



# THE WEST VIRGINIA HIGHLANDS VOICE

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## Charleston VP Cites Strip Defeat, Hazardous Wastes Bill As Major Victories Stonewall Jackson Dam Resolution Defeat Biggest Disappointment of Year, Says Bryant

By PERRY BRYANT  
Charleston Vice-President, WVHC

As with most issues considered by the legislature this year, the results on environmental issues were mixed. The legislature did some good, did some bad, and left a lot of things unfinished.

By far the biggest disappointment this year was the failure to pass a resolution opposing the construction of the Stonewall Jackson Dam. Sen. Jean Scott Chace introduced a resolution which would have put the state legislature on record as opposing the construction of the dam. If this resolution had passed, and if the dam is constructed, (God forbid), this resolution could have saved West Virginia \$50 million in construction costs and in-

terest. The state is currently obligated to pay for 50 per cent of the cost associated with recreation — boat docks, swimming lagoons, etc.

The resolution would have also sent a clear message to Congress that the state was not ready to flood 450 farms and displace 1,800 West Virginians in order to pacify the Corps of Engineers' insatiable appetite to dam every river and stream in the country.

Sen. Chace did an outstanding job of guiding the resolution through the Senate judiciary committee and across the Senate floor over the objections of Sens. Moreland, Davis and Palumbo.

Once through the Senate, the resolution went to the House, was referred to the House rules committee, and met a motion to report the resolution

to the full House. Those voting against reporting the resolution out (i.e., voting for the construction of the dam) included See, Brenda, Polan, Shiflett, Tompkins, Tucker and

Greer. Those voting to report the resolution to the House (i.e., voting against the construction of the dam) included Albright, Mathias, Sattes, Swann and Teets. Later, by voice

vote, the House rules committee voted to postpone indefinitely consideration of the resolution, which meant that the issue was dead. I don't think that  
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## Holly Grove - FOLK Draft Decision Sidetracked Days Before Issuance

The issuance of the draft decision document for the first phase of the environmental impact statement for the upper Little Kanawha River — that's the Holly Grove mine site in Upshur County — has been delayed, probably for at least 60 days, according to Cindy Rank, secretary of Friends of the Little Kanawha (FOLK).

"Though the technical data is complete," Mrs. Rank wrote in a bulletin

mailed one day before the first of three conferences was to have been held on the draft decision document of the EIS, "EPA is unable to make a decision at this time 'due to the national issues involved and the changing administration.'"

What that meant, she and others involved in the extensive EPA study said they didn't know — but they're looking into it with a squinted eye.

"We are working to determine the reasons," Mrs. Rank said. "... we are seeking further explanations."

What they will also be seeking is the raw data and conclusions which went into the EPA's draft decision document, a document she clearly believes is complete but the conclusions of which she fears "may once again be overshadowed by other pressures ...  
(Please turn to page 7)

## Shavers Fork Decision Delayed Past Deadline

The Conservancy's Shavers Fork chairman Bard Montgomery of Charleston reports that on Friday, April 24 — the day set for the final decision on the Conservancy's petition to designate the Fork off-limits to coal mining — it was announced that the decision would be delayed, and probably not issued until April 28 or 29.

More importantly, however, Montgomery was told that the U. S. Office of Surface Mining's regional director, Patrick Boggs, would be making the final decision — not the new Secretary of the Interior James Watt as had been previously announced.

Montgomery confessed he'd not enough experience with the internal

workings of OSM or the Reagan administration to perceive what that meant; that is, whether Boggs would simply announce the Watt decision or whether he would actually decide. Montgomery had indicated earlier an opinion that the OSM staff itself seemed to be leaning towards declaring some portions — though not all — of the Fork off-limits. On Friday, however, he declined to project that hope into the upcoming announcement.

He did note, however, that the current coal strike is apparently giving the Mower Lumber Company fits, because the firm must squeeze 250

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## Corridor H Meetings Begin May 9 in Elkins

A series of public meetings and hearings on Corridor H was recently announced by the West Virginia Department of Highways, and Conservancy members are urged to attend, listen, and speak out! (A more detailed look at the findings of the recently released EIS on Corridor H is on pages 4 and 5.)

The public meetings — designed to outline the contents of the draft report to the public — will begin on May 19 in

Elkins at Davis and Elkins College's Benedum hall on the lower level; continue on the following day at Canaan Valley State Park's lodge; on June 2 at the Moorefield Elementary School in the cafeteria; on June 3 at Potomac State College at Keyser in the college's Church-McKee Art Center; on June 9 in the Hampshire County High School cafeteria; and on June 10 in the Lord Fairfax Community College in Middletown, Va.

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## Experimental Techniques Would Be Used at Holly Grove

Pointing out experimental strip mining techniques to W. Va. Gov. Jay Rockefeller (left) and the director of the W. Va. Department of Natural Resources Dave Callaghan (right) is Charlie Miller, head of the Holly Grove mining company which is seeking a federal water pollution control

permit to open up a 250-acre mine site near Canaan in Upshur County.

The trio are viewing one of the first demonstrations of a new strip mining technique in which hazardous overburden is packed between layers of alkaline material and the whole "sandwich" suspended several feet off the floor of the strip pit before it is

backfilled.

That same technique that was tried at this site near Ellamore in Upshur County is projected for use at the Holly Grove site. A draft decision document on the Holly Grove environmental impact statement, however, has been delayed for changing "national issues."



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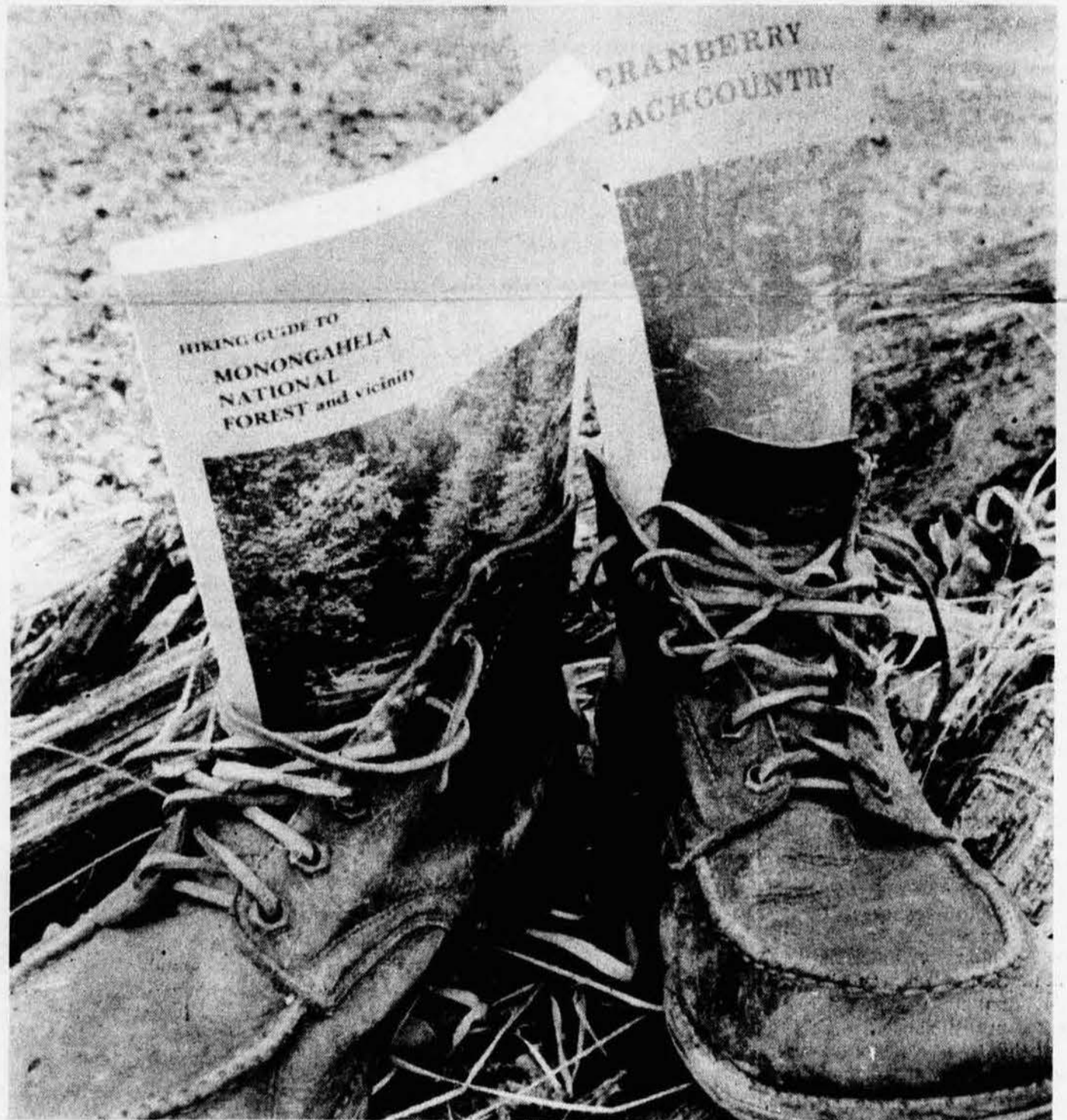
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# Tennessee-Based Highlander Center Examines Impact of Land Ownership on Quality of Life

