Published monthly by the W. Va. Highlands Conservancy

Volume 14, Number 2 — February, 1982

### CHARLESTON

## No

The state's reclamation commission finds the likelihood of stream destruction high — and calls for a renewed effort on the part of the coal industry as well as the DNR's enforcement branch. An unsuitability petition is rejected.

parts of three north central West to 1977. ing, officials said today.

Resources take a close look at future acres and DLM Coal Co. for 12,000 said. permit applications in the area, that mining be closely monitored, and that coal development not be "accelerated" because of the acid drainage problem.

DNR Director David Callaghan who chairs the Reclamation Commission - also announced that Island Creek Coal Co. has been given a permit to strip mine another 150 acres in Upshur County adjacent to an existing operation, using new technology to prevent acid drainage.

ties - it fell into two general able to open. categories: the northern and southern central area, where it was.

have ruled" the central area un- jor modifications to the permit they

CHARLESTON, W.Va. (UPI) — suitable for mining except for a provi-The state Reclamation Commission sion of federal law which exempts Virginia Rivers Coalition to declare financial commitments" existed prior cess of reviewing the petition. He said

such commitments existed in the be useful in the future. The commission recommended that area. Specifically, Island Creek was

a wealth of information had been drainage problems. Virginia counties unsuitable for min- He said research indicated that gathered about the area which would

Callaghan warned Island Creek last "We profited enormously from this year that no new permits would be coalition for not providing more has rejected a petition by the West areas in which "substantial legal and exercise," Callaghan said of the pro- issued until the company detailed evidence of the acid prodemonstrated it could cope with acid blems in the area.

technology for controlling drainage, "It has caused us to look at the with more traditional backup the state Department of Natural entitled to an exemption for 32,000 cumulative impact of mining," he measures available if those don't work, he said.

The 15-page decision criticized the

The permit just issued involves new "DECISION OF THE COMMISSION" **Excerpts from** "POLICY RECOMMENDATIONS,"

(Please turn to page 6)

### IN THE COALFIELDS

## Not Yet

The director of the W. Va. Department of Natural Resources says he's not ready to let Holly Grove open its mine — regardless of what the EPA does.

Even if the U. S. Environmental now hold before mining can start. Protection Agency grants the Holly Callaghan said in researching the Grove Coal Company a permit to strip petition area - 461 square miles in mine its 250-acre tract of minerals in Randolph, Upshur and Barbour coun- Upshur County, the mine will not be

The director of the W. Va. Departportions of the area, where acid ment of Natural Resources, Dave drainage was not a problem, and the Callaghan, said that the state mining permit which the company holds is no He said the commission "might well longer valid: there will have to be ma-

The announcement was sandwiched Jackson's Mill State 4-H Camp near subsidiary of the giant LaRosa Fuel

into a two-hour speech and question- at the extreme southeastern edge of Kanawha River. The site is near the and-answer session when Callaghan Upshur County near Rock Cave, has southern borders of Randolph and Upappeared before the W. Va. Highlands been the focus of a coal mining regula- shur County, a remote, rural section Conservancy at the environmental tion dispute for more than a year and in the foothills of the Allegheny chain group's mid-winter workshop held at a half. It arose when the firm, then a just west of the valley-and-ridge sec-

Company, announced they intended to The Holly Grove strip mine, located mine the headwaters of the Little

(Please turn to page 6)

## WASHINGTON AND THE HIGHLANDS

# 'Ding Dong ...'

Corridor H bites the dust.

CHARLESTON, W.Va.

shelve Corridor "H," a highway stret- said. ching from Buckhannon toWin- While the 13-state ARC has abanchester, Va.

Highways, however, plans to assume we're going to use here and now." responsibility for preliminary plann- Corridor "H" is among several Aproad become available.

tion of the 138-mile roadway and routes. because of the steep cost involved.

construction by 1990.

abandoning Corridor H. We're saving bably won't be completed.

The Rockefeller administration says "It was held up because fo enthe Appalachian Regional Commis- vironmental, historical and terrain sion, bowing to the wishes of the concerns and the fact that some peo-Reagan administration, has elected to ple didn't want it built," Gallagher

doned the project, that doesn't mean An aide to Gov. Jay Rockefeller it will not be built in some form, said Thursda that the Department of that whatever money we have now,

ing of the project, if funding for the palachian highways planned by the 17-year-old commission, but never Pat Gallagher, who represents built, mostly because of disputes in-Rockefeller on the ARC, said the deci- Gallagher said. The project has been sion to drop Corridor "H" came transferred to the state Department because the commission couldn't give of Highways, where planners must the administration a date for comple- narrow the design to three possible

Gary Chernenko, a spokesman for The ARC is trimming its list of pro- the DOH, said the state will complete jects because President Reagan has an environmental impact study and ordered a phaseout of economic corridor location phase in case money development projects and highway for the project is available in the future.

'We did say that Corridor 'H' from Due to the ARC phaseout, Gallagher Buckhannon to Elkins has to be finish-said that 660 miles of the planned 3,033 ed," Gallagher said. "We are not Appalachian highway network pro-

Feeling gleeful is one of the newest members of the W. Va. Highlands Conservancy's board of directors through the Conservancy's midwinter workshop humming strains of "Ding, Dong, The Wicked Road Is Dead!" in celebration of the then-justannounced demise of Corridor H. In the photo, he is admiring an article in a national environmental publication which quotes him and documents

some of the travails of the con-

troversial highway.

that would have connected interstates he was also elected to the Conservan-79 and 81 with a highlands-busting cy's board of directors during the an-Geoff Green (left) who chortled four-lane corridor, was canned by nual meeting's formal elections. Gov. Jay Rockefeller and the Apsystem which will never be built.

subcommittee of the Conservancy's legislature.

At right is Raymond Eye who acpalachian Regional Commission in companied DNR director Dave the light of declining revenues and the Callaghan - the mid-winter highways astronomical costs. The workshop's featured speaker - to the corridor is now expected to join some meeting at Jackson's Mill near 660 miles of the originally-planned Weston. Eye is Callaghan's legislative 3,033-mile Appalachian highway liason and, according to accounts from both men, most of his work is At center is Bard Montgomery, the aimed at killing the hordes of bad bills current chairman of the Shavers Fork which rear up from the floor of the



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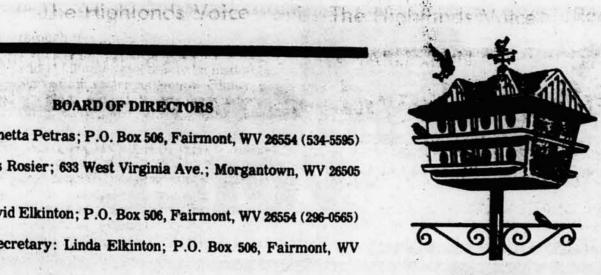
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### VOICE EDITOR

Judy Frank, P.O. Box 1121, Elkins, WV 26241 (636-1622)



### **BIRDERS**

The Brooks Bird Club is planning its early-spring meeting at Jackson's Mill State 4-H Camp on March 5, 6 and 7, and it will include a Saturday morning field trip, an afternoon executive committee meeting and "papers" session as well as a Sunday morning general meeting.

Reservations for the event must be mailed to Chuck and Helen Conrad at Rt. 1, Box 116, Triadelphia, WV 26059 by Feb. 20.

Friday's events begin with registration at 3 p.m., an "Early Bird" supper at 5:30 p.m. and a 7:30 p.m. "Get Together and Program" followed by a late-night snack and refreshments.

Saturday morning opens early at 7:30 a.m. with breakfast, followed by a walking field trip at 9:15 a.m., lunch at 12:15 p.m., and the executive committee meeting at 1:15 p.m. A "Paper Session" follows at 2 p.m., a social hour four hours later and the evening's banquet at 7 p.m.

