

THE HIGHLANDS VOICE

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Possible Relief

H.R. 3000; The Pork Stops Here

On May 12, Rep. Bob Wise introduced H.R. 3000 calling for the deauthorization of the Stonewall Jackson Reservoir project in Lewis County.

The bill is seen as an important victory in the process to halt construction of a project which already has cost taxpayers several million dollars, displaced hundreds of local residents and will eventually consume over 20,000 acres of land.

The history of the dam is long. Authorized under the 1966 Flood Control Act (Section 8), construction of the dam itself has yet to begin. As the time span increases between authorization and actual construction, so do the estimates of cost, number of residents to be displaced, acreage needed for the project and reasons for the need of the dam.

H.R. 3000, however, would bring the gears of this monstrous machine to a halt.

Section (b) 1 of the bill calls for the return of the acquired land to the original owners.

"Not later than one year after the date of enactment of this Act, the Secretary (of the Army) shall offer lands and minerals acquired for the project for sale to the previous owners of their heirs or assigns at the currently appraised fair market value less a discount, determined by the Secretary, to take into account the increased cost of repurchasing the property as a result of increases in interest rates from the time the property was acquired for the project."

The bill also provides for the sale of the Horner Game Preserve to the Department of Natural Resources for \$1 and the sale of Conrad Park to the Department of Highways for the same price.

Since Stonewall Jackson was originally conceived as a flood control project, the bill directs the Secretary to perform a study on the "advisability and feasibility of providing flood control by a series of small watershed dams or alternatives to flood control" for the town of Weston.

This study, the findings of which are to be reported back to Congress, would be done in cooperation with the Secretary of Agriculture, the state Soil Conservations Service and the state Agriculture Commissioner. Included in

the study would be land owned by the Corps which would be needed to construct the watershed dams.

For land not sold back to the original owners, or at auction, the Secretary must initiate a series of public hearings to obtain citizen input on future use of the land. The Secretary has one year to perform the hearings and conduct a study on alternative land uses. These findings also would be reported back to Congress.

Since hundreds of people have been forced to leave their homes because of condemnation, the government will be held responsible to "satisfy all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970."

Although the bill deauthorizes the project, it has not been approved and the question of continued federal funding is still a major concern to Peg Ormsby and the Upper West Fork River

Watershed Association (UWFRWA), a citizens group opposed to the dam.

At press time, the House was about to begin deliberations on a \$26 million appropriation for the project in fiscal year 1984. Ormsby said she and other association members plan on being in Washington to lobby against the appropriation.

In the mean time, the Corps has begun the process of condemning the

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WVHC Joins Bti Permitting Suit

A Writ of Mandamus was filed May 26 in Kanawha County Circuit Court to force the Department of Natural Resources to comply with a state statute and require the issuance of a water discharge permit before a bacterial agent is introduced into the state's streams to control black flies.

The Highlands Conservancy joined the Coalition to Save the New River and Save Our Mountains in filing the suit.

At the Conservancy's Spring meeting, May 7-8 at Camp Washington Carver, Board members agreed to support the coalition's efforts to require a discharge permit before Bti is used in the New, Bluestone and Greenbrier Rivers to control the flies.

In an interview with the *Charleston Gazette*, Conservancy President Larry George said, "We (the Conservancy) haven't taken a position on the merits of Bti or the black fly controversy, but we do believe a state permit is required."

Coalition President Jim Watkins, however, has a firm position on the Bti controversy.

"The law is pretty clear," Watkins said. "Under the West Virginia Water Pollution Control Act, anytime anybody dumps anything into a stream, you have to have a permit."

"We felt we had to force the issue (because of the introduction of politics into the Bti question, and) we needed to specifically be on record and say, you've (DNR) got a permitting system, use it."

The black fly controversy has become a melting-pot of opposing views.

The Citizens Against Gnats, a Beckley-based group which supports WVU entomologist James Armine's proposal to use Bti to curb the flies, says, according to one member, that "man was not meant to live with the flies," and Bti must be used to protect human health in the area.

The group, Watkins said, contends that DNR Director David C. Callaghan has said there is adequate information about Bti to support the issuance of permits for the agent's use.

In a statement on the use of Bti, Callaghan said:

"After evaluating all aspects of this issue, the decision has been made to allow the use of Bti for black fly control if it is the sentiment and desire of the citizens of the affected area. We make this decision even though our studies clearly show that the aquatic resources of New River will be damaged to an extent yet undetermined. As in many natural resources management issues, this decision has been made with the understanding that there often must be a trade-off of resource protection for human needs."

Callaghan did not say if the DNR will control the program. Dave Robinson, chief of the DNR's water resources division, has said ultimate control of the project should be with the state Department of Agriculture, not the DNR.

In his statement, Callaghan said the state will look to local governments to monitor and administer the Bti program, especially the Raleigh County Commission and the City of Beckley, areas where the problem appears the most acute. The application of Bti, the director said, would be carried out

under current insect control programs at both the county and municipal level.

The DNR has suggested that the Bti program would cost approximately \$100,000 a year. Armine, however, said the cost of the program would be between \$30,000 and \$40,000, since the agent might not have to be introduced into the streams on a yearly basis.

Watkins believes this attempt to lull state officials into thinking the program would be a low cost venture is ludicrous since the purchase of Bti alone would cost about half a million dollars.

"This permit they are applying for is just to get a foot in the door," Watkins said. "So they can come back to the legislature next year and say they need more money because they weren't able to curb the flies with the money allocated."

Funding the project, if it is initiated, would come from the Governor's requested fiscal year 1984 appropriation to the Wildlife Resources fund. In his statement, Callaghan said, "Because of tight budgetary constraints in state government today, there are no state funds presently available. General Revenue funding from the State Legislature is possible..."

As it stands, the National Park Service must grant a permit for the use of Bti since the agent would be introduced into a Service protected stream, the New River.

