

THE HIGHLANDS VOICE

Published monthly by the W. Va. Highlands Conservancy

Vol. 15, No. 1 January 1983

Don't forget the Mindwinter Workshop

The Annual Midwinter Workshop, to be held January 15-16 at Jacksons Mill near Weston WV will feature presentations from many of the groups and organizations affiliated with the West Virginia Highlands Conservancy.

Organizations that have already confirmed their attendance include Mountain Stream Monitors, Trout Unlimited, National Speleological Society, WV Scenic Trails Association, and Potomac Appalachian Trail Club. Others are expected as well. In addition a Morgantown outdoor store, Pathfinder, has been invited to demonstrate some of their newest equipment.

A speaker from the West Virginia Geological and Economic Survey has also been invited to discuss a recently completed study of West Virginia's water supply and use. Water is believed by many to be among the most critical problems facing us in the next decade. The potential water crisis has been compared to the oil crisis of the 1970's.

The Annual Meeting of the membership of the Highlands Conservancy, including the election of officers and members of the Board of Directors, will occur at 3:00 p.m. The Board of Directors will meet in the usual open session on Sunday morning, with all members invited to participate.

Since the last issue of the *Voice*, Jacksons Mill has announced their 1983 prices. Meals are \$3.25 for breakfast, \$4.00 for lunch, and \$5.00 for supper. Sunday lunch is a dinner, and is also \$5.00. Anyone who has eaten at Jacksons Mill will attest to the fine food.

Lodging rates range from \$10.00 per person per night for dormitory space to \$27.00 for a single in a deluxe lodge room. In between are economy guest rooms and standard motel rooms. All rates are less per person per night for double occupancy, except the dormitory.

Reservations for lodging and meals should be made directly with Jacksons Mill State 4-H Camp, Weston WV 26452 (304) 269-5100. Program information or questions should be addressed to George Rosier, 633 West Virginia Ave., Morgantown, WV 26505 (304) 269-5158.

Ted Fearnow, distinguished conservationist dies

Theodore C. "Ted" Fearnow, 76, native of Morgan County WV, died November 14, 1982 after a long and distinguished career spanning many facets of conservation. Many will remember him for his informative and entertaining articles in *Wonderful West Virginia* magazine in which he often drew upon earlier experiences of his as a young professional with federal and state conservation agencies.

Fearnow began his career as a wildlife and aquatic biologist with the U.S. Bureau of Fisheries in the early 1920's. In 1927 he was named to the West Virginia Game, Fish, and Forestry Commission to establish and manage the first state fish hatchery system in West Virginia. Returning to the federal government in the mid-1930's, he held many posts until his retirement in 1965, at which time he was Chief of the Division of Information and Regional Forester with

the U.S. Forest Service, covering 14 eastern states. During his Forest Service tenure, he is credited with helping develop and implement the multiple-use/sustained yield concept, still a foundation of Forest Service philosophy.

Following his retirement, Fearnow served as a consultant to several industries, and became extremely active in a host of conservation and planning organizations. He served for many years in the leadership of the West Virginia Wildlife Federation, the Middle Atlantic Environmental Council, and the Potomac River Basin Advisory Committee, among others. Highlands Conservancy members from the early days may also remember him as co-founder of the annual Spring Ramp Festival held each year at Spruce Knob. In 1975, he was named West Virginia Conservationist of the Year by the National Wildlife Federation.

