



# the Highlands Voice

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## Potomac Valley Subject of Congressional Interest

The U.S. Senate and House of Representatives are considering bills to protect "significant natural, scenic, historical, fish and wildlife, and recreational values" in the Potomac River valley.

Although the north bank of the river from Cumberland, MD to Washington, D.C. is protected by the C & C Canal National Historical Park, the south bank has seen developments which threaten the integrity of the river valley and the C & O Canal as a viable outdoor recreation area. Witness the Yogi Bear Jellystone camping area in West Virginia which received some coverage in the VOICE last year. In this case a scenic 400 acre peninsula has been subdivided into about 3,300 camping sites, 800 of which are in the Potomac floodplain. Although the developers of Jellystone had completely inadequate sewage facilities, the State of West Virginia was almost powerless to regulate the development due to weak land use regulations.

Senate Bill 2561, establishing the Potomac River Historical Area in the states of Maryland, Virginia and West Virginia, and a companion bill in the House, H.R. 11875, attempt to forestall such developments in the Potomac River valley.

The Senate Interior Committee held hearings on the bill February 24, and soon thereafter Sen. Jennings Randolph (D-WV) called for public hearings in West Virginia's eastern panhandle to detect citizen response to the proposed legislation. Although similar legislation has been introduced in Congress for five years, this is the first year the Senate scheduled a hearing.

The C & O Canal Historical Park, a 185-mile long biking and hiking trail, has long been a popular recreation spot for outdoors folk in the Baltimore and Washington areas. The trail follows the historic towpath, and is marked by many interesting sites - locks, aqueducts, buildings, etc. Camping and picnic areas pop up every 6 miles or so.

Naturally, developers oppose the proposed legislation because it eliminates many sites conducive to "plastic" recreation.

by Lowell Markey

The bills are important because they aim to preserve a natural area, one of very few left in the expanding urban belt surrounding Washington and Baltimore. Pressure for residential, commercial and industrial land has been heavy in the Potomac River valley, and national legislation seems to be the only method for protecting the area involving three states and numerous local governments.

The legislation would enable the Secretary of Interior to accept land within the designated Historical Area boundaries by donation, purchase, or transfer. If scenic easement covenants can be worked out between the Secretary and private owners of land, his power to condemn land would be suspended, meaning that farmland surrounding the river can continue to be productive. Such protective covenants can be transferred to heirs

and assigns, as long as the scenic easement is not violated.

On land purchased by the Secretary, the owner could retain lifetime tenancy and use. Outside the boundaries of the Canal and Harpers Ferry National Historical Parks, hunting and trapping would be permitted. The Environmental Protection Agency would be authorized to monitor water quality and supply problems within the proposed Potomac River Historical Area.

Conservancy members, especially those in West Virginia's eastern panhandle, western Maryland, northern Virginia and the District of Columbia, are encouraged to communicate support of these bills to Congressmen and Senators. It is especially important to let Sen. Randolph know of your concern.

The bills have been strongly supported by both Maryland Senators and Congressman Gilbert Gude, and they deserve our thanks.

## CAG to Sue Coal Mines for Water Pollution

The West Virginia Citizen Action Group (WV-CAG) has notified ten coal companies operating 220 illegal mine discharges, of their intent to sue the companies for violations of Federal law. WV-CAG is also threatening to sue the EPA for failing to enforce the Federal Water Pollution Control Act at most of West Virginia's coal mines.

In taking this action, WV-CAG has been joined by the Washington based environmental group, the Natural Resources Defense Council. The groups contend that over 800 West Virginia mine discharges, including those belonging to the ten named companies, have never received the required Federal discharge permits from the EPA. The permits, which had earlier been issued to some 200 West Virginia mine discharges, specify strict water quality limits and monitoring schedules.

WV-CAG spokesperson, Ed Light, explained that, "Due to political or bureaucratic pressures, EPA has virtually halted its effort to bring most of West Virginia's coal industry into compliance with the Federal Water Act." Light went on to say, "Not only does this lack of uniform enforcement allow continued water pollution in many of our streams, but it is also highly discriminatory against those mines that are making good faith efforts to comply with Federal permits."

Legal notification was sent by WV-CAG to Allegheny Mining, Bethlehem Mines, Carbon Fuel, Consolidation Coal, Hawley Coal Mining, King Knob Coal, the Pittston Company, Southern Appalachian Coal, Westmoreland Coal, and R.N. White Contracting. As required under the citizen suit provision of the Federal Water Pollution Control Act, the companies are given 60 days to either get a permit or stop discharging. If their violation persists beyond 60 days, the citizen groups can bring suit against the companies in Federal Court.

A similar letter, threatening a suit after 60 days against EPA Administrator Russel Train, states, "EPA has failed on a massive scale to implement the National Pollution Discharge Elimination System permit program for coal mines in West Virginia...allowing the worst water pollution problem in the state to continue."

WV-CAG, and its predecessor group Campaign Clean Water, have worked for over two years to bring West Virginia's mines into compliance with the Federal Water Pollution Control Act. In 1974, the group's efforts helped convince over 400 mines to apply for the required discharge cleanup permit. In 1975, a WV-CAG appeal succeeded in strengthening Federal cleanup requirements for stripmines. The current effort is geared toward insuring that the Federal standards are enforced at every mine in the state.

### WVHC SPRING MEETING

The Spring meeting of the West Virginia Highlands Conservancy Board of Directors will be held April 10, 1976 in Upper Glade at the Webster County High School. Meeting time is 1 P.M.

Anyone having resolutions to present, or wishing to be on the agenda for the April meeting should contact Charles Carlson, Box 131, Charleston, WV 25321, before April 10.

### HIGHLAND VOICE DEADLINE

All material submitted for publication in The Highlands Voice must be in the Editor's hands no later than the 15th of the month for that month's issue. No manuscripts, photographs or announcements can be accepted for a particular month's edition after the 15th of that month.

