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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.

CHARLESTON, W.Va. (UPI) — The state Reclamation Commission has rejected a petition by the West Virginia Rivers Coalition to declare parts of three north central West Virginia counties unsuitable for mining, officials said today.

The commission recommended that the state Department of Natural Resources take a close look at future 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.

Callaghan said in researching the petition area — 461 square miles in Randolph, Upshur and Barbour counties — it fell into two general categories: the northern and southern portions of the area, where acid drainage was not a problem; and the central area, where it was.

He said the commission "might well have ruled" the central area un-

suitable for mining except for a provision of federal law which exempts areas in which "substantial legal and financial commitments" existed prior to 1977.

He said research indicated that such commitments existed in the area. Specifically, Island Creek was entitled to an exemption for 32,000 acres and DLM Coal Co. for 12,000

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 Protection Agency grants the Holly Grove Coal Company a permit to strip mine its 250-acre tract of minerals in Upshur County, the mine will not be able to open.

The director of the W. Va. Department of Natural Resources, Dave Callaghan, said that the state mining permit which the company holds is no longer valid: there will have to be major modifications to the permit they

acres.

"We profited enormously from this exercise," Callaghan said of the process of reviewing the petition. He said a wealth of information had been gathered about the area which would be useful in the future.

"It has caused us to look at the cumulative impact of mining," he said.

Callaghan warned Island Creek last year that no new permits would be issued until the company demonstrated it could cope with acid drainage problems.

The permit just issued involves new technology for controlling drainage, with more traditional backup measures available if those don't work, he said.

The 15-page decision criticized the coalition for not providing more detailed evidence of the acid problems in the area.

Excerpts from
"DECISION OF THE COMMISSION"
and
"POLICY RECOMMENDATIONS,"
(Please turn to page 6)

WASHINGTON AND THE HIGHLANDS

'Ding Dong ...'

Corridor H bites the dust.

CHARLESTON, W.Va. The Rockefeller administration says the Appalachian Regional Commission, bowing to the wishes of the Reagan administration, has elected to shelve Corridor "H," a highway stretching from Buckhannon to Winchester, Va.

An aide to Gov. Jay Rockefeller said Thursday that the Department of Highways, however, plans to assume responsibility for preliminary planning of the project, if funding for the road become available.

Pat Gallagher, who represents Rockefeller on the ARC, said the decision to drop Corridor "H" came because the commission couldn't give the administration a date for completion of the 138-mile roadway and because of the steep cost involved.

The ARC is trimming its list of projects because President Reagan has ordered a phaseout of economic development projects and highway construction by 1990.

"We did say that Corridor 'H' from Buckhannon to Elkins has to be finished," Gallagher said. "We are not abandoning Corridor H. We're saving

involved.

"It was held up because of environmental, historical and terrain concerns and the fact that some people didn't want it built," Gallagher said.

While the 13-state ARC has abandoned the project, that doesn't mean it will not be built in some form, that whatever money we have now, we're going to use here and now."

Corridor "H" is among several Appalachian highways planned by the 17-year-old commission, but never built, mostly because of disputes in Gallagher said. The project has been transferred to the state Department of Highways, where planners must narrow the design to three possible routes.

Gary Chernenko, a spokesman for the DOH, said the state will complete an environmental impact study and corridor location phase in case money for the project is available in the future.

Due to the ARC phaseout, Gallagher said that 660 miles of the planned 3,033 Appalachian highway network probably won't be completed.