Sunday morning begins at 8 a.m. with breakfast followed by a Sunday morning worship service and the BBC's general meeting. Lunch is

available at 12:15 p.m.

For a more ambitious gathering, birders and others may be interested in heading for Butternut Lodge in the Ottawa National Wildlife Refuge at Oak Harbor, O. That gathering will be March 25-28 and will include a Thursday night check-in, dinner and gettogether followed by a Friday morning field trip to Cedar Point National Wildlife Refuge, an afternoon field trip to the Ottawa refuge, and a dinner and evening's get-together that night.

Saturday features a morning's field trip to Crane Creek, and another afternoon field trip to an as-yetundesignated destination. Sunday includes a field trip to Killdeer Plains.

Total cost is a mere \$20 for both food and lodging - exclusive of restaurant

Reservations must be made with the Conrads by March 15 at the abovelisted address.

The main Ottawa lodge, the Conrads note, provides overnight accommodations for adult birding groups and is fully carpeted with a fireplace and a furnace. The kitchen has a refrigerator and stove suitable for large groups.

Ottawa, Cedar Point and West Sister Island National Wildlife refuges comprise over 8,000 acres of marsh and uplands supporting an array of wildlife.

Further information is available from the Conrads.

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### TRAILERS

Association's annual conference has day, Saturday and Sunday, at the Ar- nounced. bovale Community Center in Pocahotas 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. roundtable discussion of nature addressed, stamped, No. 10 envelope photography.

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 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 back-packing work-hike from Glady to Durbin and from Durbin to Cass from June 19 Street in Charleston, WV 25311.

### The Highlands Voice

The 1962 W. Va. Scenic Trails and 11 summer meeting to be held at

Also being planned is a July 9, 10 Sugar Camp Farm in Monroe County, been scheduled for a late-April but plans for a fall meeting set for weekend, the 23rd, 24th and 25th, Fri- Sept. 17, 18 and 19 are yet to be an-

### SCHOLARSHIPS

A scholarship program for high school, college and graduate school students has been announced by the National Audubon Society Expedition Institute. The 1982 scholarships are designed to defray a student's expenses while attending school, or for a project or summer program of the student's choice. Application forms and instructions are available until Aug. 15, 1982 by sending a selfto Scholarship Committee, National Saturday morning's post-breakfast Audubon Society Expedition Institute, iscussions include a 9 a.m. progress RFD 1, Box 149B, Lubec, Maine 04652.

#### SURVEY

Proposed solutions to — as well as information about - water-related problems in the eight counties of the Mountain State's eastern panhandle are contained in a Comprehensive Survey of the Potomac River Basin.

The survey covers land use: flood prevention; erosion and sediment; drainage; irrigation; rural, municipal and industrial water supply; recreation; fish and wildlife; surface and subsurface water; natural and historic resources; transportation; solid waste; and economic conditions.

The plan's recommendations are non-binding, but are consistent with other plans for the area. The survey was jointly sponsored by the W. Va. Department of Natural Resources and the U. S. Department of Agriculture. It drew on participating! efforts from a host of other agencies and citizens.

More information is available from Ron Wigal at the water resources divithe roustabout, week-long work-hike sion of the DNR at 1201 Greenbrier

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 necesary 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

Associate—\$30 from a larger organization whose member-

ship approves the efforts of the Conservancy: Sustaining—\$60 from a large national organization which preciates the importance of a highlands area to the ple of the eastern seaboard.

| New |
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Renewal ....

Clause well

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Membership category (see descriptions opposite)

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Make checks payable to The West Virginia Highlands Conservancy.

## IN THE CLOUDS

# Mountainside Robbery

The Conservancy's acid rain committee chairman continues his pleas for a rescue of the Mountain State's forests and streams.

By DON GASPER
The "Clean Air Act" revisions under consideration now in Washington must protect West Virginia's pure and sensitive trout streams from acid rain. It is urgent that acid rain be reduced

The eight-year average acidity of rain and snow in the W. Va. mountains is pH 4.5. The average at the best station for the last two years is pH 4.1 for rain and pH 4.5 for snow. This is at least ten times more acid than 30 years ago -- perhaps 30 times more acid. It new amounts to over 500 net metric tons of sulphuric acid at pH 4.5 falling each year above every 35-footwide stream bed.

This now strongly-acid rain washes the soil of its nutrients and alkalinities. The summer rains now average pH 4.1 and these streams normally run pH 6.0 in summer. This means that nearly 99 per cent of the acid input is neutralized by the soil before it reaches stream channels. This is an enormous and unusual drain on the alkalinity and nutrient reserves of theses already infertile forest soils. The recent increase in accelerated, chemical weathering is measured in this graph (see illustrawide stream near Parsons, W. Va. Note that the specific conductance, water, is one-quarter greater in the your concern.

last ten years than in the previous ten years. During the summer, this is mostly due to the loss of alkalinity and nutrients from soil reserves. (In the spring, iron and aluminum losses during higher water probably account for the increase, though some neutraliza-tion occurs even then.)

This proof of soil impoverishment in

West Virginia is very significant. Little other information is available on streams. The work of soil scientists working with Indiana prarie soils suggests it would take ten years for our forest soils at our present levels of acid rain to become one-tenth pH unit more acid. This may be too much. It may be too late if this happens. In the Adirondacks, where they have lost 10,000 acres of lakes, they expect to lose 25 per cent more in the next ten

We must all act to be sure the Clean Air Act is strengthened. A reduction in stationary emissions by 40 per cent in the next ten years may not be enough. Perhaps a 20 per cent reduc-tion could be accomplished in three years and another 20 per cent in the next two years. No one can assure us these streams — over one-quarter of West Virginia's trout waters — will tion) from an undisturbed, five-foot not be lost forever within five years. Please contact your legislators in Washington to be sure they are inwhich measures everything in the formed of this threat and informed of

and present evidence of the dangers of tionally — if he could be persuaded of acid rain with DNR director Dave the importance of the problem. Callaghan (right) is Don Gasper, a DNR fish biologist and chairman of the Conservancy's acid rain committee. The two met during the Conservancy's mid-winter workshop at passes them on to his colleagues,

Jackson's Mill near Weston. Gasper believes Callaghan "is not Virginia's trout water is threatened by present levels of sulphur dioxide ...

Gasper has launched what is practically a one-man educational campaign. He:

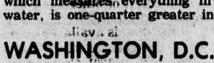
- scans and digests articles and supervisors as well as Callaghan;

 has prepared and is delivering been shown to - among others - Carl Beard of the W. Va. Air Pollution Con-I am nearly alone in fearing soil im- trol Commission, Dennis Abrams of poverishment," the biologist said. the attorney general's environmental "My credibility is questioned." task force, deputy DNR director Dr. Gasper believes Callaghan has not Willis Hertig, Carl Gainer of the W. been fully informed of the evidence Va. legislature's natural resources alkalinities faster than ever before.

Discussing what he believes is clear - and the governor very effective na- Voters - and he has also appeared on a half-hour Clarksburg television program dealing with acid rain.

In Washington, Sen. Jennings Randolph has spoken out against a weakening of the Clean Air Act based on information supplied to him by Gasper, while within the last week, Sen. Robert Byrd has introduced legislation to accelerate by five years convicued that one-quarter of West a 25-minute slide-tape show that has the government's study of the problems of acid rain. Second District Congressman Cleve Benedict contends that the issue is still too confusing to justify the current controls.