Submit all material to:  
Ron Hardway, Editor  
The Highlands Voice  
Webster Springs, WV 26288



# Gubernatorial Candidates Speak Out on Environmental Issues

The Election of 1976 will be a crucial one for environmentalists in West Virginia. This is the first election where candidates and the electorate must come to grips with the realities of environmental protection as opposed to economic development. What the people decide will set the pattern for the next four years in West Virginia. We will have either an environment which reflects concern for our natural surroundings, or we will see the quality of the West Virginia Landscape eroded to the point where environmentalism will be merely a theory instead of a practice.

*THE HIGHLANDS VOICE* has undertaken the task of sampling the opinions of the major candidates for Governor of West Virginia on environmental questions. We hope that by releasing the results of a questionnaire circulated by Conservancy Past-President David Elkinton, West Virginia voters will be able to assess accurately each major candidate's views on the environment.

This month we are presenting the views of gubernatorial candidates John Hutchinson, John Rogers and James Sprouse. Next month we will feature Ken Hechler and Jay Rockefeller.

**Strip-mining is generally considered the greatest threat to the environment of all conservation problems in West Virginia. Do you favor greater restrictions on strip-mining or do you believe our present controls are sufficient?**

**HUTCHINSON** I have held consistently the view that it is impossible to increase surface mine production, as Pennsylvania has done, without the damage to the environment that we have seen in the past and still see in some nearby states. We have proven we can control silt on the strip bench during rains, mine on steep slopes without pushing spoil over the side, eliminate highwalls even on very steep mountains, and bury and compact acid material to eliminate acid and landslide problems for revegetated surface-mined areas. We must have firm and even-handed enforcement of laws to insure that all surface mine operations achieve the same high level of safety and environmental control throughout the State.

**ROGERS** Present reclamation is a joke. We will have to put some real teeth in the reclamation laws. Also, there have to be more stringent regulations concerning the areas that we permit to be stripped. The ideal area for surface mining would be a pool table.

**SPROUSE** Strip mining need not be generally considered the greatest threat to the environment if the present surface mine law is firmly and fairly enforced. There are, however, some selective improvements I favor pertaining to prospecting, highwalls, spoil banks and the reclamation board.

**Pollution from acid mine drainage from deep mines poses a severe problem for many West Virginia rivers and streams. What steps do you propose to eliminate this problem?**

**HUTCHINSON** I would support creation of a coal waste clean-up program of orphan deep mine problems, similar to Operation Scarlift in Pennsylvania. It

would deal with acid mine drainage, burning gob piles, underground mine fires and related problems. Such a program would improve the environment of the coal mining areas, create new jobs, and attract much Federal funding on which we currently miss out. The technology to control such acid discharges exists, and it is unfortunate that West Virginia currently has no program to utilize this technology on a state-wide basis. Consol-State-Federal cooperation on the Dent's Run Watershed shows what is possible.

**ROGERS** Too many people tend to forget that the ravages of deep mining can be as severe as those of strip mining. We need strong laws concerning the harm to the environment from deep mining, including but not limited to gob piles. Also, we must do something about abandoned mines. This is an area of real problems and must be attacked.

**SPROUSE** Adequate safeguards to prevent post mining pollution; utilize ARC matching funds to seal off abandoned deep mines; consider deleting sensitive streams from mining activity where adverse impact might occur.

**As Governor, would you favor a strong, independent Air Pollution Control Commission, or should this agency be brought under a single umbrella organization consisting of all departments and agencies dealing with environmental problems?**

**HUTCHINSON** I favor a strong, independent Air Pollution Control Commission with the expertise and information-gathering resources necessary to make crucial decisions. Such resources would enable the APC to show industry how to meet Clean Air Act standards without importing out-of-state coal or weakening air quality standards. A strong, independent APCC would give air pollution control the high priority it deserves rather than submerging it within an expanded bureaucracy.

**ROGERS** I am a firm and complete

believer in as much governmental decentralization as possible. One of the great illusions of politics is that centralization is per se good. I do not believe this. I would favor maintaining the autonomy of these agencies with the occasional sharing of staff (e.g. legal) members.

**SPROUSE** If viable after adequate evaluation, I would prefer a strong, professional umbrella organization dealing with all environmental problems.

**Recently the U.S. Bureau of Outdoor Recreation has recommended that the New River Gorge area be included in the Wild and Scenic Rivers System. Do you favor this proposal, or do you favor the plan to establish this area as a National Park?**

**HUTCHINSON** I have publicly opposed construction of the Blue Ridge Dam on the New River. The dam would be harmful to recreation development on New River and should be replaced by plans for a coal-fired power plant, if necessary. As Governor I will do whatever is necessary to prevent construction of the dam.

**ROGERS** I would favor being as far removed from the federal government as possible. Other than this bias, I do not know enough about the question to comment.

**SPROUSE** My first position paper of my campaign (attached) is on the historic New River. I favor placing the river in its entirety (North Carolina, Virginia, West Virginia) in the Wild and Scenic Rivers System. I oppose any hydroelectric development on the river, and I oppose hydrogenerators at Bluestone Dam at Hinton.

**The West Virginia Department of Highways has proceeded with the construction of Appalachian Corridor H east from Elkins against overwhelming advice that severe environmental hazards would result. If you were Governor, would you favor an alternative routing, or**



continuation of construction as presently proposed?

**HUTCHINSON** I support preservation of the fish hatchery, whether in its current location or relocated by the State. I also support the expeditious completion of Corridor H. We can preserve the environment and complete the highway. As Governor I will review all highway development plans from an economic, environmental and technical viewpoint. If substantial review is initially made and a consensus reached with all concerned parties, we can minimize the problems that arise when a particular routing is chosen.

**ROGERS** As Governor, I would declare a general moratorium on the construction of new highways in the state. There would be certain exceptions to this rule, of course, but I do not believe that it is West Virginia's role to provide transit corridors to the people of the East and Mid-west.

