

THE HIGHLANDS VOICE

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Vol. 15 No. 3 April, 1983

New River Tour

Highlands Conservancy Spring Meeting Set For May 7-8

Final preparations are being made for the West Virginia Highlands Conservancy's Spring Meeting at Washington Carver Camp on May 7-8.

The meeting will be highlighted by a tour of the recently created New River Gorge National River conducted by Jim Carrico, the park superintendent. All members interested in attending the tour should plan to meet at the Babcock State Park headquarter's parking lot (near the grist mill) by 9:30 a.m. Saturday. The tour is scheduled to begin at 10 a.m.

Due to the terrain to be encountered along the tour, people who have a 4-WD vehicle, or have access to one, should drive it to the spring meeting.

After the tour, the meeting will move to Washington Carver Camp where dinner will be served at 6 p.m. At 7:30 p.m., Carrico will give a presentation on the new park.

On Sunday, breakfast will be served at 8 a.m. at Washington Carver. Following breakfast, at 9 a.m., the Conservancy's Board of Directors will meet.

Conservancy President Larry George requests that all people who have business to bring before the Board please contact him by April 25, so it can be added to the meeting's agenda.

Contact George at: 9 Crestridge Drive, Huntington, W.Va. 25705.

During the course of the two-day meeting, three meals will be served at Washington Carver. The price for all three meals is \$9. Meals can be purchased as a whole or separately.

The price for each meal is: Saturday night dinner, \$4; Sunday morning breakfast, \$3; and Sunday lunch, \$2.

To ensure that enough food is purchased, all people who plan to buy meal tickets should contact Larry George by

April 30. A clip-out meal coupon is on page 3.

Directions: Babcock State Park is located on W.Va. 41 is off U.S. 60. 41 (for people heading east on 60) is approximately 10 miles east of U.S. 19 (Hico). If you are heading west on U.S. 60, W.Va. 41 is approximately 10 miles west of Rainelle. The park is about 5 miles from the U.S. 60, W.Va. 41 in-

tersection.

Washington Carver Camp is located near the town of Clifftop, which is on W. Va. 41. According to a camp official, take W. Va. 41 to Clifftop, turn right on Rt. 11. Follow Rt. 11 through the town until you come to a sign saying Babcock State Park, Camp Washington Carver. Make a left at this sign.

Meeting Schedule

May 7	
9:30 a.m.	Meet at Babcock State Park headquarters parking lot (near grist mill).
10 a.m.	Tour of New River Gorge National River, conducted by park superintendent Jim Carrico.
6 p.m.	Meet at Washington Carver Camp for dinner.
7:30 p.m.	Jim Carrico presentation on the New River Gorge National River.
May 8	
8 a.m.	Breakfast at Washington Carver Camp.
9 a.m.	Board of Directors Meeting.
Noon	Lunch.

Swarming Masses

The Black Fly Controversy

By FRANK PELURIE

Imagine trying to hit a golf ball with one-to-two thousand black flies flying about your head. Even if they don't bite, (which they occasionally do), the annoyance of all those tiny insects darting into your eyes, ears and nose has got to affect your shot concentration, not to mention following the ball to its destination.

Sounds like a serious problem, and it reportedly is for residents and visitors of a six-county region in Southern West Virginia.

The center of the problem is a ten-to-twelve mile stretch of the New River between Bluestone Dam and Sandstone Falls. This section of the river is suspected of being the major black fly breeding area in this region. Up to five generations of the black fly are produced each year between late spring and fall. This large breeding population is reportedly the result of sewage products, nitrates and phosphates in the Bluestone reservoir, which produces a very large food supply for the black fly larvae.

Each year, beginning in late spring, the first generation of black flies start to appear. But they apparently do not stay by the river. The insect has a

range of 20-to-30 miles, allowing the black fly to impact an area of up to 2,827 square miles.

Where do the black flies go and who do they bother?

Uncannily, the insect appears to exhibit some human traits in regard to its travel preferences. They seem to prefer resort areas such as Glade Springs and Pipestem State Park for their adult vacations.

Reportedly, the insects gather at these areas in such large numbers and are often so severe that clientele of the parks and resorts leave, and citizens find it impossible to participate in outdoor activities.

It is generally conceded that the bug is a nuisance. Fishermen, boaters, vacationers and residents along the New River are bothered each summer by the black fly. But, for the most part, they have somehow learned to live with the annoyance. For many it is part of the price paid for enjoying the river.

There are others that claim the insect is more than a mere annoyance. Reports differ though with regard to the number of bites an individual will experience from a large swarm and the affect of the bites. Some individuals are reported to be severely affected by the bites and others apparently not at all. And, the number of bites an individual receives from a typical swarm of black

flies varies widely between studies.

As a result of complaints that enormous swarms of black flies are plaguing particular areas of southern West Virginia, a plan has been developed for controlling the insect. Control will be accomplished through the use of a biological agent, a bacteria known as BTI. This agent is reportedly effective against black fly larvae populations

residing in a river, but harmless to other organisms.

Great, but what's the cost?

There are a number of unknowns which cause concern!

For instance, is the New and Greenbrier rivers aquatic species composition and distribution within the rivers totally known, including the rate,

(Continued on Page 8)

Emergency Rules Adopted

Just as the Voice was going to press, the Water Resources Board voted to adopt emergency rules preventing hazardous waste facilities from leaking hazardous waste into the ground waters of the state. The Board also began the public comment period for permanent regulations preventing hazardous waste disposal facilities from polluting ground water. "While the emergency rules and the proposed final regulations appear to be a common sense approach to regulating hazardous waste disposal facilities, they are a vast improvement from the regulations adopted by EPA. This is an important first step in developing a rational hazardous waste disposal pro-

gram in West Virginia," commented Perry Bryant, Charleston Area Vice-President for the Conservancy. (See related story on Page 4 and 5).

The Water Resources Board also established May 15 as the cutoff date for suggestions on what parts of the state's water quality regulations should be reviewed or changed by the Board. The iron standard adopted by the Board in 1980 seems to be the primary target for many industrial concerns. Sometime after May 15 the Board will go to public notice on the changes, if any, that they propose. We'll have more on this in the next issue of the Voice.

From the President

By LARRY GEORGE

In this issue of **The Highlands Voice** you will find a clip-out form which Conservancy members should use to join our issue oriented committees. The reorganization of these committees is now complete and you will notice that several long-standing committees have been eliminated and others created. I believe this new committee structure reflects the present needs and interests of the organization.

The primary goals of this new committee structure are (1) to be truly responsive to the conservation interests of the membership and (2) to give members an opportunity to participate fully in Conservancy projects and decisionmaking. These committees will be the initial forum by which environmental issues are debated by the membership prior to the Board of Directors adopting a position. The committees will also be the primary group for executing Conservancy projects and choosing the strategy to accomplish our goals. The Committee Chairperson will notify members of meetings and activities so that all may participate. Therefore, this is an excellent opportunity to become involved in Conservancy activities and I encourage all interested members to fill out the committee form in this **Voice** and return it to me.