A Special Report  
To the Highlands Voice  
By the Highlander Research  
And Education Center

Many West Virginia communities face a bleak economic future because a high proportion of the state's land is controlled by large, primarily absentee, property owners, a new study has concluded.

The West Virginia report, "Severed Wealth - Severed Future," is part of a comprehensive, seven-volume study documenting ownership, land use and taxation in six Appalachian states. The study was conducted by the Land

Task Force of the Appalachian Alliance and was funded in part by the Appalachian Regional Commission.

In a 15-county area of West Virginia, more than half the surface (over two million acres) and almost three-fourths of the minerals (over three million acres) are controlled by these large corporate and individual owners. These same owners pay only 16 per cent of the property taxes in these counties, sometimes paying as little as four cents an acre for valuable mineral lands.

"This tremendous concentration of large-scale land ownership is the key to understanding why severe social

and economic disadvantage can exist amidst almost limitless natural resource wealth," said David Liden of Griffithsville, Tenn., the coordinator of the study.

### Land Control Shapes Community Life

"We found that more than anything else, the control of land shapes community life. These companies can decide how many jobs there are, what kind of jobs there will be, where people will live, the standard of their lives and the quality of public services," he said.

Nearly 100 people in six states participated in the two-year project, making it the largest citizen research effort ever conducted in the region.

In West Virginia, a team of researchers went into 15 county courthouses and examined over five million acres of surface and mineral holding to determine the ownership, use, and assessed value of the land. In-depth interviews and statistical analysis was then done to examine the relationship between land ownership and the quality of life in the counties.

The researchers found that services

are generally poorer and living standards lower in those counties where land is concentrated in the hands of a few major owners, especially the southern coal counties.

### Environmental Disturbance

"We've found that this kind of control translates into land shortages, high prices, housing crises, stifled economies, loss of farmland, out-migration, environmental disturbance, resistance to tax increase and inadequate public services like education."

"For example, there is a desperate need for housing in four of the southern coal counties we looked at. While absentee corporations have acquired over two-thirds of the land in these counties, the amount of housing has decreased by over 12,000 units. In Randolph County where large interests own 69 per cent of the surface and 56 per cent of the minerals and pay nine per cent of the taxes — often as low as two cents an acre — the amount of tax dollars spent per student is 46 per cent below the state average."

Liden also pointed out that the counties with the greatest amount of absentee, corporate ownership are also the counties with the greatest decline in jobs and population. "These interests own as much as 84 per cent of the surface and virtually all the minerals in counties like McDowell, Mingo and Logan. These counties lost as many as 58 per cent of their jobs and 48 per cent of their population over the past 25 years because there is no land available for economic growth and diversification."

"Despite the phenomenal amount of oil and gas wealth in a county like Lincoln, there has been limited economic growth because the control of those deposits was lost to absentee interests years ago. These interests now employ only a couple hundred service personnel and have no stake in the economic and social well-being of the county. As a result, the county political leadership is able to dominate the county's economic livelihood through the two largest employers, the school board and the welfare department."

The study also points out that some of the best farm land in the state is being lost to speculators, natural resource interests, second-home developers and federal condemnation for dams and recreation. Between 1969 and 1974 alone, Braxton, Mineral, Randolph and Summers counties each lost over 20 per cent of their agricultural land.

### Not A Thing of the Past

The acquisition of West Virginia by outside commercial interest is not a thing of the past, Liden said. "Increasingly, the state is being controlled by absentee oil, timber, steel, gas and railroad interests. International oil conglomerates own almost 400,000 acres in these 15 counties alone, and control tens of thousands more through leases."

The 15 counties included in the study were Logan, Mingo, McDowell, Lincoln, Braxton, Jefferson, Kanawha, Marion, Marshall, Mineral, Ohio, Raleigh, Randolph, Summers and Wayne.

Throughout the 80 counties scattered across six states which the study surveyed, an average of only one per cent of the local population, along with absentee holders, corporations, and government agencies control over one-half of the land surface.

Among the several conclusions and warnings the study reached and issued was that a takeover of coal resources in the traditional coalfields by larger energy conglomerates was already underway. Other parts of the study have demonstrated a direct link between land ownership patterns and the availability and condition of housing: "the greater the degree of (corporate and absentee) ownership, the more overcrowded the housing stock for local residents."

In addition, the study warned of "an expansion of absentee and corporate control of vast holdings into new areas on the fringes of the Appalachian coalfields," fringes which are suspected to contain gas and oil fields and other valuable minerals such as uranium and bauxite.

Copies of the entire report (1,800 pages, in all) — and the various parts of it — are available from the Highlander Research and Education Center, Box 370, RFD 3, New Market, Tennessee 37820

## Wildflower Tour May 9 at Richwood

Oh, to be in Richwood when the spring nature tour is there!

Doffing its hat to the poet Robert Browning, the Richwood Chamber of Commerce will make the opening bit of poetry possible on May 9 when it sponsors its Cranberry Mountain Spring Nature Tour for the 15th straight spring.

The tour starts out from the Cranberry Mountain Visitors Center on Kennison Mountain at 9:30 a.m. on May 9, but all "pilgrims" are asked to be on hand to register by 8:30 a.m.

Coffee and doughnuts will be served during the reservation hour. However, each participant should bring along a lunch.

A choice of six tours will be offered: Bear Town, Williams River, Cow Pasture Trail, Cranberry Glades, Falls of Hills Creek, Cherry River and Hinkle Mountain. (Be sure to fill out and mail the enclosed coupon if you want to attend, indicating which tour is preferred.)

Don't know which tour to choose? Then read the following thumbnail sketches.