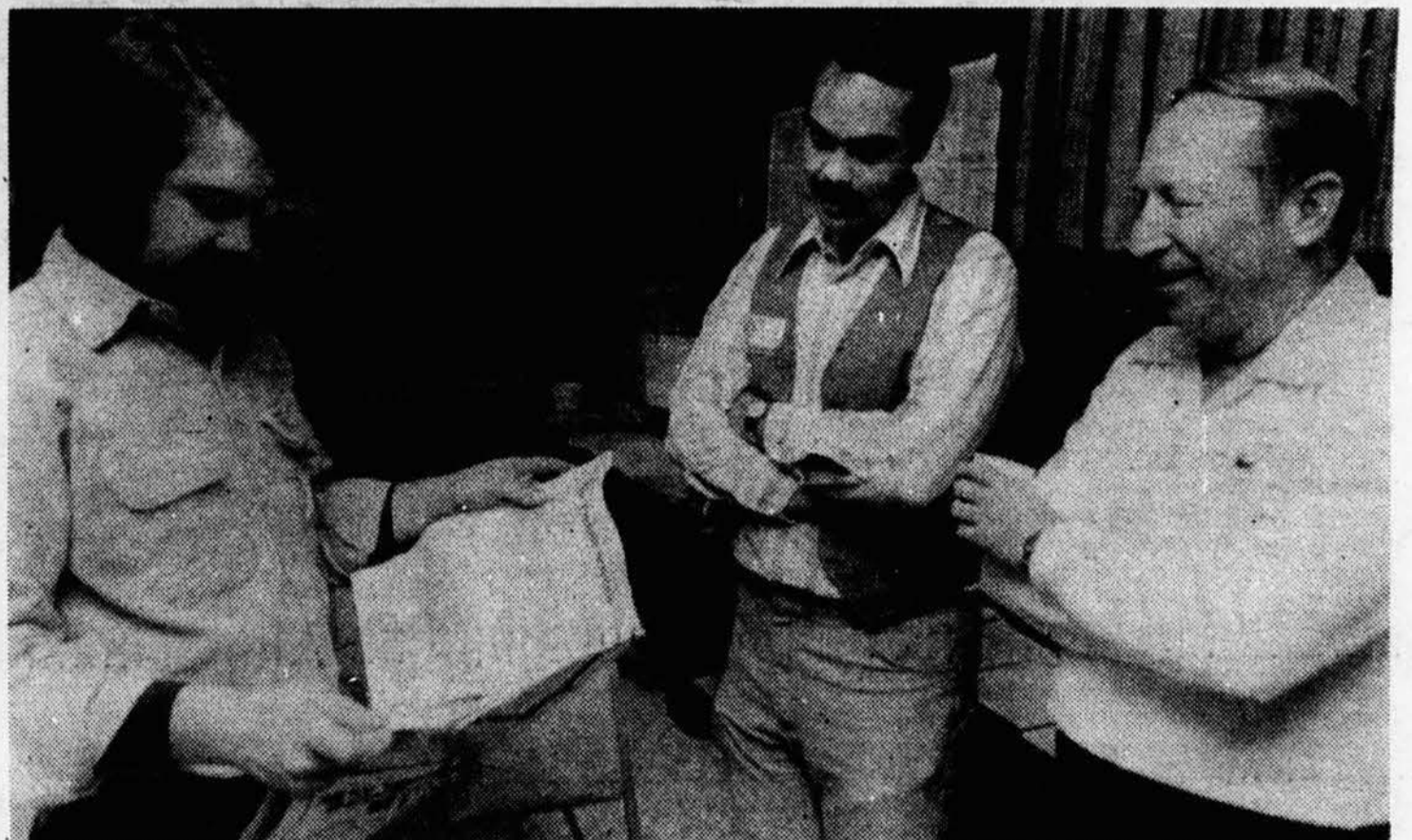
now hold before mining can start.

The announcement was sandwiched into a two-hour speech and question-and-answer session when Callaghan appeared before the W. Va. Highlands Conservancy at the environmental group's mid-winter workshop held at Jackson's Mill State 4-H Camp near

Weston.

The Holly Grove strip mine, located at the extreme southeastern edge of Upshur County near Rock Cave, has been the focus of a coal mining regulation dispute for more than a year and a half. It arose when the firm, then a subsidiary of the giant LaRosa Fuel

Company, announced they intended to mine the headwaters of the Little Kanawha River. The site is near the southern borders of Randolph and Upshur County, a remote, rural section in the foothills of the Allegheny chain just west of the valley-and-ridge section.
(Please turn to page 6)



Feeling gleeful is one of the newest members of the W. Va. Highlands Conservancy's board of directors Geoff Green (left) who chortled through the Conservancy's mid-winter workshop humming strains of "Ding, Dong, The Wicked Road Is Dead!" in celebration of the then-just-announced 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 controversial highway.

The highway, a trans-montane link that would have connected interstates 79 and 81 with a highlands-busting four-lane corridor, was canned by Gov. Jay Rockefeller and the Appalachian Regional Commission in the light of declining revenues and the highways astronomical costs. The corridor is now expected to join some 660 miles of the originally-planned 3,033-mile Appalachian highway system which will never be built.

At center is Bard Montgomery, the current chairman of the Shavers Fork subcommittee of the Conservancy's

mining committee. Along with Green, he was also elected to the Conservancy's board of directors during the annual meeting's formal elections.

At right is Raymond Eye who accompanied DNR director Dave Callaghan — the mid-winter workshop's featured speaker — to the meeting at Jackson's Mill near Weston. Eye is Callaghan's legislative liaison and, according to accounts from both men, most of his work is aimed at killing the hordes of bad bills which rear up from the floor of the legislature.

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.

