



THE HIGHLANDS VOICE

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Subsidence Protection Bill Knifed by Industry Opponents

A bill that would have protected owners of surface structures against the damages of subsidence caused by coal mining was tabled by the State Senate's energy, industry and mining committee in early March after officials of the W. Va. Coal Association, ARMCO and Consolidation Coal Company testified that existing state statutes "offer substantial protection."

In fact, the sections of the law they referred to are currently enjoined by a circuit court decision.

"We apparently read the court order differently," commented Paige Henley of ARMCO. He was quoted by a legislative public information specialist as adding that the trio "in no way meant to mislead the committee."

The tabling action came when the chairman of the Senate's energy, industry and mining committee, Dan Tonkovich (D-Marshall), asked that the committee "indefinitely lay over" his own proposal that would make all coal operators using longwall mining techniques to file a five-year plan for their operations — complete with maps — with the county commission in the county where the mining oc-

curs.

Opponents Ed Wiles of the W. Va. Coal Association, R. Page Henley Jr., an assistant to the vice-president for coal operations form ARMCO, and Thomas Huffman of Consolidation Coal, testified that existing state statutes and surface mining reclamation regulations presently "offer substantial protection to persons using the surface..." In a letter signed by Henley to each member of the committee, he referred to sections of the 1981 Surface Mining Reclamation Regulations and the W. Va. Code, claiming "they are integral parts of West Virginia's implementation of the Federal Surface Mining and Reclamation Act of 1977."

A committee staff person learned from Jerry Hoover of the reclamation division of the Department of Natural Resources, however, that the sections of the law and regulations attached to the letter from Henley are enjoined under a circuit court decision handed down Feb. 13 in the case of Allegheny Mining Corporation (and others) v. David Callaghan, director of the DNR.

Under that order, the rules and

(Please turn to page 7)

Not Enough, Says Gaspar SB 620 Would Limit State Enforcement to Federal Levels

A West Virginia bill which would restrict the enforcement of the state's mining laws just to the level of federal enforcement — and no greater — has been introduced into the legislative hopper in Charleston by Sen. Gino Columbo, according to Conservancy member and Department of Natural Resources fisheries biologist Don Gaspar of French Creek.

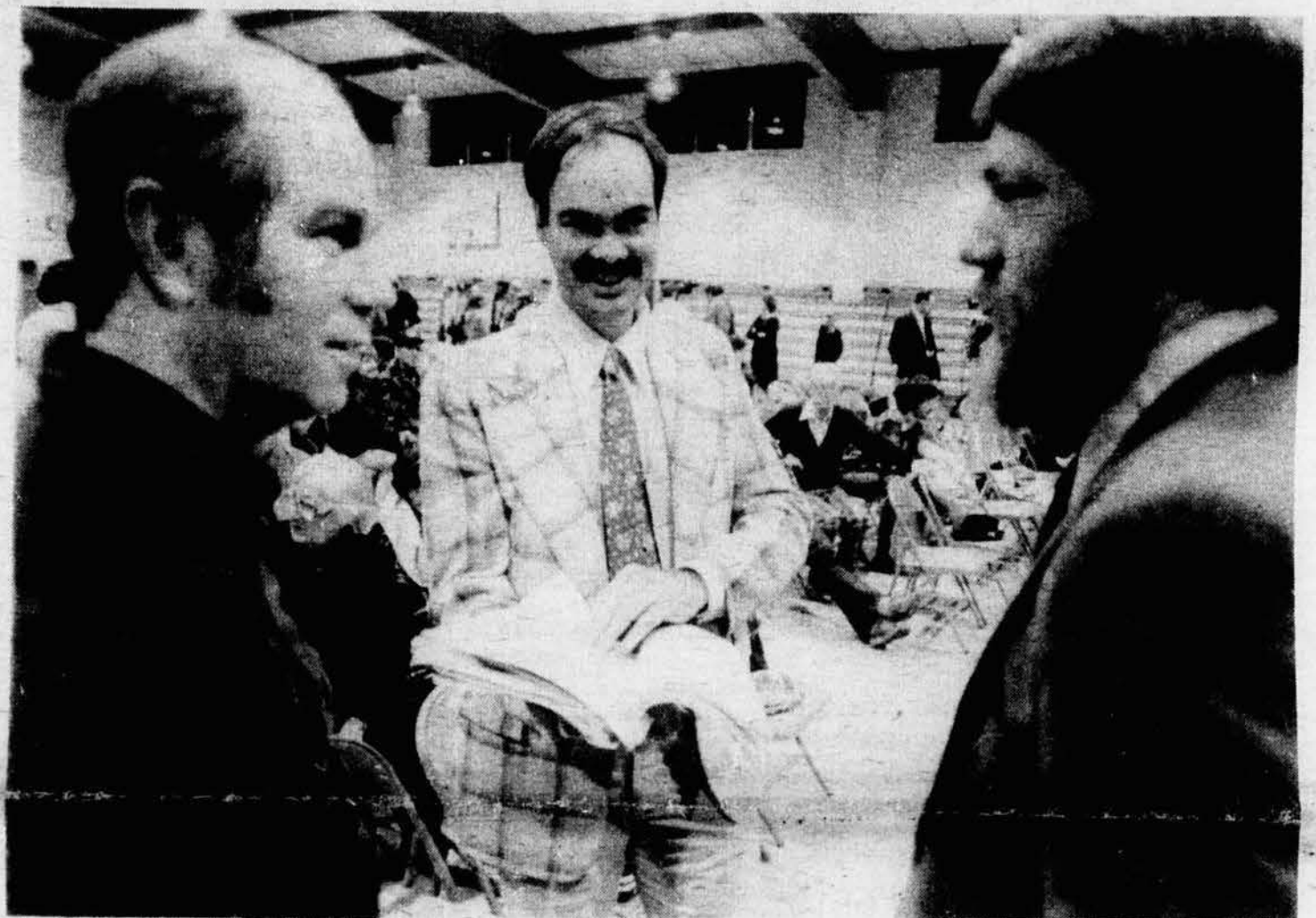
As outlined by Gaspar, one of the major impacts on the Mountain State's hills and streams would be the fact that federal law requires only a single inspection per mine per month, while current West Virginia laws demands two inspections per month.

"We need at least two inspections per month," Gaspar contends. He termed the proposed change in standards from state-level enforcement to federal-level enforcement as "really,

really inadequate." He also indicated that the potential for damage would be greatest along infertile streams (such as the Shavers Fork and the Cranberry River) and especially in areas where acid-potent seams of coal are being mined.

Gaspar urged that all members of the Conservancy immediately write to the state Senators and Delegates urging the defeat of the measure.

Legislative sources in Charleston confirmed Gaspar's account of the bill, although a thorough assessment of what other impacts the bill might have was not available as the "Voice" went to press. As of Friday, no "companion" bill had been introduced in the House of Delegates, though the lack of such a bill is not always a major deterrent to passage, even this late in the session.



CAN They Put It Back?

Grinning broadly as he listens to an attorney for the U. S. Office of Surface Mining's regional office in Charleston is (center) Brad Montgomery, the chairman of the Shavers Fork committee for the W. Va. Highlands Conservancy.

Montgomery presented a statement at the public hearing in which he outlined some deficiencies which

he and other Conservancy members uncovered in the draft decision document, the final form of which will be used by U. S. Interior Secretary James Watt in making a final decision about whether or not the Shavers Fork watershed should be mined of its coal reserves.

At left is Elkins resident Michael Kline, a man who raised a lot of eyebrows among the 150-member

audience when he sang Billy Edd Wheeler's "They Can't Put It Back" into the record of the hearing. His song a few subsequent comments about his opposition to the mining of the Fork were one of the least-heckled opposition comments which were offered during the three-hour-long hearing.

The OSM attorney at left is Billy Jack Gregg of Charleston.