**SPROUSE** I would immediately review plans and construction to date, and if severe environmental hazards are likely I would not hesitate to consider an alternate routing.

The proposed Davis Power Project, which would flood 7,200 acres of the Canaan Valley for hydroelectric power, is currently before the Federal Power Commission for a license, and the State of West Virginia is a party to the proceeding. Do you favor the development of this \$141,000,000 project or the preservation of this unique valley in its natural state?

**HUTCHINSON** I oppose the concept of pump-storage hydroelectric plants that use more energy than they create. These plants flood valuable land, raise rates with their huge construction costs, and employ very few people. If new generating facilities are needed for electricity in this state, they should be coal-fired. Therefore, I would oppose the Davis Power Project and similar proposals as well.

**ROGERS** I am against it.

**SPROUSE** This is a complicated issue because of strong local sentiment for the project. I have not examined the license application or why West Virginia is a party to the proceeding. I generally favor use of West Virginia coal to generate electric power. I am researching this issue and will have a position paper on it soon.

Under state law, many of the appeals boards that review decisions relating to environmental issues are composed of industry representatives. Do you favor changing the law so that environmental-

ists, consumers, or the general public at large are represented?

**HUTCHINSON** Changing State Law to require different groups to be represented on a board or commission does not deal with the problem. People are available from most groups who will reflect my views on particular matters. My concern with the environment is reflected by my record and by my active chairmanships of the Environment and Energy Committee of the U.S. Conference of Mayors and the Solid Waste Task Force of the U.S. Conference of Mayors and National League of Cities. My appointments will reflect this concern, they will be independent, and they will be people who will demand a scrupulous review of the environmental impact of every decision made.

**ROGERS** Absolutely. In fact, I would go so far as to ban people with a specific, vested interest in the subject.

**SPROUSE** There is a great need for reorganization and restructuring of the state's boards and commissions. There are a number of boards and commissions involved. I am in the process of reviewing them all and will issue a detailed position paper on this subject as soon as the research has been completed.

In the past several years, electric utilities and other utilities have come under increasing scrutiny for their callous and unfair pricing practices, such as the fuel cost adjustment. How would you propose to regulate these monopolies to better serve the public interest?

**HUTCHINSON** As Mayor of our Capital City I have actively fought requests for major rate increases and efforts to impose the automatic fuel adjustment clause on our citizens. As Governor, I would appoint Public Service Commissioners who would place the public interest first in reviewing any request for rate changes. Basic information on utility rate base and fuel practices must be made easily available to the public. We will not make our consumers subsidize inflated prices for Kentucky, Wyoming, or Utah coal or excessive transportation charges from utility-affiliated transportation companies. Peak load pricing for industries, which can eliminate the justification for peak-load dams like Blue Ridge while increasing coal usage in existing power plants, will be a goal of my administration. I would point out that I have been opposing rate hikes on behalf of the citizens of Charleston for more than three years, long before I ever considered running for governor.

**ROGERS** It is impossible to regulate these people. I favor the TUA type of approach wherever possible.

**SPROUSE** Provide for statewide public defender; provide expert legal and technical staffs to affected departments; assign higher priority and more funds to consumer affairs in AG's office; appoint "environmental watchdog" to Office of Governor in key staff position; require better coordination of environmental policy making; additional emphasis on environmental advocacy.

What basic changes if any would you make in the administrative arrangements of the Executive Branch to better protect the environment? Would you strengthen the Departments of Natural Resources, Health, Attorney General's Office, or other agencies in specific ways?

**HUTCHINSON** I established the first municipal consumer protection office in West Virginia. Similarly, I favor establishing a consumer protection department in the Governor's office. I would provide the Department of Natural Resources with its own legal capacity so it does not have to depend on the Attorney General for help. The Health Department, Natural Resources Department and Consumer Protection Division will be expected to place the highest priority on protecting the consumer and the environment and on taking swift, effective action to do so when necessary.

**ROGERS** No structural change is going to change anything. What we need to do is to place people who have a true love and concern for the environment in these positions. Anyone who tells you anything else is simply "blowing in the wind."

**SPROUSE** West Virginia's natural resources are unsurpassed. They are a source of rich recreation and tourist potential, and as such must be protected and preserved. To insure this, I would develop state planning so as to provide for diversification of industry and an economic balance between production and sound environmental safeguards.

Finally, please add any other comments you wish to make concerning your plans to protect West Virginia's environment if elected.

**HUTCHINSON** An active program to promote our coal and protect our environment can bring new revenue to West Virginia without raising our tax rates. This money can be spent on Scarlift-type programs and other environmental improvements. Such a program might result in the reduction of new nuclear construction in certain other states, thereby adding a new dimension to our environmental protection program. I also am convinced we can attract much more Federal assistance for environmental improvement programs. I would support a Federal strip mine bill that would impose reclamation standards on all states similar to the highest standards enforced in our state. This would make our competition observe the same restrictions our operators must observe, would enhance the financial attractiveness of our coal, and would, therefore, stimulate production and increase jobs.

I would create an Environmental Advisory Council composed of environmentalists and consumers to assist me in developing and evaluating programs dealing with the environment.

**ROGERS** I would positively discourage the development of the "tourist industry" in West Virginia. I, for one, do not want to see West Virginia become an Atlantic City, Maryland. Also, I am generally opposed to what some might call "progress and growth" at the expense of our environment. I do not want to see West Virginia changed very much.



# ....BRIEF STRIPS....

## New River

Denied by the DNR, on February 25, SMA-1739 by Betty Jane Coal Company for 100 acres near the rim of the New River Gorge at Beury Mountain (Beckley Post-Herald, February 26).

