

THE HIGHLANDS VOICE

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Selling Off The Public Land in West Virginia— A Case for the Opposition

By BRUCE SUNDQUIST

In some ways it is hard to fault the Reagan Administration's move to dispose of some tracts of national forest lands. Certainly there do exist small isolated tracts that have no readily-identifiable public value.

But the long-term effects of such a move are most likely to reflect the real motives behind it, rather than the superficial motives. If one were primarily concerned with the efficiency of land management and utilization, one would:

—Sell small isolated tracts that are difficult to manage—and buy the small private inholdings (within large blocks of public land) that would make management of these larger blocks more efficient;

—Review the public usefulness of small isolated tracts of public lands—and review the potential public usefulness of small private inholdings within large blocks of public lands;

—Expedite the sale of unneeded public property so it can be put to more productive use—and expedite the acquisition of private tracts that could be put to more efficient use as components of the public land resource base.

—Avoid the sale of large blocks of land in the densely-populated eastern United States where public pressures on these lands are most intense.

If it is clear that, in considering only disposal, and not the acquisition of public lands, the true motives for such disposals are not so much related to efficiency and usefulness as they are related to a philosophical/political desire to dismantle as much of the public domain as one can get away with.

Further evidence of this alternative motive comes from the fact that, on the two largest national forests in the northeastern U.S. (Allegheny in Pennsylvania and Monongahela in West Virginia) a very large fraction of the acreage being considered for sale is in large blocks. The Monongahela National Forest (and the Allegheny National Forest) is within a day's drive—400 miles—of about 40 percent of the people in the U.S. There is every indication that the public treasures its public land resources as a vital component of its national heritage.

Within these contexts, disposal of public lands can lead only to public alarm and outrage.

There also is the ostensible motive of reducing the public debt! This trade-off has been considered and executed often in the course of human history. Invariably such actions have led to grief to the seller of the land and benefit to the buyer, e.g., Napoleon's sale of Louisiana and the Czar's sale of Alaska—both to finance military ventures. Selling family heirlooms to pay current operating expenses ought to occur only under far more dire straits than those at present.

The tragedy of public land disposal becomes even more apparent when one examines the choice of lands to be sold.

Exceptionally large percentages of the public domain are to be disposed of in Illinois, Mississippi, Ohio, Oklahoma and Texas—all states were public lands are in exceptionally short supply and where scenery of any kind of even scarcer.

What possible value can there be in making an existing problem worse?

The rugged Monongahela National Forest is one of the most scenic national forests in the densely-populated eastern United States. It is hard to sell off any sizeable block without impacting negatively on some major scenic, natural, or wildlife resource.

Let's look at a few of the large blocks that may be sold from the northern half of the forest (the area most familiar to the author):

—Block 3001: lands along a scenic stretch of the Cheat River

Block 3004: lands next to Blackwater Falls State Park

Block 3005: land on the edge of Canaan Valley

Block 306: land next to the Canaan Valley State Park (between Canaan Valley State Park and Dolly Sods)

—Block 3007: land on the west slope of Cheat Mountain, immediately adjacent to Monongahela National Forest lands that make up West Virginia's largest black bear breeding area.

To be sure, the Forest Service could have picked worse lands from an environmental standpoint. But the lands the service chose are not the sort the public should give up without a stiff fight!

Most of the public land selected for sale in West Virginia and elsewhere in the East is forested land. The effects of transferring public forest lands to private should be carefully considered. Private industry tends to harvest

timber after its value growth rate has dropped below about 10 percent/year. Thus 50 percent to 70 percent of the timber value productivity of the land is lost. Timber on national forests, however, is harvested after value-growth rates have fallen below four percent/year. Thus by harvesting timber that is less immature, the U.S. Forest Service loses much less timber productivity—only 20 percent to 40 percent.

Federal public timber lands also are better managed in terms of scenic, natural and wildlife values. Soil values and watershed values—the original rationale for establishing eastern national forests—also are given greater respect and attention under the forest service's management than under private management.

Clearly, the national interests—economic or otherwise—would not be well-served by selling off public timberlands to private ownership.

The current value of resource-recreational public lands in West Virginia vastly exceeds the initial financial investment in those lands. Tax dollars invested in public lands acquisition have represented one of the wisest, shrewdest and far-sighted investments the public sector has ever made in West Virginia.

Growing leisure and affluence are likely to make this observation even more apparent in generations to come, even if skyrocketing land values do not.

Within that context, the proposed sale of 64 square miles of Monongahela National Forest must be regarded as one of the most backward, near-sighted approaches to fiscal prudence that has come along in a long while.

It's time for all West Virginians who cherish their national heritage of public lands to speak out to their congressional representatives and senators and oppose the squandering of public treasures that the Reagan Administration is trying to impose on the U.S. Forest Service.

Sixty-four square miles is quite a bit of land when you are talking public land. And nationally, the sell-off program could remove about 1000 square miles of land from public access. Much of this land is in areas where public access lands are in short supply. Also, if the current disposal efforts are successful, there is every reason to believe

that a long series of similar efforts would follow. The motivation, after all, is not efficiency and usefulness so much as it is dismantlement.

OMS to Determine Right to Mine in Otter Creek

The federal Office of Surface Mining has been asked to determine if the Otter Creek Coal Co., has the right—under the 1977 Federal Surface Mining Act—to mine coal in the Otter Creek Wilderness.

