



VOLUME 13, NO. 8 -- AUGUST, 1981

THE HIGHLANDS VOICE

Library
West Virginia University

Published Monthly by the WEST VIRGINIA HIGHLANDS CONSERVANCY

LIBRARY (PERIODICALS)

WVU DOWNTOWN CAMPUS
MORGANTOWN WV-26506

WVC

THE KITTANNING ANOMALY

AN EMERGENT SCIENCE AND ITS FAILURE OF NEW TECHNIQUES IN THE COAL FIELDS

West Virginia thrashes about trying to find a way to mine its coal -- and comes up with techniques developed in response to an environmental impact statement demanded by environmentalists at the Holly Grove strip mine proposed nearby

An anomaly in one of West Virginia's most important coal-producing seams has caused a major slowdown in the expansion of what had been planned as the United States' largest strip mine east of the Mississippi, the Island Creek Coal Company's mammoth \$100 million operations half-a-dozen miles south of Buckhannon in Upshur County.

What created the slowdown is the failure of a once-promising new technique designed to stop acid drainage from reclaimed strip mines. In the lower Kittanning anomaly, the new technique just isn't working, and strip mines in the area -- even after thorough and painstaking reclamation "by the book" -- are still seeping acid "by the bucketful," according to state officials.

"The present techniques to predict acid production are apparently not foolproof," commented the director of West Virginia's Department of Natural Resources, Dave Callaghan, the man in charge of issuing or denying all permits to mine coal anywhere in West Virginia.

Callaghan wrote to Island Creek early this summer -- and re-iterated it again this week -- that he will not issue any more permits to the firm until effective methods of reclamation are developed.

"It's not a discretionary matter," he said. "The law says if it can't be reclaimed, it can't be mined. In a letter to Island Creek in May of this year when he issued what he told the firm would be their last permit until new techniques can be developed, Callaghan said that their operations south of Buckhannon "have failed to demonstrate, in large measure, that mining can be accomplished without long-term water quality degradation.

"Until it is demonstrated that reclamation of the area is feasible and actually accomplished, this department will not consider the issuance of additional permits . . . (and) we will have no alternative but to deny future permit applications" for the operations currently underway.

Callaghan has also indicated

that prospects for anyone else getting a permit in the area are bleak: "We're not encouraging permit applications in that area," he said flatly.

The area to which he refers covers a broad sweep of one of the state's major coal reserves, the massive, feet-thick lower Kittanning seam which lances across the state from the north-

east to the southwest. Although very dirty, the coal is under development by several firms, including Island Creek, DLM Coal Company as well as LaRosa Fuel Company and its subsidiary, Holly Grove.

Island Creek, at their operations near the community of Ten Mile south of Buckhannon, have installed immense coal

Please turn to page two

CHARLESTON HELICOPTERS AND HERBICIDES V. SWEAT, SAWS AND SAVVY

A Morgantown biologist produces and WV-CAG offers a handbook for right-of-way clearing

"Right-of-way maintenance is not an easy task. Manual brush clearing is very hard work and can be dangerous if done improperly. Part of the danger comes from working close to electric lines capable of discharging lethal shocks if touched by tools or tree limbs. Anyone planning to do vegetation clearing on rights-of-way should have experience with brush-clearing tools and be willing to work long and hard hours."

So concludes the introduction to "Handbook for Manual Maintenance of Power Line Rights-of-Way," the product of more than a year of research and work by Morgantown biologist Richard Kimmel and others. Intended as a guide for rural landowners who want to clear their own land rather than have it sprayed by helicopters with aerial herbicides, the slim volume was produced with a \$17,000 grant from the Department of Energy. That money went through the Charleston-based Citizens for Environmental Protection.

The manual is available from W. Va. Citizens Action Group, 1324 Virginia St. E., Charleston, WV 25301. Cost is one dollar, unless an individual cannot afford to pay, according to a WV-CAG spokesman.



WATOGA FALL REVIEW

Conservancy
meeting set for
Oct. 3, 4, 5

The annual Fall Review of the W. Va. Highlands conservancy will be held Oct. 3, 4 and 5 at Watoga State Park. "The Review provides an opportunity for Conservancy members and friends to focus on timely environmental concerns during group outings and workshops," according to Skip Deegans, the Review's coordinator.

Deegans noted that the Watoga Park where the Review will be held is one of West Virginia's oldest but finest state parks. "During the fall, the park affords the visitor facilities for hiking, boating, fishing, tennis, volleyball and horseback riding. Watoga is located along the Greenbrier River, a proposed scenic and recreational river which offers excellent canoeing. Nearby are some of the finest limestone caves in the United States." In addition, he noted that the new Greenbrier Hike and Bike Trail follows the Greenbrier River along the former C&O railroad bed from Cass to Lewisburg. The Allegheny Trail wanders through part of the park, and small craft sailing may be found on Sherwood Lake.

Deegans also pointed out that for history buffs, the area offers such highlights as the Droop Mountain Battlefield, Pearl Buck's restored home, the Cass Railroad and company town, and the historic district of Lewisburg -- all within easy driving distance. Just north of Watoga are the giant telescopes of the Green Bank National Radio Astronomy Observatory which monitor the galaxies.

Conservancy member Bill McNeel of Marlinton has indicated that he has been able to secure six cabins at Watoga which are being "held" -- but only briefly -- for Conservancy members who might want to use them for lodging during the Review.

"They can't hold them for-

Continued on page seven

AN EMERGENT SCIENCE

Continued from the front page

cleaning facilities and are storing thousands of tons of the washed-out "gob" from the operations behind a 160-foot-high dam. The operations are linked to the main railroad lines near Buckhannon by a specially-built, seven-mile-long, high-strength railroad designed for the heavy tonnages being shipped out of the once-expanding mine site. The first coal was shipped from the site in March of 1980 following years of pre-mining development. By June, a little more than a year ago, coal was being shipped out at the rate of more than 100,000 tons per month, bitten out of the rolling countryside in 30-cubic-yard gulps by 60,000-volt electrically-operated shovels.

The firm's plans have been immense. With a reported 40,000 acres under lease in Upshur County, the company has been mining about 20 acres a month, employing about 300 by late summer of last year, a number they expected to at least double and perhaps treble before peak production was reached. Much of the coal was apparently being shipped overseas to Romania where Island Creek's parent company, Occidental Petroleum, signed a billion-dollar agreement to ship two million tons of steam coal a year from now until the turn of the century. ☐

All of the various operations -- Island Creek, DLM, the now-inoperative Holly Grove and others -- are inextricably linked because they all fall within the same lower Kittanning anomaly. Callaghan said "the geology apparently changes fairly abruptly in a northern section of Webster County, the southern portion of Upshur County and a corner of Randolph County." But, he added, "the area is not defined precisely because there has not been that much mining."

There would have been more had it not been for the objections to mining raised by a small cadre of environmentalists, including, among others, the "Friends of the Little Kanawha (FOLK)" and the "Braxton Environmental Action Program (BEAP)." BEAP and its sister organization "Mountain Stream Monitors" is probably best-known for its director and chief activist, Rick Webb, while FOLK's acronym is linked with the Holly Grove Coal Company. Webb was catapulted into the national limelight when

he was sued for libel by the DLM Coal Company. Two years ago and for some time before that, he had accused the strip mining industry of destroying streams in the area. In a July decision issued by the state Supreme Court, however, the libel suit was quashed. FOLK is known in the state for having convinced the U. S. Environmental Protection Agency to prepare an environmental impact statement on Holly Grove -- the first such EIS for any coal mine in the East.