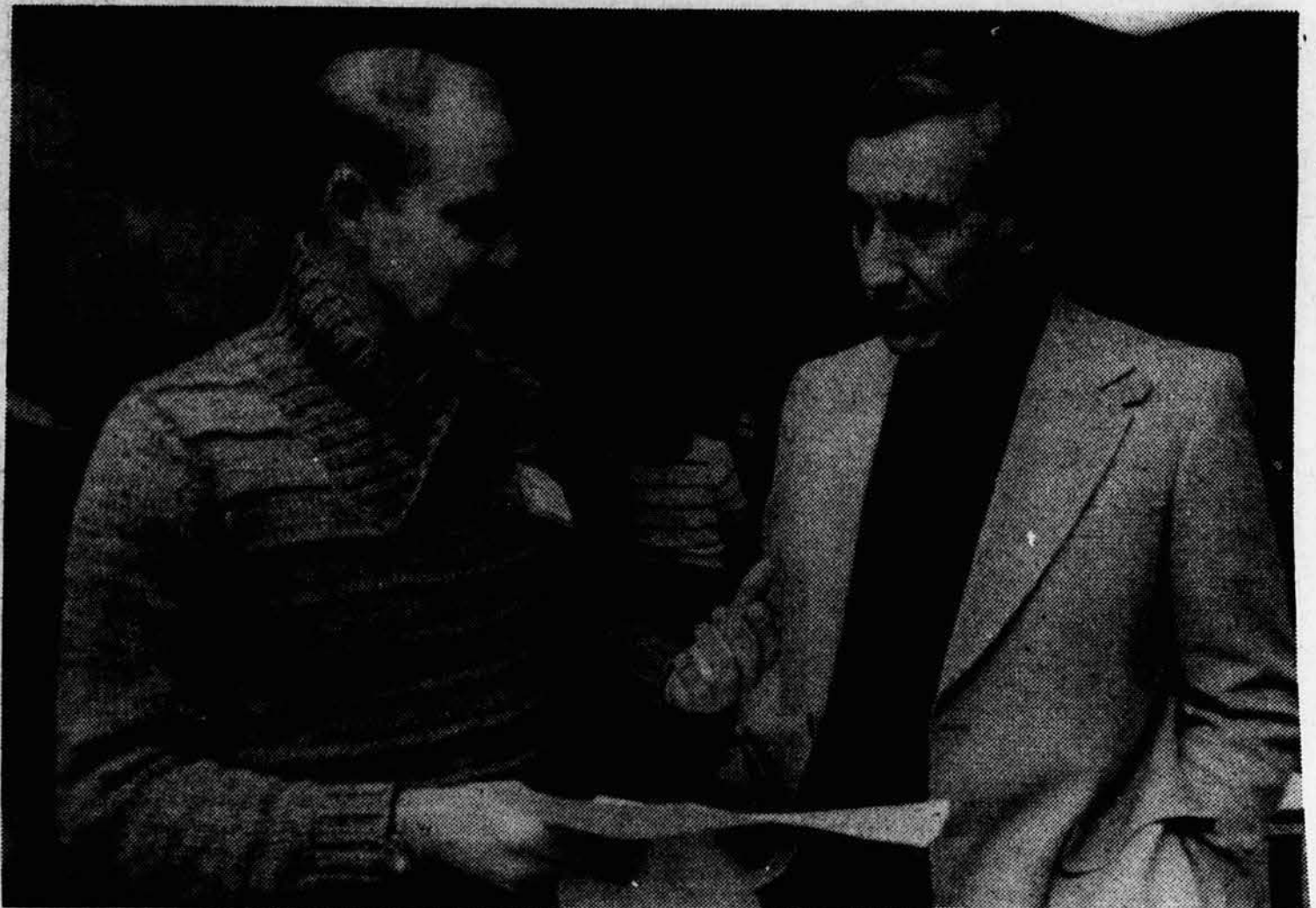
The eight-year average acidity of rain and snow in the W. Va. mountains is pH 4.5. The average at the best station for the last two years is pH 4.1 for rain and pH 4.5 for snow. This is at least ten times more acid than 30 years ago — perhaps 30 times more acid. It now amounts to over 500 net metric tons of sulphuric acid at pH 4.5 falling each year above every 35-foot-wide 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 these already infertile forest soils. The recent increase in accelerated chemical weathering is measured in this graph (see illustration) from an undisturbed, five-foot wide stream near Parsons, W. Va. Note that the specific conductance, which measures everything in the water, is one-quarter greater in the

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 neutralization 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 prairie 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 years.

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 reduction 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 not be lost forever within five years. Please contact your legislators in Washington to be sure they are informed of this threat and informed of your concern.



Discussing what he believes is clear and present evidence of the dangers of acid rain with DNR director Dave 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 Jackson's Mill near Weston.

Gaspar believes Callaghan "is not convinced that one-quarter of West Virginia's trout water is threatened by present levels of sulphur dioxide ... I am nearly alone in fearing soil impoverishment," the biologist said. "My credibility is questioned." Gaspar believes Callaghan has not been fully informed of the evidence which has accumulated and, in addition, has "other advice and articles that are less alarming." But Gaspar thinks Callaghan could be "very effective" in lobbying Gov. Rockefeller

— and the governor very effective nationally — if he could be persuaded of the importance of the problem.

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

— scans and digests articles and passes them on to his colleagues, supervisors as well as Callaghan;

— has prepared and is delivering a 25-minute slide-tape show that has been shown to — among others — Carl Beard of the W. Va. Air Pollution Control Commission, Dennis Abrams of the attorney general's environmental task force, deputy DNR director Dr. Willis Hertig, Carl Gainer of the W. Va. legislature's natural resources committee, every chapter of Trout Unlimited in the state as well as some in the nation's capital, some Izaak Walton League chapters and some chapters of the League of Women

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 Gaspar, while within the last week, Sen. Robert Byrd has introduced legislation to accelerate by five years 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.

Gaspar contends acid rain is leaching out soil nutrients and alkalinities faster than ever before. Yet, no extensive stream acidification and fish loss is occurring because the soil reserves are being robbed.