Watt Faces 'Good' OSM Report As April 25 Deadline Approaches

Differing views on the quality of information being developed to determine whether or not mining should be outlawed on the Shavers Fork of the Cheat River in Randolph County were expressed

in Elkins during an almost four-hour-long public hearing. The hearing was the second within the last two weeks — and the final public hearing before a decision is rendered on or before April 25 by the secretary of the U. S. Department of the Interior, James G. Watt.

"It does a good job of examining the issues," a spokesman for the W. Va. Highlands Conservancy, Bard Montgomery, said in reference to the inch-thick draft document.

"... there are many inaccuracies and erroneous assumptions... which have the effect of significantly overestimating the potential (effects)

of mining in even the worst possible case," countered an attorney for the Mower Lumber Company and Enviro Energy, Inc., Richard Talbott of Elkins.

In all, out of an audience of more than 150 people, 20 persons offered comments, and the majority of the commenters clearly indicated their opposition to a decision which would put the Fork off-limits to mining.

The issue of mining the Fork — the subject of squabbles between environmentalists and mineral developers for more than a decade — emerged in its present stance on April 25 of 1980 when the Conservancy, one of the chief opponents of mining during the previous decade, filed a petition with the U. S. Office of Surface Mining seeking a declaration that virtually the entire watershed be declared off-limits to mining because

of its fragility and the assertion that it could not be reclaimed after mining was complete.

What ensued was a flurry of administrative rulings and related court cases during which Mower Lumber Company, owner of 26,000 acres of minerals beneath the Monongahela National Forest, succeeded in keeping its grasp on some of its rights to mine. Dozens of other mineral owners, however, have found themselves in jeopardy since, under the law, a declaration that the Fork is unsuitable for mining could result in forfeiture of what may clearly be millions of dollars of coal.

Speaking to that very issue Wednesday night was — among others — Marshall Lee Miller of the Elkins-Kelley families, owners of sizable tracts of minerals underlying the na-

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The President's Voice

Quiet But Sharpening

March has been a relatively quiet month as far as issues are concerned, with perhaps the exception of Shavers Fork. The public comment period on the suitability of land for mining issue elapsed on March 18, following the final hearing on March 11 in Elkins. The Office of Surface Mining will issue their final report on April 10 and then it will be in the hands of Secretary of the Interior James Watt.

I got a Cranberry shot-in-the-arm a couple of weeks ago when I read the article "Treasures in the Hills: the Cranberry Backcountry" published in "The Living Wilderness" magazine, the January-March, 1979 issue. For someone who has been caught up in the technicalities of the fight, it sure was refreshing and revitalizing. It was a beautifully written article which had me vividly walking "at the junction of the Highland Scenic Highway and the Forks of Cranberry Trail . . . on a high, windy flat. It is open, almost bold, with thin vegetation poking up through snow brown ferns, briars to left and right, patches of red-leaved blackberry vines with the fruit still green." I think I can actually see "blackened stumps, from long-ago burning . . . a sprinkling of shrubby-looking mountain ash, their fronds of leaves red and their clusters of scarlet berries topped with scoops of snow; here and there the occasional twisted, stunted spruce."

It would be a worthwhile article to run in the "Voice" sometime in the near future to give everyone a nice, mellow "Cranberry high."

The Canaan Valley Alliance recently put out a very comprehensive tabloid on the proposed wildlife refuge. Along with some great photographs and articles on the Valley, it lists numerous aids for the refuge proponent's use to help the cause, such things as names and addresses of people to write to,



Jeanetta Petras

materials for use in a workshop, and Valley-related art objects for purchase. For interested folks, it would be worthwhile to get ahold of the paper and read through it. The time has come to push for the wildlife refuge.

If little is happened in the issue area, there is a good bit of administrative activity going on. A full-scale campaign to improve and correct a few weak areas is beginning to take shape. A good bit of brainstorming has been going on by the executive committee to insure the Conservancy is working as efficiently and effectively as possible. I think all of it will lead to some positive changes in the near future.

The Monongahela National Forest and Cranberry hiking guides are now being handled by Lois Rosier and can

be ordered through the Fairmont Post Office box. The prices are \$3.50 each plus 50 cents for postage and handling.

We recently received a pleasant surprise when sent a \$105 check, compliments of the W. Va. University Student Public Interest Research Group (WV-SPIRG) and the W. Va. University Outings Club. Last November, they held a hike-a-thon in the Laurel Highlands of Pennsylvania and raised \$315 which they split three ways, we being the recipient of one part. I think I speak for the whole membership when I say "thanks so much — we really appreciate it."

I'm going to sign off now since I'm pushing the deadline for submitting articles; in fact, I think I pushed right past it. Oh, well, shouldn't presidents be allowed some privileges?

Not Get Your Voice? Write!

We receive complaints from members from time to time 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. It is the only way we can assure prompt receipt of your copy of the "Voice."

DEADLINES FOR FUTURE ISSUES OF THE VOICE

THE MAY ISSUE comes off the press April 27. Deadline for receipt by the editor is Friday, April 24; in extreme emergencies, April 26.

THE JUNE ISSUE comes off the press June 1. Deadline for receipt by the editor is Friday, May 29; in extreme emergencies, May 31.

THE JULY ISSUE comes off the press June 29. Deadline for receipt by the editor is Friday, June 26; in extreme emergencies, June 28.

THE AUGUST ISSUE comes off the press Aug. 3. Deadline for receipt by the editor is Friday, July 31; in extreme emergencies, Aug. 2.

THE SEPTEMBER ISSUE comes off the press Aug. 31. Deadline for receipt by the editor is Friday, Aug. 28; in extreme emergencies, Aug. 30.

THE OCTOBER ISSUE comes off the press Sept. 28. Deadline for receipt by the editor is Friday, Aug. 25; in extreme emergencies, Aug. 27.

THE NOVEMBER ISSUE comes off the press Nov. 2. Deadline for receipt by the editor is Friday, Oct. 30; in extreme emergencies, Nov. 1.

THE DECEMBER ISSUE comes off the press Nov. 30. Deadline for receipt by the editor is Friday, Nov. 27; in extreme emergencies, Nov. 29.

THE JANUARY, 1982 ISSUE comes off the press Jan. 4, 1982. Deadline for receipt by the editor is Friday, Jan. 1, 1982; in extreme emergencies, Jan. 3, 1982.

New Mailing Address

The official mailing address for the W. Va. Highlands Conservancy is now a "master" post office box in Fairmont. All correspondence to the president as well as the membership secretary and the treasurer should be directed to:

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

All correspondence to any of those three officers — as well as changes in the mailing address of members who receive the "Voice" should be directed to that post office box.

Second-class postage paid at Fairmont, WV 26554, and at additional mailing offices under the Postal Act of March 3, 1879. Re-entry at Webster Springs with additional entry at Fairmont, WV 26554.

Main business offices are located at P.O. Box 506, Fairmont, WV 26554. Postmasters should address Forms 3579 to P.O. Box 506, Fairmont, WV 26554.

Foresters Promise Examination of Every Issue

Forest Service Planning Process Hatches New Ideas for Use of Monongahela National Forest

Moving a forest ranger's station; developing an Appalachian nature center; opening up wilderness areas to mining and timbering; re-introducing the cougar...

These are just some of the suggestions being offered as part of a years-long planning effort that will head the Monongahela National Forest — as well as the nation's other forests — into the 21st century.

A broad range of new ideas has been offered to foresters in Elkins during the course of nine forums held from one end of the Monongahela's 800,000-plus acres to the other. Comments from those meetings, held in Parsons, Huttonsville, Harman, Seneca Rocks, Marlinton, Webster Springs, Richwood, White Sulphur Springs and Bartow, have been coupled with about 75 written comments. Those 75 — plus about two dozen or so more foresters expect to receive — arrived in response to thousands of tabloid newspapers which the Monongahela distributed in an attempt to outline the planning process it has undertaken in response to the National Forest Management Act.