Now, some of the preliminary work that has gone into the preparation of the Holly Grove EIS may pave the way for the continued mining of the Kittanning anomaly. DNR director Callaghan said that he and his staff have slated a meeting with Dr. Frank Carrucio of the University of South Carolina for August, a meeting during which they will consider "the possibility of engaging him" to develop new techniques to analyze the overburden of the state's strip mines. Overburden is the earth -- sometimes hundreds of feet thick -- which overlies the coal seam. Put down in layers during passed geological eras, it often contains dozens of strata and thousands of chemical interrelationships, relationships which must be successfully analyzed to predict what has to be done to prevent acid discharge after mining is completed.

Dr. Carrucio and others produced what has become known as the "Carrucio report," an analysis of the overburden at the proposed Holly Grove mine site nearby in Upshur County, just a stone's throw from the Randolph County border in the headwaters of the Little Kanawha River -- two stone's throws from Island Creek and DLM. At Holly Grove, some operations immediately preparatory to mining actually began some two years ago but they were impeded by a suit originally filed in federal court in Elkins, then shifted around the state before finally being heard by Beckley-based federal judge Robert Kidd sitting at Clarksburg.

What arose out of that and corollary action was a decision by the EPA to prepare an EIS not only on the Holly Grove site but one that would extend 40 miles downstream as well, deep into Braxton County.

A draft decision document on that portion of the EIS which Please turn to page six

NO VOICE?

We receive complaints about non-receipt of issues of the "Voice." Often a paper has been mailed -- but to what turns out of be a wrong address.

Second-class mail (newspapers) cannot be forwarded. The post office, in most cases, will return the address label to us (at our cost of 25 cents per label) with a corrected address, but they will not send you the paper.

Please notify W. Va. Highlands Conservancy, P.O. Box 506, Fairmont, WV 26554 of any changes in your mailing address.

Second-class postage paid at Elkins, W. Va. 26241 under the Postal Act of March 3, 1879.

Main business offices are located at P.O. Box 1121, Elkins, W. Va. 26241. Postmasters should address Forms 3579 to P.O. Box 506, Fairmont, W. Va. 26554.

MOVING?

Please attach a mailing label from an old copy of the "VOICE" and give us your new address:

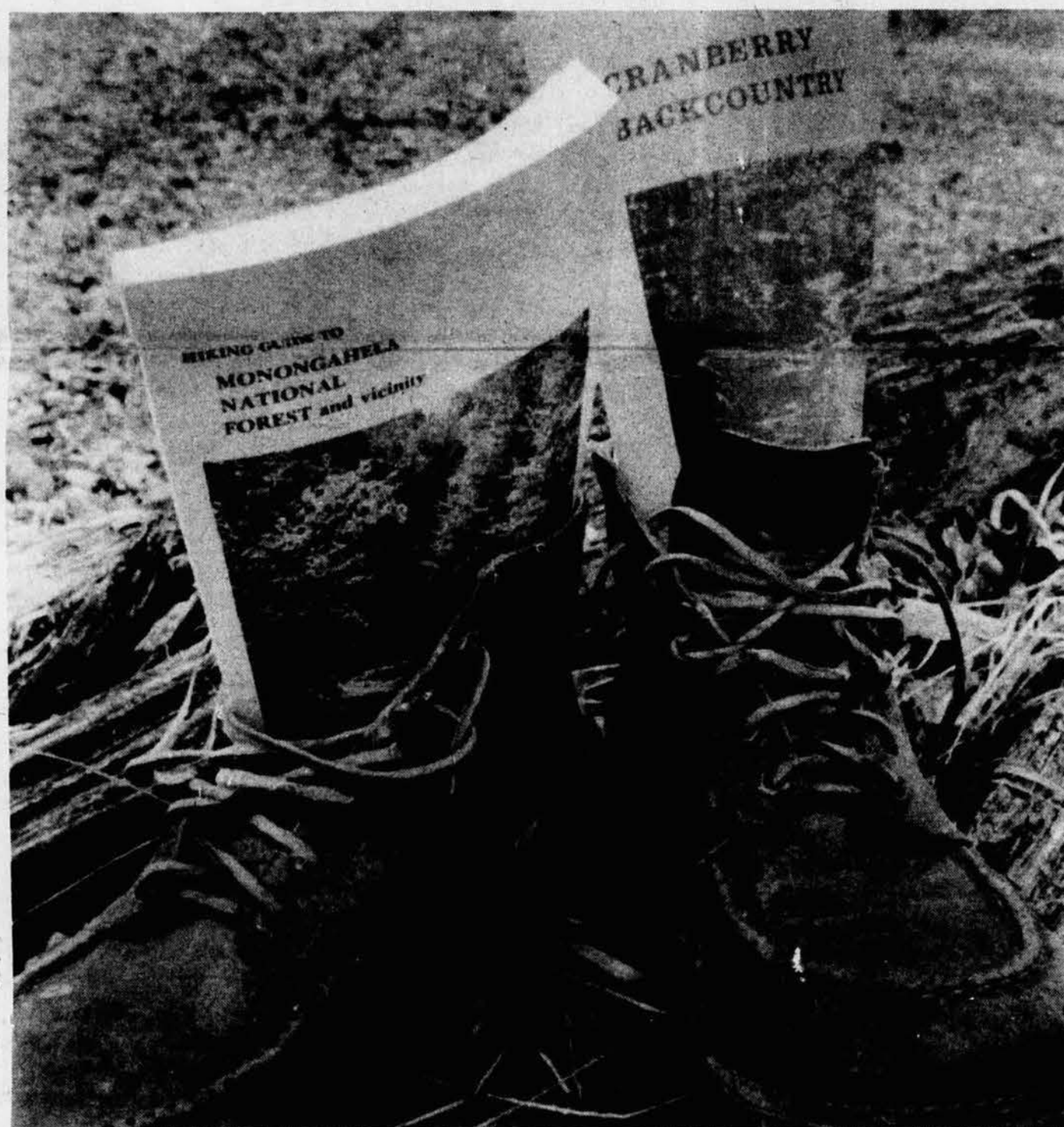
ATTACH OLD LABEL HERE

New Address: _____

SEND TO:

W. Va. Highlands Conservancy
P.O. Box 506
Fairmont, WV 26554

Hiking Guides — Get Yours



Cranberry - \$3.30
Monongahela - \$3.50

Plus 50 cents
postage for EACH
book ordered

Send your name, address, city, state, ZIP, along with a check, money order and an indication of the books you want to:

West Virginia Highlands Conservancy
P.O. Box 506
Fairmont, WV 26554

NEW RIVER GORGE
**THE ENVIRONMENT
AND ECONOMICS**

Larry Flint finds the economy temporarily more helpful than the environmentalists

The continued mining of some 1,000 acres of the New River Gorge seems likely to continue whenever a New Jersey-based coal firm -- Campbell Mining Company -- decides to move its equipment back from Virginia and concentrate its efforts on tapping reserves underlying 56 acres of coal lands for which it already possesses the necessary permits. That, by the best on-the-scene estimate short of a spokesman for Campbell itself, may be quite some time.

Heading up one front of the battle to stop Campbell Mining in their tracks is Charleston resident Richard Flint. Although Flint has had some support from other environmentalists, his attempts to launch a head-long attack against Campbell's mining of the Gorge (he sees legal recourse as the most likely avenue for success), have done little more -- so far -- than cost him a lot of postage.

As outlined by Flint in a detailed account of his efforts which he has sent to a sampling of environmental groups around the state, the issues began back in the spring of 1978. Then, the parent company of Campbell, DTA Associates, Inc., acquired mineral rights for approximately 1,000 acres on the east side of the New River Gorge, immediately north of Babcock State Park. By mid-summer, Campbell had applied for permits to mine 130 acres -- and by late fall, Congress created a national park, a park encompassing DTA's thousand-acre tract.