### Beartown State Park

This half-day car and walking tour allows visitors to observe an unusual outstanding formation of rocky cliffs, an area that holds ice until late summer. Visitors will see plant life, especially parrot feather moss normally found in New England and elephant ear lichens which are unusually large growing on rocks. The rocks are deeply pocked by erosion, and are so arranged that they resemble the streets of a town. The suggested stop for lunch is Droop Mountain State Park. On the return trip (optional stop) is the Pearl Buck Museum at Hillsboro. Afternoon tour: Hills Creek Falls of Cranberry Glade boardwalk.

### Cow Pasture Tour - Cranberry Glade Area

During this all-day tour visitors will see a unique mixture of northern and southern plant life: arctic tundra, reindeer moss, ferns in great variety, wild cranberries and many other plants. This covers approximately 6 miles, requiring about 5 hours of walking time. Wear suitable clothing and provide own lunch.

### Cranberry Glades

During this half-day tour visitors will travel the 2,500 foot boardwalk into the midst of arctic bog life. An unusual mixture of northern and southern botanical specimens, presumably brought together by the

advancing Ice Age of nearly 10,000 years ago. Provide own lunch and beverage.

(Please turn to page 7)

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Excerpts from Department of Highways EIS on Corridor

# Parsons Routes Cheaper Than Going Through Wymer

The long awaited environmental impact statement on Corridor H finally released in April by the W. Va. Department of Highways and the U. S. Department of Transportation confirmed what environmentalists have been saying for years - that it would be cheaper to build a road from Elkins to Rt. 81 in Virginia by following a route near Parsons rather than one which goes through Wymer.

The study concentrated on two Parsons routes and three Wymer routes, and both of the Parsons choices were cheaper than any of the Wymer ones.

Here is a portion of what the EIS said:

## Summary of Major Alternatives

"Five alternative alignments, designated Schemes A through E, along with the no-build alternate, have been chosen for study.

Schemes A, B and C have a common beginning at Crystal Springs, a small community just west of Elkins. Bypassing Elkins on the south, they are coincident to the completed 6.6-mile portion of Corridor H from Canfield to Bowden and continue on to just west of Wymer.

From Wymer, Scheme A proceeds eastward, in the vicinity of the communities of Mouth of Seneca, Petersburg, Moorefield and Wardensville, to a terminus with Interstate 81 in the vicinity of Strasburg, Va. Approximate length of Scheme A from Elkins to I-81 in Virginia is 110.86 miles, with estimated construction costs (using 1975 cost figures) of \$329,222,000.

Scheme B proceeds northeastward from Wymer to the vicinity of Canaan Valley State Park and continues northeastward between Stony River Reservoir Dam and Mt. Storm Lake to a point just west of the community of Old Fields to a connection with Scheme A just east of the town of Moorefield. Scheme B then continues eastward, coincidentally to Scheme A, to a connection with I-81 in the vicinity of Strasburg, Va. Scheme B's approximate length from Elkins to Strasburg is 118.60 miles, with an estimated construction cost (1975) of \$336,179,000.

Scheme C is coincident to Scheme B from the beginning of the proposed project to the vicinity of Scherr. From Scherr, Scheme C proceeds northeastward to the vicinity of New Creek, where the location turns eastward to follow existing US 50 towards the town of Romney. It then continues eastward to the vicinity of Capon Bridge and then to I-81 near Winchester. Scheme C is approximately 129.45 miles long from Elkins to Winchester and has an estimated construction cost (1975) of \$348,510,000.

Scheme D begins at the same location as A, B, and C but bypasses Elkins on the north. Scheme D then proceeds northward, generally following the existing location of US 219, nearing the town of Parsons. From Parsons, Scheme D continues northeastward to the community of Thomas and then proceeds southeastward to the vicinity of Davis. Scheme D then turns northeastward to follow existing WVA 93 to a point just west of Scherr. From here, Scheme D follows the location of Scheme B to an eastern terminus with I-81 near Strasburg. Scheme D has an approximate length from Elkins to

Strasburg of 114.68 miles and an estimated construction cost (1975) of \$300,224,000.

Scheme E is coincident to Scheme D from its western terminus to just northwest of Scherr. From Scherr, Scheme E follows the location of Scheme C to an eastern terminus with I-81 in the Winchester, Va. area. The length of Scheme E from Elkins to Winchester is 125.07 miles and its estimated construction cost (1975) is \$312,139,000.

The no-build alternative would utilize existing roadways, principally the east-west routes of US 33, US 50 and WVA 55 and the north-south routes of US 219, US 220 and WVA 28. Although no construction costs would be incurred with the no-build alternate, annual costs (1979) to maintain the existing network of roads total \$1,425,000 per year. This figure reflects the increased projected traffic loading and regular maintenance, as well as the cost of periodic resurfacing and other relatively major restoration measures not necessarily needed every year, such as bridge repairs and-or replacement.

## Recommendation of an Alternative

Recommendation of an alternative will be made after comments on the draft EIS and from public meetings and hearings have been received and satisfactorily addressed. All of the alternatives studied in the draft EIS and the engineering feasibility analysis will be reviewed in light of public and agency comments as well as environmental and economical prudence and feasibility. The W. Va. DOH and Federal Highway Administration will jointly and carefully consider the comments and the environmental consequences of the various alternatives in selecting an alternative for the proposed project.

## Spruce Knob-Seneca Rocks NRA

The construction of proposed four-lane Appalachian Corridor H between Elkins and I-81 in Virginia would open up to economic growth a generally undeveloped area and would provide faster, safer access between small population centers for necessary services in some of the most rugged terrain in West Virginia, in addition to a direct route linking the heartland of the state with major east coast metropolitan centers such as Washington, D.C.

Of the five construction alternatives under consideration for the proposed highway, Scheme A, the southernmost routing would affect the Spruce Knob-Seneca Rocks Recreation Area, requiring the acquisition of approximately 992 acres of land in its approximately 24-mile course.

Established in 1965 within the Monongahela National Forest, the National Recreation Area (NRA) comprises 26,000 acres in the Spruce Knob unit and 74,000 acres in the Seneca Rocks unit, for a total of 100,000 acres, of which approximately 82 percent is forest land and 18 percent is pasture and other farmland.

Within the NRA are a wide variety of soils, including a number that, with poor land management, may result in erosion and subsequent stream pollution. These soils form poor to good forest lands interspersed with agricultural lands, following the pattern of underlying rock from ridges and mountains to slopes and valleys, some in virtually the same

"wilderness" state in which they appeared to the first settlers.

Among these remote, steep-sided, often thinly soil-covered areas that are to be maintained in their wilderness state are the Seneca Creek area, location of the affected Seneca and proposed White's Run Campground sites, the Smoke Hole Area, location of the lower end of the affected proposed Royal Glen Lake Complex site, and the Hopeville Canyon, location of the affected proposed Mill Run and Hopeville Gorge Picnic Ground sites.

The estimate of approximately 992 acres of NRA land for proposed Scheme A is based on the acquisition of right of way of 350 feet for the four-lane highway in new location, which accounts for nearly half of the total distance, and lesser footage for the alignment along existing routes where current right of way is 30 or 40 feet. Should Scheme A be chosen, the Department of Highways will replace all publicly owned land and facilities in kind.

Three streams in the NRA will be impacted by Scheme A. White's Run in the Spruce Knob unit will be relocated in four places, reducing the channel length by 500 feet. Seneca Creek in the Spruce Knob unit will be relocated in three places, reducing the channel length by 250 feet. There will be no reduction in channel length for the North Fork of the South Branch of the Potomac, which will be relocated in three places in the Seneca Rocks unit.

