

CHARLESTON Havoc No More

The state's Supreme Court outlaws aerial spraying without permission from the owner.

"The power company cannot indiscriminately wreak havoc upon the owner's land ... in order to exercise its limited right to protect its lines from danger and hindrance from overhanging branches and trees. ... The use of aerial broadcast spraying of toxic herbicides inflicts unnecessary damage on the land." That's what Justice Thomas

McHugh wrote in a unanimous decision issued by the W. Va. Supreme Court in late March — just as the power companies (the Monongahela in the highlands) were about to begin their annual spraying.

In effect, the aerial spraying of herbicides along power line rights of way is outlawed without specific consent by the present owners of the

property. Power companies, however, may continue to cut and remove natural obstructions.

The decision involved a suit filed against the Appalachian Power Company by a McDowell County family, the Kells, who sought a permanent injunction against the practice. The McDowell County circuit court's rejection of the request for

an injunction was reversed.

In 1939, the previous owners of the Kells' property had granted Appalachian a right of way to erect and maintain transmission lines, including continued access to the property to remove trees and branches that interfered with the lines or poles.

Justice McHugh, however, wrote

that aerial broadcast spraying of herbicides to control vegetation "was unknown in 1939 and could not have been within the specific contemplation of the parties to the 1939 indenture involved in this case."

A right-of-way grant such as that on the Kells' property "does not authorize the power company to apply toxic herbicides to that right-of-way by aerial broadcast spraying," McHugh wrote.

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THE HIGHLANDS VOICE

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ROCK CAVE

No Glowing Example

A conservationists suggests some resolutions of the animosities between state agencies should be a prerequisite to the assumption of a water pollution control program.

EDITOR'S NOTE: "There is reason to doubt the effective operation" of the state's program for taking over the control of water pollution from the federal government.

At least that's the opinion of Cindy Rank. As a founder of "Friends of the Little Kanawha (FOLK)," she is one of the environmental architects whose activism prompted the U. S. Environmental Protection Agency to prepare the first environmental impact statement on a private coal mine east of the Mississippi — an EIS that laid out in detail what she and others had believed all along: that the Little Kanawha River could not be mined without permanent, debilitating acid mine drainage.

In the March issue of the VOICE (see "Primacy Ahead") she expressed her concern about the impending state assumption of the now-federally-controlled NPDES (National Pollution Discharge Elimination System) permit program. In mid-March, she was one of a handful of people who leveled their objections during a public hearing, the comment period for which expires April 2, four days from the date of publication of this issue of the VOICE.

One of her concerns has to do with an inter-departmental memo which outlines the shared duties and spirit of cooperation which should exist between two division of the Department of Natural Resources, the water resources and reclamation divisions.

An expansion of one portion of her comments made at the mid-March hearing is reprinted her, with minor editing.

By CINDY RANK

If primacy is granted, residents of the state of West Virginia will be wise to watch carefully the implementation of NPDES surface

mine permits, for there is reason to doubt the effective operation of this program as it is described in the "memorandum of agreement."

The memorandum is not especially outstanding for what it says, but it is striking for all that it does not say. It is, in fact, disturbing for its brevity. Its simplicity is misleading when you consider the difficult, cooperative effort it purports to outline. It is neither substantial

enough, nor does it contain sufficient detail, to adequately describe a smooth and effective implementation of the program.

There are two aspects of this proposal that are critical: the difficulties involved in producing viable permit procedures and the actual level of cooperation that is possible between the water resources and reclamation divi-

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CHARLESTON

Rubberstamp

The state may be sued.

The W. Va. Department of Natural Resources may be facing another lawsuit unless it makes at least a reasonable attempt to live up to the law as it takes over the regulation of the state's surface mining industry, according to Toby Hirshman, an attorney for the Appalachian Research and Defense Fund.

Hirshman, who met with the DNR director Dave Callaghan and Dennis

Abrams of the attorney general's environmental task force in early March, said in late March that he doesn't yet know whether or not the agency is following beefed-up guidelines recommended during that meeting. (See the March issue of the VOICE, page one, "Takeover.")

However, he said he intends to find

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SHAVERS FORK

No Option

The Conservancy may sue.

Another in a continuing series of attempts by the W. Va. Highlands Conservancy to halt mining activity on the Shavers Fork of the Cheat River was made in early March when it notified Enviro-Energy, the U. S. Forest Service as well as the U. S. Office of Surface Mining for what it termed "continuing violations" of federal surface mining laws.

The specific violation revolves

around Enviro Energy's probes of "iron or acid producing strata in such a way as to fail to prevent gravity discharges."

"Absent indication that the Forest Service and OSM will require full compliance with the permitting requirements" of federal laws, "we shall have no option but to take appropriate legal action," wrote the

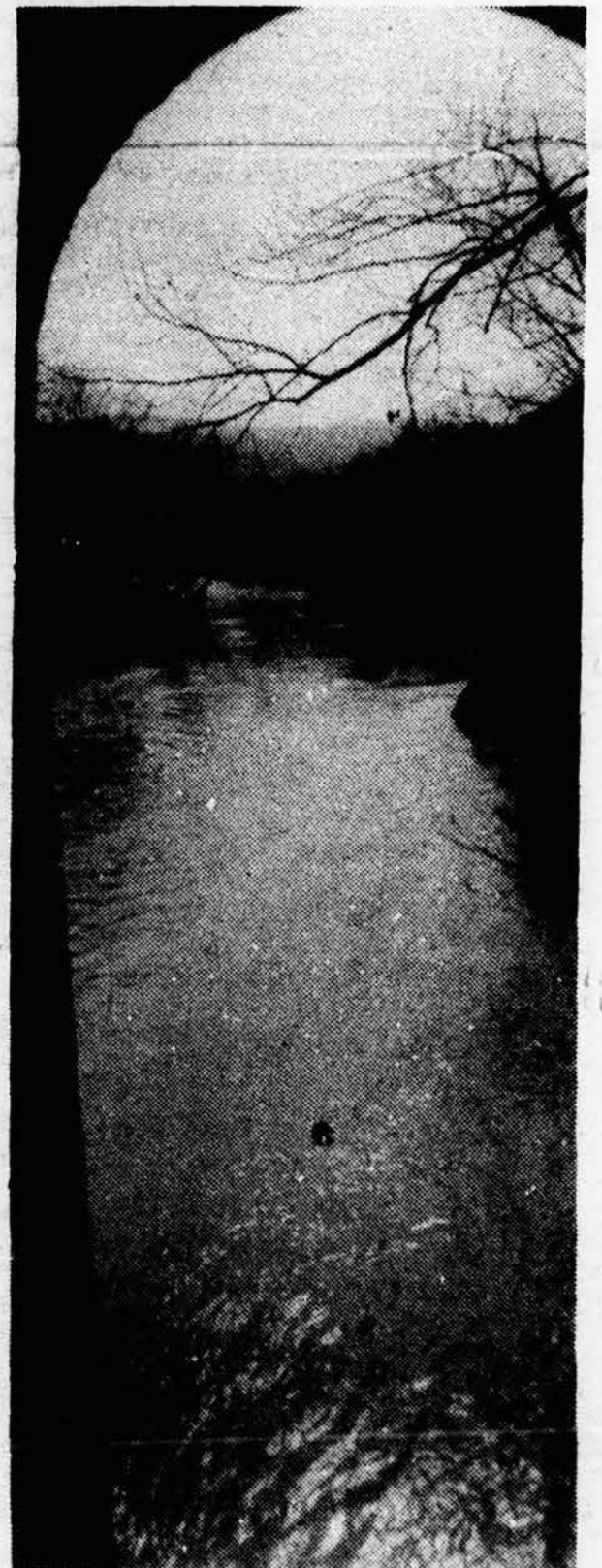
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LEFT OUT

The National Park Service has decided not to recommend that portions of the Cacapon River in eastern West Virginia be included in the National Wild and Scenic Rivers System.

Mike Spratt, a spokesman in the Park Service's Denver office, said in March that the agency had been studying 78 miles of the river for possible inclusion in the system and had held a series of public meetings.

While the river is eligible for federal protection, the Park Service has decided not to include it in the Wild and Scenic system because public opinion in the area was against federal involvement, Spratt said.



Library
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WATT IN THE WILDERNESS

(Continued from page 8)

Sections of the proposed bill would:

- Assure that wilderness system lands can be opened for all types of mineral development before 2000, and assure that they will be opened after that date.

- Subvert the orderly processes by which the Bureau of Land Management and the U. S. Forest Service lands are being considered for addition to the wilderness system.

