were in Washington meeting with Senator Randolph's staff, Commissioner Ritchie was testifying before Congress pleading for more funds and an extension of the ARC. Perhaps we were in the wrong room and should have been at the Congressional hearing testifying against it.

PATC Hiking Bibliography Now Available

by Molly Colar

Four times yearly the Potomac Appalachian Trail Club publishes a magazine called Potomac Appalachian. Each issue is full of top quality writings on trails, hiking and conservation.

Number 3 for 1975 is just off the press, and it is a particularly valuable reference work for the hikers bookshelf. The issue contains a special bibliographic section which lists just about every trail guide presently available in the world.

Collected through the energy of Paula Strain, the bibliographic entries list titles, author, publisher, publishing dates, and prices. They are arranged geographically. For convenience, the United States and Canada are grouped together. Following that are sections on Latin America, Europe (mostly western Europe), Australia and New Zealand.

Of pertinent relevancy to the bibliography is an article preceding it written by the indomitable Ms. Strain. Paul has composed a philosophical and analytical treatise on the direction new guidebooks are taking. She compares older, trail club type publications with the newer, commercially printed hiking guides. Her conclusions are interesting, and it's worth ordering a copy of the magazine to find out what they are.

Potomac Appalachian No. 3 is available from Potomac Appalachian Trail Club, 1718 N. St., N. W., Washington, D.C. 20012. It costs \$2.50 and is worth every penny.



from
the
Editor

The Streets Are Rumbling Again

by Ron Hardway

The stripping scoreboard, once a regular feature of the VOICE, has not appeared in the last three issues. The reason it has not appeared is that the editor has been bored to tears by the constantly expanding lists of permit approvals and applications. When a newspaper has a staff of one, the editor's moods are very important to the content of the paper.

We have not, however, stopped reading the lists which the DNR reluctantly releases every two weeks. We have noticed a trend, and we think remarks are called for.

Before the days of the Abolish Strip Mining movement, coal counties suffered greatly from what we came to call "fly-by-night" operators. These birds were very small companies, often family affairs, who got permits for 20 or less acres, stripped it, then fled in the dark of night, leaving behind broken-down equipment, 100 feet highwalls, 200 foot spoilbanks, and substantial tax bills owed to the county governments. The companies would then go "out-of business," usually declare bankruptcy, then reorganize under another name and repeat the process in a different county. The county sheriff would always impound the abandoned equipment and try to sell it at public auction. But no one ever bought the junk, and everyone's time was wasted while the county went begging.

The scars from those jobs are still with us, just as the nightjars left them. Some of them are twenty years old, and the rubble looks as though it was turned over yesterday. That is how thoroughly strip mining can murder the land.

Then came the great national effort to abolish the industry. Politicians, well aware that environmentalists give neither a dime nor a darn for politicians, "compromised" with the abolitionists and passed some "tough new laws." To their surprise, and the fly-by-nighters chagrin, the laws turned out to be tougher than was intended, especially when environmentalists began monitoring strip jobs to make sure laws were enforced.

By late 1973 practically all of the fly-by-night coal operators were forced out of business because they could not meet the incredible costs of reclamation. No longer did the streets of Webster Springs and similarly situated towns vibrate at 3 a.m. from the muffled passage of heavy machinery on its way to asylum in a foreign county.

The big boys took over. Applications to strip declined in number, but increased in acreage. The monied companies controlled hundreds of subsidiaries whose names on applications gave the impression that locally owned, little capitalists were still going on. Probably, between 1972 and 1974, all active strip mines in West Virginia were owned by three or four companies, despite the dozens of "companies" which were doing the mining.

The little guy was gone, and good riddance. The big companies may not have been good for the free enterprise system, but they had the money to do necessary reclamation when a reclamation agent bothered to make them do so.

Then, in the fall of 1974, came the Energy Crisis, and the good old days of '72 and '73 were gone forever. Mining coal suddenly became a patriotic endeavor, the purpose of which was to shaft the heathen A-rabs. "We've got more coal than they have oil. Let's Dig It!" became a national slogan. Millions of automobiles tacked on "We Dig Coal" license plates. More than one bumper proclaimed "Abolish Environmentalists."

And guess who rode back into town on the coattails of Coalmania? Well, no one really knows who they are, but once more the streets of Webster Springs are rumbling at 3 a.m. And if that is not bad enough, an area county sheriff recently quit - to go into the coal business!

The trend we mentioned several paragraphs ago is that the nighthawks are back in force 30% of the stripping applications approved by the DNR between June 16 and June 30 were for strips under 20 acres. Several of the companies receiving permits have never been on a stripping scoreboard before. Probably they never will be again.

The big boys are still around. SMA #1613 belongs to Easter Associated Coal Corp., and it's for 510 acres of McDowell and Wyoming counties (who would have thought there were that many acres left in McDowell and Wyoming?). SMA #1617 is the pride and joy of Energy Development Corporation, and that one kisses goodbye to 420 acres of Mingo County.

But on the same list there is #1603, Sheridan Development Co., 12 acres, Wyoming Co., #1612, Joyce Properties, Inc., 15 acres, Harrison Co., #1622, ASCO Coal, Inc., 18 acres, Upahur Co., #1623, Sycamore Industries, Inc., 20 acres, Randolph County, and #1616, I.S.C., Inc., 16 acres, Brooke County.

E pluribus bituminosus.

Sugar Lane . . .

The Mountain News
page 4

The People, The Law and The Shippers

BY NICHOLAS ZVEGINZOV

Photographs by Linda Mansberger



Serious talking . . .