Water quality impacts in NRA streams affected by Scheme A will generally consist of sedimentation during construction of the highway.

Impacts to fish and wildlife in the NRA will primarily consist of loss of habitat. In addition to a permanent loss of 750 linear feet of habitat, fish may be affected by any sedimentation which escapes the controls to be used during construction. In the NRA, an area of primary black bear and wild turkey habitat, habitat usage and movements of wildlife would be restricted.

## Proposed Canaan Valley Refuge

Section 138 of Title 23, United States Code, states that the Secretary of Transportation "... shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge... unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm..."

With an environmental impact statement proposing wildlife refuge status currently awaiting approval by the Council on Environmental Quality, the approximately 28,000-acre Canaan Valley area herein evaluated is not presently in public ownership. Nevertheless, because of the Department of the Interior's commitment to the proposal, as evidenced by its environmental impact statement, and the sensitivity of the proposed refuge, the Department of Highways and the Federal Highway Administration propose to address the refuge area in a manner similar to that for a 4 (f) involvement. Unless DOI land acquisition for the refuge has begun before approval of a final Corridor H environmental impact

statement with Schemes B or C as the chosen alignment, no determination is required.

Under study by the U.S. Fish and Wildlife Service as a potential refuge as early 1961, Canaan Valley was designated by the Secretary of the Interior in 1974 as a National Natural Landmark, one of only 455 sites nationwide. When 1976 Land and Water Conservation Fund Act amendments made funds available for purchase of areas primarily suitable for activities other than migratory bird conservation, Canaan Valley was a likely candidate for refuge status.

Although it has substantial migratory bird and residual wildlife values, the valley's principal value is its "diverse and unusual assemblage of habitats and relict boreal species," a diversity that has been described by a Heritage Conservation and Recreation Service official as making Canaan Valley "a virtual living museum of Pleistocene Time in West Virginia." Containing what the same author calls "the largest known freshwater wetland area in the central and southern Appalachians," the proposed Canaan Valley National Wildlife Refuge area is unique in the size, diversity and southern location of its boreal ecosystem.

Access to the refuge area, particularly the southeastern section, will be improved by the construction of Schemes B and C, with a potential for increased usage.

Three high-quality streams--Freeland Run, Yoakum Run and Sand Run--will be affected by the proposed highway, which will cross them on 10 x 8', 9 x 7', and 9 x 7' box culverts, respectively. Every effort will be made both during and after construction of the highway to prevent any pollution of these watercourses, and natural stream bottoms will be used where feasible in the box culverts.

In areas where stream channel work or bridging is planned, particular attention will be given to the use of temporary and permanent erosion control measures, including with fast-growing grasses, checkdams and sedimentation ponds, and to minimizing temporary effects on water quality of the construction of new stream channels or structures.

Coordination with the state Department of Natural Resources, U.S. Fish and Wildlife Service and other agencies will be paramount in providing a plan for minimizing erosion due to construction and collecting and safely depositing suspended soils before entering natural watercourses and drainage systems.

Visual and aesthetic effects of a four-lane highway through presently

undeveloped land will be buffered by the use of the abandoned railroad right of way at the base of Cabin Mountain. Currently in a state of uncontrolled erosion, the roadbed will be rebuilt to prevent erosion and revegetated to blend in with the surrounding area. Additional design measures will be used as necessary to make the highway as unobtrusive a part of the environment as possible.

Because the main concern for Schemes B and C's routing through the proposed refuge is for the existing ecosystem, all necessary measures, such as those listed above, will be taken to insure its stability. No specified wetlands will be affected by the proposed highway. Additional measures will include the construction of under-passes of the highway for safe passage in areas of heavy deer population. In areas where specific danger to any species has been noted by any of the coordinating agencies, consideration will be given to rerouting portions of the alignment or physical removal and replacement of the threatened life forms in adjoining areas. Design measures such as reduced medians, retaining walls, and shifts in alignments will be utilized, where feasible, should Scheme B or C be chosen.

## Greenland Gap

Two of the proposed Corridor H schemes, B and D, pass through Greenland Gap, a unique and scenic geologic formation which has been proposed as a natural landmark. A route through this area would adversely impact the wildlife and wildlife habitat as well as the botanical resources in this area. Also, from the vicinity of Falls to the junction with proposed Scheme A just east of Moorefield, wildlife habitats of all types would be affected through reduction and restriction of movement.

Sub-alternates L and L-2 of Schemes B or D bypass Greenland Gap. Both of these sub-alternates affect wildlife habitat usage and movements as they traverse primary wild turkey and secondary black bear habitats.

## Bowden Fish Hatchery

The Bowden National Fish Hatchery, located approximately eight miles east of Elkins, produces approximately 580,000 brook, brown and rainbow trout each year for release into the state's streams. The hatchery draws its water from three sources: the North Spring, the South Spring, and Shavers Fork of the Cheat River, which combined provide the 4,000 gallons of water per minute (gpm) needed to sustain the hatchery under peak operating conditions.

All technical reports listed in the table of contents of the Corridor H EIS are being printed and will be mailed to certain federal and state agencies, and various environmental groups.

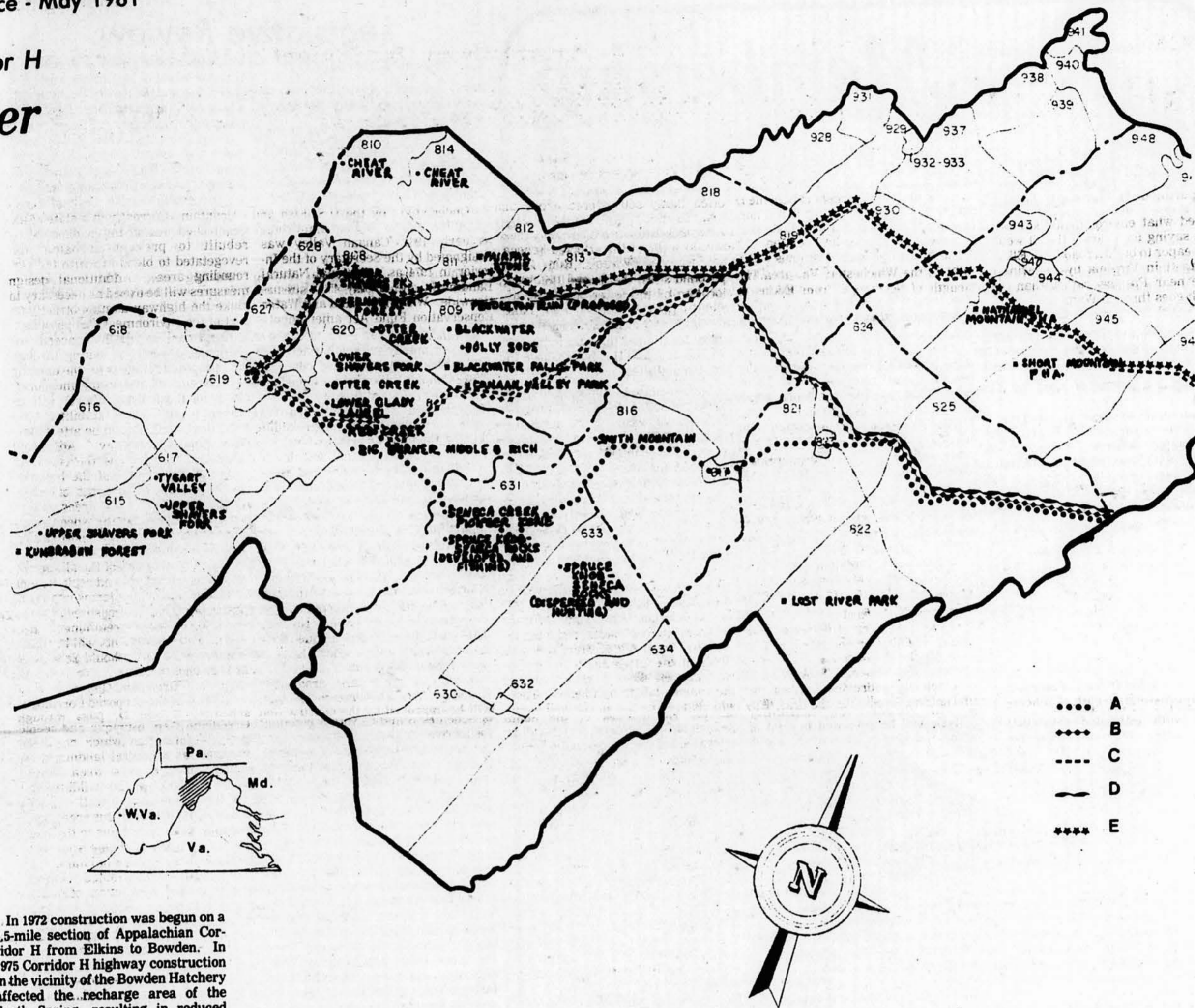
If you do not receive a copy of the technical reports but feel that they may be necessary for your evaluation, please contact Ava Zeitz at 1-304-348-3236.