The verbal suggestions from the forums — coupled with the written comments — are forming an integral part of the basis for the Monongahela's new directions, according to forest planner Gil Churchill of Elkins, directions upon which it will embark by the end of 1983.

Churchill said the current process is unlike any other to come before for four basic reasons:

— The planning process is interdisciplinary. In the past, he explained, foresters have developed plans for timbering; for recreation; for this, and that, then tried to integrate them into a whole. No more: Churchill says the inter-disciplinary team is already in place, functioning and, as a result, whatever plan is developed will already have any "coordination" problems worked out of it.

— The planning process will use sophisticated new techniques, Churchill says. Slick, new computer programs will not only help handle vast amounts of information which are about to be gathered, but will also confirm what the best use of the land is by offering a comprehensive look at what effect each alternative management scheme would create.

— The planning process will do a better job of involving the public than ever before, Churchill asserts. "We're getting public involvement much earlier and continuing it through the process," he notes. Unlike many other governmental processes, the occasion of the production of a draft plan for the forest will be the last time — not the first time — that the public will find itself involved. Churchill explains that the intent of the extensive involvement is to "identify problems at the local level... to solve them before they blow up."

— And for the first time in history, the planning process will be "issue-oriented" rather than "resource-oriented," Churchill said. "We intend to identify every issue," he said flatly. In addition, he said the planning process is constructed in such a way that every issue identified will be dealt with. "Now that doesn't mean we're going to solve

everybody's problems," he says, "but they won't be ignored."

Instead, he says, every issue — including those which foresters themselves identify — is going to become part of a ten-step process.

That process starts with a review and critique of the identified issues and divides them into categories. If somebody thinks the Forest Service needs more pencils, that is unlikely to be dealt with through the rest of the process. Rather, the forest supervisor might make an immediate determination to send somebody over to Murphy's to pick up a gross. Similarly, if somebody says inflation is out of hand, it is unlikely that would be dealt with on a local level. It would, however, be booted up the ladder and might well become part of a national policy, for instance, in which more forest lands are opened up to timbering in an attempt to reduce the price of lumber for homebuilding.

The second step will be a decision process in which foresters will decide what data needs to be collected in order to evaluate the issues; when and where it should be collected; and the process by which the foresters will make up their minds which issues to handle on the local level and which to kick upstairs. Foresters in Elkins expect that process will be undertaken in the late summer or early fall of this year.

The next two steps — collection of the data needed to address the issues and an analysis of the capabilities of the forest itself — are expected to take longer than all the rest of the process

put together, Churchill explains.

Following that will be four other steps which, in reality, amount of the preparation of an environmental impact statement which will examine the alternatives available, assess their effects (here's where the computer programs will do their job), evaluate the results and select an alternative. That selection will take the form of a draft document about which the public will have its final say before it is implemented near the end of December of 1983. Subsequently, the new management plan will be monitored.

In the meantime, foresters in Elkins are currently re-communicating with the dozens of people who attended the regional forums, summarizing what was said and asking, in effect, "did I hear you right?" Churchill explains.

Even when combined with written comments submitted in response to the Forest Service tabloid, foresters found that many of the issues raised had, in fact, been raised in the past. A staffer in Elkins has gone about the job of summarizing each of the comments and, from them, has produced a list of "opportunities", that is, suggestions for things to do with the forest that are not now being done.

As of mid-March, with two dozen or fewer comments still expected to arrive, those "opportunities" included:

— Encourage softwoods (red spruce and white pine) to expand to areas of their original range.

— Save selected groups of trees for "big tree" areas for future generations to enjoy.

— Study increased use of thinning and group selection cutting to increase timber productivity, wildlife habitat and aesthetic values.

— Hold area study groups for the dissemination of information about the Monongahela.

— Re-establish Glady Fork and Laurel Fork as brook trout streams.

— Establish a turkey refuge on the Monongahela.

— Allow disabled persons to use motorized vehicles to reach hunting areas.

— Provide access to caves for the public.

— Try to improve the management of adjacent private lands.

— Protect rare bat species.

— Limit access to fragile caves with rare formations.

— Encourage more small timber sales.

— Investigate the establishment of a 20-some acre lake on Slab Camp Run in the White Sulphur Springs ranger district.

— Erect more road signs for recreation areas.

— Relocate the White Sulphur Springs ranger's district office so as to be more accessible to the public.

— Sell farm lands, deed lands to special groups such as 4-Hers for camps, and acquire the Allegheny battlefield site.

— Encourage new industry to utilize pulpwood.

— Publish a Monongahela newsletter.

— Manage pine and spruce stands for varying hare.

— Offer more opportunities for horse and cross-country ski trails.

— Support a private ski area on Kennison Mountain.

— Support the idea of a "Nature Center for the Appalachians."

— Plan a system of trails to integrate with the Greenbrier River Hike and Bike Trail.

— Plan canoe-hike combination trails.

— Develop loop trails instead of long-distance trails.

— Reintroduce cougar into wilderness areas.

— Provide new systems of distributing information to the public. "People do not read newspapers," asserted one commenter.

— Conduct more research on solar and alternative energy sources.

— Gate Canaan Loop Road in winter for cross-country skiing.

— Help to re-establish native chestnut on the Monongahela.

— Add a person to the Monongahela staff to handle insect and disease control.

— Open wilderness areas for fire control and timber, oil, gas and mineral removal.

— Acquire mineral rights under national forest lands.

— Set aside areas for research for local universities and colleges.

— Create scenic vistas along existing roads instead of making new scenic highways.

W. Va. Chapter of Nature Conservancy Sets Trips For April Through July Around Mountain State

A wide range of field trips, all of them open to the public, are being offered this year by the W. Va. Chapter of the Nature Conservancy, a spectrum that includes everything from birding to canoeing — even to Cheat-Mountain-salamandering in the highlands.

For more information, contact the field trip leader or the Conservancy's field office at 1100 Quarrier Street, Rm. 215, Charleston WV 25301 (304-354-4350).

1. April 25—**Birding at Boaz Marsh.** Will it be too early to see the Prothonotary Warbler? This area is one of the few remaining wetland habitats along the Ohio River, near Vienna, Wood County.

Meet at 7 a.m. at Dutch Pantry, Williamstown exit off I-77, north of Parkersburg. (Camping nearby: Mountwood Park, Rt. 2, Box 56, Waverly WV 26184)

Leader: John Jones, 1329 Hunter Lane, Morgantown WV 26505; evenings 599-2878.

2. May 29-31—**On the Greenbrier River.** What do hikers and canoeists have in common? The answer may be an appreciation for clean water, scenic river banks and the wildlife they support. This river has been nominated for study as a National Wild and Scenic River.

Meet Friday 7 p.m. or Saturday 8 a.m. at Recreation Building, Watoga State Park, Pocahontas County. Arrange for own food and accommodations. (Cabin reservations: Toll-free 1-800-642-9058 or Watoga Supt., Star Route 1, Box 252, Marlinton WV 24954.) Informal evening programs Friday and Saturday. Your intention to participate is appreciated. (Note: Memorial Day is observed on May 25 this year.)

Leaders: Frank Peluriecaneoeing, P.O. Box 5193, Charleston WV 25311; 348-2761 or 345-5341. Emily Williams Grafton-hiking, P.O. Box 3352, Morgantown WV 26505; home 291-6689.

3. June 20—**In Search of the Cheat Mountain Salamander.**

What kind of habitat supports this rare species? It is found nowhere else in the world but here in West Virginia.

Meet at 10 a.m. in parking lot at Gaudineer Knob, Forest Service Route 27, north off Route 250 two miles east of Cheat Bridge on Shavers Mountain.

Leader: Tom Pauley, Herpetologist, Salem College, Salem WV 26426; office-782-5201, home-782-1286.