- End, through a "sunset" provision, protection of the National Wilderness Preservation System, even national park and refuge wilderness, in 2000. Under current law, the wilderness system is closed in perpetuity to new leases and mining claims on Dec. 31, 1983. Because of exceptions regarding lands in Alaska, 23 per cent of the country's designated wilderness areas and 50 per cent of Congressionally-designated wilderness study areas will receive no interim protection from oil and gas leasing.

- Permit wilderness and wilderness study areas supposedly protected until 2000 to be opened to development at any time before then by the President acting alone. This goes far beyond an earlier draft which provided that Congress by concurrent resolution could disapprove a Presidential order, and goes much further than the provision of a Wyoming wilderness bill which says that the President can open wilderness areas only if Congress affirmatively approves.

- Undercut the promise of other sections that wilderness study lands could receive interim protection until the year 2000 by riddling that protection with exceptions. In fact, no study lands will be protected until 2000.

- Permit leases to be issued within wilderness areas as long as there is no actual surface occupancy of lands within wilderness boundaries.

- Permit claims, even those not yet perfected, to become valid existing rights by virtue of actions taken after the effective date of the law.

- Allow the President to release the BLM's wilderness study areas for development immediately, destroying wilderness values before Congress has had an opportunity to decide whether to preserve an area. This is a complete reversal of present law which states that only Congress can release an area. A new provision, not included in an earlier draft, gives Congress only two years to designate areas recommended for wilderness in the BLM study areas, allowing wilderness opponents to block wilderness designations until the deadlines expire. After the deadlines, these lands are permanently released for development.

- Resurrect S.842, the Helms-Hayakawa anti-wilderness bill of 1981, which failed to pass out of the first Senate subcommittee consider-

ing it. It sets rigid deadlines for Congress to designate additional wilderness in the nation's forests from RARE II's wilderness recommended and Further Planning Areas. Deadlines will have the same effect on RARE II wilderness designations as BLM designations.

In addition, lands not actually designated as wilderness by the deadlines are permanently released. The Forest Service is barred from ever again studying its lands for wilderness or managing its lands as wilderness, without express Congressional approval. This provision reverses current laws which direct that wilderness be considered in the ongoing forest planning process. This is the so-called "hard release" which is expected to be one of the major impediments to the designation of the Cranberry wilderness in West Virginia.

- Or could promote development which would degrade and threaten wilderness right to the edge of the area. Air, water, noise and visual pollution would be permitted.

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Conservancy Spring Board Meeting April 18 in Elkins DNR Operations Center Ward Road - 10 A.M.

APPALACHIAN TRAIL For the second year in a row, the Reagan Administration has proposed essentially zero funding for land acquisition along the Appalachian Trail by the U. S. Department of Agriculture's Forest Service and the National Park Service, according to the lead article in the April issue of The Register, a publication of the Appalachian Trail Conference.

MOVING? ATTACH OLD LABEL HERE New Address: W. Va. Highlands Conservancy P.O. Box 506 Fairmont, WV 26554

Join THE W. VA. HIGHLANDS CONSERVANCY Description of membership categories. Individual membership: Regular-\$10 from the rank and file who can give time and interest to the conservancy. Associate-\$20 from those who can afford a small extra gift in addition to their interest in West Virginia's outdoors. Sustaining-\$50 from those able and willing to give larger amounts necessary to underwrite our programs. Senior-\$8 from conservationists over 65 years of age. Organizational membership: Regular-\$20 from a small organization anxious to help the Conservancy score conservation gains in the Mountain State. Associate-\$30 from a larger organization whose membership approves the efforts of the Conservancy. Sustaining-\$60 from a large national organization which appreciates the importance of a highlands area to the people of the eastern seaboard. Membership category (see descriptions opposite) Individual \$10 Regular \$20 Associate \$50 Sustaining \$8 Senior Organizational \$20 Regular \$30 Associate \$60 Sustaining Brief statement of present position, interest, or activities in conservation activities (optional) Make checks payable to The West Virginia Highlands Conservancy.

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CRANBERRY

Gas Beneath the Trees

The Cabot Corporation announces plans for a major probe of the forest and stimulates the production of guidelines for tapping the Monongahela's gas reserves.

A \$32 million, five-year-long exploration of nearly 140,000 acres of natural gaslands across the southern end of the Monongahela National Forest by the Cabot Oil and Gas Corporation has prompted the U. S. Forest Service in Elkins to develop formal management plans to control the proposed exploration — and to deal with what industry sources say will be a major development of the entire forest region during the 1980s.

One of the first wells to be dealt with, Forest Service and Cabot officials have indicated, will be in the Cranberry Wilderness Study Area, a tract of wild, undeveloped land currently being considered for wilderness designation by the U. S. Congress.

Cabot, a Houston-based firm which has operated in the Mountain State since before the turn of the century, has leased a total of 139,750 acres from CSX Corporation — the Chessie System. Of that acreage, Forest Service officials in Elkins say that about 110,000 acres is within the Monongahela while some 30,000 are also within the Cranberry Wilderness Study Area.

Tentative plans presented to the Forest Service by Cabot include drilling ten wells within the next year and a total of 80 wells in the next five years. "One of the first proposed wells would be within the Cranberry ... and another would be on its perimeter," Forest officials said. The remainder would be to the north and west of the proposed wilderness.

Last month in Elkins, Monongahela Forest spokesman Gil Churchill said the current national debate over the leasing of mineral rights under national forestlands does not really relate to the Cabot plans since the national debate deals with the leasing of federal mineral rights. In the case of Cabot's proposals, however, CSX is the minerals owner and the only federal involvement is with the surface above the minerals: the national forest.

How drilling could occur in a proposed wilderness area without disrupting the Cranberry's wilderness values will be the problem that foresters, drillers and the public will have to deal with. The Forest Service in Elkins has drafted a set of preliminary procedures which are currently being revised and are expected to be submitted for public scrutiny and comment sometime after the first of April, foresters said at the end of March.

Churchill said the methods by which Cabot will protect the Cranberry are not yet clear because foresters, as yet, have no operating plans from the firm. "If they're going to helicopter in a drilling rig and get out in three days, well, that's going to be a lot different than if they bulldoze a road through the woods and drag in a 60-ton rig," Churchill pointed out.

He clarified the issue, saying that the Forest Service's concern "is that the process of exploration not preclude the Cranberry's future designation as wilderness." As outlined in a proposed management

plan for exploratory drilling in general, the Forest Service's objective "is to integrate the use and development of mineral resources with other Forest resources, in meeting immediate and future national mineral needs."

In Houston last month, Cabot's regional land manager Allen Poole said he was confident that his firm would be able to devise operating plans that would meet all the requirements which the Forest Service would lay down.

"We've drilled in forest areas before," he said. "We drilled some of the first wells in the state. We take the time and we hire people" to do the job right, he said.

Poole said virtually all the wells would be so-called "shallow" wells, ones generally less than a mile deep. He said that while the exploratory project would be over a portion of the Eastern overthrust belt — a fabled repository of vast energy reserves as deep as five miles down — he said he did not expect any of the 80 proposed probes to tap those reserves.

"Basically," he said, "this is unexplored 'wildcat' area." The

area is so virgin, in fact, that even now, as Cabot contemplates spending \$400,000 on each of 80 different probes — \$32 million dollars over the next five years — the firm is uncertain whether any of the gas in the area will ever be sold.

Most of the wells, Poole pointed out, would require the laying of 15 to 25 miles of gas line before they could be plugged into the Columbia or Consolidated gas supply networks.

A rough draft of procedures to control preliminary exploration, exploratory and development drilling for oil and gas — operations similar to those by Cabot — is already making the rounds of the Monongahela's staff.

As now construed, any such effort would require the filing of an operating plan which would spell out not only who was doing what and where but also the probable beginning and ending dates and whether the operations would be continuous or intermittent; the type and magnitude of the operations, including detailed information on everything from site clearance to layout and the handling of waste disposal; and plans for reclamation,

public safety and spillages.

The procedures also lay out a timetable for the Forest Service's approval, denial or alteration of the plan as well as indicate the criteria by which the plan will be evaluated.

Also set forth are a list of more than four dozen current stipulations which cover everything from road construction to archaeological surveys to insurance against hazards.

The proposed evaluation criteria require that the plan:

- Is complete.
- Is administratively feasible to implement.
- Complies with federal and state clean air laws as well as federal and state waste disposal laws.
- Harmonizes operations with scenic values.
- Specifies measures to maintain and protect the wildlife and habitat and to protect the soil, water and other resources values, including the protection of archaeological and historical sites.
- Conforms to all state oil and gas laws as well as all federal laws and regulations.