Sugar Lane is a rural community in Marion County, between Morgantown and Fairmont. The people of Sugar Lane are fighting to make the State of West Virginia enforce the strip mining law. Their success or failure - and their alternatives to the legal battle - are important issues for the Conservancy. For if community solidarity, perseverance, and fine legal work are not enough to make the State enforce its own laws - then our work to promote legislation and judicial review is meaningless.

The Association

The only access to Sugar Lane is along a single lane dirt road - secondary highway 19/3. In 1969 the residents founded the Sugar Lane Improvement Association to have their road improved. This group has a charter, officers, and members - but it is not legally incorporated. This means that in many circumstances it has no standing to act under West Virginia law. In 1974 they got the road improved - then they found it was to be used to carry stripped coal.

The Strip

In spring and early summer of 1974, according to affidavits filed by the Association, Gary Wilson of Fairmont excavated some land behind the house of Walter Currutte of Sugar Lane. Wilson testified that this excavation was for a shed, but Currutte told a neighbor that they were looking for coal. In any event, no shed was built, but on June 29 Wilson and Carmen Polino of Fairmont obtained a lease from Currutte to strip coal.

If Wilson was looking for coal he was in violation of the law already, because he had obtained no prospecting permit. Moreover neither Wilson nor Polino were in a good position to apply for any kind of striping permit. The law states (20-6-81):

If the director finds that the applicant is or has been affiliated with or managed or controlled by, or is or has been under the common control of, other than as an employee, a person who or which has had a surface or strip-mining permit revoked or bond or other security forfeited for failure to reclaim lands as required by the laws

of this State, he shall not issue a permit to the applicant.

In 1972 the DNR revoked a permit at Eldora issued to Wilson Industries, of which Wilson was President, and in 1973 the DNR mailed a notice to Carmen Coal Company, of which Polino was President, informing them of the revocation of a permit at Bealington. This letter was returned unopened - and the DNR later argued that the permit was therefore revoked.

W. & S., Inc.

On July 2, 1974 Wilson and Polino assigned their lease to W. & S., Inc. Part of the consideration for this transaction was a truck and a new trailer for Wilson, and a job as foreman on the strip.

W & S., Inc didn't really exist at the time. In mid-July it was chartered, with Robert E. Schmidt Sr. as President. Schmidt also applied in person for a permit to prospect on Currutte's land. On October 10 W. & S., Inc applied for a permit to strip.

Legal Protests

By the 30-day protest deadline there was a protest letter from the Sugar Lane Improvement Association plus 43 names on a petition, complaining that the residents' wells were endangered; that coal trucks on the only road into the community would cause excessive noise, dust, and danger to schoolchildren; and that striping was already underway illegally on land not covered by the prospecting permit.

Nevertheless the DNR granted the permit on December 26, 1974, with the following special provisions:

Truck haulage traffic will be suspended during those periods of school bus traffic on Secondary Rt. 19/3 from Riverdale Power Station to entrance of Walter Currutte's property, W. & S., Inc. takes joint responsibility with the Department of Highways for maintenance of Rt. 19/3 due to truck traffic.

This rider follows the general practice of the DNR in dealing with protests - which is just to tell the coal operator not to do all the things which the protests declare are the likely results of the strip operation. If the results - like the dust or noise or destruction of

ground-water - are inevitable the DNR simply ignores them.

Direct Action

When striping started seven women blocked coal trucks coming from the haul-road onto the secondary road out of Sugar Lane. Their children were with them, with their husbands to assist them. There was one State Police car already at the scene. The patrolman told them he didn't have room to take them all to jail at once; he would take three and come back for the rest. They told him they were doing it together and he could arrest them together or not at all, so he took all seven in the back of the patrol car. At the subsequent hearing they were fined a common fine of \$50 plus costs, which was paid by gifts of well-wishers after a story appeared in the local paper.

Later Sugar Lane residents and members of the Mountain Community Union, a Marion-Monongahela-Preston group supporting them, were given traffic tickets for slowing coal-trucks on the secondary road. For almost two weeks production by W. & S., Inc. was drastically cut.

Appeal to the Board

On January 23, 1975 the Sugar Lane Improvement Association requested an appeal before the Reclamation Board of review against the issuance of the striping permit. This Board is established by the strip mine law (20-6-27). The law provides (20-6-26d) that:

Any person claiming to be aggrieved or adversely affected by any rule and regulation or order of the reclamation commission or order of the director or by their or his failure to enter an order may appeal to the reclamation board of review.

This provision says "may appeal" - but it means "must" for anybody who seeks legal remedies - for it is the common law that a person must seek all available administrative remedies (such as appeal before this Board) before going to court.