Watkins said if the DNR had been doing its job in the first place, the suit might not have been initiated.

"I believe that if the DNR had forced a permit before the National Park Service had gotten involved, it would have saved a lot of time and money."

From The President

NEW FACES

The Conservancy Board of Directors held its spring meeting on May 8 at which time several new individuals assumed leadership positions in our organization. I felt it would be both appropriate and helpful to point these people out and to tell you something about them.

Our new Washington Vice-President is Linda Ann Winter, who resides just outside the District of Columbia and has been a Conservancy member for several years. Linda is a 1978 graduate of West Virginia University and is employed as the administrative assistant for the State and Local Grants Department in the National office of the League of Women Voters.

Linda's professional background is in wildlife management and her position with the League of Women Voters makes her an excellent choice to pursue the WVHC's interests in Washington. She has a deep commitment to West Virginia and is fully prepared to represent the Conservancy on Capitol Hill and before the Reagan Administration.

Linda's first task will include forging closer relations with national conservation groups and the state's Congressional delegation and supporting Rep. Bob Wise's bill to stop the Stonewall Jackson Dam in Lewis County.

Our next new official is Charles Yuill, who has become Chairman of the Public Lands Management Committee. Charles recently joined the Conservancy after moving to Morgantown last fall to pursue a Ph.D. in public lands management at WVU.

Charles is a landscape architect and formerly served as a private environmental consultant to the coal industry, while living in Kentucky. His strong professional background in coal mining and public lands policy will be an obvious asset to the WVHC since both fields are crucial to the state's future. The Public Lands Management Committee is responsible for all WVHC actions on issues concerning the management of National forest and state lands, including recreational development, timbering, wilderness management and protection of non-wilderness scenic areas.

These issues have always been the traditional focus of the Conservancy and will place Charles at the forefront of our activities.

The Conservancy also has welcomed two new Organizational Directors with Mary Moore Rieffenberger representing the Brooks Bird Club and Dr. Don Brannon filling the position of the W. Va. Council of Trout Unlimited. Mary is a resident of Elkins and wife of former Conservancy President Joe Rieffenberger. She is a longtime WVHC member and has worked hard on several of our projects including the Cranberry Wilderness legislation.

Don is a professor of chemistry at W. Va. Institute of Technology and an authority on the effects of acid precipitation upon streams, soils and fisheries. Don has held several leadership positions with Trout Unlimited and worked extensively with state and federal regulatory programs concerning water quality and surface mining.

I'm sure that Linda, Charles, Mary and Don stand ready to assist all our members in their areas of expertise and responsibility. They also will require, and deserve, your support and assistance in order to be effective, whether it be lobbying on Capitol Hill or preparing public comments on proposed Forest Service actions.

VOICE ARTICLES

Voice Editor Brian Farkas and I have been discussing ways to encourage more members to submit articles for publication and I will start right here.

Traditionally, the Voice Editor had always written a substantial portion of the copy (20 percent to 40 percent) with the remainder written or solicited by Conservancy members. It appears that many of our members are not aware they may submit articles to the Editor for publication.

Therefore, I encourage every member to write, solicit or forward articles to Brian for his consideration.

Longtime readers of the Voice are quite familiar with the various topics which receive coverage, i.e., news and features concerning national forest management, surface mining, protection of scenic areas and rivers, environmental quality, etc. . . Generally any article which is reasonably well written and is of interest to West Virginia conservationists has a very good chance of being published.

If you feel the need to coordinate your writing efforts, I would suggest contacting Editor Brian Farkas or the committee chairman responsible for the Conservancy's efforts on a given subject. Washington Vice President Linda Ann Winters will be soliciting stories on national issues and congressional action of interest to West Virginians. Charleston Vice President Perry Bryant should be contacted concerning articles on the environmental policies of state government.

Brian and I will be relying upon our Vice Presidents and Committee Chairmen to submit stories to the Voice, however, members should feel free to submit their stories directly to the Editor on their own initiative.

SHAVERS FORK MINING

Conservancy members are well aware of the exhaustive and sustained efforts we have put forth to protect Shavers Fork from degradation by mining and road building. Since 1979, Enviro-Energy, Inc., has built and operated three mines and is proposing three more on National Forest lands within the Shavers Fork basin. The controversy surrounding Enviro-Energy's

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From the President. . .

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operations has been centered on the environmental impacts on Shavers Fork, a stream with very sensitive water quality, and also the necessity of crossing and disrupting federal lands to develop the underlying privately-owned minerals.

For the past several years, the Conservancy has insisted that Enviro-Energy bear the burden of proof in demonstrating that its mining and road building activities would not degrade water quality in the Shavers Fork. For this reason, we often opposed issuance of state and federal permits due to the failure of both Enviro-Energy and government officials to face up to the crucial problems, i.e., perpetual post mining discharges, effluent standards adequate to maintain existing water quality and, most importantly, effective water pollution treatment systems.

Due to the efforts of Conservationists, the Department of Natural Resources issued water discharge permits to Enviro-Energy. The permits contained the most stringent effluent standards ever written.

Unfortunately, Enviro-Energy has had repeated difficulties in meeting their permit requirements due to the ineffectiveness of their treatment systems, thereby negating the strict permits and DNR's intent of protecting Shavers Fork's water quality. To their credit, Enviro-Energy has cooperated with the U.S. Forest Service in the location and design of the many miles of roads required for the new mines.

Since 1979, the Conservancy has maintained several legal actions before the U.S. District Court and the Surface Mining Appeals Board, U.S. Department of Interior in an attempt to correct the insufficiencies of Enviro-Energy's operations. While many of these actions are still pending, the Board of Directors has decided to attempt an alternative method to resolve the shortcomings of these mining operations by encouraging all concerned parties to meet and negotiate a settlement agreement. The parties to this effort would logically be the Conservancy, W.Va. Department of Natural Resources, U.S. Office of Surface Mining, Enviro-Energy and the Elkins-Kelly Co. (the remaining mineral holder on Shavers Fork).