Workshop Schedule

January 15	9:30 a.m.	Registration
	10:00 a.m.	Opening Session
	a.m.	Speaker not yet confirmed
	11:00 a.m.	Group Presentations
	a.m.	First Session
	1:00 p.m.	Group Presentations
	p.m.	Second Session
	3:00 p.m.	Annual Membership Meeting
	4:30 p.m.	Committee Meetings
	7:30 p.m.	Informal Social Gathering
January 16	9:00 a.m.	Board of Directors Meeting
		Child care by arrangement
		Linda Elkinton (304) 296-0565
		before January 12

Cranberry bill passes congress

At 2:00 a.m. Dec. 21, the Cranberry Wilderness Bill passed the U.S. Senate for the second time in two days, and went to the White House for President Reagan's signature. The bill, which the Highlands Conservancy has been pushing all year, would establish a 36,000 acre Cranberry Wilderness Area, the largest in the eastern United States, and a 12,000 acre Laurel Fork Wilderness Area in Randolph County. The bill had been running a gauntlet between the two houses of Congress in an effort to shed a crippling amendment attached when it passed the Senate Dec. 19.

While the headlines from the lame duck session of Congress were reporting on MX missiles, federal agency close-downs, jobs bills, and a 5 cent per gallon highway tax, behind the scenes a careful and delicate effort by Senator Robert C. Byrd had been going on to pass the wilderness bill, and yet accommodate local politicians in Webster and Pocahontas counties who feared loss of tax revenues. In the early morning hours of Sunday, Dec. 19, Senator Byrd, the Minority Leader, assisted by Senator Howard Baker, the Majority Leader, was able to interrupt a filibuster that was underway and achieve quick passage of Byrd's wilderness bill.

During the period immediately following the Thanksgiving Recess, Byrd and Senator Jennings Randolph had fashioned an amendment to the House-passed bill that provided \$2.2 million in compensation to Pocahontas and Webster counties, to make up for the losses in tax revenue that would occur due to the mineral ownership moving from private to public ownership. In a prepared statement, Byrd said that he had "favored this legislation in concept, but I

always felt that it was only fair that the counties involved receive just compensation."

Although the surface of the proposed wilderness areas is owned by the U.S. Forest Service, the mineral rights under the Cranberry Wilderness are owned by the CSX Corp. In Byrd's bill, CSX will receive a voucher of credit that can be used to purchase federally-owned mineral rights elsewhere in exchange for the Cranberry minerals.

Following initial passage in the Senate, it was discovered that a crippling amendment had been added by Sen. McClure, R-Idaho, Chairman of the Senate Energy and Natural Resources Committee. Since the Senate version already differed from the bill passed in the House last summer, the Senate bill was sent back to the House for approval. The House passed the Senate version, minus the McClure Amendment, late in the afternoon Dec. 20. The Senate then passed the new House version in the early hours of Dec. 21.

Larry George, Chairman of the Highlands Conservancy's Cranberry Wilderness Committee, praised the efforts of Senators Byrd and Randolph in shepherding the bill through the channels required. "Senator Byrd personally saved this bill so many times, I lost track," he said. The CSX Corporation representatives also played a crucial role in passage of the bill according to George. The sole remaining potential barrier to permanent statutory protection for these wilderness areas is the President's signature. George indicated that he was hopeful that Reagan would sign the bill before the first day of 1983, giving its supporters a long-awaited New Year's present.

Letter to the Editor

Editor,
Highlands Voice
P.O. Box 506
Fairmont, West Virginia 26554

Dear Editor:

After reading Rick Webb's interview with Dr. Brannon in the October/November issue of the **Highlands Voice**, we feel that the opinions expressed do a disservice to the dedicated employees in the Department of Natural Resources in that the article contained so few facts and indicated a lack of understanding of the actual situations discussed. The Department and Division of Water Resources are proud of their accomplishments and enforcement program.

We should point out our appreciation for the job that Dr. Brannon did with the Water Resources Board, and we are sorry his workload would not permit him to continue. To suggest that "political interference" was the cause for his resignation is unfair to Dr. Brannon, the Board, and the agencies and the public. Since the interview dealt with so few facts on alleged issues, we feel the following comments on the points raised would be of interest to your readers.