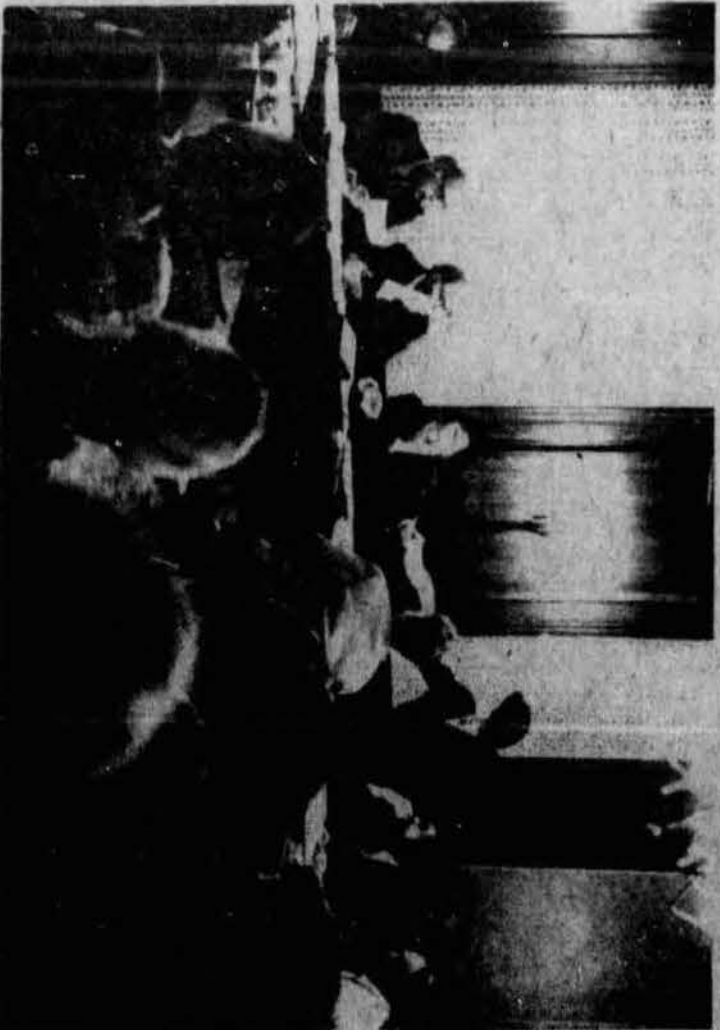
The Board and its Members

By law the Board consists of five members to be appointed by the governor with the advice and consent of the senate for terms of five years. The law requires certain qualifications for the five members. These qualifications, and the corresponding members at the time of the Sugar Lane appeal, are as follows:

- Representative of coal surface-mine operators: Charles E. Compton, Crafton Coal Company.
- Learned and experienced in modern forestry practices: O.O. Neely, Jr., a consulting forester from Danville in Boone County.
- Capable and experienced in the practice of agriculture: Paul Nay, farmer of Jane Lew.
- Capable and experienced in engineering: John W. Stratton of Gates Engineering in Beckley.
- Capable and experienced in water conservation problems: Water Gumble.

Gumble is a former employee of Monongahela Power and a former member of the West Virginia Water Resources Board, but he was removed from this Board after Campaign Clean Water established that no employee of a company holding a Water Pollution Permit should sit on it.

The quorum for this Board is three members. In the event, four members participated in the Sugar Lane appeal, with Compton, the Coal company representative, absent.



Reclamation Board hears the case.

Legal Issues

In this case the battle is not between the community and the strippers, but between the community and the State. The community is appealing against an action of the State - namely the granting of the permits to W. & S., Inc. Therefore the community must provide its own legal aid, but the strippers are defended by the Attorney-General's Office.

Appearing for the community were Fairmont lawyers Arlene Zarombka (acting for the North Central West Virginia Legal Aid Society) and Robert F. Cohen Jr.

Appearing for the State was Hal Albertson of the Attorney General's office.

And since there are no lawyers on the Board itself, they had their own Counsel, Charles S. Armistead of Morgantown.

It soon became clear that the main issues were two rather knotty legal points - "standing" and "affiliation."

The "standing" point is this: Does the Sugar Lane Improvement Association, being unincorporated, have any standing - i.e. any legal right - to make this appeal at all?

The "affiliation" point had to do with Wilson, the man who originally holdover Currant's land for the "shed"; Was W. & S., Inc. in any sense "affiliated" with or managed or controlled by or ... under the common control of "Wilson"? If so the DNR was forbidden by law to issue a permit to W. & S., Inc. since it was admitted by all parties that Wilson had already had a permit revoked.

"Standing"

The Sugar Lane lawyers feel that the State has a very low and outdone interest in the "standing" issue and only a secondary interest in "affiliation". The State, after all, is not much interested in the tangled commercial and legal relationships of Wilson and Schmidt, but they are much interested in the possibility that small voluntary associations like the Sugar Lane group might be recognized in law as having the right to appeal State decisions, at least in strip mine cases. For West Virginia with its intense local community spirit, is peppered with neighborhood associations, lodges, rod and gun clubs, community water works, religious groups, communes - unincorporated, unattached to statewide or national bodies, but decidedly not unorganized or indifferent to the well-being of their families, hills, and valleys. It is quite likely that the State government genuinely fears that if these associations are recognized as able to take legal action in strip mine cases it faces some hot battles.

As soon as the Reclamation Board of Review received the appeal from the Sugar Lane Improvement Association they set a date for the hearing. But they queried the Association in a friendly fashion, mentioning that there might be a legal difficulty on the standing issue, and suggesting that the Association put forward one individual as a plaintiff.

There is no doubt that an individual has standing to appeal in such a case, but after consultation among the Association members and their lawyers they declined to put forward any one person, apparently feeling they should stand together as a group, both for themselves and for an example for future struggles. They also did not take the other step which would have been open - to incorporate the Association (a lawyer estimated the cost of this at around \$20), but chose to go on into the hearing under their existing charter.

The Hearings

The Reclamation Board of Review met on February 24 to tour the site of the stripping, and on the next day in a motel in Bridgeport for the formal hearing. There were seventy or so people at the hearing, crowding the motel meeting room, roughly divided between pro and anti strippers. The meeting lasted from nine in the morning until seven at night.

The State immediately asked the Board to dismiss the appeal on the standing issue. The Board replied by requesting both sides to submit written briefs, and told them to proceed to other issues.

The lawyers for Sugar Lane presented their case first. On the affiliation issue they brought on testimony that Wilson was intimately bound up in the formation and day-to-day operation of W. & S., Inc. He had once admitted that "W. & S." stands for "Wilson and

Schmidt" (though later he testified he "couldn't remember"). He had also admitted in the Waynesburg, Pennsylvania, newspaper for coal leases on behalf of W. & S., Inc. "getting a telephone number and address listed in his wife."