ELKINS AND THE HIGHLANDS

The Woodman Cometh

The Monongahela, along with the rest of America's national forests, prepares for a commercialization of firewood production.

The marketing of the Monongahela National Forest is about to begin as foresters in Elkins, Parsons, Petersburg, Bartow, Marlinton and Richwood prepare to open the forest's 800,000-plus acres to commercial firewood cutters at a fee designed to just offset the cost of administering the harvesting.

"It's already happened elsewhere," remarked the Monongahela's timber specialist, Ken Shalda of Elkins. He said the about-to-be-announced marketing of the Monongahela's vast firewood reserves could create a new economy for the area, one that may not differ that much from "the old-time iceman."

He envisions a time in the not-too-distant future when local loggers might head out into the forest for a truckload of timber, then return to town and drop off a few cords here, a few cords there — or even parcel out firewood in log lengths for homeowners to cut up and split themselves. Every hike in electrical rates, fuel oil and natural gas prices, he points out, makes wood that much more competitive as a source of home heating.

Tapping the Monongahela's reserves, as well as the rest of the nation's national forests, first became "big business" during the 1973 oil embargo. It's gotten bigger ever since, Shalda pointed out, with 4,000 "free use" permits issued on the Monongahela last year. While calculations can only be very rough at best, as much as 8,000 cords of wood may have been pulled out of the forest during the last year.

That's not much in terms of the forest's total reserves which currently stand at over ten million cords. Because the Monongahela keeps on growing, about 40 times that much wood, about a third of a million cords, could conceivably be cut from the forest every year — forever. Foresters currently project the maximum cut, however, at about 200,000 cords, about 25 times last year's take.

But as Greenbrier Ranger District Dave Stack of Bartow pointed out, while the firewood's been free to all comers, "this program has never been free to administer." Stack's office in Bartow, in fact, spent \$5,400 on the firewood program last year. Forestwide, the cost to administer the "free" firewood program was \$30,000, according to Shalda.

And as Shalda points out, "that probably ain't really right," since most of the free firewood goes to people who live within easy striking distance of the forest. As a result, the Monongahela — and all other forests — are about to begin charging a fee for the cutting of live wood, though "dead and down" permits will still be free.

Stack, on the Greenbrier District at Bartow, said his permits for standing trees or green wood will cost ten dollars for about three to five cords. Shalda said that comparable fees would be established elsewhere, the aim being to defray the cost of administering the program.

In the central highlands, a full cord of split hardwood currently markets for anywhere from \$40 to \$60, while well-seasoned firewood in

a metropolitan area — Pittsburgh, Washington, Baltimore — can fetch two to three times that amount.

While nobody really expects a sudden, industrial boom, Shalda said it wouldn't be unreasonable to expect "iceman"-like enterprises to sprout up, especially among woodcutters who are already working in the forest. He said operators on the national forests in Wisconsin and Michigan routinely have contracts with individual homeowners for as much as 1,200 cords a year.

"Unless you really like taking the whole family out and cutting down trees," Shalda pointed out, it would probably be cheaper — and certainly easier — to have pre-cut firewood or even just log lengths dropped off at your front door.

Over in Bartow, Stack is preparing for it in earnest. "A large firewood supply remains," he pointed out, "but access to the wood is difficult. Firewood could be marked below roads if persons are interested, but a cable system would be required ... Much of the firewood in the future will probably be purchased in firewood or log lengths from commercial producers," Stack predicted in concert with Shalda. "The firewood could be delivered by a commercial operator to a person's home or picked up at the log landing."

In fact, Stack and his staff at Bartow have prepared three small sales totalling 530 cords near Beaverdam Run. "These sales were developed for their potential to supply firewood to the Elkins area," Stack said.

HOTLINE

A toll-free, 24-hour-a-day "hotline" for citizens to report pollution, fish kills and chemical wastewater spills has been established by the water resources division of the W. Va. Department of Natural Resources.

The establishment of such a telephone number has been urged for a long time by environmentalists, including, more recently, the Conservancy's treasurer, Dave Elkinton. He personally urged the director of the DNR, Dave Callaghan, to create such a service during the Conservancy's annual mid-winter workshop held at Jackson's Mill 4-H Camp.

The number is 1-800-642-3074.

FOREST ROADS

A 12,700-acre section of the highlands' heartlands is being analyzed for the development of a transportation system to facilitate increased timber harvesting, according to a legal notice published by the U. S. Forest Service in Elkins.

The planning area, which stretches over some 12,700 acres of Middle Mountain in Pocahontas, Pendleton and Randolph counties, includes national forest lands on the west side of the Glady Fork south of U. S. 33; the drainage of Daniels Creek and Fox Run; an area between Shavers Mountain and Little Beech Mountain south of Glady and north of Snorting Lick; and the head of the East Fork of the Greenbrier River.

A draft of a transportation analysis environmental assessment is available for inspection at the Greenbrier Ranger Station at Bartow as well as at the Monongahela's central administrative office in Elkins.

The legal notice stated that "any timber sales ... and associated road construction including purchase of rights-of-way will be accomplished in accordance with the standards and guidelines of the Monongahela National Forest Land Management Plan ... environmental assessments are being prepared which will analyze various environmental impacts of timber harvesting and road construction in the area."

Public comment is invited and should be addressed to the USFS's District Ranger at Bartow, WV 24920 before April 16.

TRAILS MEETING

The 1982 W. Va. Scenic Trails Association's annual conference has been scheduled for a late-April weekend, the 23rd, 24th and 25th, Friday, Saturday and Sunday, at the Arbovale Community Center in Pocahontas County near Green Bank.

Costs for the conference — which includes meals, snacks as well as free camping and floor space at the local community center — vary from \$45 for a family to no charge at all for those under 12 years of age.

The weekend-long meeting opens at 5 p.m. Friday with registration, snacks, sandwiches and slide shows continuing until 10 p.m. that night, interrupted only by an 8 p.m. round-table discussion of nature photography.

Saturday morning's post-breakfast discussions include a 9 a.m. progress report on the construction of the Allegheny Trail and a 10 a.m. slide shown on mining of the Shavers Fork as well as a discussion of the Allegheny Trail on the Greenbrier District. Special guest

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WASHINGTON AND WEST VIRGINIA

The Dirty Duo

The number two man in the U. S. Senate joins with his November opponent in backing Clean Air Act revisions.

The man being courted by West Virginia's environmentalists for his support of wilderness designation for the Cranberry and Laurel Forks, Rep. Cleve Benedict, is being blasted by national environmentalists as well as the state's Clean Air Coalition for his stand on clean air — but he was joined in late March by his opponent in the race for the U. S. Senate in November, incumbent Robert Byrd, according to the director of the W. Va. Clean Air Coalition, Charlie Garlow.

In a pink flyer labeled "Red Alert," backed by a quintet of "Clean Air" button designs and dispatched around the state, Garlow blasted Sen. Byrd for sticking his nose into the U. S. Senate's work on the Clean Air Act, urging that it remain in the hands of relative friends, U. S. Sen. Jennings Randolph of West Virginia and Robert Stafford of Vermont, the ranking Democrat and Republican on the Senate's health and environmental committee.

"Butt out, Byrd," Garlow wrote, convolutedly charging that the minority leader was out to "butcher clean air" in an attempt to make himself look more presentable to those voters who back Congressman Benedict's current work with the Clean Air Act revisions in the House.

"Now we will have two 'Dirty Air' candidates for the U. S. Senate," Garlow said: "the Dirty Air Duo. GET ANGRY!" he wrote, and urged a blitzkrieg telephone campaign to Byrd's Washington, D. C. office at 1-202-224-3954.

"If you can't afford to call, send me the bill," Garlow offered. "Then tell ten neighbors."

It worked.

Garlow said that Byrd's office apparently got a sufficient number of calls that he "backed off" on a number of issues, including the "mobile emission" standards for carbon monoxide and nitrous oxides. However, Garlow pointed out that another section of the Byrd proposal in the Senate could actually make the air of wilderness areas and parks even worse. In fact, Garlow said, the Byrd proposal is much the same as the House's "Dirty Air" bill. One difference is the halving of the time established for a study of acid rain — cut from ten years to five — but Garlow called it "a smokescreen" and not of any significance since it is not reasonable to expect such a study would be sufficiently unbiased to do anything but support the stance of the industry, that acid rain is not a problem. Garlow said further telephone calls a probably not needed since the Byrd measure has already been introduced, but cards and letters to his office may yet have an impact between now and the time the bill is finalized.