In 1979, DNR negotiated an agreement with Enviro-Energy limiting them to a maximum of six (6) mines and 16 miles of road at any given time. While the DNR agreement was a good first attempt, time has revealed many new problems and shortcomings in the original negotiations.

For these reasons, the Conservancy will attempt to re-open this process and negotiate a comprehensive mining agreement for Shavers Fork. The specific goals of our efforts will include effective mine discharge treatment systems, permit terms to address surface drainage and revegetation and a citizen monitoring program.

For this task, the Conservancy has recruited some excellent individuals for its negotiating team, including attorney John Purbaugh, chemistry professor Dr. Don Brannon, longtime Conservancy point man Bard Montgomery and Dennis Abrahams, former W. Va. Deputy Attorney General for Environmental Affairs. This group of individuals can effectively address every technical, legal and policy aspect of Shavers Fork mining and I hold a great deal of confidence in their abilities. Their initial contacts with the other parties should come during June.

Until an agreement is reached, the Conservancy will continue its litigation in the Federal courts under the supervision of Patrick McGinley, law professor at West Virginia University. Professor McGinley has worked hundreds of hours without compensation since 1979 undertaking the Conservancy's litigation on Shavers Fork. We are deeply grateful that Professor McGinley will continue his past efforts and also play a senior role in negotiating any final agreement.

Pat is only the second person to become a lifetime Conservancy member by vote of the Board of Directors which he received in 1981 for his work on Shavers Fork.

The May 8 vote by the Board of Directors to offer to negotiate, puts the burden on Enviro-Energy and Elkins-Kelly to demonstrate they are good corporate citizens of West Virginia. Mining on Shavers Fork continues to suffer from environmental problems which appear to have technical and/or policy solutions. The Conservancy is ready to make a good faith effort to work with the mining companies and regulatory agencies to achieve a final resolution to the Shavers Fork controversy.

SPECIAL THANKS

The 80 participants in the Conservancy's May meeting are well aware of the excellent program and meals which were offered.

The meeting was held at Camp Washington Carver on the edge of the New River Gorge and included hikes into the Gorge and a presentation by James Carrico, superintendent of the New River Gorge National River. Mr. Carrico made an excellent presentation on the issues facing the national river and we appreciate his time and attention. The program and facilities were handled by Board member Jim McNeely, who worked very hard over a three month period to make it all happen.

For the first time in several years, the Conservancy served its own meals which were prepared by Neta Perry and Teresa Thompson from Huntington. Neta and Teresa deserve much credit and thanks for the wonderful meals.

WVHC Opposed To Mining In Otter Creek

At the recent WVHC Spring meeting the Conservancy's Board of Directors voted to oppose any surface disturbances from mining in Otter Creek Wilderness area.

The action was taken because of attempts by Island Creek Coal Co., the owner of most of the minerals beneath the area, to mine the coal. Island Creek has submitted a proposed mining plan of the area to the U.S. Forest Service.

Larry George, WVHC president, said the Conservancy will take any action necessary to stop surface mining of the area. George said, however, the Conservancy will take a wait-and-see attitude toward plans to undermine the coal using entries outside of the

wilderness' boundaries.

In other Board action: WVHC endorsed wild and scenic river status for the Gaualey, Bluestone and Birch rivers, but decided to wait for a U.S. Forest Service study on the Greenbrier River before taking a position on scenic status for that stream.

On the possible sale of national forest lands, George said the Conservancy will judge each proposed sale on its merit. The Reagan Administration has proposed selling off parcels of national land throughout the United States. National land in West Virginia is among those being considered for sale.

Get Involved—Join A WVHC 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)
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- MINING COMMITTEE (Federal and State Coal Mining Reclamation Programs and Policy)
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- 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.

Bti suit. . .

larger farms in the take area, Ormsby said.

"There are still some people near Vandalia. . . the big farms they've (the Corps) left until the end. Slowly," she added, "everything is being taken." Although her home is 2,000 feet from the take line, she figures the Corps—if the project is not stopped—will one day take her home.

Wise campaigned to help stop the dam when he ran for national office in 1982. His promises were supported by

the UWFRWA, and now it appears he intends to try to make good on them. This is a change over the lack of support previous and current West Virginia representatives have given toward the effort to stop the dam.

"All the years we've lobbied," Ormsby said, "we were told to have a congressman on our side. Now that we have one we'll see."

H.R. 3000 has been referred to the House Committee on Public Works and Transportation.