4. July 25—**Greenland Gap**

Nature Preserve. What goes on at The Nature Conservancy's preserves? This one has much to offer—historically, educationally, biologically and geologically. Meet at 10 a.m. at monument,

2½ miles east of the junction of WV Routes 42 and 93, at Scherr, Grant County.

Leader: Bob Snyder, Preserve Steward, Lahmansville WV 26732; 749-7242.

Back to Nature Weekend Offered at Blackwater

A "back to nature" weekend at Blackwater Falls State Park has been slated for late April in Tucker County, a Friday-Saturday-Sunday event that includes everything from a sing-along to an edible plant hike to an outdoor church service.

Sponsored solely by Blackwater park itself rather than co-sponsored by the Department of Natural Resources' main office in Charleston, many of the events will be under the direction of the park's naturalist, Cindy Hedrick.

Overnight stays for Friday and Saturday, April 24 and 25, at Blackwater Lodge do not include meals, but the single registration fee for the "Back to Nature" weekend does include a Saturday lunch at Cathedral State Park as well as a "Back to Nature" cookbook which may include offerings of those attending the weekend, according to

Blackwater superintendent Morris Harsh.

Friday opens with registration from 4 p.m. to 8 p.m. to be followed with a slide show or movie and a sing-along for an hour. The day will end with a social hour concluding at 10 p.m.

After Saturday morning's breakfast, an "edible plant" hike will be held through Blackwater Falls State Park, an hour-and-a-half trek that will be followed with a 22-mile trip to Cathedral State Park. There, a box lunch will be offered from noon to 1 p.m., while a hike through Cathedral for a look at its spring wildflowers and edible plants will follow. The afternoon will include a visit to Sweetwater Tree Farm for an education in the making of maple syrup and candies. The return to Blackwater will follow in the early evening.

Outdoor church services are set for 9 a.m. Sunday and conclude the weekend.

Black Bear or Black Coal?

DENNIS DRABELLE

As a lawyer for the national government, Dennis Drabelle has dealt extensively with conservation and energy issues. He also writes for Backpacker.

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By the end of the Nineteenth Century, man had logged West Virginia's Monongahela River Basin so mercilessly that the watershed had little ability left to absorb rainfall. In 1907 a flood swept through the basin, causing \$100 million in damage (a staggering amount for the time) and receding just shy of the heart of Pittsburgh. One of the prophylactic measures adopted in the aftermath was the establishment of a national forest to replenish the basin's soil and groundcover.

Today the 800,000-acre Monongahela Forest encompasses a national recreation area (Spruce Knob-Seneca Rocks), two wilderness areas (Otter Creek and Dolly Sods), several more potential wildernesses (including the superb Cranberry Backcountry), and a potential member of the National Wild and Scenic Rivers System (the Greenbrier). The Forest also serves as pasturage for several hundred sheep and cattle, produces about \$750,000 worth of timber a year, and yields a small amount of coal.

Coal may be today's timber.

The Forest's 35,000-acre Shaver's Fork sub-unit, named after its most prominent stream, is situated along the Forest's western boundary, due south of Elkins, West Virginia. The person in charge is David Stack, district ranger for the Forest's Greenbrier District.

Stack, 38, married, with a seven-year-old daughter, grew up in rural Illinois, where he cottoned to the outdoors on his uncle's farm. He has a bachelor's degree from Southern Illinois and a master's in forestry from Duke. We met in his office at district headquarters in the town of Bartow.

"I hope you have some boots," he said, eyeing my street shoes. "This is wet country—about 60 inches of precipitation a year—and we're going to do some walking."

But, for the moment riding high in the district's Chevy Blazer pickup, Stack began to brief me.

The Forest Service owns only half the acreage that logically belongs in the sub-unit, and all of this lies north of U.S. Route 250. But Shavers Fork flows north, eventually to join the Cheat at Parsons. This juxtaposition means that, no matter how well the rangers take care of their land, they are at the mercy of the upstream owners south of the highway.

The second fragmentation in land ownership is between the surface and sub-surface estates. The United States owns only the surface of most of the land in the sub-unit. The bulk of the mineral rights belongs to the Mower Lumber Company. The company believes that underneath the sub-unit lie 70-to-80 million tons of recoverable coal, which through a lessee it wants to get busy recovering. Early in this century, coal mined in the sub-unit was used primarily to drive logging

trains. The coal that Mower wants to mine would be used as coke in steel-making and as steam-coal in industrial and utility plants.

If you assume, as Stack does, that the company has valid rights and that there is no impediment to its exercising them, then the Forest Service has to afford the company access both to the coal and the outer world. This means roads. By law the roads built or improved by the company must serve its and the public's needs while damaging the environment as little as possible. With these principles in mind, Stack and I spent the morning checking turnouts along Forest Route 27.

The road runs from U.S. 250 past the Gaudineer Scenic Area, a grove of virgin red spruce left standing by an early surveyor's mistake. Traffic from the Glade Run mine will use FR 27—already does in fact. We had barely turned off the highway when we had to squeeze over to make room for a truck carrying a road-grader in its back. The trick is to make sure that, in scalloping the roadside for new turnouts, the company rearranges as little soil and foliage as necessary.

Stack parked, and we got out to confer with ranger Benjamin Miller. As they measured embryonic turnouts, I enjoyed listening to them speak Forestese. "Here they've daylighted the curve," said Miller. He meant that the company had cut back under brush for better visibility. "I can see they're feathering this turnout pretty well," said Stack. Feathering is tapering the turnout so that at its midpoint the outer edge is farthest from the center of the road. "I'm going to tell them to save this character tree," said Miller, pointing to an oak with a grotesque burl. "That sugar maple is eight logs high," said Stack, "But it looks like it's out of harm's way."

Stack seemed satisfied with Miller's approach to the aesthetics of turnouts, and we left him to continue on his own. On the way to the Glade Run mine site, Stack and I met a ruddy-faced fellow driving a pickup. He rolled down his window and asked where he might find the mine owners. "Down the mountain in Durbin," said Stack. "I need to turn around then," the man said. "I want to see if they'll buy their underground mining tires from me." Something about the way the fellow handled his vehicle prompted Stack to tell me about the Service's refresher courses in defensive driving.

In managing the land under their jurisdiction, forest rangers like Stack must consider its suitability not only for such largely benign purposes as recreation, wildlife management, and wilderness preservation. For, unlike the Interior Department's single-minded National Park and Fish and Wildlife Services, the Forest Service (part of the Agriculture Department) is also obligated to bear in mind the land's value for grazing, timbering, and mining. Choosing among com-

peting land uses is what makes the work of the forester complicated and, at times, trying.

The mine site was denuded and muddy. But the disruption was confined to a small area, not more than five acres. It will be a deep mine, not a strip mine, and the shafts will run straight back into a ridge that dominates the site. Only half-a-dozen men were on the premises. Two of them were poking with spades at the hillside beneath the mine-ridge.

The foreman came over to explain. "We had a kind of slump in the hill here yesterday. They're trying to fill it in." Stack picked his way through mud to the "slump" and satisfied himself that it was a minor subsidence. Before leaving the site, we examined a drainage pond whose limestone lining will reduce the acidity of water pumped from the mine before it finds its way into Shavers Fork.

We ate lunch in the truck and then spent much of the afternoon checking on road seals. The mining company was allowed to put in several roads for prospecting on condition that it seal off and reseed the ones that didn't pan out. Stack was making sure the company had blocked the road portals with sizable stumps and mounds of earth and had broken each road's back with a pit deep enough to confound an off-road vehicle.

At a high point in the Cheat Mountain Road, Stack pointed out the window. "There used to be two old, rusty buses sitting there—somebody just dumped them up here." All I could see was a flat, grassy spot. "They were real eyesores, and I didn't know how to get rid of them. It would've cost a thousand bucks to have them hauled out. So I asked the mining company for a favor. As long as they were putting in a prospecting road across the way here, would they mind burying the buses? The said okay, and it worked out well."