If Byrd got singed, Benedict is being roasted alive: a mid-March communique from the National Clean Air Coalition charged that Benedict has "abandoned his responsibility to the public's interest in a clean, health environment and has sided with the polluters who want to gut the Clean Air Act."

Subsequently, a late-March

release altered that assessment slightly, comparing Benedict and his cohorts to "Sherman marching through Georgia."

Benedict is a member of the House Subcommittee on Health and Environment which is reviewing the federal clean air program. He is a co-sponsor of H. R. 5252, a measure dubbed the "Dirty Air" bill by conservationists.

"Perhaps the most extraordinary aspect of Rep. Benedict's votes is this:" said the National Clean Air Coalition. "In all the votes on all the clean air issues examined by the subcommittee in a two-week period, not once did Rep. Benedict support clean air."

"Not once did he support an amendment to improve or strengthen the law," said Richard E. Ayres, chairman of the National Coalition. "Not once did he support his own subcommittee chairman's recommendations for streamlining the law."

Ayres said it was "obvious that Rep. Benedict has joined a polluter's majority on the subcommittee, a majority which includes all eight Republicans and four Democrats. In two weeks of recorded votes not one of those 12 members of Congress cast a single environmentally responsible vote," Ayres charged.

That scathing broadside came after a new, comprehensive version of the Clean Air Act had been introduced in the Congress in mid-February — the "Waxman bill," H. R. 5555. It drew praise nationally as well as from the W. Va. Clean Air Coalition, composed of health, senior citizens, environmental, consumer advocacy, good government

and other community groups. The W. Va. Coalition also announced a petition drive, whipping around the state with news conferences to support the new bill and condemn what they called the "Dirty Air" Dinglell-Luken bill, the competing piece of legislation which Benedict co-sponsored and has been supporting.

"This is the most important health and environmental issue being discussed in the Congress this year or last year. Congressman Henry Waxman's bill is the one we can live, and breathe with," said Adrienne Worthy of the Sierra Club in West Virginia. Waxman, from California, is the chairman of the House subcommittee on health and the environment which is considering both bills — but which has been marking up the Benedict-backed measure, H.R. 5252.

Agnes Smith, the executive director of Common Cause in West Virginia, said she was "afraid the influence of 'Big Money' may buy off the free workings of the Congress on this issue."

A study conducted by her organization detailed political action committee donations from major polluting industries directly to members of the Congressional committees that will be handling the Clean Air Act's reauthorization. Benedict, she said the study showed, received more of this PAC money than any other U. S. Congressman.

While the nation's environmentalists were hatching schemes to garrote the man backing the

Cranberry wilderness, Garlow and the Coalition he directs were busy holding press conferences to hail the Waxman bill, skewer Benedict for his stance and criticize the Appalachian Power Company "for putting an anti-acid rain control piece of propaganda" in an electric bill which was mailed out to its customers, Garlow said.

"The bill insert claimed the good bills would cost APCO's parent corporation, American Electric Power (AEP), one billion dollars per year. A few days later, APCO released a story that claimed it would cost AEP \$2 billion per year."

The Coalition challenged AEP or APCO to a debate, but "so far no response," Garlow said.

Coinciding with the press conference was the W. Va. Department of Health's release of a study of cancer rates in a section of North Charleston which showed them at twice normal levels.

Three days later, the Coalition held another press conference in which it presented a facetious award to FMC's South Charleston plant and Union Carbide's Institute plant "as being among the Terrible Ten" — the ten largest toxic polluters in the United States. Combined, the two were accused of emitting 3.5 million pounds per year, including carbon tetra-chloride which FMC denied, despite the fact that the study had been public for some time, Garlow pointed out.

"We stood by the study," he said.



MISSOURI, Other Voices

Extremely Risky

A Republican Senator from Missouri calls action to stop acid rain good economics, responsible politics and sound stewardship.

EDITOR'S NOTE: The following article was written by Sen. Jack Danforth (R-Mo) whose state is a major producer of high-sulfur coal.

Acid rain is precipitation laced with sulfuric and nitric acids. It is a fact of life, an immediate and destructive reality through the eastern United States and southern Canada. In Wheeling, W. Va., rain has fallen that is more acidic than lemon juice.

Acid rain is bad news for the environment and the economy. In several hundred lakes and streams, only algae survive; steady inflows of acidic waters have killed all fish life. By mobilizing heavy metals in the soil, acid rain pollutes water supplies with elevated levels of toxic materials such as lead. It corrodes stone and metal on buildings and cars. It leaches nutrients from acid sensitive soils. These are among the known effects of acid precipitation.

In addition, there is growing evidence that acid rain interferes with crucial soil chemistry such as

nitrogen fixation, damages crops and reduces the productivity of forests.

The Acid Deposition Control Act (S. 1706) was written to combat acid rain by reducing emissions of sulfur dioxide in a 31-state area that includes Missouri. If enacted, S. 1706 would require that emissions be cut by approximately 40 per cent over ten years.

This reduction in emissions will increase the cost of electricity in Missouri, perhaps by a total of 20 to 25 per cent over ten years — in other words, an average annual impact of as much as 2.5 per cent. In addition, the reductions could weaken the demand for high-sulfur Missouri coal.

I support S. 1706 because we must face the facts about acid rain and take corrective action, even if it carries a price tag.

It would be good if burning coal did not raise the acidity of rainfall to dangerous levels. Or if emissions from tall coal stacks could be spread by prevailing winds without serious

environmental and economic damage.

Unfortunately, there is no basis in science for saying either of these things, no matter how pleasant they might be to hear. In fact, such assertions are directly counter to the judgment of science. Even research being circulated in the coal and utility industries is, at best, a limited, rearguard attempt to resist an overwhelming — and growing — body of evidence.

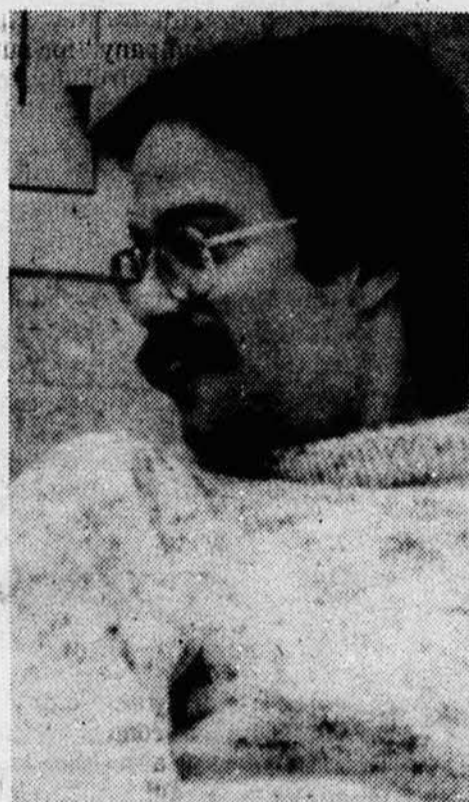
Even before the recent report of the National Academy of Sciences, the evidence was pretty strong. The report of the academy, compiled by leading independent experts in several fields of science, leaves no room for serious dispute over the basic facts.

The report said that "continued emission of sulfur and nitrogen oxides at current or accelerated rates, in the face of clear evidence of serious hazard to human health and to the biosphere, will be extremely risky from a long-term economic

Clean v. Dirty

**A Fact Sheet Comparing
The Waxman and Dingell
Clean Air Bills**

Circulated by the W. Va. Clean Air Coalition



standpoint as well as from the standpoint of biosphere protection." Only by cutting emissions from new and existing coal stacks, the academy said, can we significantly reduce the damage.

We in Missouri benefit from a national investment in the navigation of the Mississippi and Missouri rivers. We expect Western states to take a cooperative approach to allocating the waters of the Missouri basin. When we discover toxic dumps, we rely on a commitment from all states — states with many dumps as well as states with very few — to clean them up. We have an important stake in healthy economic relations with Canada, which "imports" substantially more acid emissions than it "exports."

Action to address the problem of acid rain is good economic policy. It is responsible partnership with other states and nations. And it is sound stewardship of the water, air and soil that we will leave to our children.

ACID RAIN

Acid rain has already killed hundreds of lakes in the U. S. and Canada. They are devoid of fish. Buildings are damaged, and crops and forests are stunted by acid rain. The cost is \$5 billion per year in the East alone.

The Waxman bill would:

- Set a ten-million-ton reduction goal in acid rain-causing emissions over ten years.