Gasper contends acid rain is leaching out soil nutrients and



# Clean Air, Dirty Air

## Congress retuns to face the Clean Air Act and a new 'dirty air' bill is offered.

One of the major unfinished agenda quality; items for the second session of the ofthe Clean Air Act. The Senate has health standards; completed the hearing phase of the reauthorization process while the federal auto emission control pro-House continues its examination of gram, including more than doubling the Act and possible amendments to allowable emissions of carbon monoxit. The Senate Environment and ide and nitrogen oxides from new Public Works Committee began cars; mark-up last fall, although it has completed consideration of only one sec- gram for protecting most existing tion of the law: the setting of health clean air resources; standards. Sen. Robert Stafford has announced that he hopes to report from toxic air pollutants and acid out a bill by March. The House Health rain; and Environment Subcommittee has not yet scheduled mark-up sessions, parks. although they may begin sometime in February.

in December, a comprehensive set of (R-NC), Thomas Luken (D-OH), Edamendments to the Clean Air Act was ward Madigan (R-IL), Edward Hillis introduced in the House by Represen- (R-IN) and Bob Traxler (D-MI). Jointatives John Dingell (D-MI), James ing in since then has been West Broyhill (R-NC) and Thomas Luken Virginia's Second Congressional (D-OH). The bill, known as HR 5252, District Congressman Cleve resembles earlier bills introduced by Benedict, a Republican. Rep. Broyhill and Reps. Traxler and Benedict said the bill would help damentally alter the Act.

amendments include:

deadlines for achieving healthy air sion from oil to coal."

elimination of the re-97th Congress is the reauthorization quirements to use the tools to meet

- severe weakening of the

ignoring the growing threat to (R-VT), chairman of the committee, the public health and the environment

relaxing protection for national

Co-sponsors of the Dingell-Broyhill bill as of mid-January were John Shortly before Congress adjourned Dingell (D-MI), James Broyhill

Hillis in that it calls for drastic automakers as well as the coal inweakening changes in the law. HR dustry in West Virginia. "It makes 5252 is endorsed by most industry some healthy changes in the Act in groups and others who seek to fun-terms of encouraging investment in new factories and manufacturing Some of the most crippling facilties - and they are always elements of the Dingell-Broyhill cleaner than the older ones," Benedict said. "There are also some - across-the-board delays in changes that will encourage conver-

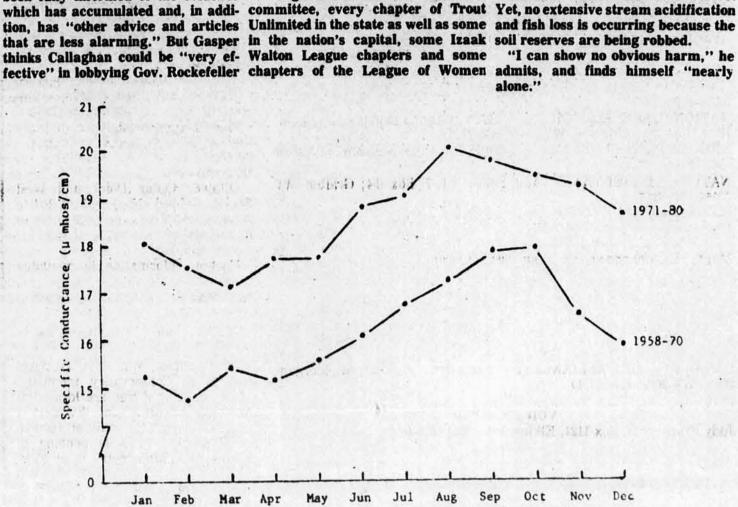


Figure 7 .-- Average monthly specific conductance of streamflow for two time periods.



West Virginia has never had it so good.

## JACKSON'S MILL

## So Good

The director of the Mountain State's Department of Natural Res have never been managed better — and chides the Conservan

A portrait of West Virginia's resources as the best-managed in the entire nation — yet still with room for improvement — was painted by the director of the W. Va. Department of Natural Resources in mid-January when he ventured out of Charleston for a two-hour, head-to-head meeting with members of the W. Va. **Highlands Conservancy** 

"My thesis," he told nearly four dozen Conservancy members who gathered at Jackson's Mill State 4-H Camp near Weston for a weekend workshop and annual meeting, "is that you've never had it so good."

He credited the Mountain State's

regulation of strip mining, its wildlife

Other points of pride Callaghan mentioned included:

 further refinements in the management of the state's wildlife resources which has already produced the highest deer count "since the beginning of time" and more turkey

about Enviro-Energy's operations on the Fork to "keep a very, very close eye on the operations ... Shavers Fork is not a trout stream," Callaghan noted — though he did say it received some ten per cent of the state's trout production. "Water quality is not

I'm willing to sacrifice a minor pollutic

The Conservancy is no

EPA's got themselves in a

Water quality on Shavers Fork is get

### Enviro-Energy was successfully prose

resources programs, and its state park system as the best in the history of the state - as well as the best in the East and maybe the best in the nation.

Callaghan pointed out early in a half-hour address — an address followed by more than an hour of ac-tive questioning — that the state's re-cent record of environmental protection was likely to be continued by virtue of what he termed "strong support" from the governor. He noted that the current budget proposals be-ing made to the legislature contained "extra millions for environmental protection" despite cutbacks in federal funding for similar services.

He contrasted the last ten years of coal mining regulation with the previous century and noted that the severe environmental degradation of passed years had been brought under control. From the time of the mid-'70s, every activity of mining has come under regulatory control and the lingering problems of the past -100,000 acres of abandoned strip mines, 50,000 acres of gob piles with a fifth of those still burning, thousands of tons of acid discharges - are about to be dealt with under a massive new reclamation program for which the state already has \$40 million in the

The DNR director said the only problem that remained to be solved in the matter of mining the state's coal reserves was the issue of acid mine draingage - an issue, he mentioned, that is not only the subject of an intensive study by a hand-picked task force but of an unsuitability petition as well.

"We are making significant progress," Callaghan said.

The DNR's other major thrust scheduled to begin this spring - will be in the area of hazardous wastes. He said the staff of 17 people and budget of \$792,000 is likely to become operational in 60 days.

Other new programs, Callaghan said, included the opening of two new fish hatcheries marking a one-third increase in the production of trout, as well as the assignment of five, fulltime wildlife biologists to the task of making recommendations to the state's reclamation board.

than "anyone alive today" has ever

- the plan to invest another \$22 million during the coming five years in the state's parks system to "make it even more outstanding;"

— the creation of a seven-member environmental task force in the attorney general's office which is currenlty handling 84 active cases — a caseload that Callaghan said has caused West Virginia's corporate legal structure to take note of the state's intent to enforce environmental laws.

significant increases in both the budgets and the staffs of the state's regulatory functions within the past five years. He noted that the inspection force had been increased from a budget of \$1.5 million to \$8.7 million and from a staff of 49 people to a staff of 166 — and that the number of succesful prosecutions had climbed from 377 to well over 900. At the same time, the staff of the division of water resources had grown from 96 to 216 people and the budget burgeoned from \$1.7 million to \$7.5 million.

However, Callaghan agreed that "we certainly do not have a perfect

One of the problems is not, however, the Shavers Fork, Callaghan told the Conservancy. In response to a question from Shavers Fork subcommittee chairman Bard Montgomery, the DNR director said that if the mining and reclamation of the Fork's mines is done in "a first-class way, we're not going to have the degradation ... The issue," he said, "is essentially put to rest. We're not going to have to litigate." He said he believed that mining was not going to make the water quality in the Fork go downhill.

In response to a question from Conservancy member Geoff Green - a man who, for a decade, has been quite literally sticking his arm up into the holes from which the Mountain State's streams emerge - Callaghan urged Conservancy members concerned

good, and it's getting worse" from acid precipitation, aleaching of heavy metals, timbering "but nothing we can put our finger on in terms of a mine," he said.

"We're doing the best we can," he added, and asserted that Enviro's mines were not going to significantly damage the water quality in the Fork.
"The water quality has always been marginal," he said.