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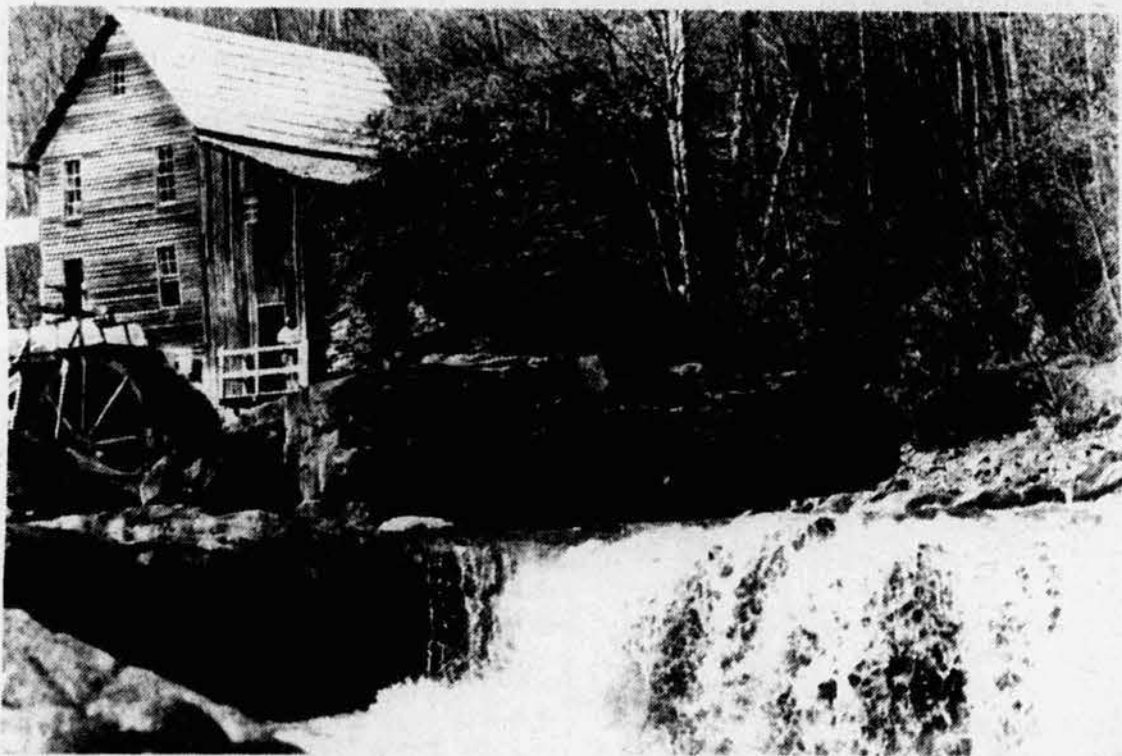
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A Day In May On The New River

Photos by FRANK PELURIE



The Conservancy held its Spring meeting May 7-8 at Camp Washington Carver. On Saturday, Conservancy members were taken on a tour of the New River National Gorge Park. The tour was lead by park superintendent Jim Carrico. Picture (clockwise) show the assembly of members for the tour, ruins of the old Kaymore mining complex, Jim Carrico discussing the new park on Saturday night, the old grist mill at Babcock State Park and Jean Rodman looking into the dark abyss of a coke oven at Kaymore.



Not A Pretty Picture

Status of State's Wild and Scenic Rivers Studies

By FRANK PELURIE

The National Wild and Scenic River studies for West Virginia's rivers are almost completed. Now what?

The first river study finished was on the Cacapon River, which included the North and Lost rivers. Only a small part of the Cacapon River system met the wild and scenic criteria. For the most part, the river was found to be incompatible for inclusion into the national system.

Landowner objections to constraints on their property along the river, and the lack of an agency willing to undertake protection and management responsibilities for the stream precluded it from being designated a protected river.

The fate of the Cacapon area to overzealous land speculators is adequately predicted by a recent advertisement in the Sunday, May 6 edition of the Baltimore Sun.

Similar problems exist with other West Virginia rivers which are candidates for Wild and Scenic status.

The Birch River, from the Cora Brown bridge to the Elk River, satisfies the criteria for scenic river status. However, the lack of public interest and the failure of a public agency to assume protection and management control of this river, resulted in the Birch's disqualification from the national system.

The Bluestone River, between the breached dam at Spanishburg and Bluestone reservoir on the New River, was found unsuitable because of insufficient interest.

The story for the Cranberry and the Meadow rivers is essentially the same; the public—by-and-large—is not interested enough to save these rivers for future generations, and federal and state agencies—because of this lack of interest—have shown little or no interest in protecting these rivers.

Again, the Cranberry and Meadow rivers, or sections thereof, were found to be suitable for inclusion into the national system. Unfortunately, they were denied access because of a lack of interest.

The study on the Cranberry and Meadow rivers was performed by the National Park Service (NPS) when it conducted its study on the Gauley River.

The Service's findings showed that 111.6 miles of the three rivers were eligible for wild classification, indicating that those reaches "represent vestiges of primitive America." The remaining 61.4 miles qualified as scenic.

Despite its recognition of the rivers' value, the Service declared all 111.6 miles unsuitable for designation. Again, the lack of federal or state agencies interest in devising a plan to protect and manage the rivers halted the designation process.

The Cranberry, NPS states, was refused designation because it was already under the protection of a management agency.

Confusing? Since 99 percent of the Cranberry flows through National Forest land, it is protected by the U.S. Forest Service.

"Nonsense!" said Chris Brown, conservation director of the American Rivers Conservation Council. "If that were the case, we would have no wild rivers in National Forests. The point of the Act (Wild and Scenic Rivers Act of 1968) is to protect these rivers from federally financed or licensed water projects, something their location within a National Forest does not preclude."

It is doubtful if land speculation of the type occurring along the Cacapon will become a problem on the Birch, Bluestone, Cranberry or Meadow. The threat, however, does exist!

Oil and gas speculation along the Birch could have serious impacts on

that river. Also, if the Corps of Engineers has identified a dam site on any of these rivers, they could be lost forever.

A Corp proposal to construct a hydro-electric generating station on Bluestone Dam would raise water levels in the reservoir high enough to flood the Bluestone River to a point near Pipestem State Park's Mountain Creek Lodge.

Threats to the Cranberry and Meadow are not as evident at this time, but the rivers' future depend on correct natural resource management by private interests and the Forest Service.

The crown jewel of river studies completed to date is on the Gauley River between the Summersville Dam and the community of Swiss.

Of all the rivers ever studied in West Virginia, including the New River, this section of the Gauley is the state's only river of national significance.

"The Gauley is the premier whitewater river east of the Mississippi. In a remote, wilderness canyon, it provides unmatched whitewater recreations as well as fishing, hiking, hunting and other outdoor recreation opportunities. As far as we're concerned, there is no river east of Colorado as deserving of inclusion in the national system," Brown said.

Yet the threats to this river are the greatest.