"I can show no obvious harm," he admits, and finds himself "nearly alone."

WASHINGTON, D.C.

Clean Air, Dirty Air

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

One of the major unfinished agenda items for the second session of the 97th Congress is the reauthorization of the Clean Air Act. The Senate has completed the hearing phase of the reauthorization process while the House continues its examination of the Act and possible amendments to it. The Senate Environment and Public Works Committee began mark-up last fall, although it has completed consideration of only one section of the law: the setting of health standards. Sen. Robert Stafford (R-VT), chairman of the committee, has announced that he hopes to report out a bill by March. The House Health and Environment Subcommittee has not yet scheduled mark-up sessions, although they may begin sometime in February.

Shortly before Congress adjourned in December, a comprehensive set of amendments to the Clean Air Act was introduced in the House by Representatives John Dingell (D-MI), James Broyhill (R-NC) and Thomas Luken (D-OH). The bill, known as HR 5252, resembles earlier bills introduced by Rep. Broyhill and Reps. Traxler and Hillis in that it calls for drastic weakening changes in the law. HR 5252 is endorsed by most industry groups and others who seek to fundamentally alter the Act.

Some of the most crippling elements of the Dingell-Broyhill amendments include:

— across-the-board delays in deadlines for achieving healthy air

quality;

— elimination of the requirements to use the tools to meet health standards;

— severe weakening of the federal auto emission control program, including more than doubling allowable emissions of carbon monoxide and nitrogen oxides from new cars;

— elimination of the federal program for protecting most existing clean air resources;

— ignoring the growing threat to the public health and the environment from toxic air pollutants and acid rain;

— relaxing protection for national parks.

Co-sponsors of the Dingell-Broyhill bill as of mid-January were John Dingell (D-MI), James Broyhill (R-NC), Thomas Luken (D-OH), Edward Madigan (R-IL), Edward Hillis (R-IN) and Bob Traxler (D-MI). Joining in since then has been West Virginia's Second Congressional District Congressman Cleve Benedict, a Republican.

Benedict said the bill would help automakers as well as the coal industry in West Virginia. "It makes some healthy changes in the Act in terms of encouraging investment in new factories and manufacturing facilities — and they are always cleaner than the older ones," Benedict said. "There are also some changes that will encourage conversion from oil to coal."