Callaghan also categorically refuted an apparent indication by the U. S. Forest Service's Highland Scenic Highway study that the mining of the Fork would create more permanent damage than the construction of a highway. (See "Highways As Discipline" elsewhere in this issue.)

"It might be an objective study," Callaghan said in response to question from the Conservancy's scenic areas committee chairman Sayre Rodman, "but it's wrong ... it is absolutely not the case. To a man," he said his staff had assured him the mining of the fork "will not degrade the water quality."

He termed the more than 20 dozen violations already posted by Enviro Energy's operations as "technical" violations only. Further, he said there were no real violations at all.

"We do not believe there were any signficant violations," Callaghan told the Conservancy. "We're convinced" that the data upon which the prosecution of the violations was based were wrong. The iron discharges, he said, "were above anything possible" and are an indication of "defective reports ... We prosecuted them on that basis."

Enviro-Energy subsequently agreed to pay several thousand dollars in fines.

Commenting on a gubenatorial proposal to transfer the responsibility for garbage disposal out of the hands of the state, Callaghan noted that the director of the state health department, Clark Hansbarger, had concluded that garbage dumps in West Virginia are not a health hazard.

sources asserts that the state's natural resources ncy for not assuming a more effective role.

"And I agree with him," Callaghan said. He added that they are not a water pollution problem either, yet pointed out that current regulatory requirements "make it virtually impossible" to open a landfill. Just getting ready, he said, requires a three-

naan Valley - Callaghan's preference squared with the Conservancy. "Most of the poeple in the department feel that a refuge is best," Callaghan admitted. While he said he had always been in favor of 100 per cent government control of the

on problem to solve a major littering problem.

not as effective as it could be.

hole. Anything they do is illegal.

tting worse, but not because of mining.

ecuted on the basis of defective reports.

quarter-million-dollar investment.

"Thatis, "and impediment," he insisted, "and we'll have to loosen up on the regulations ... I'm willing to sacrifice a minor pollution problem to

solve a major littering problem."

The reference, as it became clear through animated discussion, was to the plethora of illegal dumps scattered around the state's counties on back roads and byways, simply convenient places where individuals and neighborhoods dump their trash.

"There are some dumps we have a problem with," Callaghan agreed, "but most of the problems are infinitesimal," he said, when compared to other pollution problems around the state. "Domestic solid waste," he said, "does not create a major health hazard" - though he confessed that all of his staff did not agree with that

Callaghan explained that while there is some drainage from virtually all dumps, not having them available simply encourages people to dump their trash "over the side of a hill in a creek somewhere." What he suggests as a better alternative is the establishment of several, smaller dumps within a county, thereby giving people an option.

"It is a financial problem," Callaghan said, because landfills meeting current requirements are too expensive to establish, maintain and operate.

What will actually happen is as yet unclear. Callaghan said his agency had not decided where to put the authority for the program. While he described his "inclination" as one which would place authority with the DNR's water resources division, Dave Robinson, its chief, has indicated an unwillingness to assume that role. He said he expected "a lot of staff meetings and a lot of input" as the means of dealing with the proposed changes are developed.

Concerning another topic on the Conservancy's list of priorities — Ca-

Valley, he described the DNR's role in the creation of a wildlife refuge as "very limited."

He also pointed out that his department had no authority over the development of gas wells, roads or condominiums — and only limited authority over those developments which affect water quality. He said he believed the increasing development of the valley "is not a matter of serious concern" for the water quali-

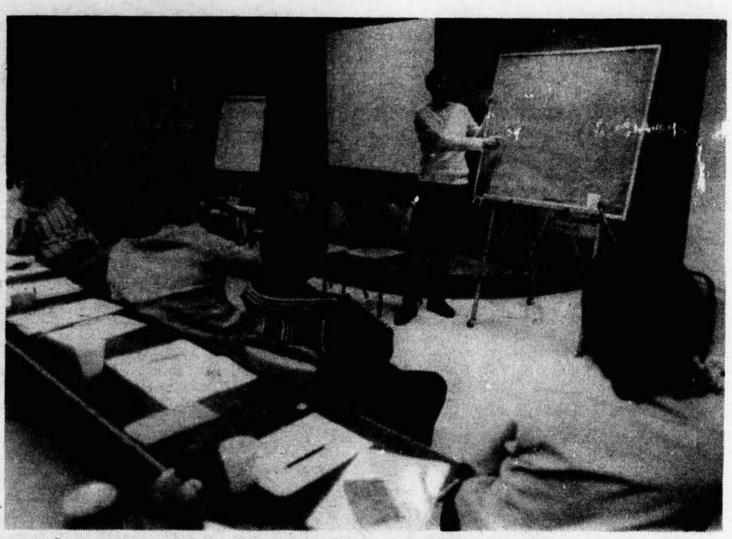
Callaghan also commented on the issue of sludge disposal within the Mountain State, especially as it related to a proposal by a New Jerseybased firm to deposit sludge from the eastern megalopolis on strip mines in Preston County. He said that while his department "may get" such a pro-posal, none had yet been received. One reason it may not have been received is that Preston County's commissioners - since their initial indications of interest in the proposal last year - have gone on record as opposing the idea.

In any case, Callaghan assured Conservancy members that any such proposal would be "subjected to full public participation. That is going to knock it 'stone dead,' "he predicted. He said as far as he knew at present, no out-of-state sludge had been trucked in for disposal and in-state sludge is disposed of in accordance with specifictions laid down by the operating permits for sewage plants.

Callaghan's other comments addressed themselves to:

- the regulation of the oil and gas industry which he predicted had little chance for significant effect.

 a chiding of the Conservancy's membership for not being "as effective or as active as it could be ... You really need to get after it," he said, referring to the legislature. "The legislators are the environmental policy-makers in West Virginia. You all can have a stronger effect than you do," he advised.



Outlining the status of the Conservancy's legal work on the Shavers Fork is Pat McGinley, a Morgantown law professor who has spearheaded a

tional Forest.

At far left is Shavers Fork subcommittee chairman Bard Montgomery. The Conservancy is currently contrio of lawsuits which have sought to testing the issuance of federal permits several education exhibits at the Conhalt the tapping of vast coal reserves for mines which are already in opera- servancy's mid-winter workshop and owned by the Mower Lumber Com- tion - the current operation of which annual meeting held in mid-January pany beneath the Monongahela Na- is being contested by McGinley's at Jackson's Mill 4-11 Camp near

In the distant background behind Montgomery is Don Gasper and his "acid rain" display which was among



Discussing tactics over a lunchtime of environmental legal work for W. Va. Legal Services Plan.

Purbaugh has been in the forefront tion's mining committee.

plate of fruit at the mid-winter years. His credits include legal bat-W. Va. Highlands Conservancy are Jackson Dam and the Brooks Run (left) DNR director and the Coal Company's Erbacon complex in workshop's featured speaker Dave Webster County. Most recently, just Callaghan and (center) John Pur- following his election as a member of baugh, a Charleston attorney for the the Conservancy's board of directors. he agreed to spearhead the organiza-

In the background are Dave and Linda Elkinton, the treasurer and workshop and annual meeting of the tles at Holly Grove, the Stonewall membership secretary of the Conservancy, while at second from right is Rick Webb, the environmental activist who shot down a coal company's libel suit - and then turned around and drafted the W. Va. Rivers Coalition's unsuitability petition which was just rejected by the state's reclamation commission.

## **MORGANTOWN** Write Wild

### A conference on the psychology of wilderness is set for July.

Wilderness Psychology Group is will be sponsored by the division of forestry at W. Va. University.

The current administration's change in policy suggests that large scale additions to the national wilderness preservation system are over, and now is the time to focus on more efficient management of what is there, according to Franklin Boteler who is coordinating the conference for the University. The meeting is being viewed as an opportunity to bring a variety of individuals together in order to focus on eastern wilderness concerns, he said.