By late-winter, West Virginia's Department of Natural Resources had issued a permit to mine, without -- Flint points out with chagrin -- having made a determination of whether Campbell's right to mine the national park was valid or not. Federal officials later conceded that such was the case, but also decided later action substantially "corrected" that default.

Needless to say, Flint found that "correction" insupportable and has been angling for court action to make his point. In fact, he even once threatened to sue but found he couldn't carry

through on that threat -- no money, and the traditional "legal aid" machinery in the state, faced with the Reagan administration's hostility toward just that kind of case, declined involvement.

As recently as late this winter, Flint apparently had hoped that Campbell's efforts to mine might just fall apart. A letter from Campbell's New Jersey-based president Duncan C. Thecker to Dave Callaghan, director of the state's DNR, spoke of its not being "feasible to move back at this time for only 50 acres, particularly without assurance of our ability to continue mining beyond that portion." Thecker's reference is to the fact that permits had only been processed for 50 additional acres adjacent to the original 130-acre site which had been mined. "Having completed our operation on the previous permit with no certainty of obtaining the additional one," Thecker explained, "and in order to continue working, we moved the bulk of our equipment to Virginia on a job we were able to contract with Pittston."

The equipment is still there, at least according to Lewis Halstead, the state inspector for the area. In mid-July, commenting from his offices in Summersville, Halstead noted the firm had not yet started on their new permit -- but were in the process of reclaiming their first one, the 130-acre site. That work, he noted, was being done with a pair of rented bulldozers and had been underway since the first of July.

However, Halstead said he didn't really believe that Campbell would begin their new operations anytime soon. "From all indications," he said, "-- and I talked to several people -- they're planning on it, but not right away. . . They may change their minds," he added, however, surmising that it might "depend on the coal market."

The intent to return from Virginia, however, seems clear. In his letter to Callaghan, Thecker also pointed out that

there was "a substantially greater area that we had originally intended to mine in the future." That intention would apparently be able to be fulfilled -- at least as Thecker read the winds -- because of the fortuitous intervention of the state DNR.

Just a little more than a month after mentioning his firm's intent to Callaghan, he wrote to the DNR again, this time to the chief of the reclamation division, Jim Pitsenbarger:

"... It appears you were successful in having both OSM (the U. S. Office of Surface Mining) and the U. S. Forest Service reverse their positions, and we would like to thank you for your effort in accomplishing such changes."

What had the DNR wrought? Not a lot, though they'd done it interestingly, according to correspondence which Flint provides. What both OSM and the Forest Service had been pressing for was that original determination by the state DNR of Campbell's right to mine, its "valid existing rights."

In fact, judging from Flint's assembled correspondence in the issue, that valid existing right of Campbell to mine was easy to establish. Addressing himself to the crux of the issue in the next to the last sentence of a five-paragraph letter, Pitsenbarger said he found that Campbell's 56-acre permit was "necessary for the economic extraction" of the total reserves -- despite the fact that Campbell had moved out of the area two years before.

The logic of the VER finding -- as Flint points out in his scriptures to anybody who'll listen -- could just as easily extend to the rest of the 1,000-acre tract.

Flint's fears may or may not be grounded. On the same day that Pitsenbarger wrote to Ellison, he also penned another letter to Thecker in New Jersey, clearly using Thecker's earlier letter to Callaghan as background:

"I can appreciate your concern regarding the possibility of future mining operations in this area," he wrote in a one-page epistle. "The problem of Valid

Existing Rights for mining within the New River Gorge National River area must be reviewed for each application and may vary from site to site, however for mining on areas with disturbance from mining (highwalls) prior to Aug 3, 1977 I believe would be sufficient for 'VER'."

Yet that same day's letter to Ellison in Summersville made no mention of highwalls, only of Campbell's "necessary" economics.

Flint believes "a lawyer is needed to argue that the second stripping permit is not needed for the value of the whole operation or of the first site. Of course, the question of procedure gets highly technical and interpretive. Campbell Mining only had the one original site going and in the meantime the New River Gorge National River was created which protects such lands. Is this original mining operation or is the other land of the 1,000-acre tract considered the operation? Is the new strip mining somehow necessary to maintain, as a whole, the value of the first site's operation? . . ."

"If the other lands of the 1,000-acre tract are considered the whole operation, what defines those areas as a stripping operation and what is the value of that operation? Just because they retained 1,000 acres of mineral rights does not prove their intent to choose only one alternative method of mining -- strip-

ping. If so, they should have bonded and applied for stripping permits on all lands. The company was aware that the area was under serious consideration as a National River and that OSM regulations prohibit surface mining in such designated areas. They chose not to apply for stripping the whole tract or even to deep mine their minerals, which still, of course, could retain the value of the property.

"There is no question that Campbell's newest permit is adjacent to or next to the original site. But if the above questions are to be answered and the need for test does not work, surely, then, the mining company's future third permit will also have to be adjacent to the first site . . . This might be hard for a company to do -- always touching base with the original strip site. . ."

"Petitions and protest letters to Congressmen and the W. Va. DNR cannot hurt in voicing citizen opinions concerning the strip mining in the Gorge. . . Waters may be tested for compliance with the regulations and . . . Citizen participation in the subsequent inspection follow-up is mandated by law. It just could be that mining operations will become too risky or unprofitable for further stripping. . ."

Flint may be reached at 220 Loma Road, Charleston, WV 25314, phone 346-4236 or (office) 344-8315.

AROUND THE STATE
**TRAVELING
NATURE'S COURSE**

Two more field trips sponsored by the W. Va. Chapter of the Nature Conservancy remain for the year, one set for Aug. 22 to delve into Cathedral State Park, the other for Sept. 12 and a tour of the National Fisheries Center at Leetown.

The two are the last in a series of six which had been slated for the Conservancy's 1981's series "Traveling Nature's Course." The others had included guided visits to the Boaz Marsh in Wood County; a visit to the banks of the Greenbrier River at Watoga State Park in Pocahontas County; to Gaudineer Knob in Randolph County for a look at the Cheat Mountain salamander, and to

Grant County for a look at the Conservancy's Greenland Gap Nature Preserve.

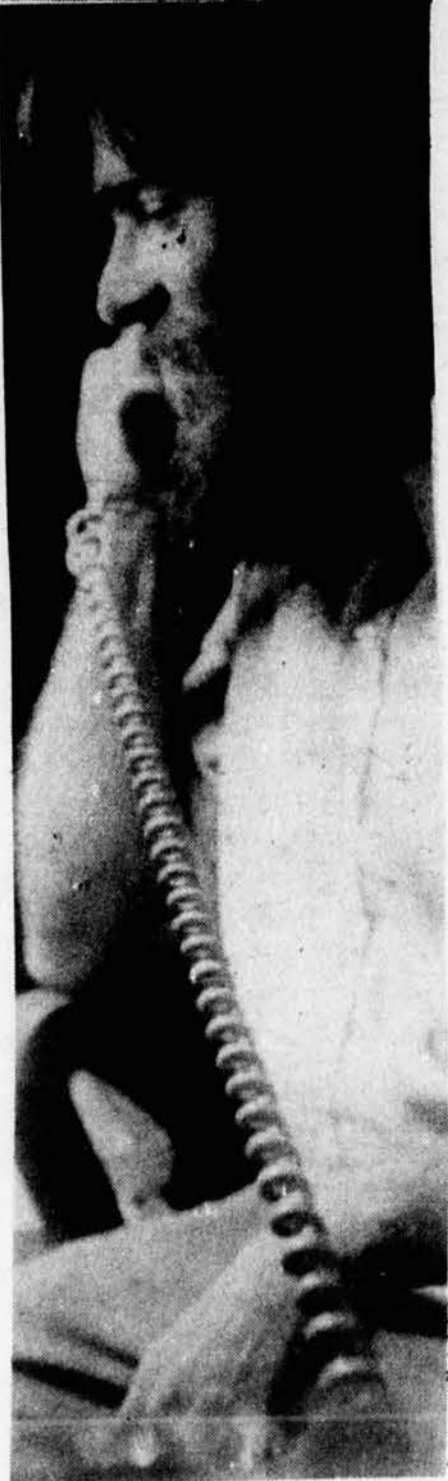
Persons interested in the Cathedral State Park visit should contact the trip's leader, Ken Carvell, forester, Rt. 7, Box 604, Morgantown, West Virginia (304-292-7930). The fisheries center tour is being led by David W. McDaniel, the center's assistant director of operations at Leetown, Rt. 3, Box 40, Kearneysville, WV 25430 (304-725-8461).