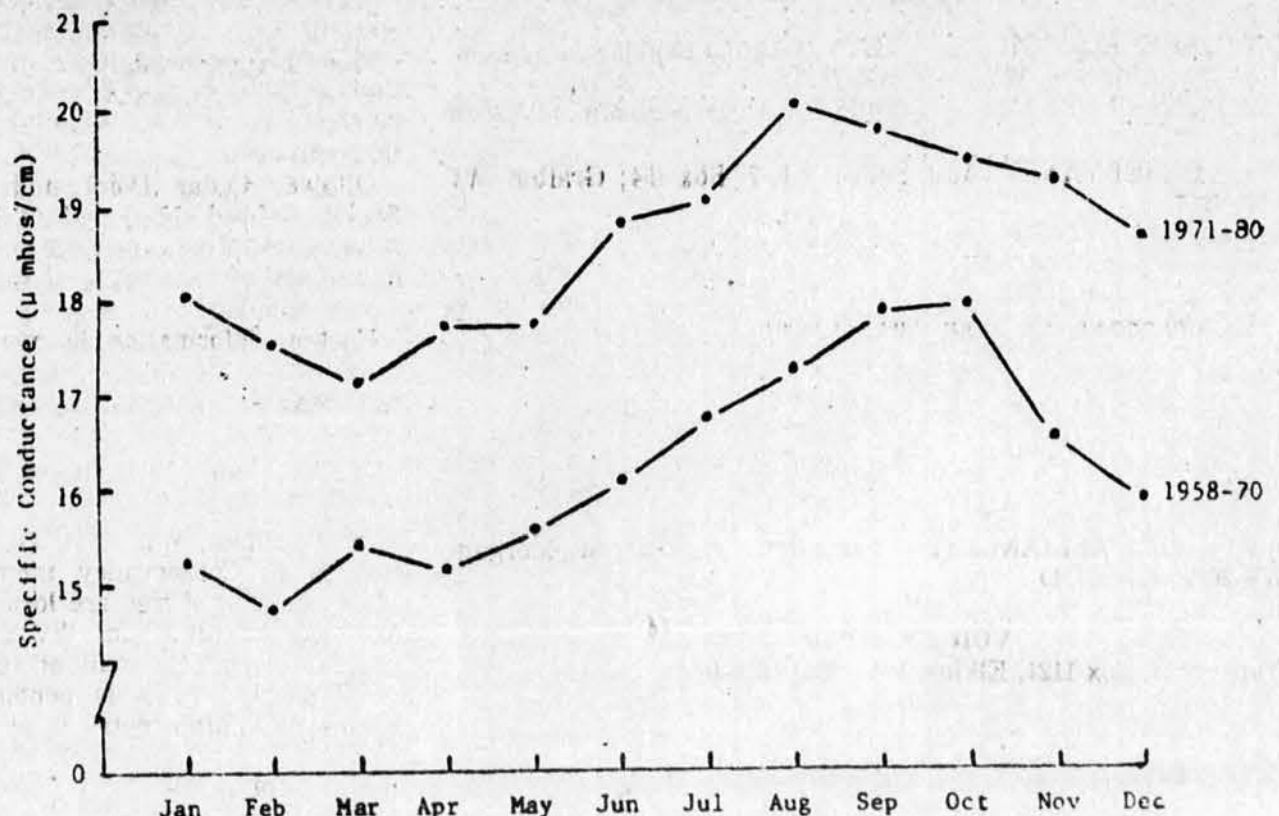


Figure 7.--Average monthly specific conductance of streamflow for two time periods.



JACKSON'S MILL

So Good

The director of the Mountain State's Department of Natural Resources has never been managed better — and chides the Conservancy

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

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 active questioning — that the state's recent 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 being 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 bank.

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 drainage — 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, full-time wildlife biologists to the task of making recommendations to the state's reclamation board.

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 pollutant

The Conservancy is not

EPA's got themselves in a

Water quality on Shavers Fork is getting

Enviro-Energy was successfully prosecuted

than "anyone alive today" has ever seen;

— 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 currently 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 successful 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 program."

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, leaching 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 significant 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 gubernatorial 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.

West Virginia has never had it so good.

resources asserts that the state's natural resources agency 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 people 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.

getting worse, but not because of mining.

acted on the basis of defective reports.

quarter-million-dollar investment.

"That's an 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 conclusion.

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 quality.

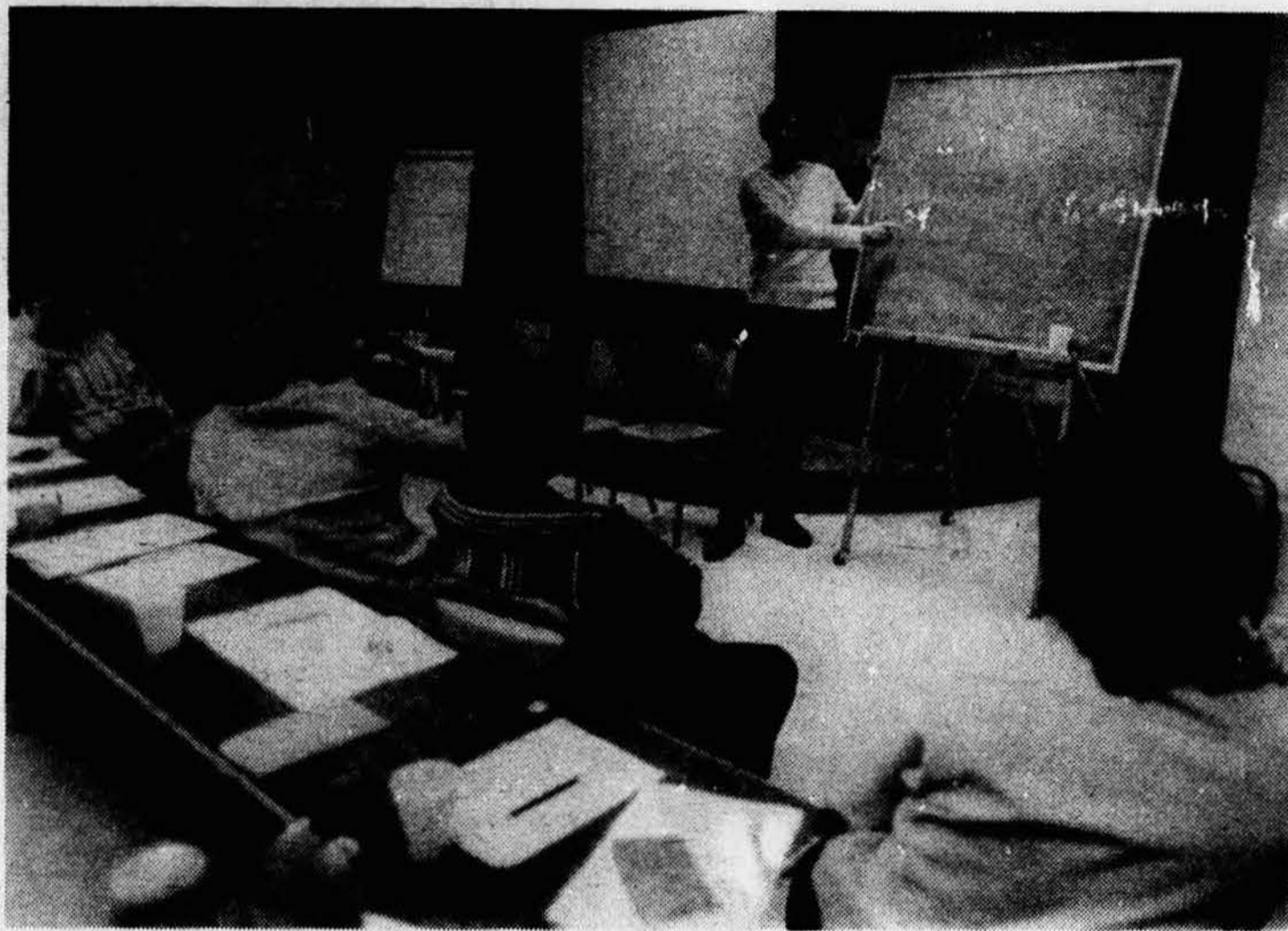
Callaghan also commented on the issue of sludge disposal within the Mountain State, especially as it related to a proposal by a New Jersey-based firm to deposit sludge from the eastern megalopolis on strip mines in Preston County. He said that while his department "may get" such a proposal, none had 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 specifications 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 trio of lawsuits which have sought to halt the tapping of vast coal reserves owned by the Mower Lumber Company beneath the Monongahela Na-