At present, two keynote speakers plan to attend the meeting. Holmes Rolston III will discuss a paper entitl-

eastern wilderness managers.

Submissions are being invited for the following sessions: issues and concerns in eastern wilderness managerights to nature, ...); wilderness as therapy (eg. self-actualization and into a refereed proceedings.

Persons wishing to have papers con- The cost of the Guide is one dollar, sidered for presentation are re- and it is available from The Nature quested to submit abstracts by April Conservancy at 1100 Quarrier Street,

The third annual conference of the ed "Values Gone Wild" and John abstract (300 word maximum) should ilderness Psychology Group is Hendee will review some of his recent be sent to Franklin E. Boteler, Divischeduled for July 8 through 10 and work with technology transfer to sion of Forestry, W. Va. University, Morgantown, WV 26506 (304-293-3721).

#### **GUIDES**

A Guide to West Virginia Preserves ment (eg. technology transfer, use is now available through the W. Va. impacts, information programs, ...); field office of The Natural Conservan-environmental ethics which relate to cy. The publication consists of a portwilderness interest (eg. humanity in folio with insert sheets for each Connature, values of wilderness, assigned servancy preserve in the state. The front of each sheet has a description, history and written directions to the women, values of outdoor youth pro- preserve. On the back are two maps: grmas, ...). Papers will be organized one of the preserve itself and one on "how to get there."

15. Two copies of proposed title and Room 215, Charleston, WV 25301

## OOPS AGAIN

(Continued from page 1)

Highlands Conservancy members and the DNR on Aug. 4, 1981. other interested parties to the mine

Correction

An article in the January, 1982 edition of the VOICE incorrectly stated that among the permits sought by Enviro was one for a mine on Red Run near U.S. 250. This mine is proposed for later development. There is presently a strip mine on Mower Lumber Company land immediately south of U. S. 250 on Red Run.

The current status of mining on the Fork is as follows:

on the Fork, and no violations have for later fulfillment, however.

been reported.

- Enviro No. 3 is currently and several individuals. OSM has operating at the old Linan No. 1 site on been asked to arrange a visit by the Fork and has been effect once by

- Enviro No. 4 is currently having roads constructed to it on Suter

- Enviro No. 5 is currently planned for Yokum Run.

Enviro No. 6 is currently operating at the old Linan No. 3 site on the Fork but without an NPDES water discharge permit. addition and a self

### PATCHES IS SMOOTH

The supply of the W. Va. Highlands Conservancy's arm patches are now - Enviro No. 1 is operating on depleted. However, they may be Glade Run and has accumulated three shortly re-ordered, according to DNR violations on Aug. 4, 1981 as well preliminary plans at the January as one OSM violation on Jan. 5, 1982. meeting of the organization's board of - Enviro No. 2 is currently directors. A list of orders which canoperating at the old upper Linan mine not now be filled is being maintained

## **NOT YET**

(Continued from page 1)

tion of the state.

Initially, the firm was denied the state permits it needed to mine, then conducted further core drillings and was subsequently given the permits it required. It is that permit, signed by DNR director Callaghan, which Callaghan now says is out of date.

"Holly Grove does not hold a valid permit," he said flatly. "We're operating under a whole new set of guidelines and a new law - and their permit does not apply to the new law." He said any permit which the DNR might be asked to issue would have to undergo "major changes and revisions."

He also indicated he had some unconfirmed information that Holly Grove may have been sold to Consolidation Coal Company, a Pittsburgh-based giant in the coal industry. "It's been reported in the newspapers," Callaghan commented, though his staff has not yet had the occasion to confirm or deny the information.

If that's so, then the permit is no longer valid for that reason either. Callaghan said that the ownership of mining permits may not be transferred without the permission of his department.

'Any permit we issue is going to be dependent upon the capabilities of the people who operate the company," Callaghan said in expanding on the reasons why a new permit would be required of the company.

All those personalities have changed," Callaghan pointed out. "There's no Charlie Miller there."

The reference is to Holly Grove's one-time president, Charles Miller. It was one of Miller's operations, a strip job in northeastern Upshur County not far from Ellamore, where the first attempt at mining with new overburden handling techniques was tried, techniques developed by a joint industryuniversity-state effort. There, the most toxic of the overburden surrounaing the coal was segregated, sandwiched between layers of alkaline material, suspended a few feet above the floor of the strip pit, then covered.

It worked - and attracted a final decision shortly. statewide attention. W. Va. Gov. Jay Rockefeller, flying over the site in a available mining technologies cannot coal company helicopter with Charlie stop acid mine drainage from continu-Miller across the aisle from him, pro- ing at the site after mining is comnounced it a major technological pleted. Nevertheless, the EPA is pro-

demonstration of the new technique that additional bond be required for dustry for decades.

Thus, back in early 1980, with state from local residents and environmentalists

other coal mining operations, began setting a precedent for future mining. their work without a required federal (NPDES) permit which the U. S. En- 30-year time period for treatment. vironmental Protection Agency had to

Residents of the area around the mine site, backed by environmentalists and public interest lawyers, filed suit against the government, charging that to permit mining to begin without the NPDES permit was illegal — and that an environmental impact statement had to be prepared before a permit could be issued.

the first time east of the Mississippi ed. that a federal environmental impact coal mine on private lands.

The suit attracted nationwide attenear. At one point, a spokesman for Holly Grove contended that the suit actually threatened to shut down the since, by their count at that time, there were 300 coal companies mining without an NPDES permit.

But while mining continued elsewhere around the state, Holly Grove was stopped dead in its tracks by a consent decree signed by U. S. District Judge William Kidd of Bluefield who heard the case after both the northern district's judges disqualified themselves. Under the terms of the agreement, the company halted mining until the EIS could be prepared - a project that reached its draft stage last year and is headed for

What the EIS revealed is that breaththrough. As the first successful posing that a permit be issued, but the permit completely."

for mining acid-producing coal each ton of coal mined. That money seams, it was hailed as a new means would then be used to treat the acid of tapping vast new reserves while mine drainage for 30 years. That prosimultaneously preventing long-term posal was made last year during acid drainage that has plagued the in- public hearings on the EIS at W. Va. Wesleyan College in Buckhannon.

Nobody seemed to like the idea. Holpermits in hand, Charlie Miller and ly Grove and a phalanx of other major Holly Grove began work at preparing coal companies all spoke out strongly the site near Canaan in Upshur Coun- against the bonding requirement ty - and ran headlong into opposition which would, of course, add to the per ton cost of coal produced, thus making it even less competitive in the Holly Grove, as had hundreds of marketplace. It was also viewed as

Environmentalists were displeased permit, a National Pollution since they foresaw the abandonment Discharge Elimination System of an eternal acid seep after the

> Coal miners, enraged by the regulatory delays and the loss of jobs, turned out in force to heckel the environmentalists, taunt the EPA with picketing and plead for a quick resolu-

tion of whatever problems there were.
And a special "watchdog" committee appointed by the EPA itself to monitor the progress of the study charged that the recommendations the agency had made did not square The Holly Grove case thus became with the evidence the EIS had produc-

> DNR's Callaghan agreed the make any sense."

with them at Jackson's Mill. It was pointed out that the DNR staff had prepared comments on the EPA's EIS

Callaghan's desk. apply to the new law.'

(Continued from page 1)

the Jan. 29 decision and policy recommendations of the W. Va. Department of Natural Resource's reclamation commission in response to a petition filed by the W. Va. Rivers Coalition.

"... this Commission is unable to support a designation of the petition area as unsuitable for mining (because) ... The large geographic area of the petition area and the diveruniform determination impossible.