The Snowshoe enforcement action was discussed. We feel that enforcement action has been extremely successful. There have been some difficulties regarding the inadequacies of Snowshoe's sewage treatment facilities. In effect, the treatment facility was too small and there were some problems with leakage, and a series of deficiency notices were ignored. The inspector consequently signed criminal warrants against Snowshoe. This action was successful and resulted in the expedited upgrading of the system. The warrants were dropped in return for stringent pollution abatement requirements which were made a part of the facility's permit. Based on information we have, Snowshoe has maintained construction timetables. As a result of the Division's action, the company had to spend approximately \$125,000 to upgrade its sewage system. Although those problems have been resolved to our satisfaction, other unrelated sediment control problems have occurred. There have been some unrelated complaints relative to turbidity problems associated with construction at Snowshoe. In an August meeting, the company agreed to take necessary steps to reduce sedimentation problems. We are currently evaluating the actions taken and plan to monitor the development.

With reference to the turbidity problem at Falls Creek in Fayette County caused by oil and gas drilling, enforcement action was taken. The company was required to and did an adequate job, under the circumstances, of reclaiming actual sites and roads, at its own cost. They didn't remove the sediment deposits from the stream because we didn't require them to. Such action would have done more harm than good.

Contrary to Dr. Brannon's charge, the turbidity standard is being enforced. There have not been any directives from any source to influence inspectors not to enforce the standard. There was, by necessity, a learning period for the industry, field personnel and the magistrate courts. We have been very successful with the turbidity cases when evidence was available to present, and many problems have been corrected. Most companies have cooperated with us in the installation of control mechanisms at considerable cost. There are about 4,000 drilling operations in the state over the course of a year, so our inspectors are limited in the number they can get to. We don't issue oil and gas permits, and we do not routinely inspect these sites unless there is a problem. As we develop experience in successful enforcement of the regulations, the number of actions relative to turbidity violations will continue to increase in compliance is not achieved.

Some DNR districts have more oil and gas operations, and related problems than others. District 6 personnel in the Parkersburg area, where there are many operations, recently conducted a small subsampling to determine soil loss from oil and gas operations in the Little Kanawha Basin. Field personnel realized that they had been seeing only the bad sites—the ones on which they had received complaints. Approximately 50 sites were selected at random for the survey. Preliminary results of the study reveal that soil losses resulting from road and site construction vary greatly depending on length and width of road, slope steepness, soil types and rainfall. Soil loss figures from approximately 20 randomly-selected sites ranged from 0.2 tons per site to 1,772 tons per site. It was found that 208 control procedures did appear to be working in the majority of cases.

In reference to the unnamed trout stream Dr. Brannon mentioned, a refuse disposal site is contributing iron to the stream. The Division has spent considerable effort investigating the problem with several field reviews and water samples. A biological survey of the stream was also conducted which did not verify environmental degradation from the iron deposits in question. Other information obtained is under review. The iron seep is a groundwater problem, which by nature is notoriously difficult to define. The company has responded to our correction notices by saying that they don't think they are causing or are responsible for the problem. In the absence of necessary evidence, we are reluctant to initiate a time-consuming court proceeding on what appears to be a minor environmental problem—one which would not likely be corrected as a result of such efforts. However, our surveillance will continue.

It is not the Division's policy to allow construction of mines before permits are issued. Nor do we feel we are slow in issuing permits; our records of permit reviews and issuances since acceptance of the NPDES program in May is excellent. It would be imprudent to pursue enforcement of the coal facilities that do not have NPDES permits since there were approximately 1,000 unpermitted operations when EPA delegated the program to the state. We do not intend to cause disruption in an already economically strained industry. Our priority is to work toward permitting all operations. When this is accomplished, we will pursue enforcement action against those that do not have permits. This is not to imply that pollution will be tolerated, whether or not a facility is permitted.

We take exception to the allegation that the state's enforcement program is not up to the standards required for implementation of the NPDES program. The state spent more than two years upgrading its permits program, including addition and training of personnel, and acquisition of monitoring and analytical equipment. The Division developed and submitted to EPA various documents for implementing the program, including a memorandum of agreement with EPA and one with the Division of Reclamation in regard to surface mines. In addition, the Water Resources Board revised the water quality regulations to include provisions for administering NPDES. We feel that administering NPDES on the state level will result in a much stronger program, by placing it with staff who monitor water quality closely and who have frequent contact with industry.