The Dingell bill would:

- Ignore the problem of acid rain completely, even making it worse by relaxing nitric oxide standards on cars and sulphur requirements on new plants.

TOXIC AIR POLLUTION

There are hundreds of potentially hazardous air pollutants being emitted from chemical plants around West Virginia and the United States. So far, EPA has only issued health standards for four of them, and new ones are being invented every day.

The Waxman bill would:

- List 37 pollutants that EPA has had under study for a long time as hazardous, unless EPA determines otherwise.

The Dingell bill would:

- Ignore the critical problem of toxic pollutants, including those that cause cancer.

PUBLIC HEALTH

A total of 154 million Americans breath air that fails to meet health standards. The current law sets deadlines for attaining healthy air.

The Waxman bill would:

- Require the Environmental Protection Agency to set a national health standard for fine particulates, ones so small that they escape the body's natural defense mechanisms and travel deeply into the lungs.

- Give short deadline extensions for those areas that are making a good-faith effort to meet the goals.

The Dingell bill would:

- Extend, for up to a decade, deadlines for meeting national health standards.

- Ignore the problem of fine particulates.

- Axe requirements for advanced controls on new sources, auto inspection and maintenance programs, and for offsetting additional pollution from new sources with reductions from existing sources.

CLEAN AIR AREAS

The Prevention of Significant Deterioration (PSD) program currently allows substantial deterioration in air quality to accommodate industrial growth in clean air areas, like most of West Virginia. But it seeks to protect clean air areas by requiring that new sources use "the best available control technology." New sources must not exceed an "air pollution budget."

The Waxman bill would:

- Continue the strong protection for our national parks and recreation areas which now get special consideration.,

- Continue the present requirement for installing the best controls on new sources.

- Address industry's complaints about delays in getting permits by eliminating the requirement that sources monitor air quality for a year before applying for a PSD permit, even though delays are minimal. Seventy-five percent are approved within ten months. Of 200 applications, only one was turned down.

- Permit governors to redesignate an area out of the PSD program without concurrence of local governments involved.

The Dingell bill would:

- Quintuple air pollution in national parks and gut the rest of the PSD protections.

- Relax controls on new sources so they conform only to minimum new standards.

AUTO STANDARDS

The vast majority of 1981 cars now meet the air standards, so manufacturers cannot contest the fact that the control technology is available. Detroit will not get a leg up on foreign competition by gutting auto standards because the Japanese and others must all meet the same standards. The cost savings of about \$100 per car is not going to make people rush out and buy a lot of new cars: even a General Motors executive admitted the increased sales and jobs argument is a "phony issue."

The Waxman bill would:

- Retain current new car, truck and other standards.

The Dingell bill would:

- Double the carbon monoxide and nitrogen oxide emissions from new cars.

- Weaken the certification and in-use testing procedure.

- Wipe out recall of cars with defective controls by making recalls discretionary with the auto manufacturers.

AROUND THE NATION

Resurgence

Bird populations are rebounding as DDT residues fade.

Ten years after the official ban on the use of DDT, the news from the wild is good: bald eagles, brown pelicans, and other bird species once decimated by the pesticide are repopulating former habitats as chemical residues fade.

The pesticide was banned in 1972 in the face of scientific evidence that it was causing serious environmental problems, including reproductive failure in susceptible bird species. For the past decade, human efforts have combined with natural forces to restore species that experienced sudden, sharp declines in the 1950s and 1960s. While specialists have teamed up to put intensive recovery programs into action, U. S. Fish and Wildlife Service researchers have completed studies that have proven

FROZEN RAFTS

Major expansions of the white-water rafting industry on the New, Cheat and Gauley rivers were prohibited in March by a freeze on commercial rafting — a freeze expected to last for about two years, until studies are completed on rafting on the New and Cheat rivers. A study of the Cheat is underway and the New's is about to begin.

The edict was issued by the director of the W. Va. Department of Natural Resources, Dave Callaghan, in mid-March. He said that it was necessary to prevent overcrowding of streams. His decision was also endorsed by a whitewater advisory board created by the legislature in 1981. The eight-member board includes two DNR representatives as well as two representatives from each of the three river basins.

Whitewater rafting in West Virginia is a small industry, generating \$13.2 million in tourist funds and attracting some 52,000 customers a year.

In a related matter, a public hearing to solicit comments concerning proposed interim regulations relating to commercial whitewater recreation in the state has been set for April 14 from 3 p.m. to 8 p.m. in Charleston.

The proposed regulations concern limiting the amount of traffic permitted on whitewater study zones to the peak 1981 weekend or holiday use.

Also under discussion will be a provision to allow the DNR's director to grant an exemption to the peak weekend provision if it would be a source of financial hardship.

WATER SUIT

The giant Island Creek Coal Company was sued for \$200 million in March by Mingo County residents who said the Lexington, Ky.-based firm had polluted their water supplies with wastes and hazardous chemicals from mining operations.

The chairman of the Ragland Public Service District filed the suit, claiming that Island Creek had promised in its deeds to residents that clean water would be provided in exchange for residents' drilling only shallow wells that would not interfere with mining.

The suit alleges the water supplies were polluted by substances which are used in coal processing.

DDE, a breakdown product of DDT, to be specifically responsible for eggshell thinning — the main reason some birds could no longer reproduce.

Scientists at the USFWS's Patuxent Wildlife Research Center near Washington, D. C. began to study the impact of DDT on wildlife shortly after World War II. In their investigations, they compared field observations with specialized laboratory research on surrogate species. They verified that sensitive species most seriously affected by DDT build-ups were those which preyed on fish and other small animals that had been exposed to DDT. Scientists learned that the higher a species and its food source were on the "food chain," the more severe the impact.

The bald eagle was highly vulnerable since it fed heavily on

fish in which DDT residues had accumulated. By the late 1960s, breeding populations had been practically lost in the Great Lakes region and on the East Coast, with just one known breeding pair each in New Jersey and New York State. Recently, however, bald eagles have returned to nest in formerly contaminated wetlands. Florida's population, which dropped 90 percent in the 1950s, has made a complete comeback, and the eagle's return to such regions as the Great Lakes may signal a turning point for America's national symbol.

The peregrine falcon — an efficient hunter which can strike its prey at 200 miles per hour in mid-air — occupies a position in the food chain similar to that of the bald eagle and suffered a similar decline. By the late 1960s, there were no peregrines known to nest east of the

Mississippi River where several hundred pairs had existed formerly. Since there were no birds left to repopulate former habitats, the falcon's recovery has been aided in the last decade by re-introduction of captive-reared birds to promising areas, including cities where prey such as starlings and pigeons abound.

While bald eagles and peregrine falcons were contaminated by DDT through high concentrations in their diets, research has shown that they are less than half as sensitive to the pesticide as the endangered brown pelican. Most pelican populations on the Atlantic and Gulf coasts were hard hit in the 1960s. In South Carolina, for instance, there were about 6,000 breeding pairs before DDT washed into Atlantic estuaries. In 1969 — a low point for pelicans and other contaminated

species — only 1,100 to 1,200 pairs were left and reproduction was nil. Now the pelicans number some 5,000 pairs, their rapid comeback mostly due to their principal food source, the menhaden fish, not having retained much DDT residue. USFWS scientists say that while pelican populations are not yet completely restored, their reproductive rate in most of the U. S. has returned to near normal.

The osprey or fish hawk also staged a rapid comeback after being nearly eradicated in parts of the East. From New York to Boston, the osprey population fell from 1,000 to 100 breeding pairs in the 1960s. But the species has been on the rise since the mid-1970s, with normal reproduction. Biologists hope ospreys will reach their pre-DDT population level by the end of the century.

RUBBERSTAMP

(Continued from page 1)

out shortly. The major problem, said Hirshman (he is the immediate past chairman of the Conservancy's mining committee), is that a pair of February memoranda from the DNR's reclamation division chief Pete Pitsenbarger seemed to indicate that "basically the DNR is just going to rubber-stamp all cur-

NO OPTION

(Continued from page 1)

Conservancy's Shavers Fork attorney, Patrick C. McGinley in the notice of intent.

Proceeding concomitantly with the suit is the continuing reassessment by the OSM of the Enviro operations as they and their mother firm, the Mower Lumber Company, seek to secure their federal permits. The firm is currently operating on state permits, the validity of which which the Conservancy is also challenging in the courts, but must yet secure federal permits as well.

The Conservancy's Shavers Fork subcommittee's chairman Bard Montgomery has indicated that, in an attempt to hurry the process along, an attempt is being made to schedule an informal conference with the OSM's technical services staff — a staff which recently vacated its Charleston offices and moved to Pittsburgh.