We stopped beside Shavers Fork, a green, sinuous stream bordered by rhododendron, and talked timber. I asked about clear-cutting—felling every tree in a locale, a practice decried by environmentalists for its contribution to erosion, not to mention its ugly after-effects.

"Our clear-cuts are limited to 25 acres," Stack said. "I try to make good use of the technique when I can. I've called in a landscape architect to help me site a clear-cut to improve a scenic view."

"Do you have a timber quota to meet?"

"I'd call it more of a target. We're not yet at the point of offering for sale the targeted amount of timber per year, and we don't sell all we do offer. The problem is that this forest is so young. It's all second growth after the devastation at the turn of the century. The mills around here are set up to handle larger logs than these trees can yield. One of my jobs is to work with local industry to put our smaller logs to good use. Most of what we do sell is hardwood for furniture."

As we climbed back into the truck, a helicopter paddled overhead. "He's probably looking for fires," said Stack. My reaction was that patrol by helicopter seemed an expensive way to keep on the lookout. Stack smiled. "The Service uses a computer," he said. "It tells us when conditions are ripe for fires. We don't send rangers up in towers anymore—though there may be a few exceptions out West. Instead, we keep guys like this on contract."

When we got back to the office, one of Stack's assistants told us the pilot had indeed spotted a "smoke" near Marlinton. As I was leaving, the assistant heard by radio that the smoke was on private land. I walked to my car shaking my head over the glib way Washington bureaucrats refer to their desk-bound doings as "putting out fires". (A week later a fire burned 51 acres in the sub-unit; Stack was out fire-fighting until 1 a.m.)

Over the next two days, joined by my friend Tom Roberts, I hiked a segment of the North-South Trail on the crest of Shavers Mountain. The splendid weather held up. The afternoons were especially fine, with the sun picking out details in the worn-leather landscape and drawing a peaty aroma out of moldering leaves and sere grass.

Late in the first day the trail slipped over the ridge and gave an unimpeded view of Middle Mountain and Spruce Knob, at 4,862 feet the highest point in West Virginia. By now the sun was too low to penetrate the hollows on Middle Mountain, which were deep and dendriform, like lakes of purple shadow.

After we camped for the night, we sat for a moment and listened. Beeches and oaks clicked their branches in the wind, and we looked up into a field of naked tree-tops, flexing and flicking in rococo syncopation. When I lit the stove for dinner, at first its mechanized roar sounded rude. But the noise soon blurred and became what Tom called "A link with the comforts of home." During the night each of us paused in his dreaming to register the call of an owl.

There was a puzzle about our hike: It ended too soon. We started at Johns Camp and finished at the hamlet of Glady—according to the signs a distance of 13 miles. But when we crested a hill and saw Tom's car early in the second afternoon, we were surprised. I'd swear the signs are wrong, that it's more like 11 miles from Johns Camp to Glady: The mind makes lots of mistakes, but you can't fool the feet.

To get the conservationist perspective on Shavers Fork, later I talked with Joseph Rieffenberger, president of the Highlands Conservancy, an umbrella organization for West Virginia's environmental activists. By day a biologist with the state's Department of Natural Resources, Rieffenberger and his wife ushered me into a living room where I felt completely at home: It was awash in newspapers

and books.

The Conservancy is not opposed to mining per se in the sub-unit, Rieffenberger explained. The hitch is that mining entails road construction (as by now I well knew), and cutting more roads into Shavers Fork would further reduce the dwindling habitat of the state's 600 black bears.

"Mind you, technically this is poor bear range," Rieffenberger said. "But it's all that's left for them. They inherited it because it wasn't fit to settle. There are surely more bears here now than when the white man first came. This is relatively unscarred area. It ought to be left that way." Rieffenberger accuses the Forest Service in general of having an engineer's mentality.

In an effort to thwart mining in the sub-unit, the Conservancy has resorted to the last of the great environmental laws passed in the 1970's, the Surface Mining Control and Reclamation Act of 1977. Under this law the Office of Surface Mining (OSM) in the Department of the Interior can declare areas off-limits to mining if they are too environmentally valuable

Rieffenberger does not strike me as an extremist. He gives the Forest Service good marks for timber management in the sub-unit and notes that the Conservancy does not object to "what Mower does to its own lands upstream." Stack does not seem so road-happy that he roots for mining with ulterior motives. His actions are consistent with a bias toward simply capitalizing on events. If there's going to be clear-cutting, let an architect site it. If the mining company is going to be bulldozing on top of a ridge, let it inter some eyesores. If the company is going to be building some roads, let them be suitable for ranger and public use.

In any event, the critical mining decisions are OSM's, not Stack's, to make. Like the ownership of the land itself, mineral decision-making in Shavers Fork is confusingly fragmented.

I saw no bears during my three days in Shavers Fork, but then I hadn't expected to. Joe Rieffenberger has spotted only a handful in 10 years of tramping the region. Dave Stack told me they're so skittish I shouldn't bother hanging my food in camp. Since on other hikes my pack has been violated by the hungry likes of marmots, ground squirrels, and chipmunks, the skittishness of the Monongahela black bear impresses me as Garboesque.

The sub-unit's 10-year management plan puts the matter candidly, if bureaucratically: "Black bear habitat will be reduced in size and quality due to timber [ing], mining, road construction, and increased recreation trail use." To say it bluntly, there is no way man can get more out of Shavers Fork without leaving less for the bears.

Watt Faces

(Continued from page 1)

tional forest. In the wake of a series of assertions in which he disputed the threats to the environment of the Fork as alleged in the Conservancy's petition, he noted that the owners he represented were "one of the most severely impacted."

He told the audience that recent core drillings — apparently conducted by Mountain State Surveying Company of Kingwood at a cost of \$45,000 — discovered a previously unknown deposit of three million tons of high grade, metallurgical coal in the Peerless and Sewell seams, coal that is located on the fringes of what is commonly called the Cheat Mountain RARE II area, a wilderness-like, roadless area sprawled across the high mountain slopes. He told the audience that tapping those reserves — he estimated the value at \$120 million on the current market — would require only one or two mine portals and less than a mile of new road.

"'We don't want mining' can be the only argument," in substantive support of the petition to declare the Fork off-limits, he asserted, and he warned OSM officials that the "legal grounds for denial (of mining) do not exist anywhere within the petition area."

The clearest rebuttal of that assertion came early in the evening from the W. Va. Highlands Conservancy's mining chairman, Bard Montgomery of Charleston. He was the first to speak and outlined a series of issues which he felt were inadequately addressed by the OSM's draft document.

They included inattention to the technical and economic feasibility of reclamation; effectiveness of mine sealing techniques; leaching from coal and waste piles; the probability of successful revegetation; concern over effectiveness of federal standards set for stream siltation; compliance with land use policies currently being developed by the state; the "environmental and economic disasters" occasioned by the mining of coal "without significant contribution" to the state or national coal resource; an assertion that an apparent suggestion for the declaration of about a fifth of the Fork's watershed as off-limits would "not afford adequate protection" to a long list of natural areas; the permanent intrusions created by roads; the impact of mining on tourism which employs 260 persons within the county; and the assertion that the mining of the Fork's coal could be avoided with "no significant cost to the state and the nation," that the capital and labor which would be used to tap the Fork's reserves could be put to use elsewhere, thereby preserving the area's environmental values as well as avoiding a "boom and bust" in the local economy.

Speaking for Mower Lumber, the Fork's single, largest minerals owner, was Elkins attorney Richard Talbott who read a ten-page statement, the first of what other attorneys in the case have estimated will become 100 pages of comments on the OSM draft document. Deadline for those and others' comments in 5 p.m. on March 18, a Wednesday.

As outlined by Talbott, Mower is still in the process of reviewing the draft document as well as some of the 21 studies which were made as a part of the overall preparation of the response to the Conservancy's petition.

Talbott said that the document had developed "little new information" and that, as a result, there was

"nothing in the draft . . . which supports any conclusion other than" those which have already been reached for regulatory and other agencies involved in the mining activities which have already occurred.