As Dr. Brannon mentioned, we initially had some problems at Tory Mountain Resort regarding sediment but these and other potential problems were discussed in a meeting with the company. As a result, we obtained an agreement from the company to submit a sediment control plan. Our inspector in that area was pleased with the commitment the company made.

The Department of Natural Resources and the Division of Water Resources are committed to maintaining the integrity of the state's waters. Hopefully, these comments will help provide an accurate record of our efforts to control water pollution. We thank you for the opportunity to reply.

Sincerely,
David C. Callaghan, Director
David W. Robinson, Chief

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CORRECTION

In the article on Shavers Fork in the last issue, it was reported that the tape recording of the public meeting was found to be blank. After the article went to press, Bard Montgomery reported that the tape had been mixed up with another by mistake. The meeting tape was found and contained the comments after all.

Roster of

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P.O. Box 1853, Elkins WV 26241 (636-7218)

Tippy Petras steps down as president

The next two years promise to be exciting and challenging for the Conservancy! With a possibility of strong, motivated leadership, I feel we can look forward to a great 1982-83 term.

Of course, it's hard to look ahead without reflecting back on the immediate past. The last two years have afforded me tremendous personal growth, and hopefully a few steps forward for the Conservancy. We've seen some changes: some large, some small, some good, some not-so-good; we've ridden the tides of a few old battles, we've coasted the uneventful waters of others, and we've embarked upon several new struggles. If I were to be magically transfigured once again to the onset of 1981 there are numerous things I would do differently and perhaps better, but little I could change if I would not have had the opportunity to grow from this experience.

As I glance back, I naturally choose to ponder the positive happenings of my term as president. Maybe the best thoughts come from moments watching the Cranberry Wilderness Committee's hard work and creativity in dealing with the still unanswered question of West Virginia's wilderness bill.

With the introduction of Congressman Cleve Benedict's bill in late 1981, this committee revitalized and geared up for a tenacious fight. Our efforts were spearheaded by the committee chairman, Larry George, and the now familiar face, Leslee McCarty. Leslee was hired as a part-time coordinator in the Cranberry effort in the fall of '81. Needless to say, Larry, Leslee, the committee, and all the people called upon who love the area have done one heck of a job! They left no stone unturned. As I write this, word is still pending on the vote of the U.S. Senate as to the status of the bill. Let's keep our fingers crossed. In any event, hats off to the committee and Cranberry lovers throughout the land.

"Ding-Dong...Corridor H bites the dust" You may remember that catchy headline from the February, 1982 issue of the *Voice*. And indeed it did! An old and trusted enemy of the Conservancy and more particularly committee chairman, Geoff Green, that stretch of highway, Corridor H, died a cold death last winter. The battlefield was long and tedious, but anyone knowing Geoff can attest to the fact that he kept his wits about him right up to the end!

Have you seen the new **Monongahela Hiking Guide**? Hot off the press, and what a beauty it is! We owe a big dose of gratitude to Bruce Sundquist for editing and publishing it. When thinking of the guides I can't forget to mention and thank Lois Rosier, WVHC secretary, who faithfully and punctually keeps up with the often heavy guide orders.

During the spring and summer of 1981 we had the good fortune to have a WVU intern of the Parks and Recreation program assigned to us. Susan Kell helped with various projects, including putting together an index of *Voice* articles, starting with the conception of the organization. Copies of

this are still available upon request for a small fee to cover cost of reproduction and handling. It would be mighty helpful to us if we could establish an ongoing agreement with the University to take advantage of the energetic man/woman-power available.