Once that conference is held, Montgomery indicated, it will trigger a 60-day deadline by which time the agency must announce a decision on whether or not to issue the federal permits. "It appears that no conference will be scheduled until OSM higher-ups are forced to make a decision," Montgomery remarked. "I hope the suit will do it."

CORRECTION

In a related matter, Montgomery also offered a correction to an earlier article written by him which appear in the February issue of the VOICE.

The water quality violation for which Enviro was cited by a federal inspector occurred at the Enviro No. 6 (Linan No. 3) mine on Shavers Fork, not the Glade Run mine as the original report indicated.

rent operations, regardless of the sensitivity of the areas where the mining is being done or regardless of how far along the mining has progressed."

He said the memos indicated that, aside from the filing of some minor, additional information, any company operating under an "interim" or even a "pre-interim" permit would not be required to get a new permit to continue their operations.

That is in spite of the fact, Hirshman said, that the federal surface mining law requires that every permit must to be completely reprocessed.

However, Hirshman also said he understood the administrative difficulty in such a process. It would, among many other things, for instance, require legal re-advertisement and a public comment period for virtually every mine in the state. What was outlined at the early March meeting with Callaghan and Abrams were some less-burdensome compromise criteria which would at least make a stab at eyeballing the state's more critical operations.

His suggestion to the DNR has been to carefully re-examine all mines in sensitive watersheds, concentrating first on those with hydrologic — and, especially, acid drainage — problems. Also to be examined would be those which are less than 50 per cent complete. In addition, he said he indicated that something should be done about the requirements for public notice.

As it stands now, Hirshman said the DNR "appears to have taken the position that these mines do not need a new permit," an inference that he said Director Callaghan did not dispute — and Abrams indicated was of such a policy-making nature that it did not involve him.

As the VOICE went to press, Hirshman said he intended to pursue the issue shortly to determine what, if anything, had been done. Hirshman said that if no concessions from the stance outlined in the February memos from Pitsenbarger are forthcoming, "there is talk" of filing a notice of intent to sue to require a re-permitting of all mines in the state.

NO GLOWING EXAMPLE

(Continued from page 1)

sions. Any two agencies attempting this cooperative effort would meet great difficulties:

— Forms must be agreed upon by both parties, forms that combine the interests of both agencies as well as industry while at the same time providing adequate, detailed information for each division without being unduly cumbersome for industry.

— Permits must be drawn up that address the standards and guidelines of both divisions.

— Procedures must be agreed upon to facilitate the most thorough inspections and balanced supervision while simultaneously allowing for fair and adequate enforcement.

For such combined energies to work effectively and efficiently, a firm spirit of cooperation is necessary. Cooperation between water resources and reclamation is, therefore, a key factor in the success of the program.

Unfortunately, cooperation between these two divisions has been at a low ebb for many years.

Whatever the reasons — salary differences, mutual disregard for the others' ability to monitor water quality in surface mines, questions of proper authority to regulate strip mining, numbers of inspectors, qualifications of those inspectors, different approaches to water quality standards (effluent limitations, in-stream concentrations of pollutants above and below discharge points), proper control techniques — whatever the reasons, the history of cooperation between water resources and reclamation with regard to surface mining has not been a glowing example of what is needed to make this new program work.

It is generally recognized that genuine and effective cooperation is not a strong point in interactions between these two divisions. Even an internal memo from the Environmental Protection Agency contained in the state's proposal packet expresses concern about the "strained relationships between all divisions in DNR." EPA cannot afford to

entrust NPDES to an agency unable or unwilling to work out its internal differences. Nor can the residents of West Virginia afford such animosity in the regulatory agencies.

While no one can force the divisions to cooperate, it is entirely reasonable to require further definition of the proposal. Even if the level of cooperation were greater, it is not unfair to expect more detail to be included in the outline of surface mine NPDES plans. EPA has very little to evaluate if they are to look only at this "memorandum of agreement."

For example, rather than the statement "There shall be one application form, consisting of the Division of Reclamation DR-4 form and the Division of Water Resources' Water Quality form (I.A.1)," there should be some workable version of this application submitted. The combination of these three- and seven-page forms into one form acceptable to all is not an easy task, but we should have some idea of whether or not water resources and reclamation can, in fact, come to terms with even this basic, initial step in the permit process before we can assert our confidence in their ability to work out the entire program from application, through permitting, monitoring, enforcement and termination.

There is, perhaps, one area where water resources and reclamation share common energies — enforcement. Due to pressures in the field, or in the magistrates' offices, or a lack of strong directives from the administrators in Charleston, fines usually as low as \$100 serve as the backbone of the "effective and aggressive enforcement program" that everyone recognizes as essential for compliance with the requirements of any permit program.

The difficulty of effecting a cooperative effort for surface mine NPDES permits; the history of non-cooperation between the responsible agencies; the sketchy memorandum that attempts to spell out the shared authority and activities; the questionable strength of enforcement powers — they all add up to a structurally unsound foundation for the state's assumption of primacy in the NPDES program.

CHARLESTON
Bad Bills

The legislature spawns two measures which may hamper environmental progress in the Mountain State.

Two bills — neither of them directly related to the environment — made it through the state legislature this year, both withstanding gubernatorial vetoes to become, in the opinion of one of the state's leading conservationists, major stumbling blocks in the funding of environmental projects as well as the control of environmental damage.

The problem, according to Perry Byrant, the Charleston vice-president of the W. Va. Highlands Conservancy as well as the environmental coordinator for the W. Va. Citizens Action Group, is that one of the bills requires legislative approval for all monies coming into the state while the other requires legislative approval of all regulations.

"drastically change" the relationship between the executive and legislative branches of government.

Bryant explained that the new law regarding federal monies is that if the federal government provides money to the state for a significant change in existing programs, the treasurer can accept — but the governor cannot expend — those funds until the legislature appropriates them.

Byrant says his major concern is that the new law may result in a loss of federal dollars coming into the state for environmental programs. He points to the recent example of \$800,000 offered to the state by the U. S. Environmental Protection Agency for the inspection of hazardous wastes.

"EPA's like everybody else," he pointed out. "They've got to spend

the money within a certain fiscal year." He said that had the current law been in effect then, EPA "wouldn't have given us the money" because it could not tentatively grant the money pending approval of the legislature at a later date. In simpler terms, it's easier to spend the money elsewhere.

Nevertheless, the law was passed, vetoed and then over-ridden. Byrant said he believed that was partly due to lethargy on the part of the Rockefeller administration which failed to work against the measure after it was successful in getting the W. Va. Department of Highways exempted from the law.

While that measure does not go into effect until July 1 of 1983, Bryant said he believes the chances of overturning the measure during the next session of the legislature are slim.

Scheduled to go into effect very shortly — in fact, by the end of May — is the other measure which provides for legislative review of all state rule-making. A similar procedure had been instituted a few years ago, Bryant said, but it was rule unconstitutional by the state's Supreme Court last summer. He predicted that the current measure would skirt the constitutional issues involved and would survive any court challenges.

He said it provides that all new regulations have to be approved by the legislature before they can go into effect. The procedure is expected to hamstring state agencies, especially those attempting to implement state versions of federal legislation such as the surface mining, hazardous waste and underground injection laws.

CANAAN VALLEY
Happy Trout

Land of Canaan sees the light and demurs from plan to install chlorination equipment.

A wastewater disinfection system that may be less expensive to both install and operate will be used at the Land of Canaan Vacation Resort in Canaan Valley, a negotiated change for which the Kanawha Valley Chapter of Trout Unlimited is giving itself a pat on the back.

Representatives of the chapter's environmental awareness committee, Land of Canaan Vacation Resort and the W. Va. Department of Natural Resources' division of water resources worked on the substitution of an ultraviolet disinfection system for a previously-proposed one that uses chlorine. Chlorine had been opposed because even trace amounts can wipe out trout populations which are plentiful in Canaan.

The TU chapter's March newsletter indicated that Paul Sawyers, a representative for Land of Canaan, said he expected the ultraviolet system to be less expensive to operate and could be less expensive to install in a new plant than chlorination systems. "Land of Canaan has the ultraviolet unit 'in-hand' and is expected to install it" soon after receiving its permit, the newsletter indicated.

Permits for Timberline as well as the Canterbury Inn, both developments in Canaan Valley, have also been altered to delete chlorination. Timberline uses ultraviolet while Canterbury Inn is using a long-retention polishing pond.