COMMENTS ON THIS DRAFT EIS ARE DUE BY JUNE 8, 1981. They should be sent to:

Ada C. Zeitz, Director  
Environmental Services Division  
W. Va. Department of Highways  
1900 Washington Street, East  
Charleston, W. Va. 25305

+++++  
Geoff Green has agreed to head the Conservancy's committee on Corridor H. Anyone who wants to help or has information concerning the proposed highway may contact him at Rt. 5, Box 228-A, Morgantown, W. Va. 26505. (PHONE: 304-296-0565)

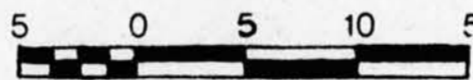




**Major Recreation Facilities In Corridor H Study Area  
(West Virginia Portion)**

(Numbers refer to STZ areas. See Table 5-2)

- U.S. Forest Service
- W.V. Dept. Of Natural Resources



In 1972 construction was begun on a 5.5-mile section of Appalachian Corridor H from Elkins to Bowden. In 1975 Corridor H highway construction in the vicinity of the Bowden Hatchery affected the recharge area of the South Spring, resulting in reduced flows and high turbidity levels. With construction activities in this area completed, the flow and water quality of the South Spring are returning to normal.

If Scheme A, B or C or the proposed highway is chosen as the build alternative, highway construction would extend eastward from Bowden, proceed up Taylor Run Valley, cross Shavers Mountain and proceed to Wymer, approximately six miles east of Bowden. Preliminary geologic and dye tracing studies conducted by the Department in 1975 indicate that Taylor Run Valley is part of the recharge area of the North Spring.

Construction of Corridor H through this valley could adversely affect the flow and/or water quality of the North Spring, a vital water source for the hatchery.

In order to assure that the water requirements of the hatchery will be maintained if the proposed highway is constructed in the Taylor Run Valley area, the Department has embarked on several studies for supply and alternate water sources for the hatchery. These studies, which are available for public review at the Department's central office in

Charleston, include: "Final Report of Water Supply Investigation" by Michael Baker, Jr., Inc.; "Geologic Report of the Area Near The Springs That Supply Water to the Bowden Hatchery" by Thomas R. Manley, Ph. D., Structural Geologist; "Geologic Report Number 881097" by the Department of Highways concerning the recharge area of the North Spring and a report-letter, dated March 17, 1976, submitted by officials of the Bowden Fish Hatchery, outlining the extent of damages to the South Spring and recommendation for possible water sources.

Preliminary investigations were conducted to locate and identify all potential water sources within a 10-square-mile area of the hatchery along with a geologic investigation for determining the location of major outcrops of Greenbrier limestone. Approximately 40 potential ground and surface water sources were identified; however, only four springs, two surface water sources, and one cave had sufficient water flow to warrant consideration. However, after seasonal tests for flow and water quality were conducted, conclusions

were reached that these potential water sources might at times render unsuitable water for operation of a hatchery. Therefore the possibility of wells as a water source was investigated.

Geologic investigations and aerial photographs were studied for possible test well sites. The relatively flat area in the Shavers Fork Valley opposite Razor Rock Springs and the mouth of Wilson Run is considered to be a prime area for well development.

Based on previous dye testing, this area should not be affected, with relation to water quantity or quality, by

future highway construction.

Four test wells were drilled during May and June 1979. Based on the results of drilling and blow testing of the wells, Well No. 3 was the most favorable and selected for more comprehensive aquifer pump testing.

Based on the above study, the Department of Highways believes that an adequate alternate water supply for the hatchery has been located. Additionally, the Department will assure a continued adequate water supply to the hatchery should Schemes A, B, or C be selected.



# Legislative Review

(Continued from page 1)

there was much doubt that had the resolution reached the House floor, it would have passed.

The good news is that the legislature killed a bad bill concerning surface mining. In both the House and the Senate, a bill was introduced which would have required the state's surface mine regulations to be no more stringent than the federal regulations. The bill went on to say that any action by any branch or instrumentality of the U. S. government which reduced the requirements of the surface mine regulations would have to be reflected in West Virginia's regulations within 30 days.

In my opinion, this would have meant that a federal court ruling in Montana or Virginia (where a court has already ruled that the approximate original contour requirement is unconstitutional) would have affected West Virginia's surface mine program.

This bill sailed through the House, 95-5. Fortunately, the Senate natural resources committee amended their bill to say that the director of the Department of Natural Resources should look at and consider any changes by Congress, the Supreme Court, the Fourth Circuit Court of Appeals or the Department of the Interior. This amended version passed the Senate unanimously. The House adamantly refused to go along with the Senate's version.

Since the House and Senate versions differed so much, a joint conference committee was selected to see if a compromise could be ironed out. The speaker of the House appointed five delegates to represent the House and the president of the Senate, Warren McGraw, chose five Senators to represent the Senate. President McGraw, in choosing the five Senators, made sure that the ten years of hard work that went into developing surface mine laws and regulations didn't go down the drain with the passage of this bill.

The Senate conference committee members chosen by President McGraw were Sens. Columbo (who introduced the original version of the bill, i.e., the House version), Wise, Palumbo, Jones and Holliday. Sen. Columbo, claiming that the conference committee was stacked against him four to one, requested that he be taken off the conference committee. McGraw, always quick on his feet, stated, "Senator (Columbo), I was under the impression that all five of the Senators had voted in favor of the Senate version."

As it turned out the joint conference committee never could reach a compromise — so the bill died on the last day of the legislature.

The other good news is that the legislature passed a very comprehensive hazardous waste management bill. This bill allows the state to take primacy for hazardous waste management under the federally passed Resource Conservation and Recovery Act (RCRA) Subtitle C, which is currently administered by EPA.