They also called Charles Sheets, Reclamation Supervisor in the Fairmont Office of the DNR, to testify on the "deterioration" of the land connected with the never-to-be-built "shed." There was a moment in this examination that was like a little replay of that famous moment in the Watergate hearings when the Nixon aide first mentioned that the boss made tape recordings. Zarombka, one of the Sugar Lane lawyers, repeatedly questioned Sheets - were there any more memos about Wilson's diggings? She questioned him so repeatedly that her colleague Cohen, as he afterwards admitted, was just about to lean over and ask her to quit - when Sheets said - well, yes, as a matter of fact, there was one more memo. . . . And he pulled out of his pocket a memo of January 23 in which he informed the Chief of the Reclamation Division:

"prospecting operations had been conducted without a permit on the back side of the farm sometime in the early summer." This was the only DNR document that called Wilson's diggings "prospecting."

On the physical and ecological questions of the school buses, the walls, and the damage to the road, the testimonies were fairly evenly matched. There was some evidence that trucks had been on the road with school buses - but only empty school buses. There was conflicting evidence on the effect of the stripping on well water from rival experts brought by Sugar Lane and by the State. And the road had been repaired, with materials supplied by W. & S., Inc. - three days before the hearing.

The Board

The decision of the Board was officially issued on April 29. It reads as a dry lawyer-like decision, reflecting (the Sugar Lane people believe) more the advice of the Board's own Counsel, Armistead, than their own views as engineer, farmer, forester, and hydrologist. It is also curiously mixed in its treatment of the "standing" issue - does the Association have any right to make the appeal or not? On the one hand it rejects the State's motion to dismiss the appeal entirely on this ground ("1. Appellee's motion to dismiss is denied") - however it then makes the judgement itself that the Association doesn't have the right ("3. The Appellant, the Sugar Lane Improvement Association, an unincorporated association is not a legal entity and has no standing to appeal to this Board"). Nevertheless it then takes a stand on Wilson's affiliation ("4. The fact that an employee, not an officer or shareholder, of W. & S., Inc., previously forfeited a prospecting permit bond does not prohibit the issuance of a surface mining permit to W. & S., Inc.").

The Sugar Lane group debated their situation among themselves and with their lawyers, and have now filed an appeal against their decision with the Marion County Circuit Court. They are the first group in the State to get this far in the judicial process using the State's surface mining law.

W. & S., Inc., held off stripping for a while - but they're now (July 1975) back at it again, tearing up the countryside and rutting down the road. Wilson is still driving his new truck and running the strip job.



Serious thinking. . .

Currant still doesn't have his shed, and is not much seen around his land in Sugar Lane.

The road is as bad now as it ever was before the Sugar Lane Improvement Association was founded to improve it.

The Sugar Lane residents watch every move of the strippers and meticulously report violations to the DNR. They remain friendly with the men doing the work - who are their neighbors, and just (as they say) doing their jobs - but they remain determined to get the stripping out of their area.

A Moral, Anyways?

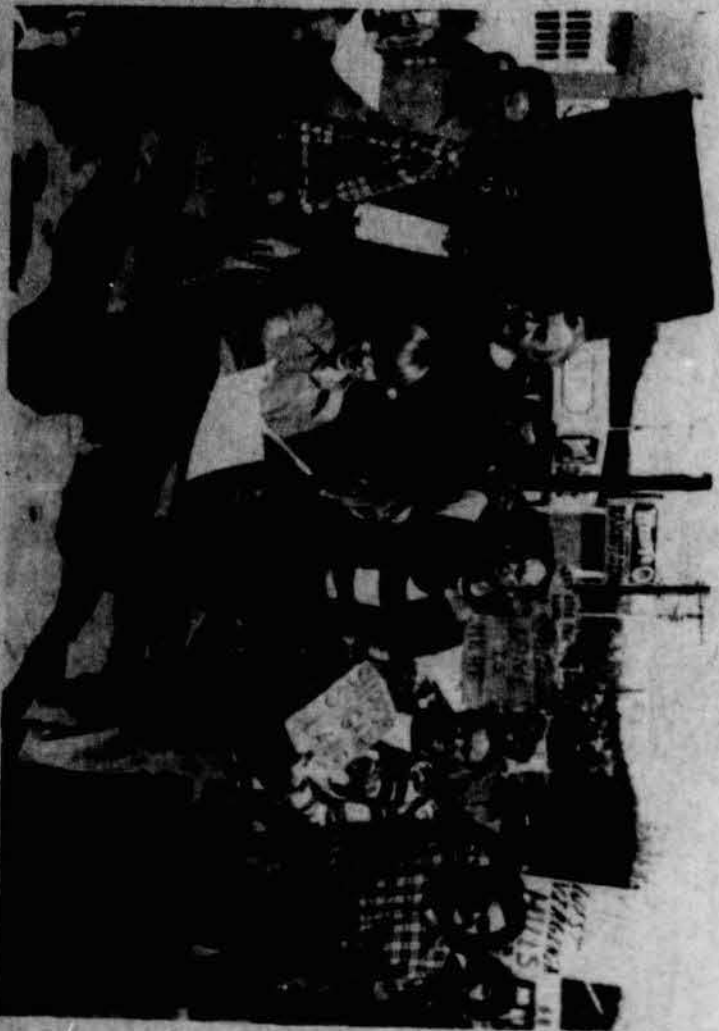
The Sugar Lane story is one of victory and defeat, mixed and conflicting, but not of stalemated In the short term Wilson and Schmidt, Polino and Currant, will make a few dollars grubbing the last of the profusion of natural resources that lay around the State before "civilization" came.

But in the long run the balance is turning against them. It is a long balance, turning despite massive inertia, but soon to turn with massive momentum. On this balance hang nature and humankind.