"... The evidence submitted in support of the petition is not well documented in terms of empirical to establish the allegations. The evidence does address the fact that mining in some parts of the petition area have resulted in negative impacts on the hydrologic balance, but is not addressed.

"... It is the opinion of this Commission that there is evidence in the petition and in the administrative record areas within the central portion of the statement had been required for a federal agency had goofed. "EPA's and present, are the most likely areas effort to prevent additional got themselves in a hole," he remark- to be designated as unsuitable for all cumulative impacts. It is incumbent ed. "Anything they do is illegal. Thir- types of surface mining. All available upon the Department of Natural tion and turned the coal industry on its ty years of treatment just doesn't information indicates that with few Resources to carefully monitor these Callaghan was the subject of some water production from these areas as guidance and assistance to the criticism from members of the a result of mining is so great that the coal industry all across the state Highlands Conservancy when he met hydrologic balance for the area is threatened. Furthermore, it has not been fully demonstrated that the technology exists to prevent further but they'd been stopped on impact to the hydrologic balance. It is development of the coal reserves of The director did not deny it, but on interviews and on-site demonstra- vised in planning and permitting pointed out that the issue is "... now tions, that the available technolgy future development in this area" totally a federal question." He said recommended by the Acid Mine because "the mechanisms which that, in any case, the DNR's issuance Drainage Task Fork was not fully must be employed to prevent (acid of the original permit to Holly Grove utilized on many mining operations. "really states our position ... We could Such response to the Task Force withdraw certification," he agreed, recommendations tends to diminish monitoring program ... combined but "Holly Grove does not hold a valid the use of current technology and sup- with strong enforcement ..." permit." He said the state is now press advancing technology. Furthermit (Holly Grove now has) does not has a long history of ineffectivenss ...

"... In spite of evidence which could committee. And he added that if Holly Grove support a determination of unthese areas generally lie within an acid mine drainage.

area which is exempted from unsuitability determinations ... because substantial financial and legal commitment(s have been madehia.

"... In those portions lying outside the exemption area, the Commission was unable to determine from the evidence submitted or the administrative record that these areas are unsuitable for mining. Because of the great diversity in the key parameters controlling acid production from one area to another, it is not possible for the Commission to idensity in its terrain, geology, tify the problematic geologic units. geochemistry and hydrology makes a The cost of developing the data to enable the Commission to identify these units is prohibitive. The cost in terms of land values, tax receipts, unemployment and vast energy scientific evidence which would tend resources are too great to justify blanket designation of these areas.

"... Having become more familiar with the petition area and the factors influencing the ecology of the area, it the issue of technological and is the belief of this Commission that economic feasibility of future mining the impact of mining on this area has been significant. The natural systems at work are sensitive to massive land disturbance in general and to acid mine drainage in particular. It is into support a determination that the cumbent upon the mining companies areas within the central portion of the operating in this area to be aware of petition area which have been subjected to mining operations, both past tage of all available technology in an exceptions the potential for acid mining operations and to provide operating companies in the application of preventative technology.

As a result, the Commission decided that it and the DNR should:

- "... not encourage accelerated the belief of this Commission, based this area at this time ... caution is admine drainage) are not yet a reality."

- "... maintain an intensive

 funnel all permit applications operating under a "whole new set of more, it forces reliance on such for the central portion of the petition guidelines and new laws and the per- technology as water treatment which area through the recently formed acid mine drainage technical advisory

- and encourage the mining inhas been sold, it constitutes "a clear suitability, the Commission ... must dustry to support the use and develop-violation of the law" and invalidates refrain from such a decision because ment of new techniques to prevent CHARLESTON

# Legislative Priorities

A Conservancy vice-president and CAG staffer outlines

the year's environmental legislative priorities.

Oil and gas reform, retaining surface mine law and regulations, securing another resolution against the construction of the Stonewall Jackson Dam and trying to affect reforms of the state's solid waste program: those have been indentified as the four major items of environmental concern by Perry Bryant, the environmental coordinator for the W. Va. Citizens Action Group — as well as the Charleston vice-president of the W. Va. Highlands Conservancy.

As outlined by Bryant during the Conseguancy's mid-winter workshop at Jackson's Mill near Weston in mid-January - and as up-dated by him just as the VOICE went to press - the

concerns are:

creased oil and gas exploration now development (OECD). taking place in West Virginia has their property. Sediment control plans are frequently not followed and never completed. Sen. Dan Tonkovich introduced a bill this year (SB 154) which would correct, in large part, these problems. Key provisions in the has taken a position of supporting the Tonkovich bill include 30-day notice to reserve fund for the solid waste surface owners when a driller applies authority. for a permit and the right to object to road and well location; increasing

junctive relief. quired that the state's surface mine it looks like the legislature will program be no more stringent than transfer the health department's the federal regulations. It sailed regulatory functions to the DNR. through the House (95-5) but was completely watered down in the Senate Natural Resources Committee. As amended in Committee, the bill only required that the director of the state's Department of Natural Resources look at and consider any changes made in federal regulations. After this version of the bill passed the Senate, Warren McGraw appointed a conference committee which assured that the House version would never see the light of day. Making sure that same bill is defeated again should be a high priority - it has been reintroduced by speaker of the House Clyde See and Roger Tompkins. It is HB 1022.

- Stonewall Jackson Dam resolution. Last year the Senate passed a resolution putting the legislature on record as opposing the construction of the dam. Unfortunately, the resolution never got out of the House rules committee. This resolution won't stop the dam as such, but it would send a signal to the Corps of Engineers that they may get stuck with an estimated \$50 million - the state's share of the cost of construction. Hopefully, oversight hearings in the U.S. House of Representatives this fall will expose the cost of the dam to be unjustifiable and the project a waste of money. If so, the resolution and the combined impact of House hearings and the resolution could prevent additional monies from being spent on the project.

 Solid waste reform. The need for new sanitary landfills to be built in West Virginia is critical. The solid waste authority has the authority to float \$50 million in bonds to construct new facilties. However, they have been unable to float any of these bonds since they haven't established a track record in the bond markets - nor do they have a reserve fund to ensure repayment of the bonds. The solid waste advisory committee has sug-gested that the legislature appropriate \$5 million for a reserve fund in order to facilitate floating this bonding capacity.

The governor, in his budget document, has taken a completely different approach. His decision is to "zero" the solid waste authority's budget and transfer their functions to - Oil and gas reform. The in- the office of economic and community

Miles Dean, the director of OECD, highlighted the pressing need for has taken the position that solid waste reform. Surface owners have virtualis a local problem and should not be ly no power to affect exploration on solved with state monies. However, county commissioners have traditionally made solid waste a low priorireclamation in many cases is slow or ty: eg., in 1979 the expenditure for solid waste by all counties was less than four per cent of their total budgets. The Conservancy's board

Finally, the health department has decided that solid waste is not a bonding requirements; and granting substantial health problem and has "interested persons" standing for in- proposed getting out of the solid waste regulatory business. They have pro-Retaining surface mine law posed giving their responsibilties to and regulations. During the last ses- the Department of Natural sion of the legislature, two bills were Resources. While the DNR is not wild introduced which would have re- about taking over this responsibility,

> What Book?

The 80-page summary of the 400-page WATT BOOK originally produced by the Wilderness Society is available from the W. Va. Citizen Action Group.

Three dollars will just cover the costs of reproduction and mailing.

Order one while the supply lasts. Makes a good Ides of March gift!

Write to CAG at 1324 Virginia Street East, Charleston, WV 25301.

# Refuge Information

The Canaan Valley Alliance plans a continuation of its three-year-long public education efforts.

With what Canaan Valley Alliance president Steve Bradley described as 'not a lot of people in fund-raising,' the Alliance has been operating a refuge information service for the past three years, promoting the idea that the thousands of acres of the Allegheny Power System wants to flood for a pumped-storage power generation project ought to be the Ca-naan Valley Wildlife Refuge instead.