Mower's Talbott said that the use of a "hypothetical mining plan" to assess the impact of mining was "totally unlike" anything proposed or underway by Mower and that the "fictional scenario . . . grossly exaggerates" the impacts of mining. In addition, the method of mining which OSM chose to evaluate is not the method that is being used by Mower; that contracted studies prepared for OSM ignored significant available data; and that OSM itself ignored the impact that existing federal and state regulations would have on mining.

Mower termed some parts of the draft document as "comical," especially referring to an assertion that the reconstruction of an existing road to a mine might result in "increases in sedimentation." Mower noted that the road in question had already been built under the watchful eyes of two inspectors — without incident.

Mower also asserted that OSM had ignored "extensive economic impact data" submitted by Mower; that estimates of recoverable coal were too low; and that coal depositshone place cannot be substituted for coal deposits elsewhere as might be inferred from the estimated impacts of not mining on the nation's coal reserves.

Others who testified included:

— Don Gaspar, a fish biologist for the W. Va. Department of Natural Resources who addressed himself to the reasons for the "fragility" of the Shavers Fork and its tributaries. He suggested that everything from the abrasion of the stream bedrock to acid rain could — as well as mining — could have an impact on the ability of the streams in the area to support fish. He also noted that "there's some bad stuff in there," referring to certain of the Fork's deposits which were high in potential pollutants. "We're talking," he said by way of a conclusion, "about the extinction of a priceless treasure, a heritage that this generation can't afford to risk." He suggested that the spending of money to "retire" the Fork's coal reserves now might be a better investment than attempting to restore the stream to life at some time in the future.

— Jeff Green of the W. Va. Highlands Conservancy who said he believed the impact of mining on tourism has been downplayed; that there were no proven techniques for sealing mines after they are shut down; that mining would lower the area's water table and further deplete the capacity of the Fork to battle increased acid loads; that road construction would add more sedimentation at a steady rate, unlike current natural conditions which "shock" the stream with silt following major storms; and that continuous mining might result in subsidence, a "severe and negative" impact.

— John Lounsberry, an Elkins forester who produced what he called "a ragged map" which showed past and present mining on the Shavers Fork from Bowden to Beaver Creek, an area which included 180 acres currently under application for a mining permit as well as 978 acres of deep mines, 1,184 acres of strip mines and 656 acres of approved strip mines — most of which had "little or no

What's Next

The next step in the petition procedure is for the regional staff of the U. S. Office of Surface Mining to prepare a "decision document" offering a "preferred alternative" among the options listed in the "draft evaluation document." The most likely preferred alternative would be a partial designation of the national forest lands on Shaver's Fork as unsuitable for surface mining. Additionally, conditions may be imposed on mining activities to limit their impact on wildlife, plant habitat and recreation.

It appears that the final decision will be made by Secretary of the Interior James Watt. An announcement of the decision can be expected no later than April 24. The decision will be freighted with precedent, since it is the first of its kind in the East, and the first rendered by the new administration.

Even if the OSM staff makes an excellent case for the protection of the fragile lands drained by Shaver's Fork, the Secretary will not be obliged to grant that protection unless it is determined that reclamation is not technically or economically feasible. The Highlands Conservancy has made the case that reclamation is not feasible, and has asked the OSM staff to address the issue directly in the decision document.

BARD MONTGOMERY

discharge" and have had a "negligible" effect on the Fork. He suggested that the value placed on the Fork's fishery and some of its other resources "does not compare with the benefits derived from tapping its coal resources."

— Tom Clark, a land manager of Elkins and Morgantown who decried what he saw as de facto "zoning without due process of the law of the land."

— C. S. Ogden, a man who said he represented 200 employees of the railroad as well as an association of land owners in the Dry Fork area of Randolph County. He suggested that reclamation might improve the land's ability to hold water "like a sponge;" that there was too much wildlife already, as evidenced by his deer-damaged car and his inability to raise a garden; that bears are "varmints" anyway and cannot be used to run a powerplant. He also questioned the allegiances of the Conservancy, whether its membership was allied to the "enemies of the United States" since it often seemed to obstruct progress. He suggested the organization be taken to court and made to pay for "harassment" of Mower's as well as other's interests.

— John Arbogast, a strip miner from Dailey who debunked concerns about minnows, lizards and bears and suggested that "me and you . . . have been overlooked in this deal." He said at first he believed that Mower could "stomp its own snakes," but he since discovered that "you and I are on the ropes;" that 1,500 jobs were at stake; that a three-day forest fire could do far more damage than any amount of mining; and that Mower was a responsible company and should be allowed to mine its reserves.

— Michael Kline, a man who sang his comments into the record in the

form of a solo rendition of Billy Edd Wheeler's anti-stripmining song "You Can't Put It Back." He said the best argument against mining the Shavers Fork reserves was a survey of past mining practices in southern West Virginia. "I don't think God's pleased with that," he suggested.

— Lorryna Bennett, a railroader's wife who, following a litany of her personal illnesses, urged that mining proceed "so poor people will have jobs."

— Roger Stevens Jr., another member of West Virginians for Work who said that mining under current regulations will not harm the environment, and that the mining industry was being treated unfairly because it was being pre-judged for offenses which it had not committed. He also asked the Conservancy to back away from an apparent decision to appeal or file further petitions if the current petition is unsuccessful. He suggested such tactics would only "widen the breach" between environmentalists and others. He said he believed that the "anti-capital and anti-profit" ideas of Conservancy members were "bent on the destruction of the country (and) this style of thinking . . . be restrained."

— Ben Greene, the president of the W. Va. Surface Mining and Reclamation Association who suggested that more attention should be given to modern mine sealing techniques and their effectiveness; that bears are more disrupted by hunting and related activities than they would be by mining; that tourism might not provide adequate jobs; that reclamation is feasible; and that there were no reasons for the OSM or the Department of the Interior to ban mining anywhere in the Shavers Fork. "Complete rejection of the petition is the only conclusion," he asserted.



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Recreational Impact On Wildlands:

Conference proceedings, October 27-29, 1978. Seattle, Washington. Edited by Ruth L. Lier, Dale R. Potter, James K. Agee, Susie Anshell. U.S. Forest Service No. R-6-001-1979. 333 pp. Illus.

In the continuing struggle to preserve the remaining wild lands from commercial exploitation, conservationists often forget that recreation is also a form of exploitation and brings its own problems. The Mountaineers Foundation, Recreational Equipment, Inc., and regional units of the Forest Service and the National Park Service, with management assistance from units of the University of Washington, recognized that fact a couple of years ago and held a conference to look at all aspects of recreational exploitation of wilderness and semi-wilderness.

The proceedings of the conference have been published, attractively illustrated with black-and-white drawings, as a paperbound research paper of the U.S. Forest Service, Pacific Northwest Region. It is available on request from that office in Seattle. The number of copies printed is limited and announcements of the proceeding's availability are likely to be seen only by professional foresters, so it will probably not reach the wider audience it deserves.

Naturally enough, the proceedings em-

phasize the problems seen in the western wilderness, although the problems of the East are not neglected. Tom Deans (Appalachian Mountain Club) discussed the user's perception of wilderness recreation and concluded with comments on the role of the volunteer, non profit organization. Professor W. O. King of Penn State reported on a study applying landscape design principles to a portion of the A. T. Another paper reviewed research in soil loss on trails and camp sites in northeastern mountain areas.