Nature is going to have its long impartial cruel victory over us and our descendants. An acre of land with its fertility or its water table destroyed is that much less on our plates and in our glasses in the future. Some ecologists and politicians believe that the supply of clean water in the Atlantic states and the mid-west will soon be so short that land practices in these mountains (the great faucet and storage tank) will have to be rigidly subordinated to this concern.

And then there is humankind - not so enduring as the earth, but as enduring as we want to be. In the long run a coal-truck is no match for a woman who is willing to take her children down to a strip site and sit in the road. In the long run the State and its Boards are no match for 20 families who are determined to have their way.

They will not become rich, they will not be invited to sit on Boards, they will not be addressed as "Honorable" - but they will have their community the way they want it to be.



Making the point in Charleston.

North Fork Mountain Waiting for Discovery

by Jane Hardeston

Driving north of Rt. 28 in Pocahontas County we cross over the foothills of Spruce Knob down into Pendleton County and the valley of the North Fork of the South Branch of the Potomac River. A pleasant, winding drive along the river through the tiny communities of Cherry Grove and Circleville brings us to Judy Gap and the intersection with U.S. Rt. 33.

Turning right towards Franklin the highway immediately begin a sharp ascent. Momentarily taking our eyes off the hairpin curves and precipitous shoulders, we look ahead and far up the seemingly infinite slope to the summit, shining before us in the sunlight like a beacon in contrast to the dark green forest which surrounds us everywhere.

We are looking at the crest of North Fork Mountain, a spiny masterpiece of creation stretching unbroken over thirty miles of some of West Virginia's finest mountain scenery. Our destination lies up there in the clouds - the North Mountain Trail.

The trail perches precariously along twenty-two miles of the narrow ridgetop. Most of it lies within the Seneca Rocks Unit of the Spruce Knob-Seneca Rocks National Recreation Area of the Monongahela National Forest, and it is blazed and maintained throughout its length by the U.S. Forest Service. In Forest Service lexicon the North Mountain Trail is trail #501.

What makes the North Mountain Trail almost unique in West Virginia is the ready availability of spectacular scenic overlooks along the route. Most West Virginia trails wind through thick forests, and even mountaintop trails seldom provide a clear overlook to the vast blue sea of the Appalachians. But the north side of North Fork Mountain is formed by an outcropping of the geological formation known as Tuscarora Sandstone. From almost any point along the trail hikers can walk out onto the exposed rocks and see forever on a clear day, or at least as far as Spruce Knob.

The terrain of the North Mountain Trail is also unusual for West Virginia. Most hikers would expect to find a trail like this consisting of a series of steep ascents and descents. But the North Mountain Trail is mostly level, and changes in elevation are gradual. One knee-cracking exception to this pattern is a 200-foot climb three miles south of the North Fork fire tower. At this point the trail is incredibly steep and rocky, and on a rainy day it would present a severe challenge.

One would also expect a mountain top trail which maintains an elevation of 3600 feet above sea level to be widely exposed to unrelenting sunlight. Despite expectations practically all of the trail is routed through shady groves of second growth hardwood trees. In addition to the natural shade a breeze blows constantly along the ridge. Our party hiked North Mountain on two of the hottest days of the summer, yet the heat was hardly noticed along the trail. Only when we took side trips to overlooks did we realize how hot it was in the outside world.

Pendleton County is the most beautiful of our mountain counties, and from the North Mountain Trail one can see much of it in both an easterly and westerly direction. Along the southern part of the trail one can gaze westward into Germany Valley, Spruce Knob and

Seneca Rocks are clearly visible from this section of the trail. On the northern half of the trail one can look to the west and up to the lofty plateaus of Dolly Soda. Eastward one can look down into the mysterious, wraith-like Smokehole Canyon.

Wildlife is frequently seen along the North Mountain Trail. During our two-day hike on the mountain we saw three deer, numerous smaller animals such as chipmunks and rabbits, a half dozen grouse, several hawks, a baby skunk, and a flock of semi-wild goats. One mother grouse provided a memorable experience. We were strolling down the trail when our attention was diverted by a large grouse running through the woods about ten yards off the trail. She was making distressful sounds as though in great agony. Now and then she would flap her wings as if to fly, only to fall back to the ground and continue running. We watched her antics for half a minute as she thrashed about in the woods. Then, from the weeds at our feet came a sudden cacophony of terrified "peeps," and grouse chicks suddenly exploded in four different directions. Immediately the mother grouse ceased fooling around and prepared to do battle. She spread her tail into a beautiful fan, began hissing like an angry snake, and charged us, running like a chicken in track condition. Not really knowing what to do but at the same time unawed by this approaching battleaxe, we simply stood our ground and watched as she dashed to within a few feet of us. Apparently aware that her show of hostility was not having the desired effect on these tall interlopers, she suddenly veered sideways and flew off into the woods. For some time thereafter we could hear her clucking to her chicks, trying to collect them. The chicks were answering her with more composed "peeps," and we left them coming together again.

Wildflowers are not as profuse on North Fork as they are at lower elevations, but the species which do thrive here make up for their sparse numbers by splashing brilliant colors among the pines and mossy logs. Particularly prevalent during early summer are intensely yellow rattlesnake weed, gentle blue beard-tongue, and delicate columbine, ranging in color from a deep scarlet to nearly white.

The show piece of the North Fork flora is mountain laurel. This hardy shrub enjoys clinging to the sheer face of the sand stone outcrop as much as it appreciates the shadier nooks of the woods. Striking color photography can be achieved by contrasting the rash pinks of the laurel with the deep green pines overhanging the gray and white sandstone cliffs.