Bradley's brief review of the Alliance's efforts came during the weekend-long annual meeting and mid-winter workshop of the W. Va. Highlands Conservancy held in mid-January at Jackson's Mill 4-H Camp near Weston.

"I'm afraid some school kid will write us and I won't have anything to send him," remarked Bradley as he told of the Alliance's hope to raise several hundred dollars to help defray the cost of their continuing publications. Funds, he said, have in the past come largely from other organiza-

efforts were paying good dividends Reagan's ascension. "We're just as and cited the example of the busy and as active as we've ever Alliance's Beckley chapter which was been," he said.

The Alliance maintains a mailing source for information on the wildlife

He said he believed the Alliance's the advent of President Ronald

or televisions sets to getting names af-fixed to petitions. list of some 5,000 persons — to which nearly 2,000 more could be added if He disagrees with those who feel the funds were available. The first edition issue of the refuge has died down with of the Alliance's major tabloid includ-

ed 8,000 copies, Bradley said, and a se-

refuge," Bradley said. "People are starting to depend on us." Contributions can be sent to the Alliance at 724 Snider Street in Morgantown, WV



THE ALLEGHENIES' RIDGES

# Highways As Discipline

A Conservancy leader finds even less to recommend construction of the Highland Scenic Highway than does the U. S. Forest Service.

Highlands Scenic Highway Study skier. I don't confuse the subjects. If I to discuss one main issue not really DEIS ... (and) agrees with the No- were hurrying to ski at Snowshoe on a covered. **Build Alternative**.

Scenic Areas Committee of the West the view. I would be cursing the idiots quiring extensive scenic easements, longstanding interest of the members weather. If public money is to be used degrading operations of lumbering of th WVHC in matters of this sort is to get skiers to Snowshoe, do it some and strip mining on private land, well-known to you. My Committee is other way, please. the one most directly concerned with

ding, scenic road down a remote mountain ridge seems ridiculous in the 1980's, however sensible it may ago. The primary purpose of the proposed road is to encourage people to take trips down it, driving more than they would otherwise do. It seems impossible for any agency of the Federal Government, whose financial outlook is well known, to seriously propose spending over \$50 million to encourage people to burn more gas.

The DEIS correctly refuses to consider normal upgrading of the parallel Route 219 and building a scenic road. in the same document. Upgrading many West Virginia roads, for all prime purpose of the scenic highway is not efficient transportation.

Even the well-writen DEIS does issues of great interest to the WVHC,

winding road built for 40 MPH

the sort of mountain country through a serious drawback to the proposed income to the operators against imwhich the proposed extension of the routes. It certainly is. Some of the provements in scenery and water present Scenic Highway would pass. ridges lying East of the proposed quality, and presumably estimates The concept of building a new, win- route are extremely scenic the effect well. In some ways, this is themselves, with superb views. We the most clearcut visible benefit of oppose spending money for any scenic building the highway, from many conroad of this sort, but those ridges servation viewpoints. have seemd to many people ten years would in fact make a little more But can the spending of over \$50 sense, because of weather, for family million in public funds, to build an unfun driving.

shown are the same item, counted on welcome better water flowing under both sides. A million dollars spent on the bridge at Route 250, at the local labor injects a million dollars in- downstream end of the proposed to the local economy, for example. If scenic road. But we hope that there is we eliminate simple money transfer a more rational way to achieve this payments, and look only at items like goal. using a million dollars for paving users including truckdrivers, could be materials, to benefit the people who a rational use of public funds. But the will drive on it, the ratio would be much worse.

The DEIS covers a wide range of

To the Monongahela National Forest: confuse the subjects at times. I have and does it well enough that we can good credentials as a lover of West only compliment the writers, without This letter is a comment on the Virginia scenery, and as a downhill going into further detail. But we wish

The DEIS shows in detail how tak-I am writing as the chairman of the sightseeing, I would not be enjoying ing of land for the highway, and ac-Virginia Highlands Conservancy. The who built this road up here in the foul would curtail the land and water primarily on the land of Mower The DEIS mentions bad weather as Lumber. The DEIS balances loss of

necessary road, be justified as the on-The DEIS shows a benefit-cost ratio ly means at hand of disciplining slopof around 0.6, which is unattractive py operations? The WVHC has spent a even aside from the issue of wasting large portion of its time and resources gas. In fact the ratio could be seen as hoping to protect land and water much worse. Many costs and benefits quality along Shavers Fork. We would

Very truly yours,

Sayre Rodman Chairman, Scenic Areas Committee W. Va. Highlands Conservancy

### THE EASTERN PANHANDLE

# Keeping the Cacapon

## The Park Service studies the Cacapon — and finds itself eyed warily.

from the January, 1982 edition of the ment. Potoma. Basin REPORTER, a publication of the Interstate Commission on - and unsettled - for at least 30 "scenic easements" - which restrict the Potomac River Basin.

the Cacapon River.

trash in the river's first ten miles, ac-cording to one area resident. for designation as part of the national system of wild and scenic rivers.

But what worries many area residents even more is that the Na-Recreational River" under federal

Putting the Cacapon "on the map" by naming it a national recreational river could bring hordes of visitors and their trash, one area citizen told Park Service officials at a meeting Dec. 8 in Great Cacapon. He noted that some five million people live within a five-and-one-half-hour drive of the river.

'No study team has ever picked up a tin can," one area citizen said. "The only effect of designation would be that more publicity would bring in more public and more pollution - and still nobody to pick up the trash."

The issue that emerged at this meeting and another in Hampshire County on Dec. 10 was not so much whether to protect the river - almost everyone who spoke seemed to share that goal. But on the issue of who should protect it, and from whom, and fair market value privately owned or state in question.

A lot of folks in Morgan, Hampshire state and private auspices were made original ownership. and Hardy counties are worried about in 1955. Most recently, in a 1978 law, Congress ordered the National Park Youth groups cleaning up the river Service to conduct a study of whether last year gathered 43 truckloads of the Cacapon is eligible and suitable

or channelization projects. have been ruled out ahead cf time.

Keeping the "feds" out of local afMoreover, the Park Service will not

fairs appeals to many people, propose any federal land manage-especially in the West Virginia ment plan for the Cacapon. Dave highlands. "We've had our fill of the Sherman, of the agency's National federal government," said one citizen Capital Region headquarters, says at the Dec. 8 meeting.

two-edged sword. In many cases, it cooperate in it.

The following article is reprinted how to do it, there was much disagree- land in the river corridor (very roughly a quarter of a mile on either Those issues have been simmering side of the river). It can also acquire years. Proposals to preserve the incompatible private development Cacapon as a "Wild Riverway" under while leaving the land under its

> Feds Rule Out **Land Acquisition**

The Cacapon is highly unusual among river studied for wild and A key purpose of the Wild and scenic status in that almost all of the Scenic Rivers Act of 1968 is to protect land along its banks is privately owntional Park Service is studying unusually valuable free-flowing ed. No federal land acquisiton will be whether the Cacapon is suited for rivers from federal water projects as allowed along the Cacapon River, designation as a "Wild, Scenic or well as other development which Park Service officials stress. The Inwould spoil their value. Once terior Department, under Secretary designated (or even while under James Watt and President Reagan, is study), the river and land along its strongly opposed to new land acbanks are off limits for federally spon-quisiton by the Park Service. In any sored dams, power projects, case, the agency's budget simply will transmission lines, diversions, canals not allow it. Even scenic easements

> any future management plan to When it comes to federal involve- preserve the river will come about onment, however, the Rivers Act is a ly if the state and local governments

> does allow the National Park Service In fact, Sherman notes, the study to get involved in land acquisiton and itself will not result in designation for land management. As often as not, the the Cacapon, but will merely deterlands along a wild and scenic river mine its eligibility. Designation would are in federal or stateownership to require an act of Congress, which begin with. Where necessary, the almost never passes such measures if Park Service can condemn and buy at opposed by members from the district

**Local Action** Is Key Issue

The big question, then, is what viable local or state mechanisms for protecting the Cacapon might emerge as alternatives to federal designation now, there are few.