Protests against this strip came from the Coalition to Save New River, the Three Rivers Chapter of the Izaak Walton League, the Fayette Plateau Chamber of Commerce, the Hinton High School Ecology Club, Congressman Ken Hechler, and some 1,000 individuals. Such was the citizen power needed to save 100 acres. In the period February 16-27 the DNR granted permits for 1,240 acres.

Besides benefiting the work for a Wild and Scenic River and/or a National Park on the New River, this denial has also helped combat the argument that re-stripping is good for the land. Observing that this area had been stripped some 20 years ago, Ben Greene, Chief of the DNR Reclamation Division, was quoted as believing that stripping "will definitely improve the site" (Beckley Post-Herald, December 18), while Jim Watkins of the Coalition to Save New River pointed out that time had stabilized the site. Now Greene's Division has come around to the same view, citing "aesthetics and possible water pollution" as reasons not to allow re-stripping.

## Duo

Twelve out of the 19 households of Duo signed a letter February 17 to the DNR protesting SMA-1833

by Webster County Coal Company for 125 acres near the isolated community. Several more would have signed if they had been at home the day that James Wall, long-time Duo resident, took the letter around.

The letter reads:

"We the undersigned residents and landowners of Duo, in Greenbrier County, West Virginia, wish to hereby file our objection to the proposed surface mining area by Webster County Coal Company of Wolf Summit, West Virginia, which has applied for a surface mining permit in connection therewith.

Our main object is in connection with the use of haul road No. 2 as indicated on map filed with application for permit, which road, being a narrow road with only a 9 foot hard surface, serves residents of Duo and is used by School Bus and mail truck, and is presently in such condition that additional use by hauling from proposed strip mine operation would render such road impassable."

Examination of the SMA-1833 file at the DNR reveals numerous irregularities about this application - no preplan, registration fee not deposited with the treasurer of the State of West Virginia, application for one permit in two areas several miles apart, etc. In the period February 2-15 the DNR issued two permits to this company - for 179 acres near Leivasy and 189 acres near Fenwick, both in Nicholas County across the hill from Duo.

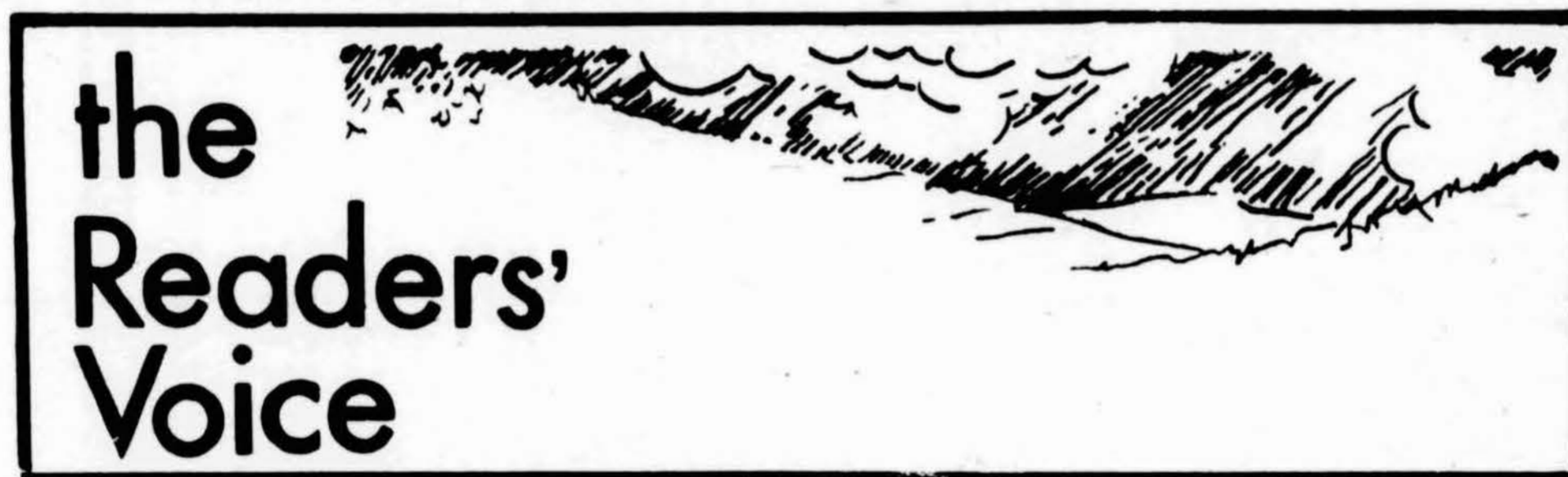
## Greenbrier

About 50 adults and some children met in Lewisburg on March 5 to form Greenbrier Citizens Concerned about Our Mountains. This group could use contributions of knowledge, time, or money from anyone who loves the hills of Greenbrier. Address is Box 12, Renick, WV 24966.

The meeting viewed Bob Gates' film, heard Ric McDowell of Save Our Mountains, saw slides of stripping in the County, and discussed the strip mine law and tactics for using and changing it. According to a hand-out available at the meeting:

"We want to learn all we can about surface mining. We want to monitor existing mines in this area and help see the law is enforced. We want to study and consider all applications for new surface mining. We want to work for tougher laws and the eventual abolition of strip mining in the mountains. We want to support laws and legislators who will work to protect the environment."

The impetus for forming the group came from homesteaders in the farming areas of Williamsburg and Falling Spring districts who have witnessed the unrelenting activities of Sewell Coal Co., a subsidiary of Pittston, around the Big Laurel watershed on the Allegheny Plateau above them. At the end of February Campaign Clean Water sued Sewell Coal for operating five of these strips without water pollution permits. At the same time, the DNR granted a permit to Sewell for a further 390 acres.



## Strip News Not Good

15 February 1976

Editor,  
HIGHLANDS VOICE

Dear Sir:

Last Friday (February 13) I spent a couple of hours looking through files of strip mine applications at the DNR's Reclamation Division in Charleston. I was trying to get information on the strip mines in Randolph County to be used by the Randolph County Strip Mine Resistance. I found some good, but mostly bad news.