Although the North Mountain Trail is relatively level, good hiking legs and strong shoes are essential if one is to achieve satisfaction from a hiking trip. North Fork is a high mountain, and its soil is very thin. As a result the trail is rocky. Heavy shoes are essential to avoid bruised feet and an abrupt and painful end to a hike.

The only disadvantage to hiking the North Mountain Trail is the total absence of water along its route. Although most maps of the area show creeks on both slopes of North Fork Mountain, do not count on getting water from them. Not only would one have to descend sheer cliffs to get to the mountainside, but once there one would find that the creeks are either



"Hikers can walk out onto exposed rocks and see forever."

underground or dry. A hiker with an average thirst will need no less than 2 quarts of water just for drinking purposes over the twenty-two miles of the North Mountain Trail. If a party intends to camp overnight along the trail extra water will have to be carried for cooking and cleaning up.

Camping sites along the North Mountain Trail are not plentiful. But the few which are available could serve as models of perfect campsites (excepting the lack of water). All are located in grassy glades near overlooks. Campers who use these sites have kept them in excellent condition. Previous campers have constructed stone fire rings at all campsites, and firewood is abundant. However, building a campfire on North Fork Mountain can be a risky venture. The crest of the ridge is covered with picturesque pitch pine. The fire hazard these trees present is not so picturesque. The thick layer of fallen needles around these trees make a comfortable and aromatic resting place, but a carelessly dropped match or a blown spark could set the entire mountaintop ablaze more quickly than a camper could get off the mountain.

Backpacking along the North Mountain Trail is the favorite use of the trail by the few people who go there. An Eric Rybeck could easily cover the entire trail system in one day, but those backpacking for pleasure will find that 2 or 3 days on the trail will leave an entire party with the desire to come back again.

There are several trailheads for the North Mountain Trail. Although none of the trailheads are regularly supervised by the Forest Service, that agency reports that there have been very few cases of vandalism to cars parked overnight at the trail heads.

The trailhead for the southern end of the North Mountain Trail is located on U.S. Rt. 33 at the top of North Fork Mountain between Judy Gap and Franklin. There is no trail sign here, but the beginning of the trail is a clearly delineated jeep trail, closed to motor vehicles by a heavy cable across the way. Watch the trees carefully for the standard blue blaze of a national forest trail, and the footpath quickly becomes obvious. The greatest advantage to beginning a hike on the North Mountain Trail at this point is that one is



Mountain Laurel - the showpiece of North Fork Mountain flora.



"... a flock of semi-wild goats."

already at the top of the mountain, and so climbing to reach the top is unnecessary.

At the opposite end the reverse is true. The northern trailhead is located on Forest Service Rt. 74, a secondary road which turns off W.Va. Rt. 28 about two miles west of Cablen. From this trailhead the ascent to the ridge is quite steep. Once on the ridge a long, gradual climb follows for several miles until one finally reaches the summit of the ridge. In all one will have ascended more than 2000 feet from the northern trailhead until one reaches the summit.

Additional trailheads are available at various points along Pendleton County routes 2 and 6. These trailheads are signed with Forest Service markings.

There are two national forest campgrounds in the immediate vicinity of the North Mountain Trail, either of which could serve as headquarters for a party wishing to hike or backpack the trail. These campgrounds are also safe places to leave cars.

Campgrounds and trailheads are clearly marked on two maps published by the U.S. Forest Service. Box 1231, Elkins, WV 26241. One map, on a very small scale, portrays the entire Monongahela National Forest. The other map is on a much larger scale and shows only the Spruce Knob-Seneca Rocks National Recreation Area. Both maps show the trail system on North Fork Mountain, but neither have adequate topographical markings, and both are misleading in locating streams in close proximity to the North Mountain Trail. Normally these maps are available on request from the Forest Service, but recently they have been in short supply.

A more dependable source for guiding backpackers onto the North Mountain Trail is the HIKING GUIDE TO THE MONONGAHELA NATIONAL FOREST, published by the West Virginia Highlands Conservancy. The book consists of some 150 pages of maps and trail descriptions, costs \$3.00, and is available from the Conservancy at 208 Union Street, Webster Springs, WV 26206.

In these troubled times of overrun trails, bulldozed wilderness, urbanized campgrounds, the North Mountain Trail is a refreshing experience. Go on up there and the clouds and enjoy the peace and quiet.



"... enjoy the peace and quiet."

DNR to Appeal Shavers Strip Permit

The Department of Natural Resources has filed notice of intent to appeal a decision by the Reclamation Board of Review on a strip mining permit on Shavers Fork.

John W. Straton of Beckley, former chairman of the Reclamation Board, confirmed Tuesday, July 16, that he had received a copy of the notice before the term expired on July 1. The current chairman, Paul Ney of Bridgeport, was unavailable for comment.

The 250 acre application by Energy Enterprises, Inc., was originally turned down by the DNR, but the firm appealed and was upheld by the Reclamation Board. The DNR's appeal of the board's decision will be made in Kanawha County Circuit Court.

The Back Fork of Elk River, the legendary county of Blaine Hamrick and native brook trout, is being threatened by man's activities.

It is impossible to blame a specific activity on the muddy water that more and more frequently makes the Back Fork unfishable and some day may ruin it completely, but the area is laced with a hodgepodge of coal mines, and it has been timbered since the invention of the ax.

Another contributor to siltation of the Back Fork is the road building associated with both mining and timbering.

One recent evening, a hard rainstorm hit the Webster Springs area, and within an hour the Back Fork was muddy. Elk River, by contrast, was only milky. It is such occurrences that emphasize the fears that the Back Fork not only isn't what it once was, but that it may get worse.