The bill gives the division of water resources (within the DNR) primary responsibility for permitting and regulating the disposal of hazardous waste. Several other agencies also get into the act, however, i.e., the Air Pollution Control Commission which will regulate hazardous waste as it relates to air pollution; the Department of Highways, which will regulate transportation of hazardous waste on highways; the Public Ser-

vice Commission (which will regulate transportation of hazardous waste by railroads; and the Health Department which will regulate any infectious hazardous waste.

All of these agencies will be promulgating regulations within the next year concerning the treatment, storage, transportation and disposal of hazardous waste. Anyone interested in having input into this process should contact Perry Bryant, W. Va. Citizen Action Group, 1324 Virginia Street, East, Charleston, WV 25301 (304-346-5891).

Since the legislature adjourned without finishing the budget, the status of the National Pollution Discharge Elimination System (NPDES) program is still up in the air. The NPDES program is permitting an enforcement program for almost any pollution discharge into streams and rivers. It covers everything from mining activity and industrial discharge to slaughter houses.

As with hazardous waste, this program is currently administered by the EPA, and the DNR's division of water resources (DWR) is attempting to take the program over. Unlike hazardous waste, it was not necessary for the legislature to pass any additional legislation. What was required was legislative appropriation of enough money for the DWR to hire 38 new people to run the program.

EPA and the DWR agreed that \$879,000 would be necessary for the DWR to hire the 38 new people starting in October of this year. When the governor submitted his budget, he included only \$500,000 for the NPDES program. After consultation with EPA, Director Callaghan appeared before both the Senate and the House finance committees and stated that he needed the entire \$879,000 or nothing. The House finance committee said "Fine, we'll give you nothing." The Senate finance committee said "We'll give you the \$879,000 for the program."

As with the surface mine law, this difference will have to be ironed out in a conference committee. The House budget conference committee members include Polan, Farley, Mathis, Brenda and Swann. The Senate budget conference committee members include Williams, Tonkovich, Staggers, Gainer and Harman. The budget conference committee won't be meeting until the special session is called by the Governor (now set for May 4) and the teachers' pay raise issue is decided. Therefore, if you have strong feelings about the NPDES program — either for the state taking over the program or against the state taking over the program — you should write these Senators and Delegates.

The other environmental issues which the legislature did not finish was reform of oil and gas exploration. Sen. Dan Tonkovich introduced a bill that would have: 1) required oil and gas drillers to get written consent from surface owners before they would be granted a permit; 2) allowed interested parties to go to court and seek injunctive relief against drillers who violated their permits; 3) required drillers to reclaim disturbed land sooner; and 4) increase bonding requirements.

Unfortunately, this bill and two other bills relating to oil and gas exploration (one of which would have required one-eighth royalties for the person leasing the mineral rights to the driller) were tabled this year and will be studied by the Senate's energy, (Please turn to page 7)

Application

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

# Membership

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
ZIP \_\_\_\_\_  
Telephone \_\_\_\_\_

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

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

## WHAT IS YOUR RELATIONSHIP TO THE CONSERVANCY ?

- Sympathetic with basic purposes but unable to be active
- Willing to help out in minor projects
- Want to be an active participant
- Other (describe)

What other outdoor and-or conservation groups do you belong to?

What skills and experience do you have that might be of value to the Conservancy?

- Legal
- Government
- Speaking
- Printing
- Typing
- Photography
- Trip leading
- Geology
- Forestry
- Minerals
- History
- Field Investigations
- Other

Below, check off those items which reflect your interests

- Hiking
- Fishing
- Hunting
- Climbing
- Camping
- Canoeing
- Sightseeing
- Caving
- Wildlife
- Clearcutting issue
- Seneca Rocks-Spruce Knob
- Scenic rivers
- Dolly Sods
- Otter Creek
- Cranberry
- Canaan Valley
- Hiking trails
- Shavers Fork
- Forestry
- Mining
- Water pollution
- Air pollution
- Other (describe)

Give Any Details of the Above

\_\_\_\_\_ Type Membership Desired

\_\_\_\_\_ Total Amount Enclosed

SEND TO:

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

Date \_\_\_\_\_

Signature \_\_\_\_\_



# 1981 Brooks Bird Club Foray Set May 28-June 6 in Forest

The Brooks Bird Club will hold its annual "Foray" at the Greenbrier Youth Camp at Anthony, the same location at which the 1971 Foray was held as well as the 1980 Labor Day weekend. The territory for the 1981 foray will cover about 700 square miles of West

Virginia — most of Greenbrier County, much of it within the confines of the Monongahela National Forest. Elevations range from 1,800 at the camp at Anthony to 4,500 feet high atop Briery Knob. Included in the territory is Cranberry Glades, Kates Mountain, Sherwood Lake, Greenbrier State Forest and Watoga State Park, an area described by birders as "rich in both flora and fauna."

The 1981 program will include all phases of nature study, along with population studies, birding surveys and bird banding. Events will also include daily field trips, discussions, reports, slide and movie programs and evening sing-a-longs.

The staff will be headed by Chuck Conrad and Helen Conrad, while the Foray committee includes Jay Buckelew, Ralph Bell, Harold Boecher, Bill Grafton, Bill Wylie, Glen Phillips and Ben Burt.

Instructors are "all experienced field biologists," a Brooks birder said, "some professionals, some amateurs, but all 'specialists' in some phase of nature study."

Reservations (write Brooks Bird Club, Inc., 707 Warwood Ave., Wheeling, WV 26003) must be made by May 12; the cost is \$150 (includes lodging, meals, snacks, pool and camp fees and taxes); and a brochure for the May 28-June 6 event warns "do not come without a reservation."

## Shavers Fork

(Continued from page 1)

days of coal mining into it schedules before the middle of next year. Failure could mean revocation of its right to mine and reversion of the minerals under the Fork to the government.

Montgomery said U. S. Forest Service planner Gil Churchill of Elkins told him that legal counsel for Mower and the Forest Service are currently

negotiating the 250-day requirement. Again, he declined to venture an opinion of what the outcome might be.

He did say, however, that Churchill said the Forest Service is keeping close tabs on the mining activity — non-existent since the strike began — even so much as to count the truck loads of coal which are ferried up to Cheat Bridge.

"Maybe we should make a donation to the UMWA strike fund," he quipped during a mid-April report to the Conservancy's board of directors.

The comment brought laughter from many — but a perusal of a checkbook balance from at least one board member.

## Corridor H

(Continued from page 1)

Following that will be a series of more formal public hearings in which persons who wish to make comments either verbally or in writing will be allowed to do so formally and "for the record." Those hearings begin June 23, at Davis and Elkins' Benedum Hall; on June 24 in the Petersburg High School cafeteria; on June 29 at Canaan Valley State Park's lodge; on June 30 at Potomac State College in Keyser; on July 7 at Hampshire County High School; and on July 8 at Lord Fairfax Community College.

All meetings will begin at 7 p.m., the Department of Highways has noted.

## Holly Grove

(Continued from page 1)

(We are now fearful) that a decision will be based on these pressures rather than on the scientific assessment of the area's potential to produce toxic acid mine drainage."

What had been foreseen was a trio of meetings — April 22, 23 and 24, in Clarksburg before a U. S. District Judge refereeing the matter, in Charleston at a "coordination committee" meeting, and in Buckhannon at W. Va. Wesleyan College, respectively — all places where the EPA's man-in-charge of the student, Richard Pepino, was to have presented an executive summary of the draft decision document as well as "discuss the reasons behind the EPA recommendations."