Within a 10 year period, there have been three projects proposed that would adversely effect the Gauley. In the mid 70's, the Corps' Swiss project—if constructed—would have flooded the river between Summersville Dam and Swiss.

The Corps' present proposal, to divert water from the first-three miles of the river below the dam to a tunnel to generate hydro-electric power, would reduce down river flows to less

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1st OFFER

Highest unemployment rate in nation sinks land prices in Mountain State to give you

PO' BOY'S RIVERFRONT FARMSTEADS!

in wild wonderful West Virginia

Your own slice of mother earth on nearby whitewater canoeing river

The ad stated that a poor West Virginian farmer must sell his land to satisfy a debt, and that the United States Department of Agriculture "says farmers are hurting worse now than since the Great Depression. In West Virginia times are rougher than the land."

To help our poor state out of its economic plight, the real estate firm encouraged investors, "in a high tax bracket" who needed an interest write off to buy now because, "a minimum of restrictions on the property allows you to largely do your own thing."

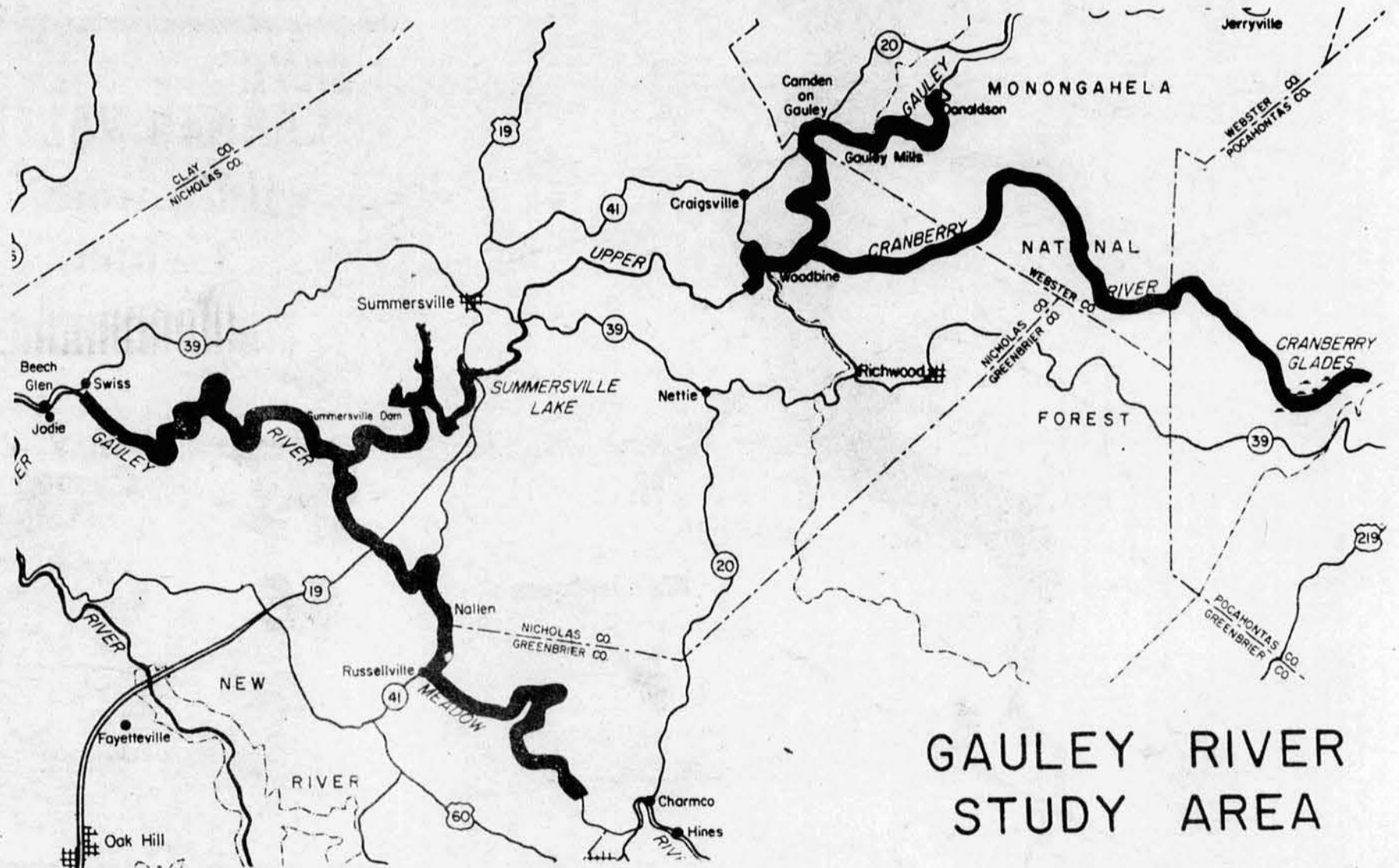
If that was not enough to entice the would be land owner, this casual reference to nuclear holocaust was made.

"This vicinity has also been designated as a 'Host Area' for metropolitan area evacuees in the event of a real or threatened nuclear attack. If you're a survivalist, this may be the closest area with the lowest risk to your family."

Nice touch! If a nice, tucked away fiefdom, safe from Reagan and the Soviets was not enough to arouse the public interest, the same agency, in the same edition of the Sun, placed this ad:

"Cabin in the hills on whitewater river—looking for a cheap cabin on a redneck mountain river?"

It appears that West Virginians are about to lose a fine river to land speculation, and gain the problems associated with poor land use planning.



Rivers. . .

(Continued from Page 5)

The West Virginia Department of Natural Resources is upset about proposed federal legislation creating a nine-member board to govern water releases from the Summersville Dam for whitewater boating.

Lobbying on Capitol Hill for the legislation are West Virginia representatives Nick Rahall and Bob Wise. The legislation, if adopted, would be part of an omnibus water bill currently under consideration by a House subcommittee on water resources.