What is the future of the stream, which includes a four and one-half mile fish-for-fun section stocked by the DNR? "It's an infertile watershed," said DNR fish biologist Bert Pierce. "Anything that might upset the water quality would have an immediate adverse effect. As far as siltation is concerned, even a little rain appears to make a difference in turbidity, and you can't catch trout in muddy water."

But DNR biologist Don Casper doesn't think the Back Fork is doomed as a trout stream. "In the long run, I think it may get better instead of worse, because people will demand reforms of poor logging and mining practices."

Casper recently tested the water quality on Sugar Creek and Little Sugar Creek - two principal tributaries of the Back Fork that are the scene of most current mining activity - and found it good.

A threat to natural trout reproduction on the Back Fork drainage, he added, is an increasing number of creek chubs, which are the result of warmer water. The warmer water, Casper said, is a result of subtle changes such as elimination of streamside shade, reduction of soil depth - any alteration of the watershed.

If there is a single overriding threat to the Back Fork, it is deep mining. Mine owners are not required to reclaim the masses they make, in the process of prospecting for or opening mines, and there are several such masses on the Back Fork.

These openings, called facing-up operations, resemble strip mines and are no different from strip mines, except that strip mines must be reclaimed. Companies engaged in deep mining on the Back Fork drainage are DeMotto Peatless Coal Co. of Elkins, Harry Marson Coal Co. of Elkins and Mountain Energy Corp. of Charleston.

DeMotto and Marson are leaving their marks on the area, including a DeMotto deep mine on Mill Run of Sugar Creek that was abandoned last fall and is as yet unreclaimed; a DeMotto deep mine on an old strip bench that was abandoned this spring and is as yet unreclaimed; three more abandoned DeMotto deep mines on Sugar Creek, all as yet unreclaimed, and an active DeMotto deep mine on Sugar Creek.

An abandoned deep mine left by Marson Coal Co

on Sugar Creek presented striking evidence of the two sets of standards that govern strip mining and opening of deep mines. A silt pond at the Marson mine was full and running over, and the mine site was a mountainous jumble of rock and earth. By contrast, a reclaimed Pickens Mining Co. strip job that joins the Marson mine is a model highwall-elimination job.

Mountain energy, which is mining on Yelpling Run of Little Sugar, made what one DNR water resources inspector described as "a hall of a mess" when it opened its mine last summer, but the firm recently formed a corporate partnership with Southeastern Construction Co. of New London, Conn., and appears to be making an environmental comeback.

Otto Linger Jr., a Charleston insurance official and president of Mountain Energy, said the union with Southeastern has provided the equipment and resources to reseed and mulch scalped hillsides and to build sediment ponds.

At the mouth of Yelpling Run, two things were visible during a recent visit: fresh bear tracks in the sand and signs of siltation edging into Little Sugar, a residue of the poor start.

According to local observers, Sugar Creek contributes the major portion of the muddy water that is afflicting the Back Fork.

Southeastern Construction's interest in the area extends to deep mining as well as striping. The firm has a 90-acre application pending on Camp Run of Sugar Creek, and timbering is now being done in advance of the striping.

Proponents and opponents of the striping have carried on a verbal battle in the Webster Echo. The June 25 paper contained a letter signed by 87 proponents who claimed the operation would "help our businesses and help our economy."

The only active striping on the Back Fork at present, is a 92-acre operation on Hewitt Fork by S.S. "Joe" Burford, Inc., and DNR field inspector Don Giltson of the land reclamation division doesn't believe it is contributing any siltation to the stream. There are many old striping scars evident in the area, but there has been a scarcity of striping on the watershed in the past few years because of the DNR's sensitivity to cries that "the Back Fork will be ruined."

The most visible old striping is a 200-acre operation by L.L. and L. Coal Co., which has gone out of business and has left a legacy of 40 to 60-foot highwalls on the upper Back Fork.

The major landowners on the Back Fork are Coastal Lumber Co., Frazee Lumber Co., Sun Lumber Co., Pardee and Curtin Lumber Co., and Grafton Coal Co. Mostly they own both the surface and minerals.

The only fresh timbering evident now, other than the pre-striping timbering, is a Coastal operation on Mitchell Run. A newly-bulldozed road leading to the log landing was muddy and culvertless. Other timbering of fairly recent vintage has also taken place elsewhere in the watershed.

"If the Back Fork dies as a trout stream," said one fisherman, "it will probably be with a whimper and not with a bang. Streams don't die overnight; they die after a long illness."



Above the Big Falls is where "the Back Fork" dies after a long illness."

WV-CAG Tangles With Corporate Giant

West Virginia-Citizens Action Group (WV-CAG) confronted the American Electric Power Company System (AEP) on three major issues during the last month: (1) Showing propaganda movies to school children, (2) Lying in order to obtain an air pollution variance, and (3) Padding electric bills with unnecessary fuel charges.

WV-CAG staff person Ed Light gathered the facts on these issues from a number of sources. He has submitted them to the appropriate regulatory agencies for action. AEP, through its West Virginia subsidiary, Appalachian Power Company, has yet to refute any of the charges.

The first major issue deals with an AEP film, entitled "What Time is the Power On Today?" which depicts daily electric power blackouts caused by environmental regulations and financial problems of the utility companies. Chaos results, due to the closing of schools, factories, and hospitals, affecting people from all walks of life.

The sound track of the film was recorded during a showing at a meeting of Citizens for Environmental Protection (CEP), an active Charleston-area group. An analysis of the film was then prepared by Light.

Among the misrepresentations in the film cited by WV-CAG were the following:

1. Air pollution standards were impossible to meet [actually, several W.Va. power plants are at, or near, compliance.]
2. All utility rate hikes are justified [in fact, the Public Service Commission has found on at least two recent occasions that AEP's increases were excessive and ordered refunds].
3. Only high sulfur coal is available [actually, abundant amounts of West Virginia low sulfur coal are available].
4. Demand for electricity is rapidly increasing [in fact, the demand increase has slowed down tremendously].