tional Forest.

At far left is Shavers Fork subcommittee chairman Bard Montgomery. The Conservancy is currently contesting the issuance of federal permits for mines which are already in operation — the current operation of which is being contested by McGinley's

lawsuits.

In the distant background behind Montgomery is Don Gasper and his "acid rain" display which was among several education exhibits at the Conservancy's mid-winter workshop and annual meeting held in mid-January at Jackson's Mill 4-11 Camp near Weston.



Discussing tactics over a lunchtime plate of fruit at the mid-winter workshop and annual meeting of the W. Va. Highlands Conservancy are (left) DNR director and the workshop's featured speaker Dave Callaghan and (center) John Purbaugh, a Charleston attorney for the W. Va. Legal Services Plan.

Purbaugh has been in the forefront

of environmental legal work for years. His credits include legal battles at Holly Grove, the Stonewall Jackson Dam and the Brooks Run Coal Company's Erbacon complex in Webster County. Most recently, just following his election as a member of the Conservancy's board of directors, he agreed to spearhead the organization's mining committee.

In the background are Dave and Linda Elkinton, the treasurer and 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.

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 identified 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 Conservancy'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:

— Oil and gas reform. The increased oil and gas exploration now taking place in West Virginia has highlighted the pressing need for reform. Surface owners have virtually no power to affect exploration on their property. Sediment control plans are frequently not followed and reclamation in many cases is slow or never completed. Sen. Dan Tonkovich introduced a bill this year (SB 154) which would correct, in large part, these problems. Key provisions in the Tonkovich bill include 30-day notice to surface owners when a driller applies for a permit and the right to object to road and well location; increasing bonding requirements; and granting "interested persons" standing for injunctive relief.

— Retaining surface mine law and regulations. During the last session of the legislature, two bills were introduced which would have required that the state's surface mine program be no more stringent than the federal regulations. It sailed 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 facilities. 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 suggested 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 the office of economic and community development (OECD).

Miles Dean, the director of OECD, has taken the position that solid waste is a local problem and should not be solved with state monies. However, county commissioners have traditionally made solid waste a low priority: 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 has taken a position of supporting the reserve fund for the solid waste authority.

Finally, the health department has decided that solid waste is not a substantial health problem and has proposed getting out of the solid waste regulatory business. They have proposed giving their responsibilities to the Department of Natural Resources. While the DNR is not wild about taking over this responsibility, it looks like the legislature will transfer the health department's regulatory functions to the DNR.

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.

AROUND THE STATE

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 Canaan 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 organizations.

He said he believed the Alliance's efforts were paying good dividends and cited the example of the Alliance's Beckley chapter which was doing everything from raffling off color televisions sets to getting names affixed to petitions.

He disagrees with those who feel the issue of the refuge has died down with



the advent of President Ronald Reagan's ascension. "We're just as busy and as active as we've ever been," he said.

The Alliance maintains a mailing list of some 5,000 persons — to which nearly 2,000 more could be added if funds were available. The first edition of the Alliance's major tabloid includ-

ed 8,000 copies, Bradley said, and a second edition of 10,000 is now being planned.

"We've gotten a reputation as the source for information on the wildlife refuge," Bradley said. "People are starting to depend on us." Contributions can be sent to the Alliance at 724 Snider Street in Morgantown, WV 26505.

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.

To the Monongahela National Forest:

This letter is a comment on the Highlands Scenic Highway Study DEIS ... (and) agrees with the No-Build Alternative.

I am writing as the chairman of the Scenic Areas Committee of the West Virginia Highlands Conservancy. The longstanding interest of the members of the WVHC in matters of this sort is well-known to you. My Committee is the one most directly concerned with the sort of mountain country through which the proposed extension of the present Scenic Highway would pass.

The concept of building a new, winding, scenic road down a remote mountain ridge seems ridiculous in the 1980's, however sensible it may have seemed to many people ten years 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 users including truckdrivers, could be a rational use of public funds. But the prime purpose of the scenic highway is not efficient transportation.

Even the well-written DEIS does

confuse the subjects at times. I have good credentials as a lover of West Virginia scenery, and as a downhill skier. I don't confuse the subjects. If I were hurrying to ski at Snowshoe on a winding road built for 40 MPH sightseeing, I would not be enjoying the view. I would be cursing the idiots who built this road up here in the foul weather. If public money is to be used to get skiers to Snowshoe, do it some other way, please.