Further information is also available from the Nature Conservancy's field office at 1100 Quarrier Street in Charleston, WV 25301 (304-345-4350).

ATOP THE KITTANNING SEAM

OF TIME AND RIVERS: THE PROBLEMS OF COAL, THE SUPREME COURT AND ENVIRONMENTALISM

Rick Webb, West Virginia's most volatile environmentalist, emerges victorious from battle with DLM Coal to find himself face to face with the same old problems -- now even closer to home



"In this country, the laws ought to apply to the coal companies, too."

Those are the words -- and if we believe him -- the impetus of West Virginia's premiere environmental activist. Though he'd been working in the field for years, he was not really thrust into statewide -- and just as rapidly into national -- limelight until DLM Coal Company decided, Webb believes, it had better shut him up once and for all.

"I think they brought the case because they thought I'd get on their case again," Webb now surmises.

What they did, of course, was sue him for \$200,000 charging him with libel in connection with complaints he'd made to federal and state officials and with a newsletter in which he alleged that coal mining had destroyed miles of trout streams.

The suit became nothing less than a celebrated cause, converging -- as nothing before had ever been able to -- the attention of a host of national environmental organizations on the modern-day problems of Appalachian coal mining.

Strangely, though the case cast DLM and other coal companies in a bad light -- sympathetic coverage came from the New York Times, Charles Kuralt's "Sunday Morning" as well as, most recently, ABC's "NightLine" -- it nevertheless did what Webb believes it set out to do.

It effectively tied him up for month after month after month and -- perhaps more importantly -- did achieve that "chilling" effect which Webb and his attorneys feared. Thus, despite the action of the W. Va. Supreme Court in upholding Webb's First Amendment rights, those rights were abridged for month after month after month.

And he believes many others were similarly silenced.

He will tell you the reason, and his tone is somber: "It can

pretty well wipe you out if you have to go to court," he explains, especially if the person sued for libel has to pay his own legal costs. Webb did not, of course, because the national attention focused on the case attracted offers from the nation's topmost attorneys.

"I know it scared a lot of people around Island Creek," Webb says with certainty. There, just over the mountain from the DLM operations which got Webb into hot water in the first place, Occidental Petroleum Corporation's mining arm, the vast Island Creek Coal Company is still in the process of developing what they have touted as the largest strip mine in the eastern United States, a mammoth operation designed to tap the (by eastern standards) voluminous reserves of coal in the Kittanning seam. Island Creek has been buying land in the area for a decade -- and is still on the march after moving in monstrous, 60,000-volt stripping shovels, building seven miles of a special, high-strength railroad spur to ship their coal out of the mountains and down to the oceans for shipment to Romania.

The tenor of submerged rage that infuses Webb's flurries of information -- that welter of facts and figures that have become his trademark as in federal and state regulatory circles -- that tenor still comes through when people ask him how he feels about "winning" the libel suit. As he told Robin Toner, a reporter for the Charleston Daily Mail who was writing a piece on Webb for the Sunday edition of the New York Times:

"What I tell people when they ask that is that nothing has changed." That, if anything, is the "message" Webb has:

Strip mining of the Buckhannon River's watershed -- once one of the purest and most pristine in the state and the East -- is still continuing in violation of federal and state laws:

-- Dave Callaghan, the director of the W. Va. Department of Natural Resources, writing to Talmadge Mosley, the president of the northern division of Island Creek Coal on the occasion of issuing another permit for the firm to strip more of Upshur's Kittanning: ". . . Your operations . . . have failed to demonstrate, in large measure, that mining can be accomplished without long-term water quality degradation.

"In issuing this permit, I have done so over the objection of our reclamation inspector for your operation and his supervisor, both of whom believe, based on past performances by your company, and others, and a knowledge of the geology of the area, that reclamation is not technically feasible. Most of the technical staff in this department agree with his conclusions. YOU MUST UNDERSTAND THAT STATE AND FEDERAL LAW SPECIFICALLY PROHIBITS THE ISSUANCE OF MINING PERMITS WHERE RECLAMATION IS NOT FEASIBLE."

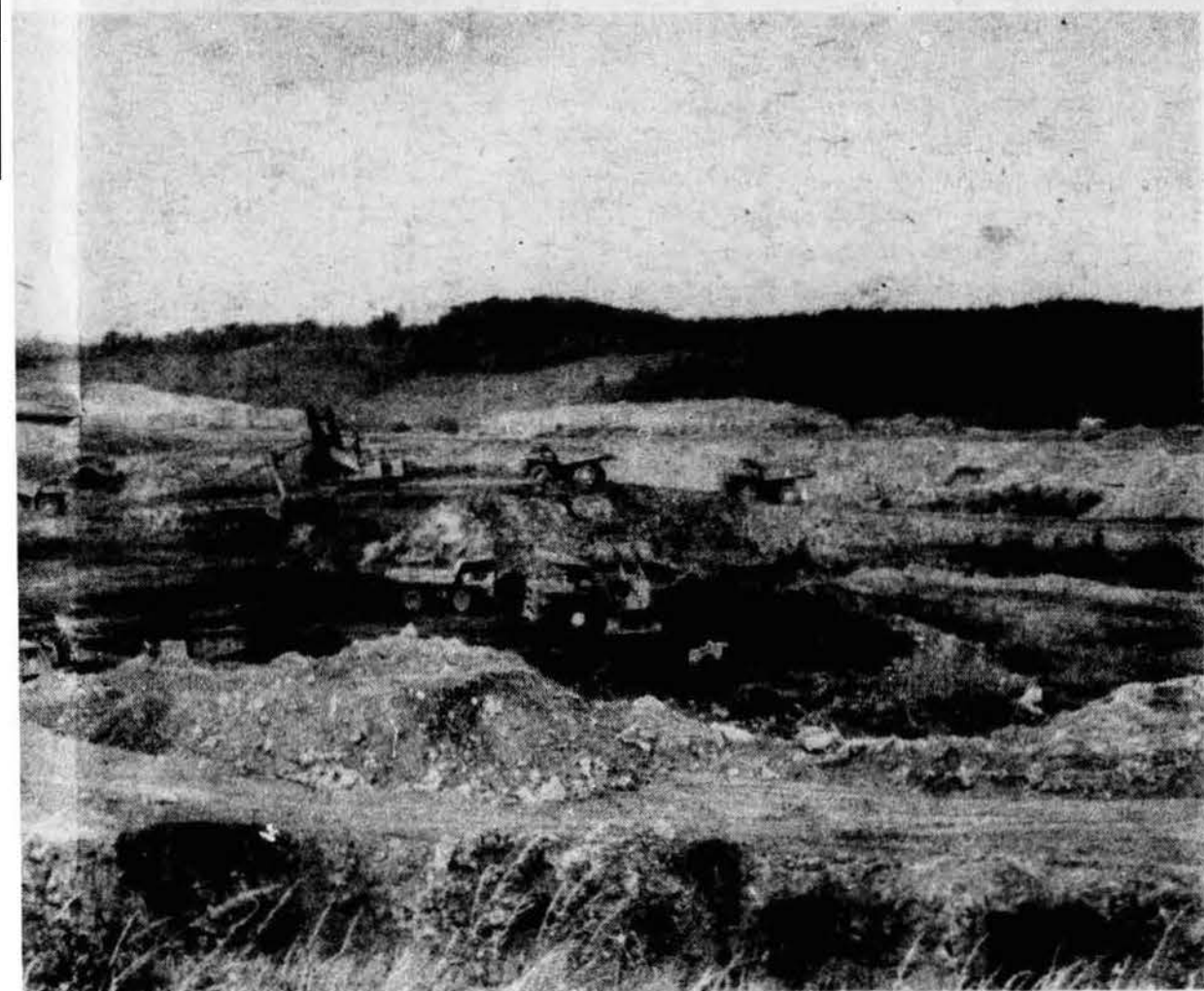
While the emphasis is added, the director added his own emphasis, going on to cite two sections of the W. Va. Code, one of which states that the purpose of the law is to "assure that surface mining operations are not conducted where reclamation . . . is not feasible;" and the other of which, Callaghan pointed out, provides that "no permit . . . may be approved unless the applicant affirmatively demonstrates and the director finds in writing, on the basis of information set forth in the application or from information otherwise available, which shall be documented in the approval and made available to the applicant, that . . . the applicant has demonstrated that reclamation . . . can be accomplished under the reclamation plan contained in the permit application."