First

The Good News: For what it's worth, the final application by Energy Enterprises, Inc. to open another strip mine on Shavers Fork (SMA 1767) is for 136 acres, not the 690 acres as advertised in the legal notices.

The Bad News: First of all, the file on SMA 1767 contained only 42 protest letters, including several letters from outside West Virginia. It was surprising to me that this threat to the precious and popular Shavers Fork generated such a pitiful amount of formal protest, especially after having been advertised in the December 1975 VOICE, and by flyers. Looking through other files at random showed that the dearth of protest letters was not limited to SMA 1767. Many SMA files contain far fewer than 42 protest letters; many contain fewer than five letters.

The Randolph County Strip Mine Resistance has distributed flyers advertising three strip mine applications in recent months. These were SMA 1657 (Greer Steel, Job Knob near Whitmer), SMA 1720 (LaRosa Ruel, near Cassity), and the infamous SMA 1767 mentioned above. A count of protest letters in these and comparable files showed that

## Spill Number

At the Conservancy's Mid-Winter Workshop in January Ed Light, director of Campaign Clean Water, urged all West Virginians concerned with their environment to report oil spills and the like to the Environmental Protection Agency. Should anyone in the future feel the need to report such spills, one can do so by dialing directly to 215-597-9898, and telling whoever answers the phone that one wishes to report a spill.

SOM

response to the flyers was discouragingly poor. Despite the circulation of several hundred flyers on each of these applications, the Greer Steel file contains only 36 protest letters, the LaRosa Fuel file only 12, and the Energy Enterprises file 42, as mentioned. This leads us to question the effectiveness of the flyer distribution.

I have no idea of just what impact a single protest letter, or a deluge of letters, has upon the approval or denial of a permit. But at the very least the letters are read through, and taken into consideration with all other information in the file. As concerned environmentalists, we should be alert to present the Reclamation Division with an alternative point of view to that of the coal companies. The file on SMA 1767 and others seem to indicate that most of us have been too lax in this regard - too willing to let strip mine applications slide through without significant protest.

It seems that we are asked to write another letter at every turn - all for good causes. But these letters are often the only way we have to affect important decisions on the fate of our environment. In the future we must all be more vigilant and more responsive in protesting the rapidly increasing number of strip mine applications if we are to have any land left to use, enjoy and be proud of.

Bob Mays  
Star Rt., Box 80  
Mabie, WV 26278







S2926

# Timber Management Reform Act of 1976: A Review

by Gordon T. Hamrick

On February 4, 1976, West Virginia's Senator Jennings Randolph introduced in the Senate his long-awaited bill dealing with management practices on national forest lands. Randolph's bill, S2926, known as the "National Forest Timber Management Reform Act of 1976", or "TMRA", for short, was referred jointly to the Committee on Agriculture and Forestry (with jurisdiction over national forests on all acquired lands) and the Committee on Interior and Insular Affairs (with jurisdiction over forests in the public domain).

Briefly, TMRA contains provisions which (1) establish standards and procedures under which timber resources of the national forests shall henceforth be managed; (2) sets standards and procedures for protection of soil resources, aesthetic resources, fish and wildlife resources, and the national forest ecosystem; (3) sets forth certain management practices which regulate clearcutting, even-age management, and type-conversion of national forests; (4) sets forth more clearly long-term standards of sustained yield, regularizes multiple use-sustained yield planning, and establishes procedures for accurately identifying lands in the national forests capable of being managed for timber production; and (5) deals with terms under which immature timber may be cut and with the question of designating, marking and supervision of the cutting of timber.

S2926 finds that the Organic Act of 1897 does not permit using certain management practices, such as sales of immature timber for thinning purposes; that certain management practices harmful to the environment and to uses of the national forests other than timber production - such as clearcutting - have been utilized; and that in order to insure that the national forests are managed on a multiple use-sustained yield basis, Congress must set forth specific management standards and procedures that preserve and maintain environmental quality and, at the same time, meet the standards of the Organic Act of 1897 and the Multiple Use-Sustained Yield Act of 1960. S2926 also specifies that nothing contained in the bill shall be construed as amending the Wilderness Act, Wild and Scenic Rivers Act, or the Endangered Species Act of 1973.

Under the provisions of the TMRA, the Secretary of Agriculture shall, within three years after the date of enactment of TMRA, publish in the Federal Register standards for determining those areas of the national forests from which timber may be sold. Sales may be made only from (1) lands that are stable and where slope does not exceed the maximum degree for soil type on which logging roads may be constructed or timber may be harvested; (2) lands that are not composed of patches and stringers; (3) lands that are capable of natural regeneration within five years; (4) lands that are capable of regenerating a commercial stand of timber; (5) lands that are sufficiently distant from stream banks and other bodies of water and wetlands; and (6) lands that will not substantially impair non-timber resources.

Examples of the various forest types found naturally in each forest shall be maintained and such examples shall be identified on maps published and made available to the public. An ample distribution of den trees, nest trees, mast trees, and snags shall be left throughout the forest, regardless of the maturity or physical condition of such trees. Positive action shall be taken to preserve habitats and populations of native flora and fauna found in the national forests and special attention shall be paid to the requirements of species whose habitats and populations are diminishing. DDT and other chlorinated hydrocarbons shall not be used in the national forests for pest control.

All systems of silviculture are to be considered, with no single system to dominate a forest, except that unevenage management in eastern mixed hardwood forests shall be implemented by selective cutting.

Before a sale, an interdisciplinary review of environmental, biological, esthetic, engineering, and economic impact of the proposed cut must be made. This review may encompass more than a single sale and such a review must consider (1) the

impact on non-timber resources of surrounding areas; (2) the specific effect of cuts and logging roads on soils in the affected area; (3) whether the proposed cut will naturally regenerate within five years and, if not, what technical measures will be necessary and at what cost.