Those recommendations were expected to center around the 250-acre Holly Grove site near Canaan in Upshur County's southeastern mountains. There, Holly Grove, a subsidiary of the giant LaRosa Fuel Company, had sought to fold back the landscape to unearth what some geologists believe may be one of the largest, untapped reserves of coal left in the state. That unfolding, however, was to have used a new technique of segregation and burial of the overburden's toxic wastes, a method developed in a joint venture by industry, government and the scientific community — a method tried, but not "true," at least in the opinion of the

residents around the 250-acre site as well as a broad contingent of environmentalists.

"Back in the summer of 1979," Mrs. Rank said, "we felt the State's decision to permit the Holly Grove mine was based on reasons beyond the technical findings and warnings of the field personnel (who) reported on the original application."

That original application was rejected by the state's Department of Natural Resources, then subsequently approved when the operator opted for the new method of toxic segregation. One of the first tests of that new method was just across the county, up north near Ellamore where a 30-acre site was stripped, the coal removed, then the overburden re-assembled with the acid-bearing strata sandwiched between alkaline materials and the entire "sandwich" suspended several feet above the floor of the strip pit to keep it out of the reach of groundwater.

A discussion of that same technique — and some suggested alterations to it — will bring Dr. Frank Caruccio of the University of South Carolina — the head of the Holly Grove technical studies team — to Clarksburg less than a week after the draft decision document was to have been released. He will be one of the featured speakers at a conference aimed at exploring new mining techniques.

## Half of Synfuel Waste Likely to Be Hazardous

Almost half of the solid wastes generated by facilities which convert coal to synthetic fuels will probably be classified as hazardous under the federal Resource Conservation and Recovery Act requirements. In addition, the environmental effects of six of the twenty identified solid wastes remain unknown. Those are among the conclusions of a report prepared by Roy F. Weston Designers-Consultants for the Ohio River Basin Commission.

Entitled "Assessment of the Potential Risk to Public Health Safety and the Environment from Synfuel Solid Waste," the report documents what is currently known of the potential risks to public health, safety and the environment, as well as what can be done to minimize or eliminate these hazards.

The report notes that "... the quantities and (physical and chemical) characteristics of the (solid waste) residues are dependent upon the type of coal, the specific conversion process, and the pollution control requirements. For a standard size commercial (synthetic fuel) facility, processing 30,000 tons per day (TPD) of prepared coal with zero wastewater discharge requirements and over 90 per cent efficiency for air emissions over 7,000 TPD of residues will be generated, or approximate! quarter of the total coal feed. Of the 20 (solid) waste streams, nine will probably be hazardous, under current Resource Conservation and Recovery Act requirements, five non-hazardous, and six will require additional evaluations.

## Wildflower Tour

(Continued from page 3)

**Falls of Hills Creek**

This half-day tour explores West Virginia's highest waterfall — which plummets 65 feet — located along this stretch of Hills Creek. Along the trail are found great varieties of wildflowers. Difficult hiking. Provide own lunch and beverage.

**Upper Williams River Area**

And Highland Scenic Highway  
This is an all-day motor and hiking

and photographic tour. A variety of wildflowers (due to different elevations) are found. Wonderful views from overviews reaching 4,500 feet. Bring cameras and binoculars! Provide own lunch and beverage.

**Hinkle Mountain**

This tour, new on the schedule, will offer visitors a chance to see rare wildflowers. Provide own lunch and beverage.

## Legislative

(Continued from page 6)

industry and mining interim committee during the summer for consideration next year.

Three other environmental issues were killed outright. First, a bill introduced by Si Galperin, which would have codified the "best management practices" for logging operations, died in the Senate natural resources committee. They decided to wait to see if the voluntary program developed under Section 208 of the Clean Water Act (non-point sources of pollution) was going to work.

Secondly, a bill (introduced by Orton Jones and Si Galperin) which would have prohibited utility companies from spraying right-of-ways with herbicides if the property owner or renter notified the utility company that they didn't want their property sprayed died in the Senate Agriculture Committee. The Department of Agriculture has just issued regulations concerning herbicide spraying of rights-of-way and the committee decided to wait a year and see what the results are from these new regulations. Part of these regulations say that if a property owner or renter wants special notification of when their property is going to be sprayed, they need to contact the utility company and give them their names, address, property location and telephone number, if any.

The third environmental issue which was killed this year was the bottle bill. Two bottles bills were introduced this year which would have required a mandatory two cent or five cent deposit on all beverage containers. At the public hearing on these bills, both industry and labor argued against the enactment of a bottle bill.

It is clear that if West Virginia is to get a bottle bill next year, a lot of work is going to have to be done.

## Ah . . . To Be There 15 Annual Cranberry Mountain Spring Nature Tour May 9, 1981

There will be a choice of 6 tours including Bear Town, Williams River, The Cow Pasture Trail, Cranberry Glades, Falls of Hills Creek, Cherry River and Hinkle Mountain.

Tours will be led by botanists familiar with the many species of early spring flowers.

**REGISTRATION FEE:**  
\$3.00 Adults      \$1.00 Children

For those who wish to attend the dinner the evening before the tour the registration fee is \$6.00.

### REGISTRATION INFORMATION

Name \_\_\_\_\_

Address \_\_\_\_\_

How Many In Party \_\_\_\_\_

Tour ( ) \_\_\_\_\_

Dinner ( ) \_\_\_\_\_

Mail Reservations to:  
**RICHWOOD CHAMBER OF COMMERCE**  
Richwood, W. Va. 26261  
**BRING OWN LUNCH** — Coffee and donuts served at Center during registration hour.



# Conservancy Board Votes to Actively Oppose S 842; Letters to Randolph, Byrd Urged Anti-Wilderness Bill Would Undermine State Review, Give Wilderness Foes Legislative Control

By STARK BIDDLE  
Washington Vice-President, WVHC  
A bill that would undermine the state-by-state wilderness review process (RARE II) and make it extremely difficult to enact wilderness legislation for West Virginia or any other state has been introduced into the U. S. Senate Republicans S. I. Hayakawa

of California and James McClure of North Carolina.  
The bill — S 842 — is strongly supported by the timber industry and has a good chance of passage unless conservationists unite in opposition. At their April board meeting, the W. Va. Highlands Conservancy voted to actively oppose S 842, and members are

encouraged to make their views known in letters or telegrams to Senators Robert Byrd and Jennings Randolph.

According to the Sierra Club, S 842 represents "a completely unbalanced approach to wilderness," including a number of damaging provisions. It would:

— Prohibit court review of any part of a RARE II environmental impact statement;

— Amend the National Forest Management Act to prohibit any consideration or study of any additional areas for wilderness. In other words, if an area is not now included in

RARE II, it can never again be studied for potential wilderness classification;

— Place stringent and unrealistically short deadlines on the process governing congressional consideration of wilderness areas. The result would be that wilderness opponents could easily block legislation by using delaying tactics.

In the East, the deadline is January of 1983, a date by which areas now proposed for wilderness in the RARE II document would have to be acted upon. If legislation were not passed, these areas would lose their protected status and could never again be considered for wilderness. The deadline would apply to the Cranberry, Seneca Creek and Laurel Fork (both north and south) — all the state's proposed wilderness areas. For areas in the "further planning" category — Cheat Mountain is an example — a recommendation would have to be made by 1985 and legislation enacted by January of 1988.