According to press reports, the proposed board would be appointed by the secretary of the Army and be comprised of representatives from the U.S. Army Corps of Engineers, the town of Summersville, the Summersville Chamber of Commerce, members of the commercial whitewater boating industry and the various interests involved in fishing, lake and marina recreation, conservation of the Gauley and non-whitewater boating.

The board's purpose would be to help formulate a plan for spring, summer and fall water releases from the dam so tourism, associated with the lake and Gauley River, would be enhanced.

The DNR, however, is upset over the proposal because it would not have a position on the board.

DNR officials contend that they should have a say in any plan which concerns the dam and river. A main source of concern is the impoundment of water during the week for weekend releases. This, a DNR official said, would have an adverse effect on fishing in the lake and other recreational uses of the river on the weekend. It is estimated that water releases of 2,400 cubic feet per second from the dam would be best for whitewater boating on the Gauley.

DNR Is Upset

than 80 percent of the average current flow. If the Corps' project is allowed to proceed, it would mean very low flows during non-peak power demand period. The lowest flows would probably occur during weekday evenings and weekends. A curtailing of flows during the weekend could spell economic disaster to businesses dependent on the thriving whitewater tourism associated with the river.

The most recent private hydro power proposal, submitted by the town of Summersville and the Noah Corporation, would essentially have the same impact on the three-mile stretch of river below the dam. Although this plan does not include the construction of a tunnel, its purpose would be to augment power supply during peak power periods.

While it might be possible to stop the Corps' and the City of Summersville's proposed projects this time, how long

will it be before another effort is made to harness Summersville Lake's energy potential?

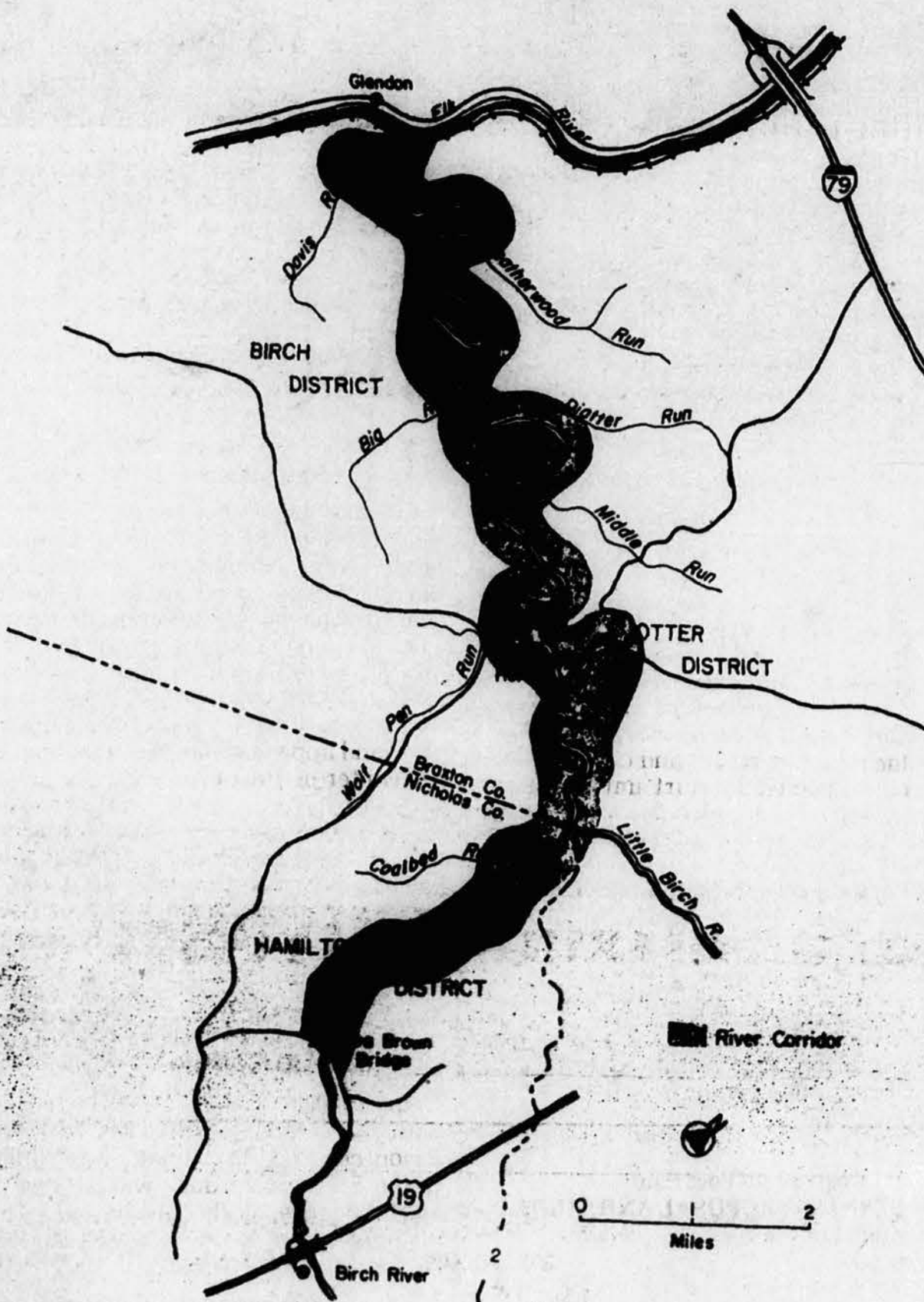
Ironically, those to benefit the most from the Gauley's inclusion into the national system are either silent or do not want the river to become designated as a Wild and Scenic River.

Along the same lines, federal and state agencies are not willing to assume the responsibility of protecting and managing this river.