A brief statement of each review shall be made available to the public for a 60 day period prior to each sale. Sales of less than \$5,000 shall be exempt from inter-disciplinary review.

The Secretary of Agriculture shall publish in the Federal Register, within two years after enactment of the TMRA, standards for clear cuts and even-age cuts. Such standards shall consider (1) shape and size as determined by biological requirements of forest regeneration, wildlife habitat needs, aesthetics, slope, soil composition, rainfall, and any other relevant factors; (2) that cut areas shall generally not exceed 25 acres in size, with no cuts being made closer than 1,000 feet to cuts made in the previous 10 years. The foregoing does not apply, however, to salvage operations or to inoperative small patches.

Even-age cuts in eastern mixed hardwood forests may be made only for wildlife habitat improvement or for salvage operations. Cuts must be carried out in a manner consistent with resource protection (protection of soil, watershed, fish, wildlife, recreation, aesthetics, and regeneration of the timber resources).

Conversion of any eastern mixed hardwood forest to a coniferous forest shall be permitted only on acreage where effects upon wildlife, watershed, soils, recreation, aesthetics, economic values and surrounding areas are minimal.

Following enactment of the TMRA, the Secretary of Agriculture shall adopt Multiple Use-Sustained Yield plans for each national forest. Timber management shall be integrated with components for fish, wildlife, water, grazing resources, and consideration shall be given to biological, aesthetic, and wilderness aspects of all resources.

Each Plan shall be prepared by a multi-disciplinary team and shall be kept current and available to the public. The plan shall set forth, in descriptive terms, all resources of the forest and shall include maps and locations of proposed and possible actions, including road locations. Where possible, timber sales cut blocks shall be included as necessary to fulfill the plan.

## 1976 Cheat Valley Float Trip

Join us the weekend of May 15-16 for the 7th annual canoe trip sponsored jointly by the West Virginia Highlands Conservancy and the Cheat Valley Conservancy. We plan to canoe from Parsons to Hannahville with overnight camping in Saint George.

The trip covers an historic and scenic river valley which would be flooded if the Rowlesburg Dam were to be built. This year is especially noteworthy, because 1976 is the bicentennial of Saint George, the oldest settlement in Tucker County, West Virginia.

Stretch your arms, patch your craft and join the fun - both days or either one.

For information please contact Bruce Jarvis, 24 Bates Rd., Morgantown, WV 26505, no earlier than May 12, 1976. The Float Trip is contingent upon adequate water levels.

Each Multiple Use-Sustained Yield plan shall provide for the sustained yield of each ranger district. Where ranger districts exceed 500,000 acres, the Secretary shall establish areas of not more than 500,000 acres.

Each Multiple Use-Sustained Yield plan shall set forth its five-year periodic harvest figures in board feet and in cubic feet. Neither the Secretary nor any other officer of the government shall set or cause to be set administratively the amount of timber to be harvested from the national forests. No quota or target figures shall be proposed which might encourage deriving a plan to meet such figures.

Multiple Use-Sustained Yield plans shall be prepared for the national forests at the rate of 36 per year. Each plan, upon completion, shall be available to the public for six months before adoption. Public hearings shall be held on each plan, both in the immediate area of the forests and in centers of population. Plans, after adoption, shall be reviewed periodically and shall be revised every ten years.

Management plans for Wilderness Areas, Wilderness Study Areas, and roadless areas can, at the option of the Secretary, be deferred until later revisions of the Multiple Use-Sustained Yield plan for the districts in which such areas may be located.

Immature trees may be cut for purposes of thinning, improvement cutting, removal of diseased trees or damaged trees, pest control, forest research or experimentation, cull elimination, Christmas trees, habitat improvement, or salvage. This action, however, may be used only to supplement normal timber harvest and shall not be used as the dominant method of harvesting the timber of any national forest.

Immature trees may also be cut if such trees are cut for the purpose of achieving an even distribution of age classes in southern pine forests. And, immature trees may be included in an authorized clear cut if the stand of trees in such a cut consists largely of dead, mature, or large trees.

Under the provisions of the TMRA, no tree shall be cut or removed from any national forest unless such a tree has been specifically marked and designated prior to sale. All marking and designating of trees to be cut shall be done by the USFS. All trees cut shall be removed and the non-usable residue shall be spread as evenly as possible.

Any timber sale contract involving less than 100 million board feet sold without marking before enactment of the TMRA is validated by the TMRA.

Within six months of the date of enactment of the TMRA, the Secretary shall publish in the Federal Register standards for marking and designating the various types of clear-cuts and even-age cuts. Such standards shall provide for identification of boundaries, the marking of the individual trees to be left standing, and, at the option of the Forest Service, the identification of the timber for which the purchaser is required to pay. All timber removed from the national forests shall be under the supervision of the USDA. A tally of timber to be cut and timber to be left standing shall be made at time of sale preparation.

Within one year of the enactment of the TMRA, the Secretary shall present to Congress a cost-accounting system furnishing itemized and cumulative direct and indirect costs for administering and managing the growth, sale, and re-forestation of timber on individual sales tracts.

Counties which would be entitled to payments under one or more of a series of Acts (these are spelled out in S2926) may be compensated in lieu of such payments at the rate of 75 cents per acre for each acre of national forest land within the boundaries of the political subdivision.

No contract shall be entered into after enactment of the TMRA which provides for the cutting of timber in any national forest over a period of more than 36 months. (Author's note: According to the Congressional Record, some earlier contracts have been let for periods ranging from ten to fifty years; have covered more than one million acres of national forest; and have involved as much as 8.75 billion board feet.)