One victory that environmentalists across the nation joined in celebrating was the decision of the West Virginia Supreme Court supporting Rick Webb's right to free speech. Webb, Conservancy member and Mountain Stream Monitor Coordinator, and his family endured a long fight to preserve their, and our rights to speak out against the abusers of our land. How sweet the taste of that victory!

But not all issues and matters have moved at such a steady pace forward. Two issues that have given us ups, downs, and plenty of frustration are mining on the Shaver's Fork and the Davis Power Project proposed for the Canaan Valley.

Shaver's Fork continues to encompass much of Chairman Bard Montgomery's time and energy. He and our attorney Pat McKinley are trying to keep on top of three separate cases in this issue, while the area continues to be ravished by what some say is unlawful mining.

The fight against the power project in Canaan Valley is basically stagnant largely due to the unsympathetic views of the present administration. The one overriding ray of hope was the establishment of a National Wildlife Refuge. Those chances were all but dashed when the Reagan administration took over the White House, and hope of federal monies went down the drain. Meanwhile, Linda Elkinton, committee chairman, and concerned members continually watch for viable alternative ways to save the Valley. However, each day brings new, carelessly monitored overdevelopment and the Valley is slowly being eaten away.

A few new frontiers are being addressed by the Conservancy. Don Gasper is heading up a committee to stay on top of the acid rain phenomenon, an international issue these days. It seems this sometimes is a lonely place for Don to be, but he is doing a great job. Don has put together a very informative slide show on the subject and has been encouraging people across the State to become involved in this crucial issue.

Gas and oil drilling is also a new area being addressed by us. Much discussion has occurred at Board meetings on our need to organize a strong and concerted effort to monitor the new dilemma of our State's land and citizens. Look for a new committee to crop up soon.

In the last two years we've welcomed several new faces into our realm, and sadly we've said goodbye to others. A very dear and loyal friend of ours, Chuck Conrad passed away last summer. Chuck was representative to the Board from the Brooks Bird Club and was indeed a wonderfully faithful and supportive charter member of WVHC. We miss him terribly.

Do you know anyone willing to step in as Washington, D.C. vice-

president? Not that the shoes of Stark Biddle could be filled easily. Stark served in that position for two years, as well as putting endless, energetic hours into the Cranberry issue, but this past autumn held a move to Vermont for Stark and his family. As much as we wish him all the best, we sure do miss you Stark.

Another hard-to-swallow goodbye was to Judy and Paul Frank, who did such a good job putting out the *Voice* for over a year. Judy and Paul moved to Tennessee last fall, and we sure have had a tough time replacing their quality workmanship.

My departure will not be so far removed, but only to a seat at the end of the table, out of the line of fire. But in leaving the office of president I do

have a few hopes for the Conservancy. This position holds tremendous growth potential and challenge for someone willing and able to contribute the effort. The term ahead will need the right leadership combination to make the most of the opportunities that lie ahead for us. I believe we are at a turning point in several areas and need to strive to make necessary changes.

In any case, 1981-82 has given me a first-rate chance to experience and really appreciate the loyalty and dedication of so many of our members to the preservation of our environment. I suppose that has been the nicest part of it all.

See ya at the Winter Workshop!

The Brooks Birdclub is 50 years old

(Reprinted from the Sutton Screech)

The Brooks Bird Club celebrated its 50th anniversary Oct. 22-24 with a meeting at Wilson Lodge, Oglebay Park in Wheeling. More than 300 people attended the event which featured programs by Chan Robbins, author of the *Golden Guide Birds of North America*, Hal Harrison, author of the *Peterson Guide to Birds' Nest*, and his son George Harrison, author of *The Backyard Birdwatcher* and *Roger Tory Peterson's Dozen Birding Hotspots*. Papers by George M. Sutton and Roger Tory Peterson were read Saturday afternoon.