In other Trout Unlimited news, the Kanawha Valley Chapter has endorsed the passage of the Cranberry bill which would create three new wilderness areas in the highlands: in the Cranberry as well as in the Laurel Forks, north and south. The chapter's board of directors had some difficulty in deciding to endorse the bill, however, because wilderness designation for the Cranberry would prohibit restoration of the Middle Fork of the Williams River, a stream which they believe is a casualty of acid

precipitation. On another issue, the proposed hydropower conversion of the Summersville Dam, the chapter "is

withholding its judgement until it is determined whether the project would render the Summersville reservoir useless as a warmwater

fishery" for bass and walleye, a determination which is currently being made by the U. S. Fish and Wildlife Service.

ELKINS
Recharge

A Sierra Club leader is slated for an April 17 environmental conference in Elkins.

By LESLIE McCARTY

WANTED: People with energy and a commitment to environmental concerns to attend a one-day workshop in Elkins at Davis and Elkins College on Saturday, April 17, from 10 a.m. to 6 p.m.

The W. Va. Highlands Conservancy and the Mid-Atlantic Region of the Audubon Society are sponsoring the event in the hopes of strengthening environmentally-concerned groups in West Virginia. Even if your group is small or informal or just in the talking stage, the workshop will help get you started.

The keynote address will be delivered by Brock Evans, a nationally-known leader who worked for several years with the Sierra Club before becoming national issues vice-president for the Audubon Society. Small discussion groups will focus on building local organizations, networking with other groups, influencing legislators and working with the media. An up-to-the-minute report on the Cranberry wilderness bill will be presented.

Groups which will be represented include the W. Va. Citizens Action Group, the W. Va. Audubon Society, the W. Va. Rivers Coalition, the W. Va. Clean Air Coalition, the W. Va. Highlands Conservancy and the Canaan Valley Alliance.

If you have been thinking about making your organization more ef-

fective, planning to start a local group around an issue in your area, wishing you knew more about what others are doing or just wanting to get together with others from across the state to talk about common con-

cerns and strategies — come and get some environmental energy.

For more information, contact Dave Elkinton, Rt. 5, Box 228-A, Morgantown, WV, 26505 or Leslie McCarty, Rt. 1, Box 21, Buckeye, WV, 24924 (304-799-6097)

VEPCO AND APCO

That once-faltering, \$1.7 billion VEPSCO pumped-storage project in Bath County, Va. is being eyed again — this time more favorably — by the Appalachian Power Company. Apco rejected participation two years ago as too expensive and continued to pursue a hydro-electric proposal of their own.

Executives of Apco and its parent firm, the American Electric Power Company, said just after mid-March that they will look at a proposal being proffered by Virginia's Sen. John Warner and Rep. William Wampler "as an alternative to a hydro project at Brumley Gap in Washington County, Va.," according to a report from United Press International.

The Brumley Gap proposal has been strongly opposed by residents of the area as well as by environmental organizations — a situation not dissimilar from problems encountered by the Monongahela Power Company in Canaan Valley where, after battling for years trying to build the Davis Power Project, has now also agreed

to purchase a portion of the VEPSCO project.

An AEP spokesman in Ohio was quoted as saying that the VEPSCO project was being examined to determine how it "might fit in with our capacity needs."

While AEP and Apco are looking at VEPSCO's Bath County facility, VEPSCO itself is looking toward its own lands in Grant County and is seeking permission to explore for natural gas and minerals on a 10,000-acre tract near the Mt. Storm generating plant.

A VEPSCO spokesman the venture, if approved by the state of Virginia, would be financed by stockholders with about \$8 million. The utility's customers would neither pay for the drilling nor share in the profits, the spokesman said.

The move was apparently prompted by the success of several other companies which drilled exploratory wells in the area. Undertaking the project would be Virginia Nuclear, Inc., a wholly-owned subsidiary of VEPSCO.

(Continued from page 3)
for those two events will be U. S. Forest Service district ranger Dave Stack of Bartow.

Following a noontime lunch is a hike to the Gaudineer Scenic Area followed by a 6 p.m. dinner and a 7:30 p.m. slide show by Association member (and Conservancy board member) Sayre Rodman of Pittsburgh.

Sunday morning's breakfast is followed with the Association's annual meeting, a noontime lunch and a 1 p.m. work-hike on the Allegheny Trail near Durbin.

Registration is required by April 10 and should be sent to the Association at Box 4042, Charleston, WV 25304.

Other events of the coming year include a May 15 work-hike and new trail construction from Gaudineer to Durbin; a May 29, 30, 31 backpacking work-hike from Gladly to Durbin and the roustabout, week-long work-hike from Durbin to Cass from June 19 through 26.

Also being planned is a July 9, 10 and 11 summer meeting to be held at Sugar Camp Farm in Monroe County, but plans for a fall meeting set for Sept. 17, 18 and 19 are yet to be announced.

VACATION OFFER

Responsible persons or couples to act as volunteer campground hosts at the Lake Sherwood recreation area this summer are being sought by the U. S. Forest Service. In exchange for the services to be requested of these hosts, the Lake Sherwood campground residence building is being offered as a summer home.

Those who volunteer to serve as campground hosts will be asked to work a full shift or a portion of a shift at the gatehouse at the entrance to Lake Sherwood. Activities include greeting incoming campers and visitors, supplying recreation information, assisting campers in locating campsites and registering campers. Volunteer hosts will not be asked to handle money or be accountable for recreation fees. The recreation season, during which volunteer services are needed, is May 31 through Sept. 6.

Persons interested in being considered for a possible volunteer host role at Lake Sherwood Recreation Area should address inquiries to the District Ranger, White Sulphur Ranger District, Post Office Building, White Sulphur Springs, WV 24986. (304-536-2144) Inquiries about possible volunteer roles at Blue Bend may also be made at the White Sulphur Springs office.

REFUSE SITE

A Nashville, Tenn.-based firm, the Ingram Coal Company, is proposing the construction of a 44-acre refuse disposal area on the Shavers Fork of the Cheat River, about nine miles southeast of Huttonsville — and about one-third of the way, as the eagle flies, between Barton Knob and Gaudineer Lookout towers.

The surface is owned by the Mower Lumber Company which is leasing the property to Ingram, according to a published legal notice. A state-owned roadway apparently borders a portion of the proposed site.

A copy of the application is available for inspection at the W. Va. Department of Natural Resources' reclamation division offices in Elkins. Comments will be accepted through May 10 of this year.

WASHINGTON

Watt in the Wilderness

The Secretary of the Interior proposes a wilderness preservation bill which is denounced by the nation's conservationists.

A bill that would weaken rather than strengthen the nation's wilderness laws was blasted out of the water just days after it was offered to Congress earlier this year by Secretary of the Interior James Watt.

Three days before a late-February offering of "The Wilderness Protection Act of 1982" was made to the Congress, Watt appeared on national television and declared that "we think these lands are special lands and should be preserved in a natural state." He said his legislation would accomplish that end.

Two days later, in a joint communique from the Sierra Club and the Wilderness Society, "the magnitude of the disparity between the stated and actual purpose of the legislation" was outlined.

In letters to every member of the U. S. Congress, the two groups wrote that the bill "purports to 'protect' wilderness areas from development until the year 2000. In fact, the protection is illusory. Prior to 2000, the President, acting on his own, without needing Congressional approval, can open any wilderness by a declaration of 'urgent national need.'" In addition, millions of acres

FOREST PLANNING

Rules which guide land and resource management planning in America's national forests — and in the Monongahela National Forest in West Virginia — have been proposed for revision by the Department of Agriculture.

A summary of the proposed changes published in the Federal Register noted that in March of 1981, a presidential task force on regulatory relief identified a review of such rules as "a high priority."

The proposed changes — 19 pages of them — were published in the Federal Register on Feb. 22 of this year. Public comments are due by April 23 and should be addressed to Max Peterson, Chief, Forest Service, USDA, P.O. Box 2417, Washington, D. C. 20013.

of potential wilderness areas will be turned over to development long before 2000, unless Congress acts to prevent it within strict time limits. After 2000, the wilderness system is opened in perpetuity to mineral development, making this a 'sunset' law for the entire wilderness system, including national park and refuge wilderness areas. This law would in no way improve legal protection for wilderness, since under current law, the wilderness system will be closed permanently to new mineral development on Dec. 31, 1983.