# Suit Filed to Protect Spring Run

by Ernie Nester

Chairman W. Va. Council of Trout Unlimited

On February 20, 1976 a suit was filed in the Circuit Court of Kanawha County to prevent further damage to Spring Run in Grant County. The plaintiffs are Harrison Shobe of Petersburg and Ernest Nester of Alloy on behalf of the West Virginia Council of Trout Unlimited. The defendants named are Ira S. Latimer, Jr., Director of the West Virginia Department of Natural Resources and the Dorcas Public Service District. The suit charges that Ira S. Latimer, Jr. does not have the legal authority to sell or lease water from Spring Run to the Dorcas Public Service District. The suit also charges that Harrison Shobe's riparian rights have been violated by the diversion of water by the Dorcas Public Service District.

This lawsuit is the culmination of two and one half years of frustrated efforts to protect the future of Spring Run by working with Director Latimer on a compromise solution. Despite written statements from Director Latimer and Governor Moore that Spring Run will be protected, no concrete steps have been taken to back up those promises so Trout Unlimited and Harrison Shobe reluctantly decided that court action was the only hope for Spring Run.

Spring Run is a limestone spring stream that rises near Dorcas in Grant County and it is the source of water for the state owned Spring Run Trout Hatchery. The spring and 41 acres of land was purchased by the Conservation Commission of West Virginia in 1945.

In 1957, Harrison Shobe bought a farm on Spring Run for the express purpose of developing an outstanding trout fishery. Mr. Shobe's property starts about 1/2 mile below the hatchery and includes about 1 mile of the stream. Since it is a limestone stream Spring Run is very rich in aquatic life and Mr. Shobe went to work to provide hiding places in the stream for big trout. Mr. Shobe spent a lot of time over many years building splash dams and other devices to provide cover. Trout Unlimited

members Jerry Burke, Ron Laski, and others have helped Mr. Shobe build and maintain some of the dams.

Mr. Shobe does not stock any trout but his section is heavily populated with rainbow trout. You must have Mr. Shobe's written permission to fish, and you must follow his regulations of flies only and release all fish. Mr. Shobe's hard work and protection have produced rainbows up to 12 lbs. 3 oz.

Spring Run is also on the D.N.R. trout stocking list so portions of the stream are open to the general public for trout fishing.

On September 29, 1971 Director Ira Latimer signed a contract to sell the Dorcas Public Service District 36,000 gallons of water per day from Spring Run for 49 years. The selling price was \$1.00. The contract was signed by Latimer in spite of the fact that he had no power to do so and against the advice of professionals in the Department of Natural Resources.

In the fall of 1973, the Dorcas Public Service District erected a pumphouse of the hatchery and tapped into the 12 inch water line feeding the hatchery. Since that time Dorcas has laid many miles of water line in the rural community of Dorcas. The number of families and businesses serviced has increased rapidly but we do not have a good count at this time.

The Dorcas Public Service District locked D.N.R. out of the pumphouse so the exact amount of water being taken cannot be determined. We do have some records that indicate that over 120,000 gallons per day have been taken during some periods. The impact of the water diversion has been very evident during periods of low spring flow.

Starting in August of 1973, Trout Unlimited started trying to get all of the facts concerning this

very strange water deal. Dozens of letters were written over the next 1 1/2 years to Director Latimer, Governor Moore, Asst. Attorney General Frank Ellison and others but our many letters brought no replies. Phone calls were also totally unsuccessful. During January of 1975, Ed Crum went to Latimer's office to get a copy of the contract but was told that it was illegal to make a copy.

Several letters were sent to Asst. Attorney General Frank Ellison requesting that the Attorney General's office check up on the legality of the contract but we never got any replies. Skip Johnson also questioned Ellison several times about Spring Run and Ellison always stated that he might have something next week. Of course, Ellison never provided any answers to anyone. T.U. Eastern Director Jim Brown made a visit to Ellison's office last February and learned that Ellison was very peeved that Trout Unlimited was bothering him about the water deal.

Finally on February 6, 1975, I received a letter from Director Latimer stating that "A meter with timer, shutoff valves, and line limiters has been requisitioned and bids will be opened on February 12, 1975. After the successful bidder has been determined and the materials received, the system will be installed as soon as possible. After this has been accomplished, we will welcome any member of your group to accompany the hatchery superintendent when readings are taken or to review the consumption charts." Both Latimer and Governor Moore have stated in letters to other people that they are going to protect Spring Run and that everything is O.K. However, there have not been any concrete actions taken to back up those promises.

If the Dorcas Public Service District is allowed to continue taking water at will from Spring Run, it is only a question of time until the outstanding trout fishery in Spring Run will be gone with the wind.

## Rare Fish Discovered in Shavers Fork

by Paul Frank — Elkins Inter-Mountain

A fish that may be the only one of its kind in the world has been discovered on the Shaver's Fork of the Cheat River, high in the mountains above Huttonsville, and studies slated for this spring and summer may result in its being designated as a rare and endangered species, according to the W. Va. Department of Natural Resources.

The net effect of placing the minnow on the rare and endangered species list of the U.S. Department of Interior, according to officials at the DNR, would be to severely limit the kinds of development that would be permitted on the river.

According to a section of the Endangered Species Act, any federal agency must make sure their actions do not endanger either the species or its habitat. Environmentalists around the state — including Trout Unlimited, the West Virginia Wildlife Federation and the Izaak Walton League — are now expected to look to the minnow as further evidence that the Shaver's Fork watershed is a unique area — unlike anywhere else in the world — and should be preserved.

The tiny minnow — barely as long as its scientific name, *Rhinichthys bowersi*, was originally discovered in 1899 by two scientists, Goldsborough and Clark, who found specimens of the minnow-like fish in both the Dry Fork near Harman and at Cheat Bridge. At that time it was thought to be a hybrid — a cross between two other kinds of minnows. Some years later, in 1940, another scientist, Raney, found the same "hybrid" at Cheat Bridge again, and he again believed it to be a hybrid. Since 1940 nobody said anything about *Rhinichthys bowersi* again.