A special part of the program, put on Saturday morning by the Oglebay Institute A.B. Brooks Memorial Committee featured a 50 cent breakfast at Camp Russel followed by a nature walk led by Hal O'Leary, who impersonated A.B. Brooks. An A.B. Brooks memorial program on the Brooks Trail followed. The 50 cent breakfast and the nature walk were regular Sunday programs in Oglebay Park when A.B. Brooks was the first naturalist there. He inspired a group of young Wheeling residents to join him in nature study. Chuck Conrad, his sisters Dorothy and Carolyn, John

Handlan and others later founded the B.B.C.

Later in the morning, trees were planted in memory of the late John Christie, a former Nature Center Director, and Charles L. Conrad, who passed away last summer. Chuck was Executive Secretary of the B.B.C. from its founding in 1932 until his death. He also served as Foray director, *Mailbag* editor, *Redstart* editor, president, and in many other capacities.

The weekend was originally planned by Chuck Conrad. His wife Helen Conrad, B.B.C. president Greg Eddy and Jay Buckelew carried out the program with the enthusiastic help of many others. A 50 year history of the club and a special issue of the *Redstart* were given to all participants. Linda Cooper Elkinton presented the club with a copy of *The Audubon Book of Birds* on behalf of the National Audubon Regional Vice President Walt Pomeroy.

Chan Robbins led a Sunday morning bird walk. He called in two Screech Owls and showed the birders two Coopers Hawks. Everyone agreed it was the best program ever presented by the B.B.C.

Kaufman becomes state senator

Highlands Conservancy member Tod J. Kaufman, Charleston lawyer and son of the late State Senator Paul J. Kaufman, was sworn in as a member of the West Virginia State Senate on Friday December 17, 1982.

Kaufman was appointed by Gov. Jay Rockefeller a week earlier to fill the vacancy created by the resignation of Bob Wise, who was elected to the U.S. House of Representatives in the November elections (see *Voice*, Dec. 82). Rockefeller selected Kaufman from a list of three submitted by the Senatorial District Executive Committee. There was considerable interest in this vacancy by a number of politicians and would-be politicians, many better known than Kaufman.

State Senator Si Galperin characterized Kaufman as "people-oriented" and said that he was acceptable to the same groups

credited with electing Wise, including environmentalists, labor, teachers, senior citizens, consumers, and women.

Kaufman, 30, joined the firm of Kaufman and Ratliff, started by his father following graduation from the West Virginia University Law School several years ago. His partner, Ray Ratliff, Jr., has represented the Highlands Conservancy in important cases over the years, including the Davis Power Project and the Cranberry Wilderness.

Sulfur pollution may have caused the deaths of 51,000 people in Canada and the U.S. during 1980, a preliminary congressional study found. The draft of a final report due late next month also said if sulfur dioxide emissions, which cause acid rain, remain constant, the number of deaths could rise.

Nominations for 1983-84

The Nominating Committee offers the following names as officers and members of the Board of Directors for the next two year term. The Election will be held at the Annual Meeting, a part of the Midwinter Workshop, January 15, 1983 at Jacksons Mill 4-H Camp, near Weston WV.

President, Larry W. George; Secretary, Lois Rosier; Treasurer, Dave Elkinton; Membership Secretary, Linda Cooper Elkinton; Past President, Jeanetta Petras; Highlands Vice President, Joe Reifenger; Charleston V.P., Perry Bryant; Pittsburgh V.P., Jean Rodman; Washington D.C. V.P., still open; Directors-at-large (terms end Jan. 1985) Glenn Davis, Larry George, William P. McNeel, Jim McNeeley, Frank Pelurie.

The bylaws provide an opportunity for those nominated to submit statements of candidacy to be circulated in advance of the annual meeting. The following statements have been submitted for publication. (Several candidates were not contacted, or could not confirm their willingness to serve, in sufficient time for publication in this *Voice*. A lack of a statement should not be interpreted as a negative reflection upon the candidate.)

LARRY W. GEORGE

QUALIFICATIONS: I have served on the Conservancy Board of Directors since 1977 and have chaired the Cranberry Wilderness Committee for the past four years.