And Callaghan continued, noting that the approval of the permit was based on Island



Creek's promises that its continuing operations would be accomplished "without adverse water quality effects" -- and he wrote, flatly, that until the feasibility and actual accomplishment of successful reclamation is achieved, "this department will not consider the issuance of additional permits. If the acid production problems associated with your present operations are not corrected by your proposed remedial measures, we will have no alternative but to deny future permit applications for Island Creek's Ten Mile operations. Such denials will be mandated by law and are not discretionary . . ."

While Island Creek continues its operations half a dozen miles from Buckhannon up the river's tributaries, DLM Coal is also extending its operations as well



and, closer to where Webb himself lives in Braxton County, Brooks Run Coal Company has begun operations in the Kittanning, directly under Webb's mountain.

He says he saw it coming a long time ago, and, in fact, his prescience was the reason for becoming involved in the first place.

"We came back here to find a farm I could afford, to find a lifestyle that wasn't such a struggle with the rest of humanity." He speaks fondly of his grapes, his blueberries and raspberries, all sending their roots into the deep, loamy soil of his mountaintop. "The place has a lot of potential. . . It's my lifetime's investment," he remarks. When he observed the operations in neighboring Upshur County, atop the same seam that

underlies his own farm, he decided that "if the law is not applied here, it won't be applied anywhere."

The problem, he says, is that "nothing ever happens unless somebody sticks his neck out." DLM's hatchet-like libel suit forced a lot of people who might have stuck their neck out in protest to pull it back in again. For those who did protest, "it did no good. . . Legal action," he says, "is the only thing that works."

"They don't deny permits," he explains. "We've got a 'coal economy,' and trying to regulate the industry -- well, they've got more power than you realize."

Webb still marvels when, in the midst of the libel suit by DLM, Brooks Run Coal began to start up their deep mining oper-

ations. He began firing off protests, doing his research -- he averages, he says, one "Freedom of Information Act (FOIA)" request each week, keeping tabs on what's going on -- and suddenly, one day, he was invited to Roanoke to the firm's corporate headquarters. A private jet, dispatched from Virginia, whisked him out of the state that morning, over to the coastal plain for a 45-minute discussion, then whisked him back in time for lunch.

Webb surmises that Brooks Run did not feel the meeting was as productive as they had hoped it might be.

The problem, Webb says his experience has shown him, is that the only ones involved in the process are those who are "getting burned" and those who get

their jobs from coal. "The 99 percent of the people who are 'for conservation' sit back as spectators and are kind of amused by the process: they see it as a . . . process between two forces."

But Webb says the individual really "can't achieve anything without totally focusing (his) life on it." What happened, he explained, simply, is that he spent virtually his entire life in learning the laws, learning how to monitor water quality, talking to experts in the field. And it was one such expert, state DNR fish biologist Don Gaspar of French Creek, who gave him the information which -- when Webb began talking about it and writing about it -- landed him in hot water with DLM and apparently precipitated the libel suit. Webb says everybody knew Gaspar was the source of the information -- so much so, in fact, that Webb says he was once told (whilst sitting in the midst of an acid seep) that Gaspar's efforts might get his brains beaten out "with a wet rope . . . that's the first time I'd heard that," he admitted.

In any case, Webb points out that his complaints were anything but "frivolous" as the DLM suit alleged. They were so lacking in frivolity, in fact, that during four days of interrogation by DLM's attorneys, Webb (except for one day when he refused to say anything at all) kept giving DLM more and more information -- over the objections of his own astounded attorneys who urged him (to avoid the legalese they might have used) to shut up.

But "I wanted to educate them," he said.

That desire, of course, was what led to the libel suit in the first place: Webb's penchant for digging out information with FOIA's; canoeing up streams to take water samples; using a telephoto lens to zero in on such "state-of-the-art" technology as treating acid seeps with sodium hydroxide pellets dumped from a ripped open bag off the back of a truck; drawing maps of operations; and publishing his results -- or even just talking about

them.

While his activities may not have been as successful as he or others might have liked, his right to pursue such activities was upheld by the Supreme Court -- and therein, in the Court's own language, lies the opportunity for "free exchange of ideas" leading to "robust debate," a debate which is the hallmark of America's "collective genius". That is the victory which emerged for Webb and others willing to "stick their necks out."

"We shudder," the state's justices wrote in the final paragraph of a 33-page opinion penned by Darrell McGraw, "to think of the chill our ruling would have on the exercise of First Amendment rights were we to allow this lawsuit to proceed. The cost to society in terms (of the) threat to our liberty and freedom is beyond calculation. This cost would be especially high were we to prohibit the free exchange of ideas on such pressing social matters as surface mining. Surface mining, and energy development generally, are matters of great public concern. Competing social and economic interests are at stake. To prohibit robust debate on these questions would deprive society of the benefit of its collective thinking and, in the process, destroy the free exchange of ideas which is the adhesive of our democracy. Our democratic system is designed to do the will of the people, and when the people cannot express their will, the system fails. It is exactly this type of debate which the First Amendment protects; debate intended to increase our knowledge, to illustrate our differences and to harmonize those differences in order to form a more perfect union. We see this dispute between the parties as a vigorous exchange of ideas which is more properly within the political arena than in the courthouse. To hold otherwise would be to isolate ourselves in ignorance and to deprive society of the collective genius upon which our civilization depends. This we must never allow."

MEMBERSHIP AD

"This is the first time in my memory that the Country's chief conservation officer has been an anti-environmentalist." former Sen. Gaylord Nelson.

Watt's Wrong...?