The spring meeting of the Conservancy will be held May 6-8 at Camp Washington Carver which is located a few miles east of Fayetteville. The Saturday program will focus on the *management alternatives and environmental problems facing the recently created New River Gorge National River*. The Conservancy Board of Directors will meet on Sunday at 9 a.m. Tours of the New River Canyon and an evening presentation will be conducted by National Park Service officials as detailed elsewhere in this **Voice**. The National River is facing several important issues including land acquisition, mining of private minerals within the Park boundaries and control of the "black fly" population. The Conservancy's Water Resources Committee and its chairman, Frank Pelurie, will be responsible for the Conservancy's role in issues affecting the National River. Members interested in these issues should contact Frank Pelurie since the Water Resources Committee will be meeting during and after the May meeting to discuss the Conservancy's positions on New River.

The program coordinator for the spring meeting is Conservancy Director, Jim McNeely, and any inquiries regarding the program or facilities can be made of Jim at 425-1295 (office) or 425-9838 (home). I also ask that members who wish to make presentations at the evening program, or have a matter requiring action by the Board of Directors, contact me no later than April 25 to make arrangements.

The 1983 session of the West Virginia Legislature was a good one for the State's conservationists. Most importantly, the Oil and Gas Reform bill was passed, granting surface owners protection from damage caused by drilling operations. Drillers must now notify surface owners prior to entering their land and must reclaim the drilling site under a program to be supervised by the State Department of Mines. The lobbying effort on this bill was led by Conservancy members, Perry Bryant and Dave MaMahon, and the Oil and Gas Reform Coalition to whom we owe our appreciation. Special thanks also go to House Judiciary Chairman Joseph Albright (D-Wood) and to Delegate Chuck Chambers (D-Cabell) who sponsored the oil and gas bill and worked hard for its passage.

The second conservation victory of the legislative session was the modification of an Administration bill to transfer all coal mining related water pollution permits to the Reclamation Division of the Department of Natural Resources. As introduced, the Administration bill appeared to seriously weaken the State's water pollution enforcement program and terminate the requirement of permits to control post-mining discharge. During mid-February, several Conservancy members, led by Vice-President Perry Bryant, initiated a lobbying campaign to strengthen the transfer bill by amending it on the Senate Floor. By a 17-16 vote, the Senate accepted an amendment offered by Senator Mario Palumbo (D-Kanawha), and supported by the Conservancy and the West Virginia-Citizen Action Group, requiring the DNR to enforce its water quality standards and require abandonment permits for coal mines. While DNR's Water Resources Division role in coal mining permits has been eliminated, the potential exists for a stronger water quality program. Whether this new program becomes a success will depend on the good faith of Governor Rockefeller and DNR officials in administering the new permit system.

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Consolidation Bill Goes to EPA

by JOHN PURBAUGH

The proposed "consolidation" of water, pollution permits and reclamation permits for coal mining facilities (VOICE, Feb. '83) was enacted by the Legislature but in a different form than that requested by the Department of Natural Resources, Gov. Jay Rockefeller and industry representatives.

Originally the consolidation bill received a double committee reference in the Senate, to both the Natural Resources and the Energy, Industry and Mining committees. However, the National Resources Committee stuck the consolidation bill into S.B. 116—a bill generally revising the surface mining law in conformity with federal conditions—and sent it to the floor as a "committee substitute," thereby avoiding the second committee.

In the full Senate, however, WVHC and West Virginia-Citizen Action Group lobbyist Perry Bryant worked to offer an amendment substituting a new §43 (the consolidation section) which made clear that all provisions of the Water Pollution Act—including abandonment permits for mining operations—would be retained under "consolidation," and mandating that Director Callaghan enforce the water quality standards on mining operations.

Offered and vigorously debated by Sen. Mario Palumbo (D-Kan.), these protective amendments passed 17-16 with Sen. James Davis, D-Marion absent for the vote.

DNR and industry efforts to change the now-amended bill in the House failed. The transfer or consolidation is not effective until approved by EPA.

"Acid Mine Drainage" (AMD) lives again with yet a third definition under the W. Va. Surface Mining and Reclamation Regulations. The definition for several years was: "mine drainage with a ph less than 6;" the proposed definition submitted to public comment was "mine drainage with 15 mg/l excess acidity over alkalinity." This proposed standard received strenuous objection from both the environmental and scientific community, and from within the agency (VOICE, Feb. '83) because it would have allowed mine discharge with a ph as low as 3.5 to 4.0 in many situations to be considered not acid.

DNR's newest definition of AMD, "mine drainage in which acidity exceeds alkalinity," can be seen as a compromise which recognizes the fact that natural drainage conditions may occasionally be mildly acidic while also

recognizing that 15mg/l excess acidity is too large as an allowable "window of vulnerability" for many streams.

The entire package of newly proposed surface mining regulations, including the AMD definition, was submitted to the Legislature too late for review by the Legislature Rulemaking Review Committee, and so was not approved by the Legislature this session, and therefore probably cannot be effectuated under the state Administrative Procedures Act in time for the May 3, 1983 date specified in reclamation permits for compliance by operators.

The status of the surface mining regulations is now quite muddled, with three full sets—the 1978, 1982 and the proposed 1983—on the books, and no clear statement on file by DNR as to which set is applicable.

42,000 Acres

National Forest Land In W.Va. Might Go On The Sale Block

by SKIP JOHNSON
Charleston Gazette

Approximately 42,000 acres of national forest land in West Virginia has been marked for further study for possible sale.

It represents 4 percent of the total of approximately one million acres in the Monongahela and George Washington Forests in the state.

Earmarking government-owned land for possible return to private hands is a policy emanating from the Reagan administration, which asked the U.S. Forest Service and other federal agencies to identify lands which might be sold.

Of all national forest land around the country, three percent has been fingered for further study. Most of the Eastern United States forests are above the national average, as far as having lands in the further-study category is concerned. Thirty-six percent of Ohio's national forest land will be studied further, for example.

Forest Service officials said this is because of the way eastern forest land is put together, with numerous isolated tracts. Most of the western forests are solid-block ownership.

Monongahela National Forest supervisor Ralph Mumme of Elkins said recently further study of the 42,000 acres in West Virginia will not proceed until Congress gives the Forest Service authority to sell land. The agency presently does not have this authority, he pointed out.

Among tracts in the Monongahela identified for further study are several on the upper Shavers Fork River in Pocahontas and Randolph counties, an area once looked at as a possible site for extension of the Highland Scenic Highway. But Sen. Jennings Randolph, D-W.Va., the author of the scenic road, accepted a Forest Service recommendation that the highway not be extended beyond its present eastern terminus on U.S. 219 seven miles north of Marlinton.

"Several tracts along the upper Shavers Fork are sitting by themselves without national forest land around them," Mumme said.

He said a similar pattern of fragmented ownership also exists in the Parsons area.

About 1,000 of the 42,000 acres are in Hardy County in the George Washington National Forest.

Get Involved—Join A WVHA Committee

This is your opportunity to take an active role in the Conservancy's programs and decisionmaking process by participating in one or more committees. Complete and return this form to become a member of the Conservancy committees listed below. These committees carry out the Conservancy's projects and develop recommendations to the Board of Directors regarding natural resources issues.