My education includes a B.S. in Civil Engineering (1979) from Virginia Polytechnic Institute & State University and a law degree (1982) from West Virginia University. I am a native of Huntington WV and a practicing attorney there with the firm of Baer & Colburn, L.C. I am presently serving on the National Task Committee on Water Law and Coal Development of the American Society of Civil Engineers which studies water policies for the coal industry.

My previous experience includes technical/policy oriented positions with the U.S. Army Corps of Engineers and the Office of Surface Mining, U.S. Department of the Interior. I recently completed a four year term on the W.Va. State Water Resources Board which regulates water pollution.

STATEMENT: During the coming two years I believe the Conservancy should expand its role in working with the Legislature and state administration officials. The Reagan Administration's policy of delegating natural resources policymaking and environmental enforcement to the states has greatly increased their importance in these fields. For this reason, the Conservancy will have to build its representation at the state capitol if we wish to continue our past effectiveness in influencing the energy and natural resources policies affecting our state.

At the same time, I believe the Conservancy should take care to consider the state's important social and economic needs when developing its positions on natural resources

issues. West Virginia conservation groups will only expand their influence and base of citizens support by recognizing those goals of such diverse groups as business and organized labor which benefit our state. The Conservancy's effectiveness will be strengthened by further developing our working relationships with the state's business and labor leaders for the purposes of creating coalitions and, where possible, negotiating agreements on contested issues.

Finally, after 15 years with the present organizational structure, it appears that the Conservancy would benefit from some modest adjustments. These could include 1) providing for task-oriented vice presidents to replace the present geographic designations of these officers, 2) providing for the election of officers by the entire membership instead of by the Board of Directors and 3) establishing spring and fall membership meetings as opposed to the present fall/winter schedule. Such changes have been suggested by Conservancy members with increasing frequency and I believe they could improve the organization's effectiveness and ease the administrative burden on a few officers.

I would appreciate the consideration of the Conservancy membership for re-election as Director-at-large

LOIS ROSIER

STATEMENT: I am currently a member of the West Virginia Highlands Conservancy and the West Virginia Scenic Trails Association. I was elected Secretary of the Conservancy two years ago, at which time I also agreed to handle the mail orders of the hiking guide. Previously I served on the Cranberry Wilderness Committee and designed and printed the first Cranberry T-shirts. I am interested in many environmental concerns, especially in West Virginia, as we have spent many hours hiking in this state. If elected, I am willing to continue serving as Secretary and handling the hiking guides.

DAVE ELKINTON

QUALIFICATIONS: Active member of WVHC since 1970, President 1973-75, Board of Directors 1973-83, Treasurer 1981-83, past chairman of numerous committees including budget, nominations, fall review, midwinter workshop, acting Editor of *Voice*. Employed in regional, state, federal environmental agencies 1976-83, most recently by WV Dept. of Natural Resources, Water Resources Division 1979-83. Beginning January 1, 1983 Executive Director, Pricketts Fork Memorial Foundation, Inc.

STATEMENT: Since first becoming active in the Highlands Conservancy thirteen years ago, I have continued to admire the organization's ability to achieve results based on solid policies, hard work by volunteers, and a certain amount of good fortune. The Conservancy has emerged as a respected voice representing the public in environmental issues.

During the past two years that I have served as Treasurer, we have

been able to plan our income and expenditures through a budget process. Careful investments of funds have resulted in our being able to obtain substantial interest on money not needed for day-to-day accounts. Accurate bookkeeping and financial reporting to the Board of Directors has enabled them to understand our financial position at the end of each quarter. If reelected, I would try to improve on these activities to the extent possible.

JEAN RODMAN

STATEMENT: I have been involved in outdoor activities in West Virginia since 1949. These include such diverse things as photography, hiking, backpacking, whitewater boating, skiing (downhill and cross country), and caving. Sayre (my husband) and I have had part interest in renting weekend places since the 1950's. We have both been involved with the WVHC since its early years. Frankly I haven't kept track of which committees I've served on and when, but mainly I've concentrated on wilderness and rivers. West Virginia is one of the fine places in the world and deserves whatever efforts we can give it.