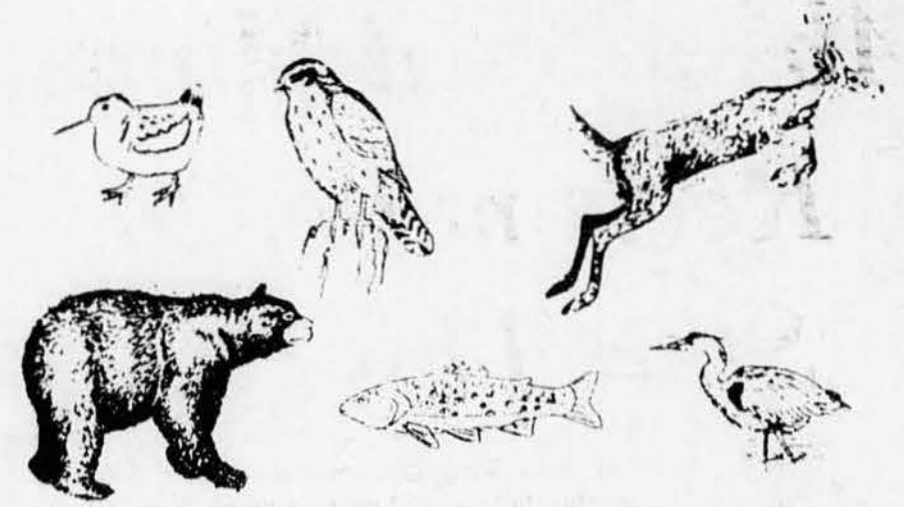
A good deal of research was reported — how recreation use affects soil, vegetation, water, and wildlife and noise damage.

Peggy Ferber of The Mountaineers reviewed how guidebooks can be used to limit recreational impact on trails or increase it if the publisher and the author are not responsible in writing the text. A member of the Sierra Club, John T. Stanley, reported on the Sierra Club study of the impact of the club's group outings on mountain land.

The papers in the education, prevention and rehabilitation sections contain as many interesting ideas that are worth trying as the concluding idea-roundup section.

Read this if you are concerned with hiking trails, their preservation and use or with the conservation of wild lands. It is valuable, thought-provoking, and useful. — Paula M. Strain

Reprinted from APPALACHIAN TRAILWAY NEWS



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Abandoned Mines Reclamation to Start This Fall

Reclamation of West Virginia's abandoned mine lands will probably begin this fall, according to George Wise, administrator of the abandoned mine lands section in DNR's Division of Reclamation.

Wise emphasized that West Virginia's recent takeover of the federal surface mine law has not resulted in the immediate release of a \$30 million sum to reclaim abandoned mine lands. The federal Office of Surface Mining (OSM) approved in January the state's takeover of enforcement and permitting responsibilities under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). While Title V approval is one requirement for implementation of the abandoned mine lands program, there are other steps involved before actual reclamation can begin, he explained.

First, the state reclamation plan, submitted under Title IV of SMCRA, had to be approved separately by OSM. That approval came on Jan. 16. In addition, West Virginia has written its first annual work plan and submitted it to OSM. The state has requested \$1.4 million for aerial topography and photography, subsurface investigations, environmental assessment reports, land appraisals, additional employees, space, and equipment under the work plan. Then, problems at abandoned mine sites must be assessed and assigned a priority, he said.

The federal law specifies that "the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices" be given first priority for correction. "The protection of public health, safety, and general welfare from adverse effects of coal mining practices" have second priority and those affecting environmental quality (including water) are third.

A WRD field team has been locating and collecting data from abandoned mines in the Monongahela River Basin, under the 208 mining program. But according to Lyle Bennett of the 208 staff, the team has not found that many "extreme danger" sites have associated water quality problems. "Some are a matter of safety, such as subsidence causing a road to fall in. Therefore, attacking priority one problems won't necessarily improve water quality," he said.

Bennett's statement supports WRD Chief Dave Robinson's contention that "unless rigid interpretations of the priorities set out in the federal law are revised, water quality problems will not be addressed". In a speech last October to the Interstate Commission on the Potomac River Basin, Robinson said that given the magnitude of "extreme danger" and "adverse effect" problems in West Virginia, money won't be available for water quality improvement under the present system. He said that money could be set aside to correct water quality problems without compromising the top two priorities.

The \$30 million now in escrow has been accumulated from a special tax that companies pay on each ton of coal mined. An estimated \$60 million will be accrued over the next four years. The money will be available on a grant basis, rather than in a lump sum, according to Wise. Proposals for specific projects and the approximate cost of correction will be submitted to OSM for approval. Although it has been estimated that it would take \$6 billion to reclaim all the abandoned mine lands in West Virginia, Wise said he wouldn't project costs because the scope of the problems and methods of correction vary greatly. Possible sites to be reclaimed include coal refuse piles, open deep mine portals, deep mines loaded with water, subsidence of deep mines, and abandoned surface mines.

Reprinted from MAINSTREAM

Five Kinds of Problem Sites; Plus SOAP Laboratories Named

The approval of West Virginia's "Abandoned Mine Land Reclamation Plan" by the U. S. Office of Surface Mining has made the Mountain State eligible for some \$30 million in reclamation funding.

The state plan cites five types of abandoned mine land problems, including unreclaimed surface mines totalling 37,500 acres; subsidence in inhabited areas covering 89,100 acres; non-burning refuse piles covering 52,900 acres and burning refuse piles covering 1,190 acres; eight mine fires, and 3,130 miles of streams affected by mine drainage.

The state's reclamation division of the Department of Natural Resources has estimated the total cost of reclaiming the land and streams af-

ected by past mining practices at over \$5.6 billion — an amount that is nearly 200 times as great as the funds available for the task.

The money the state is eligible to receive comes from fees charged to active coal mine operators under the Surface Mining Control and Reclamation Act of 1977.

The \$30 million figure represents half of all the fees collected in West Virginia since Oct. 1, 1977 when the fee system went into effect. The balance of the funds, all of which are deposited in the U. S. Treasury, are parceled out so that 40 per cent goes for federal reclamation projects and overhead, another 40 per cent goes to the U. S. Department of Agriculture's

Soil Conservation Service for the Rural Abandoned Mine Program and the remaining one-fifth is used for the Small Operator Assistance Program (SOAP) to provide hydrologic data needed to obtain mining permits.

A updated national list of the 359 laboratories qualified to provide services in the SOAP has also been published. The qualified laboratories — 34 of which are in West Virginia — provide small mine permit applicants with data for two permit requirements: hydrologic consequences as well as the results of test borings. Other nearby states with qualified laboratories include Maryland with five, New Jersey with two, Pennsylvania with 48 and Virginia with 20.



Not All Strip Mines Should Be Reclaimed

Should all those old, abandoned strip mines in West Virginia be reclaimed? Maybe not, even though federal legislation provides that money from current surface mine operations be applied to restoring the old sites.

A study by Dave Tompkins, graduate student, and Robert L. Smith, professor of wildlife management in West Virginia University's College of Agriculture and Forestry, reveals that the diversity of wildlife in such sites declined if the land was planted to grass, ponds buried and highwalls eliminated.

Tompkins and Smith found developing forests on some of the mine sites, worked 30 to 40 years ago, but they didn't always resemble the trees that grew there before mining.

Rigorous site conditions determined tree growth.

They also found that most tree growth is dispersed by wind. A few species, such as sourwood and greenbrier, are dispersed by animals. Ground cover is mostly absent or dominated by mosses and lichens. Growth is patchy, with clumps of trees interspersed with open ground or patches of broomsedge and goldenrod.

Edge species of wildlife — such as towhees, cardinals, field sparrows and some ruffed grouse — are attracted to the sites. Red-eyed vireos, bluejays, wood thrushes and Carolina chickadees often inhabit tree canopies.

The exposed highwalls provide nesting for phoebes and rough-winged swallows, two species of birds that

require open banks or cliffs as nesting sites.

Big rocks and boulders in the open spaces are prime habitats for larger populations of fence lizards.

Tompkins and Smith emphasize that all orphaned lands are not the same. Some provide much better wildlife habitats than others and vegetation varies from one site to another.

They conclude that each mine site is an individual situation and that reclamation should be planned around existing, well-established vegetation and other features. Some exposed highwalls are desirable.

They believe such an approach would lead to improving the sites for wildlife.