The DEIS mentions bad weather as a serious drawback to the proposed routes. It certainly is. Some of the ridges lying East of the proposed route are extremely scenic themselves, with superb views. We oppose spending money for any scenic road of this sort, but those ridges would in fact make a little more sense, because of weather, for family fun driving.

The DEIS shows a benefit-cost ratio of around 0.6, which is unattractive even aside from the issue of wasting gas. In fact the ratio could be seen as much worse. Many costs and benefits shown are the same item, counted on both sides. A million dollars spent on local labor injects a million dollars into the local economy, for example. If we eliminate simple money transfer payments, and look only at items like using a million dollars for paving materials, to benefit the people who will drive on it, the ratio would be much worse.

The DEIS covers a wide range of issues of great interest to the WVHC,

and does it well enough that we can only compliment the writers, without going into further detail. But we wish to discuss one main issue not really covered.

The DEIS shows in detail how taking of land for the highway, and acquiring extensive scenic easements, would curtail the land and water degrading operations of lumbering and strip mining on private land, primarily on the land of Mower Lumber. The DEIS balances loss of income to the operators against improvements in scenery and water quality, and presumably estimates the effect well. In some ways, this is the most clearcut visible benefit of building the highway, from many conservation viewpoints.

But can the spending of over \$50 million in public funds, to build an unnecessary road, be justified as the only means at hand of disciplining sloppy operations? The WVHC has spent a large portion of its time and resources hoping to protect land and water quality along Shavers Fork. We would welcome better water flowing under the bridge at Route 250, at the downstream end of the proposed scenic road. But we hope that there is a more rational way to achieve this goal.

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.

The following article is reprinted from the January, 1982 edition of the *Potomac Basin REPORTER*, a publication of the Interstate Commission on the Potomac River Basin.

A lot of folks in Morgan, Hampshire and Hardy counties are worried about the Cacapon River.

Youth groups cleaning up the river last year gathered 43 truckloads of trash in the river's first ten miles, according to one area resident.

But what worries many area residents even more is that the National Park Service is studying whether the Cacapon is suited for designation as a "Wild, Scenic or Recreational River" under federal law.

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

how to do it, there was much disagreement.

Those issues have been simmering — and unsettled — for at least 30 years. Proposals to preserve the Cacapon as a "Wild Riverway" under state and private auspices were made in 1955. Most recently, in a 1978 law, Congress ordered the National Park Service to conduct a study of whether the Cacapon is eligible and suitable for designation as part of the national system of wild and scenic rivers.

A key purpose of the Wild and Scenic Rivers Act of 1968 is to protect unusually valuable free-flowing rivers from federal water projects as well as other development which would spoil their value. Once designated (or even while under study), the river and land along its banks are off limits for federally sponsored dams, power projects, transmission lines, diversions, canals or channelization projects.

Keeping the "feds" out of local affairs appeals to many people, especially in the West Virginia highlands. "We've had our fill of the federal government," said one citizen at the Dec. 8 meeting.

When it comes to federal involvement, however, the Rivers Act is a two-edged sword. In many cases, it does allow the National Park Service to get involved in land acquisition and land management. As often as not, the lands along a wild and scenic river are in federal or state ownership to begin with. Where necessary, the Park Service can condemn and buy at fair market value privately owned

land in the river corridor (very roughly a quarter of a mile on either side of the river). It can also acquire "scenic easements" — which restrict incompatible private development while leaving the land under its original ownership.

Feds Rule Out Land Acquisition

The Cacapon is highly unusual among river studied for wild and scenic status in that almost all of the land along its banks is privately owned. No federal land acquisition will be allowed along the Cacapon River, Park Service officials stress. The Interior Department, under Secretary James Watt and President Reagan, is strongly opposed to new land acquisition by the Park Service. In any case, the agency's budget simply will not allow it. Even scenic easements have been ruled out ahead of time.

Moreover, the Park Service will not propose any federal land management plan for the Cacapon. Dave Sherman, of the agency's National Capital Region headquarters, says any future management plan to preserve the river will come about only if the state and local governments cooperate in it.

In fact, Sherman notes, the study itself will not result in designation for the Cacapon, but will merely determine its eligibility. Designation would require an act of Congress, which almost never passes such measures if opposed by members from the district or state in question.

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 during the course of the study. Right now, there are few.

One mechanism being discussed in Morgan County is a planning and zoning ordinance (drafted by the County Planning Commission) which would control subdivisions. The County Commission held a public hearing on the ordinance Dec. 16.

About 75 citizens from the Great Cacapon area sent a petition in September to the County Commission, supporting the ordinance as a way of protecting the river from haphazard development. They expressed concern that new construction and dirt roads cut into steep terrain are eroding and putting more sediment into the river than in years past.

County coordinator William Miller says that Morgan County has experienced 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 corridor.

Another approach being discussed by some riverfront landowners is the voluntary use of covenants attached to the deeds to their lands. Such covenants, which pass from owner to owner, could permanently restrict use of the land which was incompatible

with river preservation.