Finally, and of critical importance, the bill would prohibit the Forest Service from managing any public land — including areas now proposed for wilderness under RARE II — in a manner designed to protect their suitability for wilderness designation. In effect, the Forest Service would not be able to protect the Cranberry or any other area in West Virginia from exploitation and development prior to the time it is officially included in the National Wilderness System.

S 842 has been referred to the Senate's agriculture committee chaired by Jesse Helms and to the energy and natural resources committee. Sierra Club and Wilderness Society representatives believe the vote will be close and are worried that the bill might pass on the crest of the current anti-wilderness — pro-development sentiment. Both West Virginia's Senators are critical swing votes.

If Conservancy members wish to write or telegram, you should stress that S 842 undermines state-by-state review, gives anti-wilderness interest virtual control over the legislative process and could lead to exploitation of important potential wilderness areas prior to deliberate and reasoned consideration.

The RARE II process has already "released" 36 million acres of National Forest land, or half the total area included in the original inventory.

In commenting on S 842, a Wilderness Society staff writer concluded that the bill "is a thinly-disguised effort to assure that no more acreage, including what remains of the 15 million acres recommended for wilderness in the RARE II study, will become part of the National Wilderness Preservation System. Further, it attempts to end for all generations the possibility of preserving as wilderness the few remaining pristine areas of the National Forest System. It takes away the opportunity for future generations to choose to preserve the nation's rapidly dwindling store of unspoiled areas. S 842 is flawed in its basic conception. It should not become law."

## If All Other Wilderness Forsaken Benedict Pledges Continued Support For Cranberry

Continued work and support for the designation of the Cranberry as wilderness has been offered by U. S. Congressman Cleve Benedict — but he has also said that, at this point, he does not support wilderness designation for Seneca Creek or either Laurel Fork, north or south.

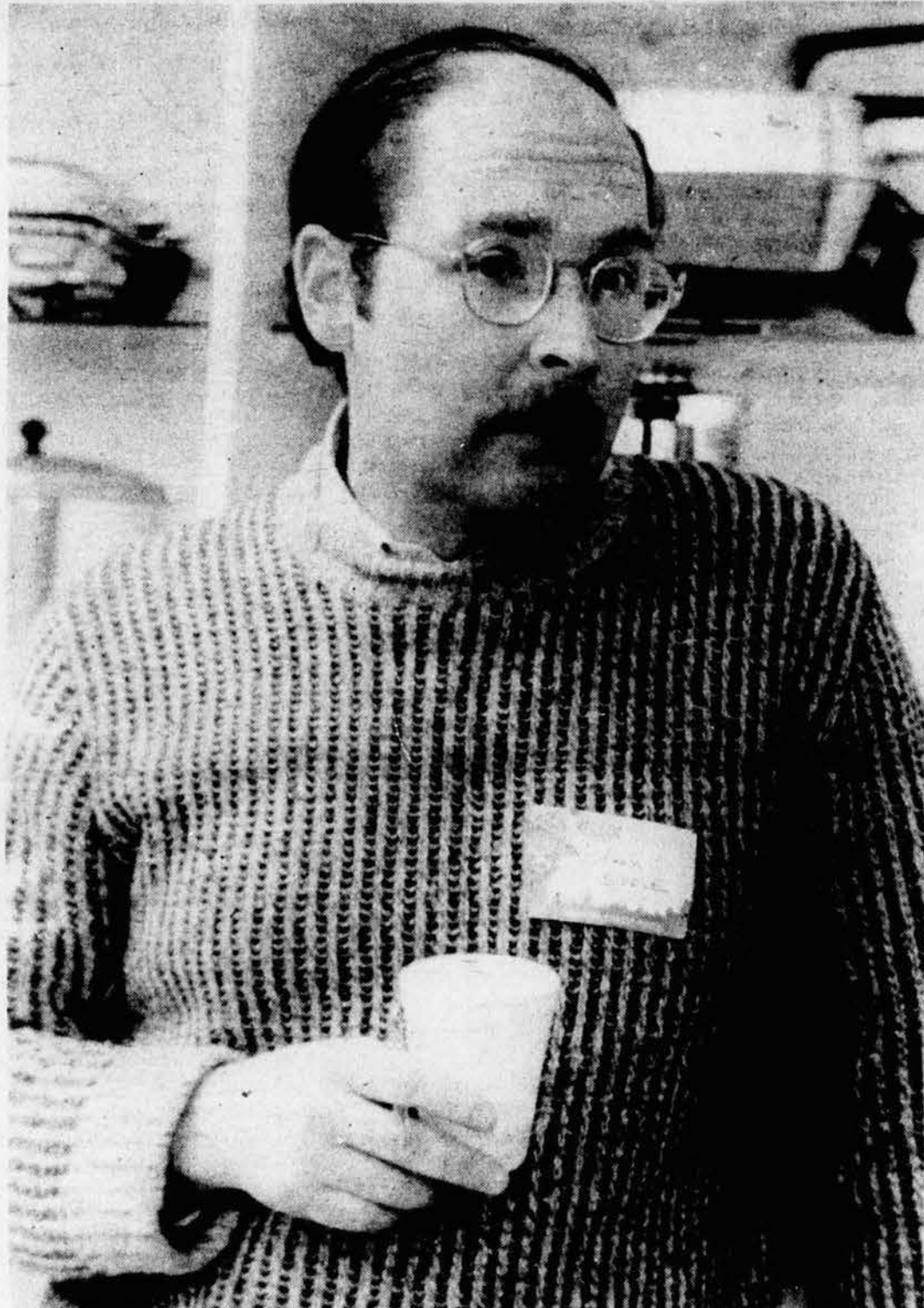
All four areas had been contained in the original Cranberry bill which failed to make it through the Congress last year.

In addition, Benedict believes that any bill creating a Cranberry wilderness should contain "release" language designed to remove all other RARE II areas in West Virginia — Seneca, Laurel and the Cheat Mountain study area — from wilderness consideration during the current phase of national forest planning.

Benedict made his view known in a recent meeting with representatives from the Wilderness Society, the Sierra Club and the W. Va. Highlands Conservancy. He said that he had made a commitment during the campaign in support of Cranberry and that he would stick to that commitment.

However, he felt there was local opposition to the additional wilderness areas which had been included in the bill that passed the House last year. He could not include these areas and felt the only way Cranberry could pass would be to release the other areas from consideration.

STARK BIDDLE  
Washington vice-president, WVHC



Stark Biddle

Photo by Jean Rodman

## Reagan Endorses S 842

In what environmental groups have termed "very bad news," the Reagan administration has announced that it endorses legislation that could open 51.4 million acres of nation forests to mining, logging and other development.

Telling a Senate subcommittee that "we can no longer afford further delays" in development of national forest lands, deputy secretary of agriculture Richard Lyng endorsed a bill sponsored by Sen. S. I. Hayakawa (R-Calif.) that would open 36 million acres of forest to immediate development.

Hayakawa's bill would also force Congress to meet strict deadlines for deciding whether an additional 15.4 million acres should be set aside per-

manently as wilderness, or opened to development. Wilderness protection areas — where vehicles, logging and other development are prohibited — can only be so designated by Congress.

Lyng told the Senators that the Reagan administration is skeptical of any new wilderness designations which might have the effect of slowing "availability of resources including timber, minerals, oil and gas, geothermal...recreation and forage production" or logging.

He also endorsed a facet of the Hayakawa bill that would effectively prohibit U.S. Forest Service officials from planning new wilderness areas, underlining the Republican administration's pro-development point of view.