At its May meeting, the Conservancy's Board of Directors voted to endorse the inclusion of the Gauley, Bluestone and Birch rivers into the National Wild and Scenic River System. The Conservancy also decided to take a wait-and-see attitude on the Forest Service's Greenbrier River study. Conservancy members interested in seeing these rivers protected should voice their support to the Governor and the DNR.

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Bald Eagles Take Up Residence In West Virginia



Buzzards return to Hickley, swallows return to Capistrano and it appears that the Bald Eagle has returned to West Virginia.

For many years people have been reporting sightings of Bald Eagles along the four-mile-long trough on the Potomac River in Hardy County, and four years ago DNR officials confirmed the sightings when two adult eagles were spotted gliding over the canyon.

Now, a family of two adults and two eaglets have taken up residence near Moorefield in a red oak tree. The adult birds, estimated to be about eight years old, have been seen soaring among the wind currents above the trough on the south branch of the Potomac.

The appearance of the birds in West Virginia is unusual since their normal habitat is along the Chesapeake Bay in Maryland or the Canadian coastline. The birds are not known to live inland, but DNR game biologist Gary Strawn said the two adults seem to like the river. The birds, Strawn said, appear to be the only Bald Eagles in the state.

Bald Eagles are on the endangered species list and persons caught harming the birds face a \$5,000 fine, a jail sentence or both. So far the birds do not appear to be bothered by the humans trying to catch a look at these national symbols. Their aerie is located on private land and the landowner takes a dim view of people crossing his property to see the birds.

"The gentleman," Strawn said, "who owns it is kind of possessive. He doesn't want anyone bothering his eagles."

Although each year, so far, has seen the birth of eaglets, once the offspring have become strong enough to fend for themselves, they leave the trough area.

DNR Concerned

About Possible Threat To Hatchery

The development of a 1,500 acre ski resort along Breakneck Run could have a serious impact on West Virginia's fish hatchery in Ridge.

The development, proposed by Ridge Corp., would be a multi-recreational complex consisting of ski area, golf course, condominiums and other recreational facilities.

The cause of concern to the DNR, however, is that the facility will be built on the approximately 1,100 acre watershed the state fish hatchery depends on to produce 325,000 rainbow and brook trout, crappie and bluegill each year.

The hatchery draws its water from Breakneck Run and a spring.

According to Donald Farris, who directs the hatchery, plans for the ski resort call for building an access road along Breakneck Run and impounding the headwaters of the run. Farris said the construction of an impoundment

could negatively impact the hatchery because water is a scarce commodity now, and anything the resort doesn't return in a useable form could reduce the hatchery's output.

A spokesperson for Ridge Corp., said any dispute between the developer and

the DNR is a misunderstanding. The complex, to be located about two miles north of Cacapon State Park, is still in the planning stages and construction is not expected to start until 1988, the spokesperson said.

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Cleanup of Phenols

Cleanup of phenol discharges into the Ohio River by a Follansbee plant is progressing smoothly one year after the plant was found to be a primary source of phenol pollution in the river.

A Koppers Company plant, located on the river, was found to be the largest contributor of phenol pollution in the Ohio. The problem dates back to 1981 and appeared most serious during the winter of 1981-82.

The plant recycles coke plant wastes. Phenols are a byproduct of coking and are known to be a corrosive poison with a strong odor and taste.

Koppers has begun cleanup operations to halt further discharges of phenols into the river, and has developed a system to monitor and treat groundwater for phenol contamination.

Ray George, an EPA official working with the Department of Natural Resources said the company was added to the EPA's hazardous waste sites in 1981 because of the discharges. The company, he said, is voluntarily assisting in the cleanup operation. Koppers was not fined for the discharges, George said.

Important Hazardous Waste Landfill Hearing Is Set

By PERRY BRYANT

The April issue of the **Highlands Voice** detailed EPA's regulations governing how hazardous waste landfills are to be designed and operated. The EPA regulations are, in this writer's opinion, inadequate and fail to protect human health and the environment.

EPA's regulations fail to require the best available technology for designing new hazardous waste landfills. EPA's regulations allow for possible extensive pollution of ground water before they take "corrective action." And finally, EPA's regulations allow industry to take minimum steps once a landfill is polluting ground water with high levels of hazardous waste. In short, one could describe EPA regulations as a sweetheart deal for the entire industry.

Two state agencies have rejected the EPA approach and have proposed regulations which provide a higher degree of protection for human health and the environment. The Water Resources Board has adopted a ground water protection standard which basically prohibits landfills from polluting ground water. (This sounds like a reasonable, common sense ap-

proach but is in fact a vast improvement over the EPA approach). Dave Callaghan, director of DNR, also has proposed regulations that require a landfill which is polluting the ground water to take corrective action which will stop the landfill from further polluting ground water. Again this sounds like the only rational approach but it is significantly better than EPA's approach. Callaghan even went so far as to require that new landfills be constructed with state-of-the-art technology.

The Water Resources Board and the DNR jointly filed these regulations on May 4th as emergency rules, which means that they went into effect immediately. A week later the same regulations were filed with the Secretary of State's office as proposed final regulations. A public hearing has been scheduled for June 20 at 7 p.m. at the Division of Water Resources Conference room in Charleston. (1201 Greenbrier Street).

I can't believe that anyone would schedule a public hearing on West Virginia Day! However, it may be fitting to have these two public hearings on West Virginia Day, if we assert our independence from EPA and adopt regulations which protect West

Virginia from inadequate hazardous waste landfills instead of blindly following EPA's inadequate regulations.

The following list shows significant differences between the state's approach and EPA's approach. The Manufacturers Association strongly supports EPA regulations and can be expected to turn out in force at the public hearing. If you want the state to adopt adequate hazardous waste landfill regulations, please come to the public hearing on June 20th or at least submit written comments. (The comment period ends June 30th.)