In a few short months Secretary of the Interior James Watt, former head of the Mountain States Legal Foundation which was created to thwart environmental regulations, has:



"This administration is in the mainstream of the environmental movement..." James Watt (quoted in the May 25, 1981 issue of U. S. News and World Report)

- Supported the relaxation of strip mining regulations...
- Declared a moratorium on the acquisition of more national parkland, although more people than ever before are now visiting parks...
- Proposed "unlocking" many of the 500 million-plus federal acres under his protection, so that they can be used for mining, timbering and grazing.
- Endorsed proposed legislation that would make it easier for oil and timber interests to prevent Congress from designating any new wilderness areas in national forests...
- Favored opening four areas off the California shore to oil and gas exploration...

DISAGREE?
SAY SO BY JOINING THE
W. VA. HIGHLANDS CONSERVANCY!



West Virginia Highlands Conservancy

Membership

Application

Name _____
 Street _____
 City _____
 State _____
 ZIP _____
 Telephone _____

Individual Regular Member at \$10 per year Organizational Regular Member at \$20 per year
 Individual Associate Member at \$20 per year Organizational Associate Member at \$30 per year
 Individual Sustaining Member at \$50 per year Organizational Sustaining Member at \$60 per year

_____ Type Membership Desired
 _____ Total Amount Enclosed

SEND TO:
 W. Va. Highlands Conservancy
 P.O. Box 506
 Fairmont, WV 26554

Date _____
 Signature _____

AN EMERGENT SCIENCE

Continued from page two

dealt with the Holly Grove site itself was to have been issued in late April but was delayed for "national policy" reasons, reasons which were expanded in interviews with EPA's Philadelphia-based staff to mean the agency was anxious to protect the environment as well as allow the coal industry to tap its resources.

The reason for their concern, they said, was the Carrucio report. It predicted that the mining of the Holly Grove site would result in the production of sufficient acid to destroy the pristine streams in the area -- even if reclamation were carried out properly. Carrucio's predictions, in fact, were markedly close to what was actually being experienced at Island Creek as well as DLM's operations -- a fact which may explain Callaghan's interest in engaging him.

West Virginia's current "state-of-the-art" technology in overburden analysis was developed cooperatively by the state, industry and scientists at W. Va. University, a task force assembled a few years ago which produced a new, recommended technique which has been in use ever since. Basically, it involves the isolation during the mining process itself of toxic portions of the overburden and their subsequent consolidation in a "sandwich" of alkaline materials suspended several feet above the floor of the strip pit. The "sandwich" is then buried and surface water diverted away.

The problem, Callaghan explained, is that while the method has worked virtually everywhere else in the state where it has been used, it has failed in the Kittanning anomaly in Upshur, Webster and Randolph counties. How much larger the anomaly may be is not clear, he said, because the technique itself involves overburden analysis and corollary predictions on individual sites. "Our predictions" in the anomalous area, he said, "are not turning out." He said a reclamation inspector and his supervisor -- Frank Shreve and "Rocky" Parsons -- have "lived on the site for two years" to insure that Island Creek "followed their reclamation plan to the letter... We're convinced," he said, that the plan was followed precisely.

"But acid discharges are

occurring anyway," he pointed out, adding that the science is still "somewhat in its infancy... We're looking for refined ways to predict" what the outcome will be Callaghan explained, "and we're going to explore all of them." He indicated he was hopeful Carrucio's techniques would be fruitful.

For its part, Island Creek has indicated it will do whatever is necessary to correct the current problems of acid production and prevent ones from occurring in the future.

"We share your concern," wrote Island Creek's northern division president Talmadge Mosley of Craigsville, "that one hundred percent effectiveness in acid water prevention has not yet been achieved." His letter was addressed to Frank Shreve, the on-site inspector who had recommended that their newest permit for 67 acres be denied until such time as the company had conclusively proven that they could control acid seeps from reclaimed sites. "... We are proceeding with an extensive drilling and monitoring program to determine what other sources of water, if any, may be contributing to the seeps. We are closely monitoring quality and flow rates of the seepage and valley fill rock core discharges, and will utilize our drilling program to monitor existence and flow of water within the fill.

"Additional testing of fill materials is also planned. This program will provide us with the knowledge to find and eliminate other factors which may be contributing to the seepage... Further, we are prepared to re-excavate portions of the back-fill, if necessary, to determine and correct the causes of the seepage..."

"We respectfully request that, based on what you have seen and heard of our technical abilities, our efforts, and our commitment to the success of this project, that you re-evaluate your position and recommend that our pending permit application... be approved."

An internal DNR memo 12 days later from Shreve opened with the sentence: "I have re-evaluated my position on this permit and have not changed my recommendation... the bottom line in this and any other situation is the final product on the ground."

THE ALLEGHENY FRONT INTENSE STORMS AND ALUMINUM RAINS

Downpours are seen to exacerbate the destruction of watersheds

The Mountain State's high-land storms -- well-known for their suddenness and intensity -- may be a substantial contributing factor to the increasing degree to which acid rain is impacting the region's streams and rivers.

A study released in late July by scientists at Dartmouth College and Cornell and Syracuse university shows not only that aluminum acidity in lakes and streams comes from nearby soils but also that the acidity gets worse in sudden downpours when

whatever natural alkalinity the soil may contain does not have time to counteract the chemical reactions.

The scientists said that acid rain fall on the ground starts a two-step chemical process: almost as soon as the rain penetrates a thin layer of soil, most of the nitric and sulfuric acids from the rain are replaced by aluminum acids from the soil; if the rain falls slowly, additional reactions between the aluminum-acid solution and alka-

line minerals such as sodium and calcium being released slowly from the rock beneath the soil will neutralize the acids.

But if it rains heavily, as in a thunderstorm or as in the torrential downpours associated with the western slopes of the Allegheny Front in the highlands of the state, the water does not stay in the soil long enough for the aluminum to be neutralized.

One stopgap measure suggested was treating lakes, streams and surrounding soils with powdered lime. The scientists said such a strategy could limit the damage.

PROMISING, HIGH-TECH
Continued from page eight

Appalachia's steep mountains, rivers and streams, cliffs and farms. Tests similar to those at Pricetown were conducted in Alabama in the 1950's, but they were not successful.

Martin and the staff at Morgantown write with some pride of the extensiveness of their environmental monitoring program. "The environmental program instituted for the Pricetown I field test proved to be most effective in following a hydrologic disturbance which occurred just prior to test shutdown," they wrote in a preliminary analysis of the environmental impacts.

What had happened, they noted in their report, was that one of the well casings had ruptured 205 feet below the ground. "The disturbance was manifested by a foul taste and odor, an increased phenol level and a change in the chemistry of the shallow groundwater. Scheduled sampling and sample analyses showed that the water quality returned to normal baseline levels within a few weeks; however, monitoring is continuing to determine any possible long-term effects.

"Since the hydrologic disturbance was traced to a ruptured well casing, it is apparent that an improved design for injection/production well completions is necessary. Well completions must be such that the expansion of the casing resulting from thermal gradients can be accommodated in a controlled manner.

"Chemical changes have been recorded in the water from a deep well which is located within approximately 70 feet of the burn cavity. The changes are most likely a result of the migration of pollutants through very small

fractures. Long-term changes are still being monitored . . ."

A summary of a technical report shortly after the conclusion of the project speaks just as highly of the technological achievement as well.

"For the first time in the United States, a deep, thin seam, swelling (the coal swelled to as much as twice its original volume while burning) bituminous coal has been gasified successfully in situ. The test . . . was of relatively small scale since the equivalent of only 735 tons of coal were affected during the four month burn. The information obtained, however, shows unquestionably that in situ gasification of higher-ranked, swelling coals is feasible and, perhaps, is both advantageous and desirable.