Please check the following committees in which you wish to participate:

- PROGRAM COMMITTEE (1983 Fall Review)
- AIR QUALITY COMMITTEE (Acid Precipitation, Clean Air Act)
- CANAAN VALLEY COMMITTEE (Davis Power Project, Wildlife Refuge and Landuse in Canaan Valley)
- HIGHWAY COMMITTEE (Corridor H, Highlands Scenic Highway)
- MINING COMMITTEE (Federal and State Coal Mining Reclamation Programs and Policy)
- OIL AND GAS COMMITTEE (State Regulations and Policy for Reclamation of Oil and Gas drilling)
- PUBLIC LANDS MANAGEMENT COMMITTEE (Management Policies for National Forest and State lands)
- WATER RESOURCES COMMITTEE (Protection of Scenic Rivers, Water Pollution Control Programs, Water Resource Development Projects)

RETURN TO: Larry W. George, 9 Crestridge Drive, Huntington, W. Va. 25705.

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Brief statement of present position, interest, or activities in conservation activities (optional)

Make checks payable to The West Virginia Highlands Conservancy.

MEAL RESERVATION

In order to buy enough food to feed those attending the Conservancy's Spring Meeting, May 7-8, at Washington Carver Camp, we are asking that persons planning on buying their meals please fill out this meal reservation slip.

Saturday Evening Meal (full dinner)	Persons @ \$4.00 \$
Sunday Morning Breakfast	Persons @ \$3.00 \$
Sunday Lunch (cold cuts, etc)	Persons @ \$2.00 \$
Total Meals Reserved	\$

Please make your check out to West Virginia Highlands Conservancy and return to Larry George, 9 Crestridge Drive, Huntington, W.Va. 25705.

Hazardous Waste Landfill Regu

(EDITOR'S NOTE Reprinted with the permission of the West Virginia-Citizen Action Group.)

By PERRY BRYANT

Almost daily the press has been raking the Environmental Protection Agency over the coals for the inept handling of Superfund—a program to clean up abandoned hazardous waste disposal facilities.

However, almost unnoticed, EPA has adopted regulations governing how existing, and new, hazardous waste disposal facilities will be permitted. These regulations pose a far more serious danger to human health and the environment than EPA's inept handling of Superfund.

These regulations ensure that we will not adopt the best available technology for the disposal of hazar-

dous waste. These regulations ensure that contamination of ground water will be permitted by EPA. These regulations ensure that environmentally sound methods of hazardous waste disposal will not develop, since these facilities would be placed at an economic disadvantage with cheap, poorly designed landfills and lagoons.

These regulations are a perfect example of why citizens have opposed the construction of new hazardous waste landfill disposal facilities in the country.

The EPA regulations allow industry to choose two options for opening new hazardous waste landfills or lagoons - in bureaucratic language, lagoons are called surface impoundments.

First, industry can build a landfill or lagoon with one synthetic liner, as long as they monitor the ground water quarterly. Under this option, industry

can contaminate ground water with hazardous waste as long as levels of hazardous waste do not exceed drinking water standards. If no standards exist for the hazardous waste found in the ground water - and for most hazardous wastes no standards exist - then the industry and the EPA Regional Administrator can negotiate what levels of pollution are acceptable.

Two problems exist with this approach:

—Synthetic liners are acceptable as long as they do not leak. Once they leak, they are practically worthless. Any time you have hazardous waste leaking into the ground water from a single, synthetic-lined facility, you have major problems. To allow these facilities to continue to operate until they exceed drinking water standards is ludicrous!

—This approach is totally dependent on the proper location of the monitoring well. If the monitoring well is not properly located, it will not detect the hazardous waste plume in the ground water. Improper placement of wells in Tennessee and the Aerojet site in California failed to detect significant amounts of hazardous waste that had leached into the ground water.

Even if a monitoring well is properly placed, there are no guarantees that the monitoring well will detect all of the hazardous waste. Different wastes have different weights. Heavy metals are likely to sink to the bottom of the aquifer while other waste (e.g. solvents) are lighter than water and will be detected only at the top of the aquifer. Obviously monitoring the entire aquifer will be difficult.

The second option available to industry is to install double-liners with a leachate detection system between the liners. Under this approach, industry does not have to monitor the ground water unless leachate is detected between the two liners. The problem with this approach is that leachate detection systems are not fail-safe. Failure of the leachate detection system can lead to failure of the second liner without it being detected.

Two other major problems exist with EPA's regulations:

Existing facilities are only required to monitor ground water and take "corrective action" if the monitoring shows that drinking water standards — or other standards imposed by the Regional Administrator — are being violated. "Corrective action" does not mean installing a double-liner or taking other steps to prevent additional waste from entering the ground water.

"Corrective action" means pumping the water to the surface, treating it, then discharging it into a stream or river. Nothing in these regulations will prohibit additional pollution of ground water by existing disposal facilities.

This exemption for existing facilities is probably the worst of a bad set of regulations. As the Environmental Defense Fund (EDF) stated in their comments to EPA on the regulations:

"The sole criteria (for the federal law) is protection of public health and the environment. EPA's approach to ex-

isting facilities fundamentally fails to meet this mandate. . .since there are no guarantees that leaching toxic chemicals will be discovered; no assurances that appropriate remedial waste clean-up will be completed; and no adequate justification for the weak regulations of existing facilities."

The EDF went on to show that retrofitting (i.e., going in and replacing unlined or single-lined lagoons with double-liners) is economically justified (i.e. the cost of remedial action is higher than placing double-liners at a facility), if two-thirds of the existing facilities require corrective action.

Several studies have shown that all liners leak, leading the Kansas Engineering Society to conclude that no new landfills should be built and existing facilities should be closed. The State of California has taken the position that highly toxic and other classifications of hazardous waste should be prohibited from being disposed of in landfills and lagoons.

While the rest of the world seems to have come to the conclusion that landfills and lagoons are the least acceptable methods of disposing hazardous wastes, EPA's regulations encourage landfills and lagoons.

Fortunately, the West Virginia Department of Natural Resources appears to be with the rest of the world. The Division of Water Resources' Hazardous Waste/Ground Water Section developed draft landfill regulations earlier this year. These regulations require:

—All new facilities to be double-lined.

—If the facility leaks, the leak has to be corrected or the facility will be closed and corrective action will be taken as necessary.

—Existing facilities which are polluting ground water have to: a) take corrective action as necessary and b) retrofit the facility with double liners, or c) close the facility, or d) stop the leak.