Ground Water Protection Standard - i.e., when must corrective action be taken. **EPA's Approach:** A. When background is exceeded 1) Background levels are determined by sampling the groundwater before it flows under the landfill and comparing it with samples after it has flowed under the landfills, or B. when drinking water standards are exceeded or C. when alternative concentration limits are exceeded, 2) Alternative concentration limits would be determined by industry and the Regional Administrators for EPA. One of the first actions taken by William Ruckelshouse was to accept the resignation of Peter

Bibka. Mr. Bibka was the person who would have decided what levels of pollutant were acceptable for West Virginia's aquifers. **Water Resources Board Approach:** When background levels are exceeded.

What action must be taken when a landfill is leaking hazardous waste into the groundwater. **EPA's Approach:** Pump polluted ground water to the surface, treat it, and discharge it. **DNR's Approach:** A. Retrofit the facility 3) Retrofitting refers to replacing an unlined or single lined facility with a double lined facility with a leachate detection system in between the two liners, or B. Fix the leak in some other way or C. Close the landfill **AND D.** Dump polluted ground water to the surface, treat it, and discharge it.

What kind of a design is required for new landfills. **EPA's Approach:** A. A single lined landfill with ground water monitoring or B. A double lined landfill with a leachate detection system between the two liners but without groundwater monitoring. **DNR's Approach:** A. All new landfills must be double lined with a leachate detection system between the liners and with groundwater monitoring.

Our National Parks Are Being Threatened

This year 253 million people are expected to visit National Parks throughout the United States. But the thought of a happy vacation might turn into a disaster; parks are feeling the budget crunch and are offering less services to compensate for the lack of funds.

In the recent edition of Parade Magazine, writer Michael Satchell took a 7,000 mile swing through 10 national parks. What he found is discouraging.

"In every direction, in fact, the scenery seems unspoiled—sawtooth mountains, mighty glaciers, glassy lakes and forests.

"However, three sides of Glacier National Park have been pockmarked with test drillings. To the north are the Canadian oil refineries suspected of causing haze in valleys where the U.S. air is purest. Also in Canada, seven miles from Glacier's northwest boundary, the massive Cabin Creek stripmine is soon expected to yield 2.7 million tons of coal, bringing pollution to the air and streams and 10,000 more residents to the area."

In the United States, the parks are threatened by proposals to build nuclear waste dumps, air pollution and a lack of funds to adequately operate the parks and protect the visitors.

The U.S. Department of Energy, Satchell wrote, is proposing the construction of the nation's first high-level nuclear waste dump within sight of Needles Overlook at Utah's Canyonlands National Park.

If the proposal becomes reality, a person could stand at Needles Overlook and watch 1800 workers, heavy equipment, and the construction of buildings. The complex would

spread over a 500 acre area. Deep shafts would be drilled and large underground vaults would be excavated to store the nuclear wastes. The wastes would be brought to the site by 40 miles of railroad track.

If nuclear wastes are one concern, air pollution is another.

"One hundred days a year," a park official reportedly said, "we get serious pollution conditions at the Grand Canyon. Views are being lost everywhere—from rim to rim at the Grand Canyon on the worst days; in Yosemite National Park; at Ship Rock (the natural rock formation on a Navajo reservation in Arizona); Bryce Canyon National Park in Utah—all over."

Funding is also taking its toll.

At Yellowstone National Park, an expected 2.5 million visitors will pass through the park's gates this year. Unfortunately, the park will only have a staff of 200 people to handle the complaints, answer the questions and patrol the backcountry. Considering Yellowstone's size—2¼ million acres, roughly the size of Rhode Island and Delaware combined—200 people can not begin to adequately cover the park.

While Interior Sec. James Watt has been blamed for the general ills of the national park system, Watt counters these barbs by saying:

"I don't want Old Faithful turned off, I don't want the Grand Tetons leveled. I don't want the Grand Canyon filled in. I don't want mountains raised in the Everglades. . . ." Satchell reported.

In regards to federal lands surrounding the parks, Satchell quoted Watt as saying:

"We must take care of what we have, but the government has not been

a good steward and has not taken care of the parks. It has allowed lakes, streams and the air to become polluted and has permitted overall physical degradation."

To combat the shabbiness of the parks, Watt said his administration is pursuing a five-year, \$1 billion, restoration project. The project is aimed at restoring park roads, sewers, water systems and public toilets.

To help preserve the parks, Satchell wrote that many park officials urge

citizens to become active and volunteer services at a park and encourage federal representatives to support the National Park Protection and Resources Management Act of 1982 (H.R. 5976).

For more information, write to: National Parks and Conservation Association, Dept. P, 1701 18th St., N.W., Washington, D.C. 20009; or The Wilderness Society, Dept. P, 1901 Pennsylvania Ave., Washington, D.C. 20006.

Black Flies Are Not A Serious Threat

Are black flies a serious threat to humans?

The West Virginia Health Department swears they are, but the Center for Disease Control (CDC) in Atlanta, Ga., says they aren't.

Anyone who has spent time near the flies will admit they are a nuisance, but state Health Department officials contend the flies are a serious threat to human health because they bite and some people have allergic reactions to the bites.

The department's position was made clear in a report submitted to the National Park Service. The Service is in the midst of the controversy on whether Bti, a bacterial agent, should be dumped in the New River and its tributaries to control black fly populations.

The CDC also was asked to contribute a report on the problem to help

the Service decide which course to take.

According to the Health Department, the flies have caused serious problems for Raleigh County residents. The Department Report said 37 cases of black fly bites and 63 cases of allergic reactions to suspected bites were reported in the county in 1982.

"In general," the Center's report stated, "the allergic response to . . . stings, although a distressing medical problem to the individual concerned, is not the sort of public health problem that lends itself to widespread control measures."

Jim Carrico, park service district supervisor, recently said the Service will ultimately decide whether to allow the use of Bti, but not until a complete environmental study is completed.