Other Problems Still Unsolved

One issue that may elude local solution is prevention of litter and trash dumping. Miller says the county has neither the personnel nor the budget to handle the problem itself — but might succeed with help from the state.

One landowner at the meeting said the canoeists were polluting the river — not the owners. At one point on the river, however, Park Service officials found an old refrigerator and domestic trash dumped from the riverside cliff in plastic bags. They suspect that inadequate trash pickups in rural parts of the county may encourage use of the river as a dump.

Another tricky issue is the potential conflict between fishermen and inconsiderate canoeists. One resident complained at the Dec. 8 meeting that 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 findings, the Park Service will hold a set of public workshops in February of 1982. After issuing its final study report later in the year, it will hold one further set of public meetings. For more information on the study, contact Dave Sherman, (202) 426-7704.

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 records on file at the U. S. Office of Surface Mining in Charleston. Enviro had previously been convicted in Randolph County magistrate court for discharging iron into Glade Run last winter in excess of state permit limits.

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 and sediment from springs in the mire highwall. They began efforts to seal 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

swamp.

The Office of Surface Mining (OSM) is currently studying permit applications for six Enviro-Energy mines in the Monongahela National Forest. Four of these mines, including Glade Run, are already in operation under state permits. The state has agreed to permit Enviro to operate, at any one time, just six of any of the 25 mines proposed in the area. Speaking to the winter workshop meeting of the Highlands Conservancy on Jan. 16, DNR director Dave Callaghan acknowledged that his staff had recommended against granting mine permits in the area. However, Callaghan said he doubted a blanket denial could be sustained in court, and chose instead to agree to limit mine operations and haul roads.

In rendering a decision last April denying a petition by the Highlands Conservancy to declare the Shaver's Fork watershed unsuitable for mining, OSM regional director Patrick Boggs specified that the issuance of federal permits would be conditional upon "strict compliance" by Enviro with all state and federal laws and regulations.

Comments protesting the applications have been received by the OSM from the Highlands Conservancy, Mountain Stream Monitors, Audubon Society, W. Va. Citizens Action Group (Please turn to page 6)

WASHINGTON

Cranberry Prospects

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

"Hard release" and two million dollars for the Pocahontas County Commission — those are expected to be the major sticking points as the U. S. Congress moves toward wilderness designation for the Cranberry backcountry as well as two areas farther northeast, Laurel Fork North and Laurel Fork South.

All three areas are contained in a bill expected to work its way out of the House of Representatives by March. The House public lands subcommittee held hearings on the bill last week, and a spokesman for the W. Va. Highlands Conservancy, Larry George, called it "a good day. I think we've got an even chance of getting this bill through Congress."

The bill would provide wilderness designation not only for the 35,550-acre backcountry as well as similarly undisturbed lands along the Laurel Fork east of Elkins. Both areas are within the Monongahela National Forest, but Cranberry is underlain with millions of dollars worth of high-grade coal owned by CSX, the nation's largest railroad.

At the hearings, the chief of the U. 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 comparable mineral rights elsewhere. A search for such lands is currently

underway and several candidate sites are being examined.

George, who has spearheaded the Conservancy's efforts at wilderness designation for the Cranberry, said he believed that the Reagan administration would not oppose the bill — though they would not fight for it either.

From the House, the measure heads for the U. S. Senate where Sen. Robert Byrd has indicated he will insure what the Conservancy's Cranberry coordinator, Leslee McCarty, has described as a "fair fight." She said she also expects Byrd will introduce an amendment to the bill which would provide \$1.9 million for Pocahontas County — the approximate value of the coal severance tax which it would not receive if the proposed land exchange for CSX's mineral rights beneath the Cranberry is approved.

The only other difficulty McCarty says she foresees is the awkward matter of "hard" versus "soft" release. The Reagan administration is expected to hold out firmly for "hard" release language to be incorporated into any Cranberry bill. "Hard" release language would require the U. S. Forest Service to ignore wilderness planning in West Virginia in the future. Powerful, national conservation groups, including the Wilderness Society, have made it clear that they will not support — and, indeed, may actively oppose — any wilderness

bills which provide for anything other than "soft" release. "Soft" release provides that no further wilderness planning will occur until sometime during the 1990s when the Forest Service will undertake their next, regular planning cycle.

"We're going to live or die by 'soft' release," McCarty predicted. The Conservancy has already resolved itself against "hard" release by formal resolution at its annual meeting in mid-January.

McCarty, a 33-year-old Barboursville native, is currently employed by the Conservancy as a short-term consultant on the battle for Cranberry wilderness designation. She has most recently been employed as development director of the Pocahontas County radio station as well as a program coordinator for the county's comprehensive health planning council, an offshoot of the county commission. While earning a master's degree in social work at W. Va. University, she studied the Forest Service's Cranberry hearings process in depth.

She views prospects for the Cranberry and the Laurel Forks as "good ... We have the local support," she says with confidence. One of her major functions will be to insure that the people who support the Cranberry's designation as wilderness are encouraged to make their feelings known.