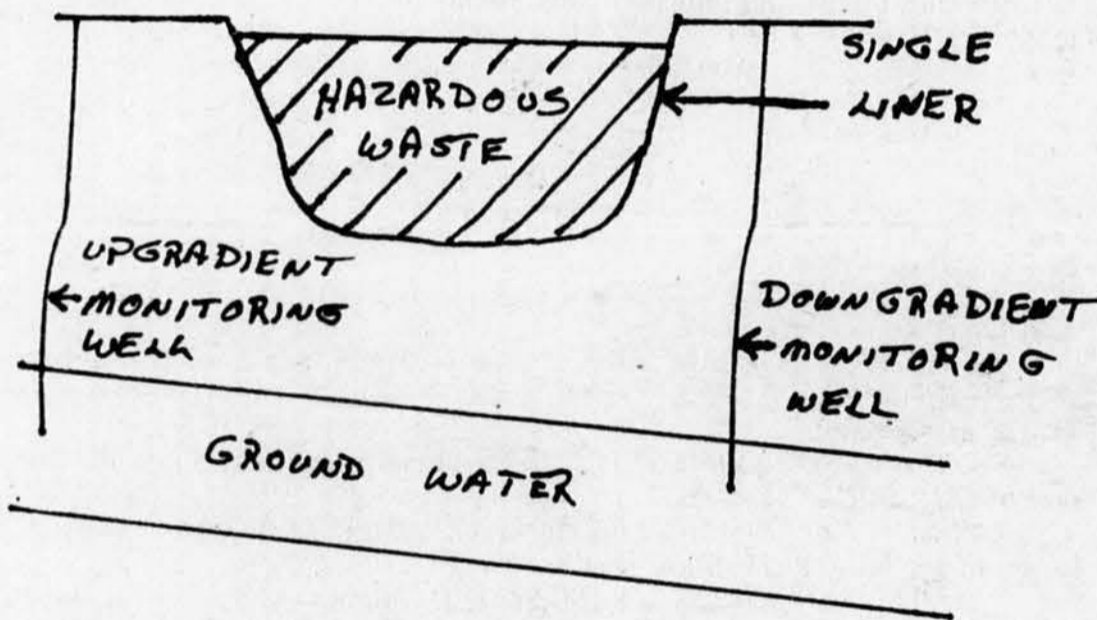
Before the Water Resources Board went to public notice on these regulations, Director Dave Callaghan stepped in and stated that he would promulgate the design standards (i.e. double-liners or single-liners) and that the Water Resources Board should only decide what levels of ground water pollution are acceptable.

Ground water is one of the most precious resources we have. Nationally, over 50 percent of all drinking water comes from ground water. Once polluted, there are no known methods for cleaning ground water other than pumping it to the surface, treating it and discharging it into a stream or river.

EPA's position (supported by the Manufacturers' Association), that landfills and lagoons should be allowed to pollute ground water with impunity up to drinking water standards, or other standards established by the EPA Regional Administrator, is untenable.

Of all the hazardous wastes produced in West Virginia, only 14 have had drinking water standards established for them. For all the other wastes,

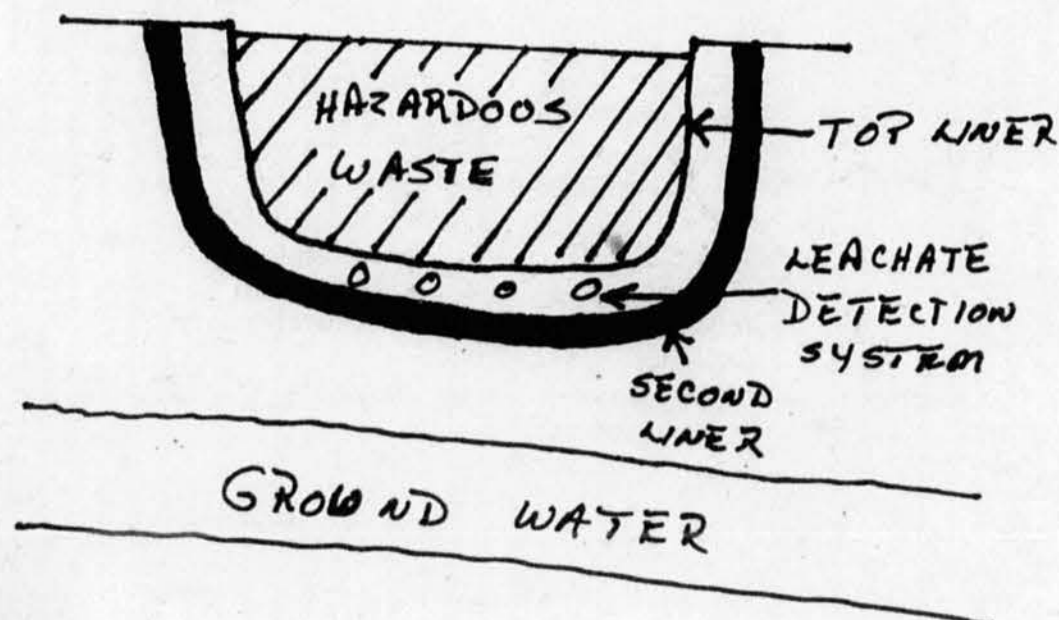
A. SINGLE LINED FACILITY



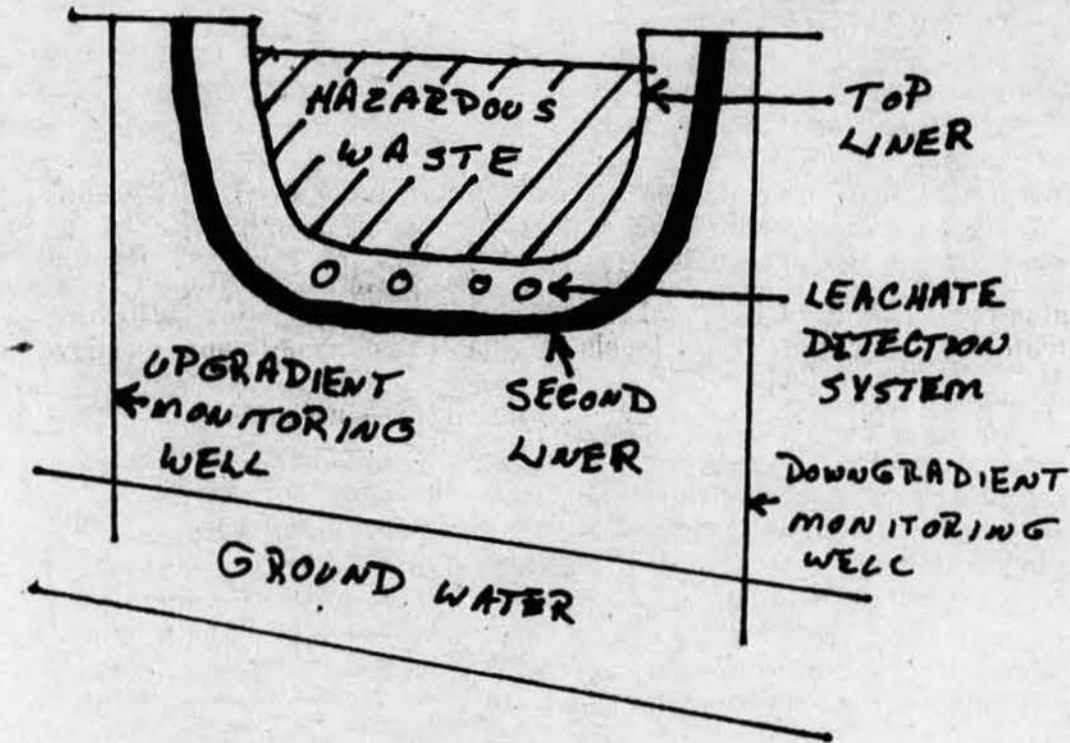
Pictured above and below are cross-sections of a hazardous waste lagoon. EPA allows industry to choose between the construction of a single lined facility or a double lined facility. Under either option the top liner must be made of a synthetic material. The second liner for a double lined facility can be either a synthetic material or compacted clay. The leachate detection system between the two liners is supposed to detect any hazardous waste which leaks through the top liner. Note that the requirements for ground water monitoring are eliminated for a double lined facility.