"Every major objective set out for the test was met and, in several instances, exceeded. Preignition coal seam pressure and flow testing yielded valuable information concerning possible linkage paths which were validated in subsequent phases of the test. The deep coal seam was ignited easily using a simple, inexpensive and reliable ignition method . . . well linkages were established . . . over two coal sections of different length and, in one link, the flame front was successfully propagated a second time in a direction opposite to that of the initial link. Gasification was achieved and the relatively stable process was sustained for an extended period. The daily energy production during the gasification period was roughly equivalent of that of an eastern natural gas well under normal production conditions."

DILLEY'S MILL SPRUCE-UP

Spruce-up operations for the Allegheny Trail in the Seneca State and Calvin Price state forests -- as well as work on the Trail's "missing link" between Durbin and Cass -- both will be emphasized during the upcoming Sept. 11, 12 and 13 fall meeting of the W. Va. Scenic Trails Association.

Other activities, according to the Association's July-August newsletter, include slide shows, the quarterly board meeting as well as "fun hikes."

REVIEW
Continued from front page

ever," warns McNeel, and he urged interested members to contact him by letter or telephone on or before the first of September. His home phone is 304-799-4369 while his office phone is 799-4973. His address is 1118 Second Street, Marlinton, WV 24954.

He said that there are two basic sizes of cabins, a cabin for four "which holds six," and a cabin for six "which holds nine." In addition, a pair of campgrounds is available as well, at least one of which has a showerhouse.

Cost-per-person will vary, he said, from \$15 to \$22 per person, depending on the occupancy rate of the cabin.

Additional information about the Fall Review -- including registration forms -- will appear in the September issue of the VOICE or may be obtained from Skip Deegans, Box 564, Lewisburg, WV 24901.

BROOMALL, PA. TREES, WILDLIFE AND THE USES OF EACH

The Forest Service produces the chipaunk's computer

Trees provide homes for many varieties of wildlife as well as kindling and logs for firewood. One tree can't serve both purposes, but does it have to be a choice of one or the other?

That's the question asked -- and answered -- by a slide chart devised by biologists working for the U. S. Department of Agriculture's Forest Service's Northeastern Forest Experiment Station. By sliding the center tab, letters indicating relative values appear in the windows marked "value to wildlife" and "value as firewood."

For instance, in the example shown, birches are generally rated "excellent" as firewood and "good" for wildlife. In all, 28 other species of trees are rated on two sides of the paperboard chart. Actual size is three-and-one-half by eight-and-one-half inches.

Copies of the chart (NE-INF-40-81) are available in limited numbers from the Publications Section, USDA Forest Service, 370 Reed Road, Broomall, PA 19008, or telephone 215-461-3107.

SIDE A

Firewood or Wildlife?

VALUE TO WILDLIFE	VALUE AS FIREWOOD
All wildlife Songbirds Upland game birds Fur and game mammals G F G G	E
TREE(S)	REMARKS
ALDERS	Locally important to songbirds and game birds.
APPLE	Rare, especially attractive to grouse.
ASHES	Supplies mast in the fall.
ASPENS	Especially attractive to grouse.
BALSAM FIR	Good as cover for snowshoe hares.
BASSWOOD	Good as kindling.
BEECH	Aesthetic in the fall; important to squirrels.
BIRCHES	Important to northern wildlife.
BLACK CHERRY	May have high timber value when mature.
BLACKGUM (Tupelo)	Locally important to songbirds and game birds.
BLACK LOCUST	Increases nitrogen availability in soil.
COTTONWOOD	Good as kindling.
DOGWOOD, FLOWERING	High aesthetic qualities.

CHOOSING THE BEST USE
 Is a log in the woodpile worth a bird in the bush? Increasing energy needs and the continuing needs of wildlife place conflicting demands on forest resources. Firewood cutters may want warmth, wildlife, or both. The chart shown here will help in making choices that favor both warmth and wildlife. Twenty-nine kinds of trees are rated for their usefulness to groups of wildlife species and their value as firewood. The ratings are general and do not reflect specifics such as a wood's tendency to spark, nor do they show how a tree's wildlife value changes with age.

VARIETY IS THE KEY
 Biologists offer one rule of thumb to people faced with a choice between wood or wildlife: for a variety of animal life, leave many different species of trees uncut by harvesting firewood mainly from those that are most abundant.

KEY: E-EXCELLENT G-GOOD F-FAIR

BECKLEY NEW RIVER SYMPOSIUM

The New River Gorge National River of the National Park Service and the W. Va. Department of Culture and History are jointly sponsoring a three-day New River Symposium scheduled for May of 1982 at the federal Mine Safety and Health Administration Academy near Beckley.

The multi-disciplinary symposium is open to all those with a professional or avocational interest in the New River, from its North Carolina headwaters down to its mouth in West Virginia. The symposium organizers are seeking papers in natural history, folklore, geology, his-

tory, archaeology, geography, and other sciences, social sciences and the humanities. All papers should share the common theme of treating some aspect of the New River valley, past or present, including its natural, physical, and/or human environments, or the interrelation of these. Proposals for sessions and panel discussions are also sought.

Proposals are due by Dec. 10 of this year and should be addressed to Ken Sullivan at the W. Va. Department of Culture and History, the Cultural Center in the Capitol Complex, Charleston, WV 25305. Phone (304) 348-0220.

PRICETOWN

PROMISING, HIGH-TECHNOLOGY TECHNIQUES FOR TAPPING APPALACHIA'S DEEP RESERVES

Researchers at Morgantown develop an apparently safe method for burning coal underground -- and doing it cleanly. Promising environmental analyses are being prepared now.

The final environmental assessment of the world's first successful test of burning the East's thin-seam, high-sulfur bituminous coal -- while it's still under the ground -- is being written in Morgantown this month.