One mechanism being discussed in Planning Commission) which would state. control subdivisions. The County the ordinance Dec. 16.

cern that new construction and dirt courage use of the river as a dump. roads cut into steep terrain are

perienced rapid subdivision in recent years. His rough tally shows 1.9 per cent of the county's land area in subdivisions in 1974 as compared to 9.8 per cent in late 1981. The Reporter could not determine what portion of this development was in the river cor-

by some riverfront landowners is the of public workshops in February of voluntary use of covenants attached 1982. After issuing its final study to the deeds to their lands. Such report later in the year, it will hold covenants, which pass from owner to one further set of public meetings. of the land which was incompatible contact Dave Sherman, (202) 426-7704.

with river preservation.

Other Problems Still Unsolved

One issue that may elude local soluduring the course of the study. Right tion is prevention of litter and trash dumping. Miller says the county has neither the personnel nor the budget Morgan County is a planning and zon- to handle the problem itself - but ing ordinance (drafted by the County might succeed with help from the

One landowner at the meeting said Commission held a public hearing on the canoeists were polluting the river not the owners. At one point on the About 75 citizens from the Great river, however, Park Service officials Cacapon area sent a petition in found an old refrigerator and September to the County Commission, domestic trash dumped from the supporting the ordinance as a way of riverside cliff in plastic bags. They protecting the river from haphazard suspect that inadequate trash pickups development. They expressed con- in rural parts of the county may en-

Another tricky issue is the potential eroding and putting more sediment in- conflict between fishermen and inconto the river than in years past. siderate canoeists. One resident com-County coordinator William Miller plained at the Dec. 8 meeting that says that Morgan County has ex- canoeists cut his lines and scared away fish.

Still other issues raised at the meeting were the problems of trespass on private land by recreational users and inadvertent or illegal discharges of domestic sewage from riverfront dwellings.

After it gathers preliminary fin-Another approach being discussed dings, the Park Service will hold a set owner, could permanently restrict use For more information on the study,

SHAVERS FORK

# Oops Again

## In the midst of applying for federal permits, Enviro-Energy is cited for pollution.

By BARD MONTGOMERY

Enviro-Energy has again been cited for a water quality violation at its Glade Run mine in the Shaver's Fork watershed. A crack in a sediment pond was discovered to be leaking muddy, iron-laden water by a federal inspector on Jan. 5, according to

Mining operations were not underway at the time the crack was discovered in the pond wall. However, Enviro personnel were at the site dynamiting the ice to free a frozen riser pipe. The pond was full of water operations and haul roads. and sediment from springs in the mir e highwall. They began efforts to sea the crack shortly after it was discovered. The flow of muddy water ran under a heavy snow cover and apparently was dispersed on the ground surface.

Glade Run is one of only two native trout streams in the Shavers Fork watershed. The Highlands Conservancy and other groups have long opposed mining in this watershed because of the threat to native brook trout and because a proposed haul road to the mine passes through easily-eroded soils on the edge of the Glade Run

The Office of Surface Mining (OSM) Run, are already in operation under northeast, Laurel Fork North and state permits. The state has agreed to Laurel Fork South. records on file at the U. S. Office of permit Enviro to operate, at any one All three areas are contained in a Surface Mining in Charleston. Enviro time, just six of any of the 25 mines bill expected to work its way out of the had previously been convicted in Ran- proposed in the area. Speaking to the House of Representatives by March. dolph County magistrate court for winter workshop meeting of the The House public lands subcommittee discharging iron into Glade Run last Highlands Conservancy on Jan. 16, held hearings on the bill last week, winter in excess of state permit DNR director Dave Callaghan and a spokesman for the W. Va. recommended against granting mine George, called it "a good day. I think permits in the area. However, we've got an even chance of getting Callaghan said he doubted a blanket this bill through Congress.' denial could be sustained in court, and chose instead to agree to limit mine designation not only for the

denying a petition by the Highlands Laurel Fork east of Elkins. Both Conservancy to declare the Shaver's areas are within the Monongahela Na-Boggs specified that the issuance of worth of high-grade coal owned by federal permits would be conditional CSX, the nation's largest railroad. upon "strict compliance" by Enviro

Comments protesting the applications have been received by the OSM from the Highlands Conservancy, Mountain Stream Monitors, Audubon

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WASHINGTON

# Cranberry Prospects

## Difficulties emerge as the Cranberry wilderness bill begins its journey through Congress.

dollars for the Pocahontas County Commission — those are expected to is currently studying permit applicable the major sticking points as the U. tions for six Enviro-Energy mines in S. Congress moves toward wilderness the Monongahela National Forest, designation for the Cranberry back-Four of these mines, including Glade country as well as two areas farther

acknowledged that his staff had Highlands Conservancy, Larry

The bill would provide wilderness 35,550-acre backcountry as well as In rendering a decision last April similiarly undisturbed lands along the Fork watershed unsuitable for min-tional Forest, but Cranberry is ing, OSM regional director Patrick underlain with millions of dollars

At the hearings, the chief of the U. with all state and federal laws and S. Forest Service, John Crowell, spoke out against wilderness designation as locking up the Cranberry's coal reserves. However, CSX president John Snow has agreed to a land swap which would give his firm comsearch for such lands is currently actively oppose - any wilderness known.

are being examined.

tion would not oppose the bill - planning cycle. though they would not fight for it

Byrd has indicated he will insure what mal resolution at the Conservancy's Cranberry coor- in mid-January. dinator, Leslee McCarty, has describ- McCarty, a 33-year-old Barbeneath the Cranberry is approved.

says she foresees is the awkward mat-The Reagan administration is expected to hold out firmly for "hard" release language to be incorporated in depth. into any Cranberry bill. "Hard" She v S. Forest Service to ignore wilderness

"Hard release" and two million underway and several candidate sites bills which provide for anything other than "soft" release. "Soft" release George, who has spearheaded the provides that no further wilderness Conservancy's efforts at wilderness planning will occur until sometime designation for the Cranberry, said he during the 1990s when the Forest Serbelieved that the Reagan administra- vice will undertake their next, regular

"We're going to live or die by 'soft' release," McCarty predicted. The From the House, the measure heads Conservancy has already resolved for the U. S. Senate where Sen. Robert itself against "hard" release by for-

ed as a "fair fight." She said she also boursville native, is currently expects Byrd will introduce an employed by the Conservancy as a amendment to the bill which would short-term consultant on the battle for provide \$1.9 million for Pocahentas Cranberry wilderness designation. County - the approximate value of She has most recently been employed the coal severance tax which it would as development director of the not receive if the proposed land ex- Pocahontas County radio station as change for CSX's mineral rights well as a program coordinator for the county's comprehensive health plann-The only other difficulty McCarty ing council, an offshoot of the county commission. While earning a ter of "hard" versus "soft" release. master's degree in social work at W. Va. Univeristy, she studied the Forest Service's Cranberry hearings process

She views prospects for the release language would require the U. Cranberry and the Laurel Forks as "good ... We have the local support," planning in West Virginia in the she says with confidence. One of her future. Powerful, national conserva- major functions will be to insure that tion groups, including the Wilderness the people who support the Society, have made it clear that they Cranberry's designation as wilderess Society, W. Va. Citizens Action Group parable mineral rights elsewhere. A will not support - and, indeed, may are encouraged to make their feelings