OR

B. DOUBLE LINED FACILITY



ulations Proposed



Pictured above is the state-of-the-art design for landfills and lagoons. The facility has a top liner and a second liner with a leachate detection system between the two liners. In addition there is monitoring of the ground water, since no facility is fail safe, no matter how well designed.

there are no standards.

This leaves the vast majority of standards to be established by the EPA Regional Administrator or the Water Resources Board. It is simply beyond the resources of either of these entities to establish standards which will ensure that human health and the environment will be protected.

The Water Resources Board is expected to go to public comment on the proposed ground water standards soon.

Interested persons can write the Board and request that they adopt a policy preventing ground water pollution from hazardous waste landfills and lagoons.

The Water Resources Board is located at: 1205 Greenbrier Street, Charleston, WV, 25311.

Anyone wanting additional information can contact: Perry Bryant, WV-CAG, 1324 Virginia St., E., Charleston, WV 25301 or call (304) 346-5891.

Monongahela Guide

On Sale

The Conservancy's new and improved Monongahela National Forest Guide has been completed and is now on sale.

This updated version includes 50 pages of trail updates and new information on Otter Creek, Dolly Sods and Cranberry Backcountry.

The guide only costs \$7- (postage paid) and can be obtained by writing to the Highlands Conservancy, P.O. Box 506, Fairmont, WV 26554.

EPA UPDATE

IN ORDER TO KEEP UP WITH THE TIMES AND TO REFLECT THE NEW APPROACHES AND ATTITUDES OF THE ENVIRONMENTAL PROTECTION AGENCY, WE PROPOSE A CHANGE IN THE EPA LOGO.



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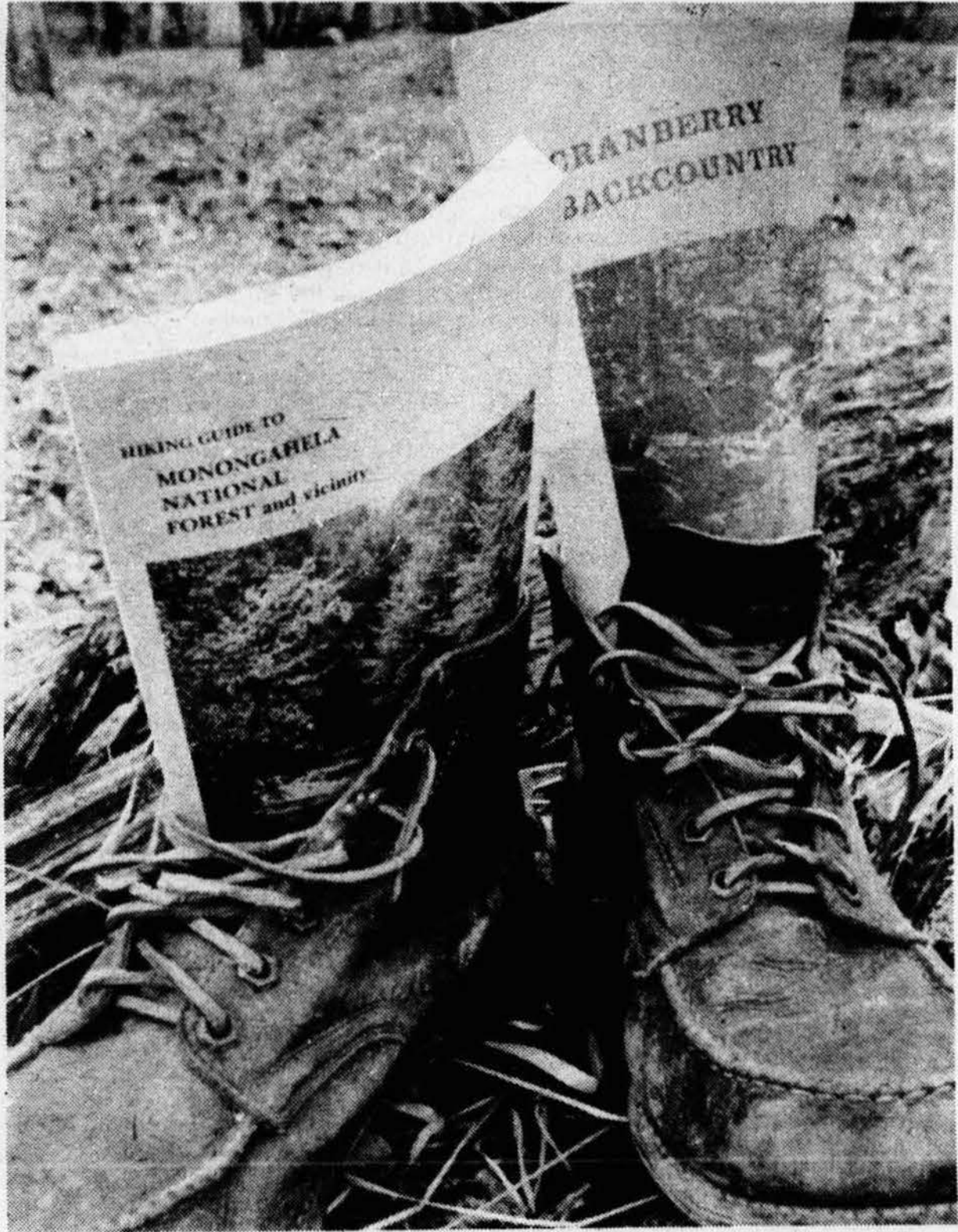
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1983 Environmental Legislation

Some Good And Some Not So Good

By PERRY BRYANT

During the 1983 session, the state legislature addressed three important environmental issues: oil and gas development, coal mining, and solid waste.

After three years of hard work surface owners finally have some voice in how oil and gas development occurs on their property. The bill gives surface owners notice that a permit application for oil and gas development has been submitted to the Oil and Gas Division and a 15 day comment period.

More importantly, the bill allows surface owners to recover compensation for land disturbance if his/her minerals were severed from the surface prior to 1960. Prior to the passage of this bill, it was assumed that the surface owner was compensated (when the minerals were severed) for both the oil and gas and any land disturbance which was "fairly necessary" in order to recover the oil and gas. However, drastic changes have been made in modern day drilling techniques. The old drilling techniques, called "cable tool", produced far less land disturbance than today's "rotary drilling" techniques. For example, the Department of Natural Resources estimates that soil loss from rotary drilling produces as much as 1.772 tons per site. Obviously, any surface owner who sold his/her mineral rights years ago never contemplated this magnitude of land disturbance.