Now, following an August, 1975 stream survey by a fish biologist from the Division of Wildlife Resources of the DNR, it is believed that the little minnow is in fact a new species.

It is also believed that the fish may be endemic to Shaver's Fork — that is, that it may exist nowhere else in the world.

Scientists from the University of Maryland's Appalachian Environmental Laboratory wrote: "As of now we would list these specimens as the hybrid... (but) it would seem strange that this hybrid combination would keep occurring over a period of 76 years... perhaps it is an endemic species... if the specimens do, in fact, represent a good species, it

will, in all likelihood, be considered for posting on the U.S. Department of Interior's rare and endangered list."

The scientists, Dr. Jay Stauffer and Dr. Charles Hocutt, noted that while they now must consider the minnow a hybrid until further studies are made this spring and summer, they suspect that a true hybrid would not appear the same today as it did in 1899. They note that other hybrid species have been taken from areas where hybridization occurs, and the degree of variation ranges all the way from genetic to plain differences in appearance.

"It is our professional opinion," they conclude, "that since specimens of the form were first collected in 1899, and, subsequently, in 1939 and 1975, that due consideration should be given it."

Shaver's Fork is also the only known habitat of the Cheat Mountain salamander, a palm-size reptile that lives on the forested slopes surrounding the Shaver's Fork. It is also on the Department of Interior's list of rare and endangered species.

## Book Review

by Joe Basilone

**BACKPACKING EQUIPMENT, A CONSUMER'S GUIDE, By William Kemsley, Jr. and the editors of Backpacking Magazine, Collier Books, 866 Third Ave., New York, NY 10022. 1975, \$4.95, 160 pp.,**

For anyone who will spend \$30 or more in the next two years on packs, sleeping bags, tents, boots, or freeze-dried foods this book should be a bargain. It is well worth its price because it helps one to understand what constitutes a quality item and what quality will meet your needs.

A wide variety of products are considered in all four areas mentioned above. There is a photograph of each product accompanied by an evaluation of materials, field testing, and value for money. There are also brief interviews with some of the leading producers of equipment, and short chapters on design and performance theory.

If a lack of expensive gear one cannot afford is keeping one out of the woods, this book will help get one there faster, and be more comfortable in the bargain. —Joe Basilone

## Budgetary Blues

OR

## The Cheat Chagrin

by Bruce Jarvis

The Ford Administration's Budget Proposal which has been submitted to Congress contains a \$216 million appropriation for the Rowlesburg Dam and Lake in Preston and Tucker counties. Since the last Rowlesburg Proposal, the price tag has soared by \$27 million — due to inflation. To date, \$3 million have been allocated and most of it spent for planning the project.

The Budget Proposal notes that the Cheat River is "the largest uncontrolled tributary in the headwaters of the Ohio River." In 1972, after tropical storm Agnes drenched the East Coast, the proposal estimated that a dam at Rowlesburg would have prevented \$49 million in damages downstream. If only there had been a dam! The "if only" logic figures heavily in estimating the expected "benefits" of the Rowlesburg Project.

The last paragraph of the proposal, however, states that the Rowlesburg Project is being redesigned to decrease the planned reservoir storage capacity and to reduce "the magnitude of recreation development."

What? The two major selling points of the project are in doubt? Yes, it is the Cheat Chagrin that the reservoir needed to hold a certain volume of water to prevent \$49 million damage in the future may never be built large enough to do just that. Of course, a smaller version could...

Also, the promised recreation facilities at the Lake would have no funding. "Non-Federal Sources", in other words, the State of West Virginia, must bear one-half the cost of the recreation facilities — 1/2 = \$2.8 million. In addition, the state must cover the annual maintenance cost of the facilities — \$470,000 per year. In a letter dated 10 April 1970 the State of West Virginia "declined" to pay its share of the cost of the recreation facilities.

A Rowlesburg Dam is still a very real possibility, but it may never prevent colossal downstream flood damage or provide much local recreation. Such are the Budgetary Blues. \$216 million do not stretch as far as they once did.



## Conservancy Patch Available

Every member of the West Virginia Highlands Conservancy needs a Conservancy arm patch as a means of identification while attending strip mine protest rallies, public hearings and meetings of the Water Resources Board. When worn on the sleeve of a khaki or green outdoor shirt and when viewed from a distance, one's resemblance to a forest ranger, conservation officer or reclamation inspector is phenomenal. The patches are multicolored, predominately green and gold, and can be sewn to anything capable of being penetrated by needle and thread. The sketch is actual size.

Conservancy patches cost \$1.10 and may be ordered from the Conservancy at Box 711, Webster Springs, WV 26288.



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## CONSERVANCY PUBLICATIONS

1. Dolly Sods. Management Proposal and trail guide, includes areas adjacent to the Dolly Sods National Wilderness Area. 1973 edition, 75 pages, 4 maps, 8½ x 11. \$3.25
2. Hiking Guide to the Monongahela National Forest. A survey of hiking and backpacking trails in the Monongahela National Forest. Includes general information on use of the MNF and an essay on winter camping in the Monongahela. 1974 edition, 151 pages, 9 maps. \$3.25.

The Conservancy no longer publishes and no back copies are available of the Otter Creek Trail Guide. For information on use of Otter Creek National Wilderness Area contact the U.S. Forest Service, Cheat District Ranger, Parsons, WV 26287.

A new edition of the Cranberry Back Country trail guide and management proposal is now in preparation. Watch future issues of THE HIGHLANDS VOICE for publication date.

Copies of Dolly Sods and Hiking Guide to the Monongahela National Forest may be obtained at one-third discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Sundquist, 210 College Park Dr., Monroeville, Pa. 15146.

Address all other trail guide orders to the address below. Make checks and money orders payable to WVHC.

Trail Guides  
c/o West Virginia Highlands  
Conservancy  
Box 711  
Webster Springs, WV 26288

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*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

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