This heavily biased material is being shown to many schools and civic groups throughout the Mountain State. WV-CAG has requested the Kanawha County Board of Education to consider allowing the film to be shown only when done so in a balanced context. Copies of a four-page WV-CAG review of the film are available on request to anyone wishing to challenge its presentation at local schools or civic groups.

WV-CAG's second major confrontation with AEP came at a hearing concerning the company's request for an air pollution variance at the Cabin Creek Power Plant. AEP is now required to burn low ash/low sulfur coal there, but has requested permission to burn high ash/medium sulfur coal (which spoils more pollution for the Kanawha Valley) for two years. The reason for

this is that AEP claims it can no longer afford high quality coal. The company has threatened to close the plant, laying off miners workers, if the variance is not granted.

WV-CAG documented several discrepancies in AEP's request, presenting detailed proof that the standards could be met and that the plant was no longer needed. The most important findings, based on Federal Power Commission data, are:

1. Very cheap, low ash/low sulfur coal was going to two other AEP plants which, unlike Cabin Creek had adequate pollution control equipment installed. [Therefore, they were not required to burn such high quality coal.] This same coal was under long term contract and could have been shipped to Cabin Creek.
2. The projected annual demand for AEP electricity was way down from last year. Meanwhile, two major power plants were operating in the AEP system.

Company witnesses, testifying under oath, could not dispute these facts. WV-CAG charged that Cabin Creek, as the oldest plant in the AEP system, was no longer needed and that the Company wanted to blame the Air Pollution Control Commission for its closing.

Under severe pressure, the Commission did grant the variance, although less than AEP wanted -- for instance, AEP can burn high ash coal, but only if it is low in sulfur content (and only a period of six months). WV-CAG has appealed this decision to the U.S. Environmental Protection Agency, which must approve all state decisions.

The final WV-CAG confrontation with the nation's largest private electric company concerned the amount West Virginia consumers must pay due to the recent Public Service Commission fuel adjustment clause decision. [This spring, the PSC abolished the automatic fuel adjustment clause and replaced it with a ruling which allowed Appalachian Power to continue charging enough to cover their average coal cost from September (1974) through February (1975) - \$28 per ton. This cost has been added on all electric utility bills since April. However, under pressure of the WV-CAG challenge at the Cabin Creek Air Pollution Hearing, AEP Vice-President Paul Martinke stated, under oath, that their average coal costs had dropped below \$28 per ton. This means that consumers are paying more for the coal than it is worth, and AEP is pocketing the difference!]

In a letter to the Public Service Commission, WV-CAG pointed out this latest consumer rip-off. A hearing has been scheduled on the matter at the State House at 9:30 a.m. on July 21. Hopefully this will lead to a rebate on past electric bills and a reduction on future bills.

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.
--Aldis Stevenson

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On the Road With CAG and

By Ron Hartway

Carrying Around the Mountains
Jim Cash and Terry Adams
Random House/Backworld, 1978, \$12.95

Last winter the WDCS produced a four-volume guide to the Appalachian region, including a one guide about that *Carrying Around the Mountains* series. The authors of the book, Terry Adams and Jim Cash, appreciated the value of the guide and thought a review of the actual book would be appropriate. Therefore, writing in the trail was was one copy of *Carrying Around the Mountains*. Here's what they wrote.

Adams and Cash have logged an impressive number of highway miles in the Appalachian region during carpools and camping trips. They have delved in the Appalachian region from the Federal way of Paris/Vermont/New York/Virginia to Alabama and 22 sections. Each section is then given over with a two tooth comb being carpools, camp sites, and mapping the whole thing in better than airplane detail.

The guide is not for backpackers - it is not supposed to be. It is for people who want to camp and either in vans or picking a site in an established campground. Campgrounds in the Appalachian region have been uncovered to an extensive extent, and Adams and Cash have listed any, probably to one camp there anyway.

Backpackers are not ignored. There is a special section entitled "On Your Own" which is for those few spirits who want to get away from them all. Cash and Adams do not tell the backpackers where to go but they do tell them who to contact for trail guides, maps and general hiking information. This same is done for other, canoeing, and bicycling. There is precious advice aplenty in the darn volume.

There is another good reason for picking up a copy of *Carrying Around the Appalachian Mountains*. This is a pretty book, from Jennifer Davery's bear sketch on the front cover to Chuck Van Horn's trail scene on the back. Van Horn has also contributed numerous sketches placed strategically throughout the volume.

At first glance the maps in the book appeared incoherent. But a second and larger look made it clear that these maps will get a camper to a campground. The maps are not highway maps for travelers - they are highway maps for people looking for campgrounds. Study them for a moment, and they will become remarkably logical.

We had the *Spur for Carrying Around the Appalachian Mountains*. We like the book. Pick it up for its treasure of information, and have a visual joy.

CONSERVANCY PUBLICATIONS

A new edition of the *Messagebooks* 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 1/4" x 9". It costs \$3 and can be ordered from the address below.

"The Otter Creek Guide and the Cranberry Back Country Management Proposal are now out-of-print and unavailable."

1. Dolly Soda Trail Guide & Management Plan - \$3.00. "Available Mid-April"

2. Hiking Guide to the Mesopotamian National Forest \$3.00

These may be ordered from:

Ron Hartway
208 Utlen St.
Wehler Springs, WV 26228

Copies available at 1/3 discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Boudreau, 209 College Park Drive, Martinsburg, Pennsylvania 15148. Prices as of January, 1978.