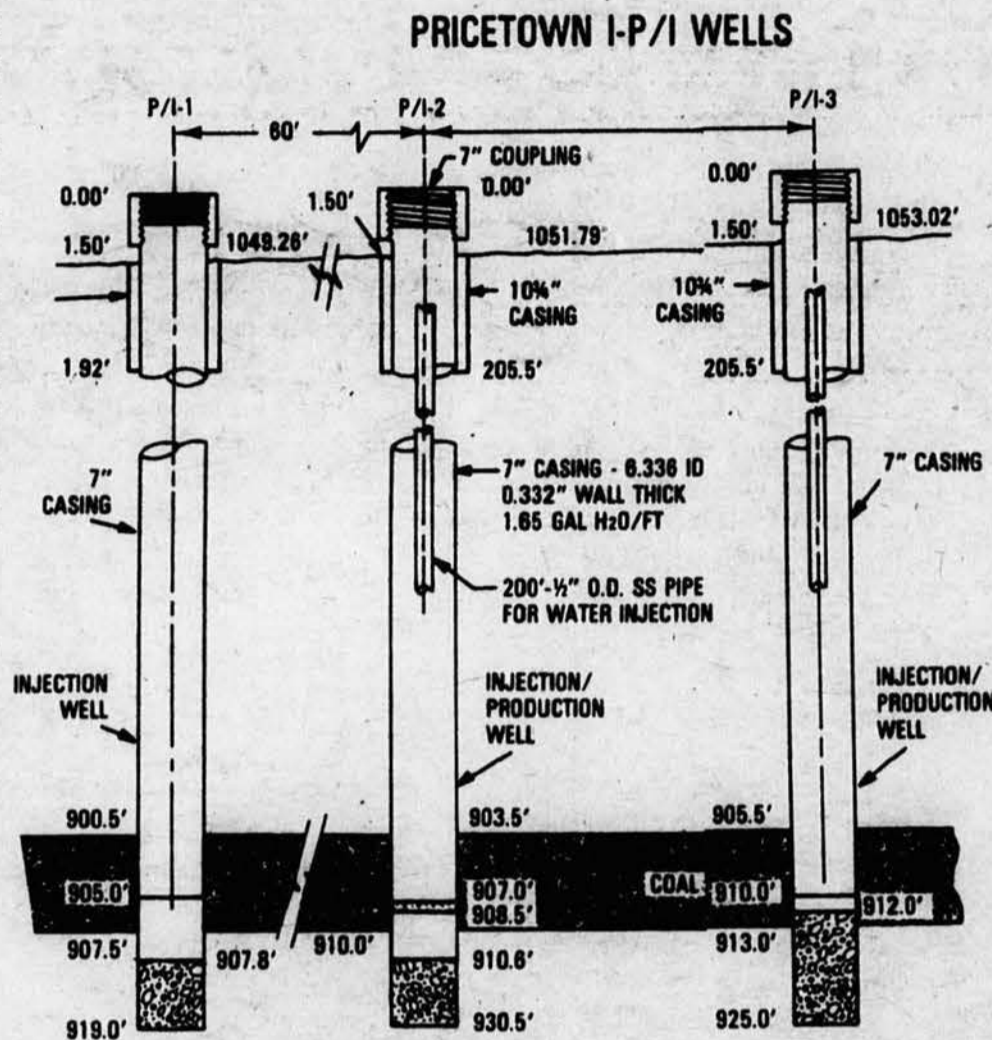
And though commercial production by the new technique is probably 15 to 20 or more years off, the man who is writing that assessment for the Morgantown Energy and Technology Center is enthusiastic: "Everything is going fantastically," he says. Not only were the tests successful in terms of doing what they were supposed to do as far as energy production but now, just a hair's breadth shy of two years after the underground "burn" was shut down, he says there are no discernible adverse environmental impacts.

"There is no evidence whatsoever of any long-term degradation of the environment in the vicinity of the site," said Joe Martin, one of the men in charge of the project, "including the foliage, the very deep water, the shallow water from the local domestic water wells or the surface streams." In fact, their tests of every water source in the lush, rolling hills around Pricetown in Wetzel County demonstrate that there was significantly more pollution from cattle sewage runoff than from anything else.

The significance of the successful test, however, lies not so much in its lack of any lasting effect on water quality but on the potential for using the very dirty coal reserves of the eastern United States.

Martin explained that the real difficulty with burning high-sulfur coals is their production of sulfur dioxides because they are burned in an oxidizing atmosphere. The resulting emissions fall back to the earth as acid rain. The problem, he explains, is that the technology for removing that sulfur from stack gases immediately after combustion "really isn't that well developed and reliable -- and the methods are extremely costly."

Sharply contrasting with that, however, is the burning of coal while it still lies in the underground seams. There, in a



"reducing" atmosphere, sulfur dioxide production is greatly reduced and most of the product gas is hydrogen sulfide -- the "rotten egg" smell of high school chemistry classes.

"But hydrogen sulfide," Martin points out, "is a gas that can easily be cleaned out of the product gas" which the underground coal burning is designed to produce. "The technology is here and it is being used. It's an everyday item in the coal industry," one, in fact, which he said is currently being used to produce lots of sulfur for commercial sale.

That is not to say, however, Martin cautions, that underground coal gasification is the clean miracle to tap the East's dirty coal. "We've got a long way to go," he says, pointing out that Pricetown was a "single module" test -- and a small one at that. Still to come is a larger-scale field test with two or three "modules" which would be operated individually and simultaneously; then 25 simultaneous modules "or some larger number (which would be) a function of what the end use was, whether gas for electricity or for conversion or synthesis into alcohol or what-

ever." The final vision sees a five-square-mile block of land with underground reserves ignited and burned for nearly a quarter of a century.

Other potential problems still to be examined are those of subsidence plus other effects that might creep in as the operations are scaled up to commercial size or the depth at which the burning is accomplished is raised or lowered.

At the Pricetown site, some 45 miles southwest of Morgantown, the burn continued for a third of a year, just a little more than 900 feet down in a six-foot thick coal seam. It was ignited July 9 in an experiment designed to offer a means of utilizing the coal in deep, unminable coal seams, depleted deep mines and abandoned strip mines. Estimates are that the total economically recoverable coal available in the United States could be tripled by bringing underground coal gasification on-line.

The Pricetown experiments marked the first such tests anywhere in thin-seam bituminous reserves. Similar techniques are not uncommon in the West. Major field tests sponsored by the U. S. Department of Energy (as was

the Pricetown experiment, in co-operation with industry) have been conducted in Wyoming on

seams as thick as 50 feet. But those techniques had to be modified to be feasible in eastern

Continued on page seven

WASHINGTON
CLEVE, THE TERRIBLE

The Congressman earns himself a national reputation less glowing than that which he enjoys among the Mountain State's environmentalists

Embroidered in environmental issues from one end of the highlands to the other, U. S. Congressman Cleve Benedict reaffirmed during July that he'll go to bat with environmentalists to create the Cranberry wilderness -- but at the other end of the state's Appalachian chain, he wants the Monongahela Power Company to be able to build its twin-lake hydro-electric facility in the Canaan Valley.

Benedict said he believed the prospects for Mon Power's Davis Power Project have improved significantly under the Reagan administration. He pointed out that Secretary of the Interior James Watt was one of the men who issued a license to the project nearly a decade ago -- and he added that Mon Power's plans had "significantly more appeal" to him (and to the nation, he asserted) than the federal government's wildlife refuge proposal which has been backed by environmentalists.

A Benedict staffer was quoted as saying that the Congressman is awaiting a report from the Department of Interior's Bureau of Land Management before introducing any legislation. That report is expected to spell out options which may be available for the wilderness proposal, including the possibility of permitting coal mining despite the wilderness designation or "swapping" CSX, the minerals owner, other government-held coal rights for the Cranberry's reserves.

While in the Mountain State Benedict may be viewed as both good and bad, nationally-oriented environmentalists are considering him for inclusion in a list of the Congress' "Dirty Dozen" -- one of a dozen co-sponsors of a bill that calls for major changes in the Clean Air Act.

A late-July release by the

Congressional News Service (paid for by the Democratic Congressional Campaign Committee) characterizes the bill as one which "attacks the nation's health standards," referring to the Natural Resources Defense Council as a source and quoting them extensively.

"If Representative Cleve Benedict (R-WV) has his way, he may have a hot spot at joining the 'Dirty Dozen' -- twelve members of Congress known for their anti-environment records," the release said.

The release noted that the NRDC's "objections seem to fall right in line with the current public mood. A mid-June Harris Survey said that 86 per cent of the American people oppose making the Clean Air Act less strict. In fact the Harris Survey said that the dominant sentiment in America is to make current environmental laws even tougher.

"If his West Virginia constituents are any mirror of the nation and get wind of his plan, Benedict probably will have to do some fast talking.

"Interior Department Secretary James Watt already may have caused enough turmoil to earn two spots on the 'Dirty Dozen' list, but there's sure to be room for Benedict if his revisions are approved."

The story was distributed to all media in West Virginia, but got scant coverage. Its release is believed to be partly the work of the national Clean Air Coalition. A Benedict staffer has said that the Congressman is really not concerned about such attempts to feed stories into the media because part of Benedict's campaign platform targeted the Clean Air Act for major changes, anyhow -- and Benedict does not believe that most people are truly interested in the intricacies of its implementation.