The Legislature basically said that prior to 1960 rotary drilling was unknown and therefore surface owners weren't adequately compensated when the minerals were severed. The bill allows surface owners to recover damages after the drilling occurs for the loss of use of his/her land. This, more than any other provision, should lessen the abuses of the oil and gas industry. The industry will know that the more disturbances they cause, the more money they will have to pay the surface owner.

Other key provisions include:

—Essentially codifying the 208 program, which — until this bill passed — was a voluntary program for soil erosion and sediment control.

—Allows the Administrator of the Oil and Gas Division to deny an application for a new permit, when a driller is in violation of an existing permit, including violations of sediment control plans.

—Allows an oil and gas inspector to shut down a well when it threatens a fresh water supply.

A companion bill removed the statutory limit of 12 oil and gas inspectors for the state and mandates that drillers pay a \$250 fee for each permit application they submit. We had hoped that all of the money generated from the application fee would go to the Oil and Gas Division in order to hire new inspectors. However, only \$321,000 of the estimated \$850,000, which the permit application fee is expected to generate, went to the Oil and Gas Division.

The rest — \$529,000 — went into general revenues. The \$321,000 should allow the Oil and Gas Division to hire four new inspectors — something which is desperately needed.

Those most responsible for the passage of these two bills were: Dave McMahon of the Oil and Gas Reform Coalition, Joe Albright and Chuck Chambers on the House side and Si Boettner and Dan Tonkovich on the Senate side.

On the surface mine bill we did not do as well. The surface mine bill accomplished three separate goals. First, it brought the state's law into conformity with the federal law. This dealt mostly with how civil penalties were assessed, i.e., it took it out of the hands of magistrates.

Secondly, the bill transferred the permitting and enforcement of the water pollution control program as it relates to coal mining from the Chief of the Division of Water Resources to the Director of the Department of Natural Resources. I do not support this transfer. It removed the permitting of water discharge permits for coal operations from someone protected under civil service to someone who is a pure political appointment. Secondly, it assures that no single agency will examine the accumulative impact on the streams from all discharges — coal, municipalities, industry, etc.

While we couldn't stop this transfer we were able to get an amendment adopted which built in some safeguards — namely, it assures that all provisions of the state water pollution control act will apply to coal mining and it requires the Director to enforce water quality standards established by the Water Resources Board. The persons most responsible for the adoption of this amendment were Senators Mario Palumbo and Robert Nelson.

The amendment was adopted in the Senate by a 17-16 vote. The following Senators voted against the amendment: Ash, Burdette, Chafin, Colombo, Harman, Holmes, Parker, Rogers, Sacco, Spears, Tomblin, Tucker, Whitacre, White, Williams and Wright. Senator Davis was absent and all other Senators voted for the amendment.

The third goal of the surface mine bill was far more damaging. Originally, the bill allowed a surface mine, involved in re-mining an old abandoned site of ten acres or less, to have their bond released if their post-mining water quality was as good as or better than the water quality prior to the re-mining operation. In other words, it encouraged the re-mining of abandoned areas. Someone could go in, mine the coal, eliminate the highwall, and if they didn't improve water quality, they could still get their bond released.

The section was drastically changed however, at the urging of Dave Callaghan. The bill now allows any surface mine to have their bond released if their post-mining discharge is better than or equal to the discharge at the site prior to mining. Gone were the limitations of applying only to re-mined

areas and to areas of less than ten acres. I believe this section will have devastating effects on the central part of the state which is being severely impacted by acid rain. If the "natural" discharge of an area has a pH of 4.5 or even 3.2 (i.e., due to acid rain the water going off a site is 4.5 or 3.2) then an operator can legally have their bond released and leave behind a perpetual acid mine discharge.

The final environmental issue considered by the Legislature was a bill transferring the permitting and enforcement of solid waste facilities from the Health Department to the DNR. The transfer of this responsibility had already occurred under Executive Order. The bill, however, greatly strengthens the ability of the Chief of

the Division of Water Resources, who has primary responsibility for permitting and enforcement of solid waste facilities, to deny a permit and the Director of DNR, who has veto power over a permit issued by the Chief. Additionally, I believe that the rules and regulations developed by the DNR under this bill will be a vast improvement over the Health Department's rules and regulations developed under the old law.

5 In conclusion, the state is in far better shape to handle oil and gas and solid waste as a result of the recent Legislative session. I believe that we lost substantial protection under the surface mine bill, but only time will tell how substantial this loss will be.

EPA Budget For FY 1984

Members of the House and Senate Budget committees are nearing completion of their respective drafts of the first budget resolution, which sets the FY 1984 spending limits for the appropriations committees.

At the request of Rep. Brian Donnelly (D-MA), the House Budget Committee increased the Environmental Protection Agency's operating budget and set the recommended spending level at \$1.3 billion — \$260 million over the FY 1983 level. A second effort to cut the agency's budget was headed off by Rep. Tim Wirth (D-CO) and Rep. Donnelly in a 15-7 vote, with all the Republicans on the committee opting for more cuts.

In the Senate, Sen. Patrick Moynihan (D-NY) joined Sen. Lawton Chiles (D-FL) to add \$102 million to the president's request — resulting in a freeze at the FY 1983 funding level.

An amendment may be offered on the floor to increase the recommended level to match the \$1.3 Billion figure set by the House.

The budget resolution sets funding ceilings for broad spending categories, while the final funding levels are set by appropriations committees. Nevertheless, the Budget Committee's recommendations are important, as they are the means through which the desires of the leadership are communicated to the Appropriations Committee.

Community Environmental Legal Services

Community Environmental Legal Services (CELS) is a national public interest law program of the Environmental Task Force (ETF), a nonprofit national organization serving grassroots environmental groups. CELS will provide opportunities for independent environmental groups and citizens in various parts of the country to receive legal assistance on issues of local importance. We are currently in the process of determining how the program can be most effectively operated, and we welcome any suggestions you might have based on what your needs are as a citizen concerned about the environment.

First, we will be setting up a network of environmental professionals experts, attorneys, groups, law schools, etc. with a specific area of expertise or with general experience in environmental law. We need your help in

doing this. Please contact ETF's office with any suggestions for members of the network.

With this network in place, we will be able to provide needed information and resources to groups who are looking for solutions to environmental problems. Perhaps we can help you. Let us know if you have a specific case with which you need legal assistance. We will contact you if we can assist directly, or if we can help you find expertise or resources, including citizens or groups who are dealing with environmental issues similar to yours.

If you help us with our network or if we can help you with an environmental problem, please contact: Community Environmental Legal Services, Environmental Task Force, 1346 Connecticut Avenue, NW, Suite 918, Washington, DC 20036 (202) 296-0798.