"The bill gives Congress only two years to designate areas recommended for wilderness in Bureau of Land Management studies, allowing those who oppose the idea of wilderness to obstruct any legislation; when the deadline passes, the study areas would be released to development permanently. Similarly, the bill establishes equally rigid deadlines for Congress to designate additional wilderness areas in the Forest Service's RARE II recommended wilderness and Further Planning Areas. Again, once the deadline has passed, these lands would be permanently opened to development.

"Secretary Watt puts forth two principal reasons for introducing this assault on wilderness: (1) that the Wilderness Act of 1964 requires him to issue mineral leases for oil and gas leasing in wilderness areas before Jan. 1, 1984, and (2) that the law prevents us from knowing what resource values might exist in those lands. Both assertions are erroneous. Under the Wilderness Act and the mineral leasing laws, the Secretary has full authority to deny leases. All previous Interior Secretaries have refused to lease on the grounds that such activity was incompatible with wilderness and that the law did not require issuance of leases. And, the current law specifically provides for recurring inventories of mineral resource potential in wilderness."

(Please turn to page 2)

WASHINGTON

Less and Less

An index of environmental quality shows little improvement.

The quality of life in the United States, as measured by seven environmental indicators, declined in 1981 for the second year in a row, according to the National Wildlife Federation's 13th annual Environmental Quality Index (EQI) study.

Of the seven natural resources measured, four — water, living space, soil and wildlife — all suffered losses over the past year. Three others — forests, air and minerals — held their own. For the second consecutive year, none of the indicators showed any improvement.

In fact, the NWF said, the last time an improvement registered on the EQI was during 1979, when air quality began to show the effects of the 1970's Clean Air Act — a law that is being altered by Congress this year. Air quality is still the only indicator that is higher today than it was in 1970, when the first EQI survey was published.

As described by the NWF, the EQI is a combination of objective measurements and subjective, informed judgments of environmental trends. Estimates are made by NWF staff in conjunction with government experts, private specialists and academic researchers. Data were obtained from six federal agencies — the Bureau of Land Management, the Council on Environmental Quality, the Environmental Protection Agency, the Fish and Wildlife Service, the Forest Service and the Soil Conservation Service.

Summaries of the information which led to the formulation of the index showed that:

— The nation's wildlife suffered a decline for a variety of reasons, the most threatening of which was continued habitat loss. Despite the efforts of conservationists, some of the most important habitats — the marshes, swamps and tidal basins known as wetlands — are being destroyed at an alarming rate. Residential, commercial, agricultural and energy development over the last 20 years has swallowed up more than 12,500 square miles of the United States' wetlands.

— Minerals held their own in the EQI because of the gains made

in renewable energy sources over the last year. But the Reagan Administration earmarked more funds for nuclear power and proposed opening up more federal lands and offshore areas to coal, oil and other mineral development, a move that conservationists say could have disastrous environmental consequences.

— Air quality also held its own, but just barely. The Council on Environmental Quality reported that the Clean Air Act is saving 14,000 lives a year and over \$21 billion in health, property and other damages. Despite the improvements in air quality, mostly a reflection of reduced levels of soot, dust, other particulates and sulfur dioxide, the problems of ozone and acid rain remain largely unsolved.

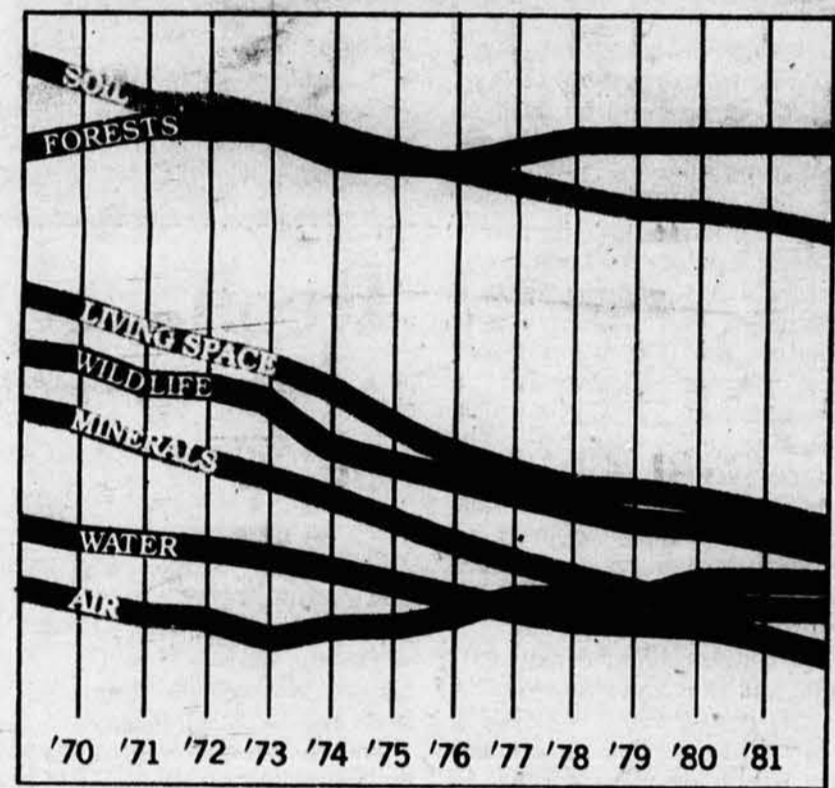
— Water quality suffered last year, in spite of the goals of the Clean Water Act of 1972. Thirty-seven states have said that they'll be unable to meet the act's mandate for "fishable and swimmable" waters by 1983.

— With the housing slump keeping a tight lid on timber demand,

forests held their own. But demands for minerals and energy are creating other pressures on national timberlands.

— Farmland is going at a rapid rate. The U. S. Soil Conservation Service reported that nearly eight million tons of soil were washed or blown off America's farmlands in 1981. That's 35 percent worse than it was in the Dust Bowl days of the 1930s — at a time when the demand for food is growing (See the January, 1982 issue of the VOICE, pages four and five.)

— Living space also shrank last year, simply because there are too many people and not enough room. Although the growth rate in the U. S. is down, the U. S. population will continue to increase for the next 80 years, according to a United Nations' projections. What's more, the nation is added another three million people annually through immigration. The swollen population puts increasing pressures on federally-owned lands, on mass transit systems, on schools and on sewage treatment facilities. It also means there's less green space to go around.

ENVIRONMENTAL TRENDS 1969-81

WASHINGTON

Wrongful Death

The National Wildlife Federation's report on the Environmental Protection Agency's cutbacks is viewed favorably by both Democratic and Republican leaders.

Congressional leaders of both parties have reacted favorably to a report by the National Wildlife Federation warning against cuts in the budget of the Environmental Protection Agency proposed by the Reagan administration.

The NWF study found the Reagan administration, with its proposal for an EPA budget 29 percent under what Congress appropriated for the agency in 1981, was "moving to cut the EPA in half at a time when its workload is doubling." If Congress accepted the \$961 million Reagan budget for fiscal year 1983, said the conservation group, it would mean a "wrongful death by strangulation"

Sen. Robert T. Stafford (R-Vt.), chairman of the Senate Environment and Public Works Committee, said NWF had performed a "valuable public service" and added: "I share some of the concerns expressed (in the report) as to whether EPA can carry out its congressionally-mandated responsibilities if further budget reductions are approved."

House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.), at a news conference with four other Democratic congressmen, praised the report and called the administration's EPA budget a "radical demolition program." He promised to "fight it

every step of the way."

O'Neill also accused President Reagan of breaking a tradition of bipartisanship on environmental issues. Rep. Morris K. Udall (D-Ariz.), chairman of a new Democratic task force on the environment, charged that "EPA is being mugged in broad daylight" and predicted the administration's position on environmental protection will be "a major issue" in the 1982 congressional campaign.

After the Democrats' briefing, a group of 19 House Republicans signed a statement commending them "for bringing the plight of the EPA to national attention" and asserting

that "the laws that protect the health of the people and the integrity of our natural environment are a matter of national interest and are not a partisan issue."

The Republicans' statement continued: "Our environmental laws will become meaningless unless they are effectively enforced. The health-based standards that are the key to the Clean Air Act and the Clean Water Act must continue to be supported by a strong federal research program. Finally, we must maintain a capacity to analyze and respond to new challenges to the environment before they become national emergencies."

"All these functions must be assumed by the Environmental Protection Agency which was founded under a Republican administration and has enjoyed bipartisan support in the Congress since its inception. We are determined that EPA will continue to play its traditional role — to safeguard the health and protect the environment of the American people."

The NWF report presented an alternate budget of \$2.16 billion, which, Hair said, "is the amount we need if we are to continue making progress toward clean air, toward fishable and swimmable waters."