THE WEST VIRGINIA HILLBILLY — MARCH 21, 1981

Subsidence Protection Bill Knifed

(Continued from page 1)

regulations promulgated in January of 1981, which include a subsidence control plan, as well as the existing law governing the surface effects of underground mining are not currently in effect. The court's order prevents DNR from enforcing any of the rules, although the 1978 interim regulations are enforceable for all new surface

mines approved by the Department of Mines.

None of the opponents to the committee substitute for the proposed Senate Bill 122 commented on or referred to the court order, except in response to a question from Tonkovich. Wiles of the Coal Association told the committee that the 1981 regulations under question were the

interim guidelines currently in effect.

Dennis Abrams, a deputy attorney general and lead counsel for Callaghan in the Allegheny case, confirmed that enforcement of the provisions covering subsidence is, in fact, enjoined. He also offered to explain the regulations and the meaning of the court order to members of the Senate committee at their convenience.

A New Tenor for the Cranberry, the Fork, Otter Creek — and the Monongahela Itself

Reagan Policy Change Makes Federal Mineral Leasing Easier in Potential Wilderness

The Reagan administration's "first specific policy change in the day-to-day management of public lands" came in mid-March when the U. S. Department of the Interior — under the leadership of secretary James Watt — made it easier for companies to develop existing leases on public land and currently being considered for addition to the federal wilderness system.

That first easing of environmental curbs was reported by the Wall Street Journal in an article by staff reporter Andy Pasztor who wrote that "a new interpretation of federal law . . . is expected to exempt about 2,500 oil, oil-shale, gas, coal and mineral leases in 'wilderness study' areas from current strict environmental controls."

The move may bear significance for the Mountain State's highlands on several fronts, including the current petition before the U. S. Office of Surface Mining to have the Shaver's Fork watershed declare off-limits to coal mining; the on-going attempts to have the Cranberry as well as three other potential wilderness areas — Laurel Fork North and South as well as Seneca Creek — included in the national wilderness system; and a current lawsuit by the Island Creek Coal Company through which it is attempting to be reimbursed for the coal rights beneath the Otter Creek wilderness.

As interpreted by the Journal article, the change in policy affects only those mineral leases which were in effect before Congress passed the Federal Land Policy and Management Act of 1976. Most of the leases directly affected are in the West and Southwest.

In the past, the Journal article notes, the development of such leases was blocked when the government feared that damage to the lands in question might prevent them from being classified as wilderness areas.

The key phrase in the new interpretation of the federal law is "unnecessary or undue degradation" of the land, a degradation which, if avoided, would permit both drilling and mining.

The action, coupled with Watt's recent castration of the Council on Environmental Quality, comes less than a month from the time when he must rule on the Conservancy's petition to declare the Shavers Fork watershed off-limits to mining. A decision favorable to the Conservancy would seem even less likely in the face of the early-March announcement by other coal owners in the Shavers Fork of

tial wilderness area.

In regard to the Cranberry and the three RARE II areas that did make the wilderness leap, the options that were available last winter now seem more constrained. The "Cranberry

as forest-management rules which are "now taking effect at the direction of Congress." Crowell, for instance, served as head of the National Forest Products Association legislative subcommittee which had opposed — and

been rebuffed by the Forest Service — proposals "to protect wildlife in the forests through regulations of timber clear-cutting and to protect streams by requiring companies to leave uncut buffer zones of timber along the banks," Sinclair wrote.

Not yet widely known is the fact that forestors in Elkins at the Monongahela's headquarters — along with the Washington offices of the U. S. Office of Surface Mining — are currently evaluating a mining plan for the Otter Creek wilderness.

The mining plan was submitted by the Island Creek Coal Company in fulfillment of a court order that required them to demonstrate that their coal rights beneath the national forest could not be mined in the wake of Otter Creek's wilderness designation.

In all, Island Creek's coal rights cover well over 18,000 acres, an estimated 31 million tons of high-grade coal (about one per cent sulfur) with a rough, estimated value of something on the order of \$100 million. Basically, the coal lies in six different areas, three of them clustered three areas at the southern end, three at the northern; four of the six straddling the borders of the wilderness, two others totally inside.

In Elkins, forestors have semi-privately called Island Creek's mining plan "bogus," while publicly they have returned it to the OSM because there is simply not sufficient information to evaluate its feasibility. For instance, an inter-disciplinary team in Elkins which examined the plan found that there was no information provided about the roof support system, neither were there any specifications given for road construction.

The plan — among other things — calls for the establishment of a coal

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"bill" (as it was dubbed despite its inclusion of Seneca and the Laurel Forks) provides for negotiations to acquire the Cranberry's mineral rights. At the top of the list of possible means is a "swap" of Cranberry's coal for coal rights held by the government elsewhere — but everything beyond that involves an outright cash payment to buy the coal. As noted by the Conservancy's Washington, D. C. vice-president Stark Biddle, changes in the chairmanships of major committees, "plus the general hardening of attitude toward environmental and conservation concerns will create a difficult situation for passage of any wilderness bill, especially one involving a trade-off with an energy resource: coal. It is possible that the new administration will reverse support for West Virginia wilderness and a strict budget policy could rule out

Island Creek's mining plan for the Otter Creek wilderness

was so 'bogus' that forestors in Elkins could not even evaluate it.

the type of compromise that was developed to deal with the Cranberry coal situation."

Watt's delving into the day-to-day operations of public lands management, when coupled with Reagan's proposal to name John B. Crowell Jr. as an assistant secretary of agriculture and head of the Forest Service, has sent environmentalists across the nation reeling.

"The problem is there's no balance," said a spokesman for the Sierra Club, while another suggested it was "like asking Dracula to guard the blood bank."

While Crowell's chief fight with the Forest Service has been over timbering, if Watts' infusion of himself in the day-to-day operations is a forerunner of the months to come, there is ample

. . . We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.

Wallace Stegner, in support of the Wilderness Bill in 1960

While Watt is considering an OSM recommendation, landowners on the Fork are feverishly drilling their holdings.

substantial coal reserves. At the March 11 OSM hearing in Elkins, the Elkins-Kelly family announced it had discovered a \$120 million reserve where U. S. Geological Survey reports indicated there was never any coal at all. The find is reportedly on the very fringes of the Cheat Mountain RARE II study area, a mountainside stretch of roadless land which had been considered — but rejected — as a poten-

room for significant changes in the way the Monongahela is operated.

As pointed out by the Washington Post's Ward Sinclair, Crowell would "be in a position to alter the policies that govern commercial timber cutting on about 90 million acres of national forest land." Sinclair noted that Crowell has been highly critical of the Forest Service's policy with limits the amount of old-growth cutting as well

refuse area within the boundaries of the wilderness itself, landfilled onto 40-and-50-foot-wide benches cut between two ridges.

Also proposed is a coal preparation plant at the southern end of the wilderness, just outside the boundaries in the middle of the three southern coal fields. Apparently, coal from the northern end would be hauled through the wilderness in 35-to-50-ton loads, then processed out of the prep plant at the rate of 1,500 to 2,000 tons per day and trucked to a railroad siding at Bowden.

The plan calls for the lancing of half a dozen roads directly through the middle of Otter Creek to haul the coal, roads from one end of the wilderness to the other. Monongahela officials have noted that under current regula-

tions, some roads — supposedly aimed at exploration — can be allowed through Otter Creek until 1984. What other uses besides exploration — or what "exploration" means — is apparently open to administrative interpretation.

The entire plan has been shipped back to the U. S. Office of Surface Mining with a three-to-four-page list of further information which forestors in Elkins say they need before a proper evaluation can be made of the proposal.

Who is likely to be looking it over at OSM? Reagan's choice to head that agency, James R. Harris of Indiana, a state senator who helped push through a resolution which led Indiana to join a Supreme Court case challenging the constitutionality of the strip-mine law he will be sworn to uphold.