Bluestone Power Debate Continues

(EDITOR'S NOTE: In recent months, we have been concerned with the U.S. Army Corps of Engineers' attempts to build the long-tunnel on Summersville Dam and the completion of the Stonewall Jackson Dam. While our attention have been diverted elsewhere, the people living near the Bluestone Dam (near Hinton) have been engaged in what appears to be a never ending debate on the Corps' plan to build a hydro-electric facility on Bluestone Dam. The following article was submitted by Wilber Farley, a life-time resident of the Hinton area.)

By WILBER FARLEY

For hundreds of years, dating from early Indian times, the middle New River Valley has been in an up-roar. The Cherokee Indians from the South and the Iroquois pushed the Cherokees to the Great Smokey Mountains of Southern North Carolina. The last Indians, (the Shawnees and Mingos) gave up on this section of New River before the white men came—using it as a hunting and fighting ground only. After all, New River defies all other respectable rivers in this section by flowing in a northerly direction instead of east and west as most rivers flow.

About three quarters of a century ago, many people tried to conquer the New River for the generation of electricity. In 1911 and for the next 25

years, small companies made plans to dam the New River at True, Bull Falls, Anderson Falls, and many places between. Franklin D. Roosevelt blew all their dreams in 1935 by announcing (with Jim Kee) that a government dam would be built above Bellepoint.

It has to be proved that the New River was navigable, so Fred Simms and about six others pulled and pushed a "skiff" (a wooden boat) to Glen Lynn, VA. It took almost one day to get up over Willey Falls where the boat channel ended, but they made it.

Bluestone Dam was built with six penstocks or openings for power generators. Appalachian Power Company had big ideas for the Blue Ridge pump storage facility. It was to keep back floods like the 1940 high waters that took away three commercial ferries and many private ferries in Summers County. The Great Blue Ridge Projects were whipped by making that portion of New River a National River in 1976. Appalachian Power is like the seven year itch. You can cure it up in one place and it breaks out somewhere else on the body.

Following the defeat of the Blue Ridge projects, Appalachian tried two places near Abington, VA (Powell Mountain and Brumley Gap). Appalachian lost Powell Mountain to a Virginia law that says you can't destroy a city's water supply. And just recently Appalachian withdrew its

plans for pump storage from the Brumley Gap areas in face of many law suits. This is a circumstantial evidence but people have been hung on less evidence.

If Appalachian Power can get the Corps to raise the water level in Bluestone Lake sufficiently enough to give them a low water lake for pump storage, they are "half way home". All they will have to do is dig a tunnel, take more homes on the high ridges along each side of the 30 mile stretch from Hinton to the Virginia line.

I have maps from the Corps of Engineers designating four places for pump storage sites; Pipestem, Brown's Chapel, Bozoo and Deer's Run.

When Hinton started downhill was in the 1940's and later on when hundreds of people were forced to move elsewhere making room for the dam and rising waters. In the 1920's, 30's, and 40's, it was almost impossible to get through Hinton on Saturdays for the "country people" bringing in produce and exchanging it for a weeks supply of store bought goods. Now you have trouble finding someone to tell a stranger hot to get to Lewisburg or Beckley on Saturday morning. Do you want to flood more of us out?

Estimates by people at Charleston say we export more than 70 percent of the electricity we now make. Why force more of us off the lands of our forefathers to make electricity for people 1000 miles away? You will only more empty stores in Hinton as if you don't have too many now.

Pump storage is expensive to the consumer. Any "hillbilly" can understand that electricity that is manufactured two times before it gets to you will come higher than electricity made with coal only once.

People, don't listen to the "Pied Piper" from Huntington (Corps) when he says, "raise lakes, take more land, it will be good for you". That is what the Corps said 40 years ago and look at us now.

That reminds me of my wife's great grandfather when he went to town two times a year with his ox team to get salt and gun powder. His own words were, "I am going to town, and I am going to get drunk, and I sure do dread it."

In the great flood of 1940, Claytor Lake at Radford was in place but it did practically no good as flood control because it was full of water. Do you want Bluestone Dam to be full of water when the next flood comes? It is overdue now. There are still people in Bellepoint and Avis who can remember getting out of the way of high waters in their homes. The 200 miles of New River is in the same condition as it was in the 40's, except there is Bluestone Dam as a catch basin. Do you want it full of water when a hurricane comes through the mountains of North Carolina and Virginia again?

Appalachian Power Company is coming here to take our homes just as soon as the water is raised in Bluestone Lake and don't you ever doubt it.

Survey Reports

Strong Public Support For Water Pollution Control

By an overwhelming 94-3 percent margin, Americans believe the Clean Water Act should be kept as it is or made even stricter, public opinion analyst Louis Harris reported in Dec. 1982, while presenting his findings from the first comprehensive survey of public attitudes toward water pollution.

The survey was sponsored by the Natural Resources Council of America (NRCA), a nonprofit group concerned with natural resources and the environment.

"By any measure," Harris said, "there can be little doubt of the determination and insistence of the American people to sustain and continue the Clean Water Act. Any easing or weakening of the Act will be viewed as a violation of a clearly expressed public mandate."

In two samples of 1,253 and 1,250 adults surveyed between June and November, 1982, Harris found that 74 percent of the public say that "curbing water pollution" is a very important quality of life issue, the same proportion who say that "keeping the economy growing is very important."

Harris reported that by a margin of 89-6 percent, the public feels that anti-pollution efforts need not be sacrificed to help get the economy moving again, up from a 64-22 percent margin who responded to a similar question asked in 1975. "The public by and large does not believe that a straight trade-off bet-

ween the economy and the environment is real," Harris said. "Most Americans see no reason why American technology cannot accomplish both at the same time."

The survey attempted to measure and analyze how concerned people are about water pollution and the role of government efforts to clean it up. The survey focused, too, on the Clean Water Act, which will come up for reauthorization in Congress in 1983.

Harris reported that 65 percent of Americans believe that factories should be required to install the best anti-pollution systems available even if this means fewer jobs would be available. He also found that by a 74-23 margin, the public opposes changing the Clean Water Act to require more strict analyses of costs and benefits before the government issues water pollution standards.

On another issue, Harris reported that 69 percent of Americans want federal standards for preserving wetlands made more strict and 22 percent want them kept as they are. Only three percent say standards should be less strict. Wetlands are freshwater marshes that provide timber, crops, habitat and spawning sites for wildlife, and flood protection.

Harris also found that by a 65-33 percent margin Americans want to keep the Safe Drinking Water Act in its present form, regardless of the cost of meeting the existing requirements.

Harris testified before the Senate Environment Pollution Subcommittee, chaired by John H. Chafee, (R-RI). In in-

troducing Harris, William K. Reilly, chairman of NRCA and president of the Conservation Foundation, said, "Water is an issue central to the concerns of nearly all American conservation groups. We are extremely pleased to see the depth of American's support for clean water."

"A Survey of American Attitudes

Volunteers being sought to help in national forest

The Monongahela National Forest is asking for volunteer help this year.

Anyone 18 and older may apply. Monongahela spokesman Gil Churchill said recently. Students may earn college credits by working on the forest, or retired professionals may want to share their knowledge.