FRANK PELURIE

QUALIFICATIONS: B.S. in Forestry, currently employed by the Dept. of Natural Resources, Division of Water Resources as a Planner.

Developed and implemented for The Nature Conservancy, the West Virginia Natural Heritage Program, opened and operated The Nature Conservancy's West Virginia Field Office. Chaired the Natural Areas Committees of the Allegheny Section, Society of American Foresters and its West Virginia chapter. Coordinated DNR's Environmental Review Team. Participated in construction of the Allegheny Trail. Presently State Liaison for National Wild and Scenic Rivers studies in West Virginia, Editor of the newsletter for the West Virginia Wildwater Association, Second Vice Chairman of the West Virginia Chapter of The Nature Conservancy, Chairman of the Hungry Beech Nature Preserve Stewardship Committee, and Treasurer of the West Virginia Native Plant Society.

STATEMENT: If elected to serve as a director of the West Virginia Highlands Conservancy, my overall philosophy on Conservancy participation and support of projects would tend toward shaping the focus to issues involving the highlands. Specific objectives that I would pursue include identification and protection of significant natural areas and rivers. In particular, I am most interested in developing and implementing a new protection strategy, different from the existing federal and state methods, that would be applicable to rivers in the highlands, such as the Greenbrier.

Sandy Creek members file gas drilling lawsuit

Repeated incidents of water pollution by oil and gas well drillers on Sandy Creek, in Preston and Barbour Counties, have led to the filing of a lawsuit against one driller. Highlands Conservancy members Tom and Judy Rodd, who live along the creek, filed suit in the Circuit Court of Preston County on October 10, 1982, seeking \$100,000 in compensatory and punitive damages.

The complaint charges that the J & J Drilling Company of Buckhannon, West Virginia, on three occasions discharged industrial wastes from their drill sites into Sandy Creek, which is one of the few unspoiled streams in the area.

Attorney Tom Michael, of Clarksburg, West Virginia, is representing the Rodds. On October 12, 1982, Michael petitioned the court for a temporary injunction ordering the drilling company, which holds a number of permits for further drilling in the Sandy Creek watershed, to refrain from future pollution. Michael presented to the court copies of numerous DNR citations and reports of pollution at other J & J wells in West Virginia. These reports, said Michael, showed that the pollution in Sandy Creek was an example of routine behavior by the driller.

The court ruled that because no further wells were being drilled, (the company stated it was trying to sell the leases and not drill any more), that an injunction would not be appropriate at that time. However, the court did retain jurisdiction, and indicated that if further drilling were to

occur, then the court might act.

"We were able, with just photos and reports, to put a powerful showing of their misbehavior," said Tom Rodd. "And we have lots more evidence to come. We were pleased with the hearing."

The Rodds' legal case rests on two principles. First, their status as riparian owners, (owning the stream bed or banks) gives them the right to legally object to, stop, and be compensated for, contamination of the water in the stream. "Water rights are property rights", says Tom Rodd. "A person who wrongfully dumps gunk into your stream violates your rights just as if they dump it on your front porch."

The second part of the Rodd's case is the "wrongful" aspect of the pollution. Because the drillers do not have permits to discharge into the stream, their spills are *per se* unlawful and wrong, or at least legally unprotected.

A trial in the lawsuit may not be for some time.

Tom Rodd reports that Sandy Creek continues to live, despite the pollution incidents—beavers are building a dam across from his house. "We may join the beavers as co-plaintiffs in the lawsuit," says Rodd. "The only problem is getting the beavers to take time off to go before a notary and sign the complaint. They say they want to, but they're always too busy."

The Rodds maybe contacted at Rt. 1 Box 78, Moatsville WV 26405, 265-0018.