Volunteers are sought at the following locations:

Cheat District, Parsons—Four positions in trail construction and maintenance, two positions as campground hosts.

Gauley District, Richwood—One photographer, two campground hosts, one trail construction and maintenance worker.

Greenbrier District, Bartow—One trail construction and maintenance worker.

Marlinton District, Marlinton—Three campground hosts.

Potomac District, Petersburg—One visitor information aide.

Toward Water Pollution" was prepared for the Natural Resources Council of America, a group of 47 conservation organizations and professional societies. The study was supported by grants from the Rockefeller Brothers Fund and the American Fishing Tackle Manufacturers Association, as well as NRCA.

White Sulphur District, White Sulphur Springs—Six campground hosts, five trail construction and maintenance workers.

Supervisor's office, Elkins—Three archaeology technicians, one hydrologic aide, one librarian, one materials engineer, one timber management assistant, one wildlife management position, one drafting position, one photographer and one writing and editing position.

Churchill said the volunteers will serve without pay, although they will receive certain expenses.

The Forest Service will have a smaller number of Youth Conservation Corps workers available this summer, Churchill said, and will not have Job Corps or CETA workers available to them.

Anyone interested may call the ranger districts or the supervisor's office in Elkins. The Elkins number is 636-1800.

W. Va. Officials To Comment On Proposed Ohio Waste Facility

West Virginia Department of Natural Resources officials are expected to travel to Columbus, Ohio, to testify on the dangers of contamination of the Ohio River if a proposed industrial waste incendiary plant is built.

The hearings are being conducted to determine if Ohio should grant Waste Technologies Industries a permit to build a facility on a river front lot in East Liverpool, Ohio.

The plant, if constructed, would treat hazardous industrial wastes within a 250-mile radius in West Virginia, Pennsylvania and Ohio. In July 1981, WTI officials stated they picked the East Liverpool location because of its position in the heavy industrialized Ohio River Valley and its easy access to major transportation routes.

Since the project will be the first of its kind in America, WTI will utilize Swiss technology when designing the

plant. One of the backers of the proposed facility, Von Roll Ltd., of Gerlafinger, Switzerland, has designed and built over 150 incineration plants throughout the world.

The East Liverpool facility will use a Von Roll rotary kiln incinerator which has the capability of burning waste oils, solvents, coatings and resins at temperatures up to 2,500 degrees Fahrenheit.

Since WTI unveiled its plans to build the complex, local residents in Ohio and West Virginia have voiced concern over the possibility of chemical spills occurring during the processing of the chemicals or the transportation of wastes to the complex site.

In 1981, the residents of Chester, W. Va., held public meetings in an attempt to halt the construction of the plant. Chester city officials feared that a

chemical spill into the Ohio River would pose a serious threat to the city's drinking water supply — Chester obtains its water from the Ohio.

Ohio residents also were vocal in their opposition to the plant. Fearing that an accidental puff of unrefined chemicals could escape from the plants emission stack, many people attended public hearings calling for the scrapping of the plant.

The meetings taking place in Columbus will focus on these fears.

In a United Press International story (March 27), Karen Watson, a West Virginia assistant attorney general, questioned a WTI official on the possible seepage of chemicals from the facility into the Ohio River.

"There is no indication in the application of what the current ground water contamination levels are (in the area where WTI is seeking construc-

tion). How can the hazardous waste board be expected to make a determination of the minimal risks?" Waston said.

William Leedy, the WTI official who wrote the permit application, said he did not realize the relevancy of the present ground water contamination levels to the project. He also said he does not know if ground water will eventually end up in the Ohio River. "Ground water contamination areas are generally associated with rain water," Leedy said.

Under cross-examination, Leedy reportedly told East Liverpool Law Director David Buzzard that WTI would accept PCBs with less than 50 parts per million, if the EPA accepts new guidelines under consideration.

However, in earlier testimony, Leedy said the proposed plant would not accept PCBs, dioxins or nuclear wastes.

The Conservancy Needs Your Help!

Does your favorite outfitter/camping store or bookstore sell the Monongahela National Forest Hiking Guide?

To market the Hiking Guide, WVHC needs to know what stores might carry the guide.

Don't assume that someone else will let us know of a store in your area — PLEASE — drop us a line and tell us the

names of the stores in your area that might sell the guide.

We would like to contact these stores in West Virginia and bordering states, but if you know of any from other states that might carry the guide please notify us.

Send your list of stores to: Guides, WVHC, P.O. Box 506, Fairmont, W. Va. 26555.

Swarming Masses

(Continued from Page 4)

threatened and endangered species?

Have adequate tests of BTI been conducted on all these species to give assurances that they will not be affected?

Are there alternatives for controlling the black fly?

For example: would reducing the amount of pollution (which is the larvae's food supply) entering Bluestone Reservoir be effective in controlling the black fly?

One expected impact of the proposed control plan will be a decline in the New and Greenbrier rivers' outstanding fisheries. **Outdoor Life**, in the August 1980 issue, included the New, Greenbrier and South Branch of the Potomac rivers as the "Best Bass Rivers in West Virginia."

The magnitude and time frame of the control plan's impact on fisheries are undeterminable. But it is unquestionable that there will be a noticeable affect due to a disruption of the present

food chain.

Black fly larvae have been shown to be a significant New River food source for hellgrammites, caddis flies (which also are prey for hellgrammites) and damse flies, all of which in turn are a major food source, along with the black fly, of fish, especially small mouth bass.

Is it worth damaging two of the best small mouth bass fisheries in West Virginia in order to determine if the first large-scale test treatment with BTI in North America is effective in removing swarming black flies from golf courses?

The proposed use of BTI will, at a minimum, have an adverse impact on an important resource that the New River Gorge National River is mandated to protect. Therefore, an Environmental Impact Statement should be prepared and made available for public review and comment prior to the issuance of federal permits for the implementation of a black fly control plan for the New River and its tributaries.

Highway Created Wetlands Under Study

A federally financed study to determine if wetlands can be created or expanded to protect wildlife is being conducted along West Virginia's highways.

The \$45,000 study, being conducted by West Virginia University wildlife professor Ed Michael and three university graduate students, who are under contract with the Department of Highways, is being conducted to compensate for wetlands that have been destroyed or adversely affected by highway construction.

Michael and the students have, so far, identified 98 wetlands or potential

wetlands along six West Virginia highways. The highways surveyed were: Interstates 64, 77 and 79; U.S. 48, U.S. 50 and the southern end of the West Virginia Turnpike. Plots of land one-tenth of an acre or more in size were selected for study.

The study is now looking at water and soil chemistry, topography, runoff and wildlife use. Information collected will help the DOH to determine which areas are most valuable to wildlife or potential wildlife.

Michael has found that beavers and muskrats tend to live in these highway created wetlands.

Congatulations

Paul and Judy Frank announce the birth of their daughter, Lauren Elizabeth. Lauren was born February 24, and weighed 8 pounds 15 ounces.

The Franks, who recently moved to Signal Mountain, Tennessee, were the former editors of the Voice.

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