The coal company contends it has a right to mine the coal and has asked the U.S. Court of Claims to rule on the issue. Before the court makes a ruling, it has instructed the company to first seek a determination on its claim from the OSM.

Otter Creek Coal Co., officials have stated that it has a right to mine the coal under the 1977 act because its property was taken without due compensation for the coal reserves beneath the wilderness area. The OSM must determine if the company held a permit for mining the area prior to the 1977 law—which prohibits mining in federal wilderness areas—, or whether a "taking" of property rights exists.

The company owns 18,379 acres of coal, a majority of the reserves are located under the wilderness area.

U.S. Forest Service officials, in the past, have viewed the company's proposal to mine the area as unreasonable because the plan called for several mine openings in Otter Creek and the construction of roads throughout the area, and the construction of a preparation plant at the headwaters of Otter Creek. Forest Service officials contend that the company submitted the proposal so it could say it was denied access to the coal, and therefore be entitled to compensation by the government.

The Forest Service says the company can still mine the coal, but from openings outside Otter Creek.

DLM Found in Violation of Discharge Regulations

On March 17, 1983, the U.S. Environmental Protection Agency issued an Order For Compliance against the DLM Coal Corporation for failure to comply with effluent discharges outlined in DLM's National Pollutant Discharge Elimination Permit.

The order, signed by Peter N. Bibko, EPA's Region III, regional administrator, states that DLM has 30 days to improve controls for maintaining pH, total manganese and total iron limits in its discharges into the Buckhannon River.

According to Corporation's permit, discharges could not exceed "maximum allowable concentrations, for total iron and manganese are 7.0 mg/l and 4.0 mg/l, respectively, and the allowable pH range is 6.0 to 9.0 pH units." The order states that DLM had submitted "noncompliance notifications...for October 1982 through January 1983..."

"According to the Permittee (DLM), most of the larger pH violations were caused by efforts to bring the manganese back into compliance. Although a small increase in the pH limit for maintaining manganese levels is allowed by the regulations (40 CFR 434.62), EPA has determined that excessive pH violations have occurred.

The system for controlling pH, manganese and iron limits does not appear to be adequate," the order stated.

To remedy the problem, EPA has ordered DLM to—within 30 days of receipt of the order—submit a "Plan of Action" showing:

—"Improvements in the methods of applying sodium hydroxide, soda ash or other alkaline agents to better assure meeting permit limits on a consistent basis.

—"More frequent sampling of pH and manganese to maintain a check on treatment efficiency and effluent levels."

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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.

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

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The Status of Acid Rain and Clean Water Act Bills

Four separate acid rain bills have been introduced so far this session of Congress. Bills drafted by Sen. George Mitchel (D-Me.) —S 145 — and Rep. Judd Gregg (R-N.H.) —HR 132 — would

force power plants to reduce their sulfur dioxide emissions by 10 million tons in a 32-state area east of the Mississippi.

Bills sponsored by West Virginia Democrats Rep. Nick Rahall (HA 1405) and Sen. Robert Byrd (S 454) would postpone controls, accelerate research and set up a grant program for mitigating the damage to lakes and ecosystems, most likely by neutralizing acid lakes by dumping lime into them.

hope to add to S 431 an amendment dealing with non-point sources of pollution—runoff from roads and parking lots—and stricter regulations on toxic pollutants.

Industry, faced with a 1984 deadline to update their methods of using the "best available technology" for cleaning up toxics, is urging the committee to push the legislation through. The steel industry is lining up behind Sen. Jennings Randolph's measure (S 432) which would stretch deadlines by at least three and a half years after passage of the bill.

The Clean Water Act, because of a U.S. Environmental Protection Agency investigation, has been put on the back burner by the Senate Environment committee.

Environmental lobbyists are encouraged by the delay because they

Acclimatization Workshop at Oglebay Institute

Acclimatization Experiences Institute and the Nature Education Department of Oglebay Institute invites you to enroll in a special workshop introducing the highly acclaimed environmental education program: "Acclimatization."

Coming for the first time to the tri-state area, this workshop will be facilitated by Steve Van Matre, founder of the program and author of Acclimatization, Acclimatizing, and Sunship Earth. His approach has been adopted by several countries and throughout the United States. Over fifty-thousand copies of his books have been published.

Acclimatization workshops emphasize ideas which you can put to immediate use: natural awareness exercises, concept-building activities, interpretive techniques, classroom inputs, values-building strategies. But Ac-

climatization is more than a slick package of activities. It is a method for starting where the learners are and devising new educational experiences.

This two-day session is designed to give the participant a thorough understanding of the purpose and principles of the Acclimatization approach. It includes both indoor and outdoor activities.

The workshop will take place at Oglebay Institute's Brooks Nature Center, Oglebay Park, Wheeling, West Virginia. It will begin at 7:00 p.m., June 3, and conclude at 1:00 p.m. on Sunday, June 5. The cost is \$80.00 with lodging and \$65.00 without lodging. Two or three-quarter-hours of undergraduate or graduate credits are available through George Williams College for this workshop.

To register (by May 20, 1983), call 304-242-6855.

Agreement Reached to Eliminate Pollution

A tentative agreement has been reached between the state and the New River Company—a Fayette County coal company—for the elimination of pollution in Laurel Creek and the prevention of a possible blowout of water backed up in an abandoned coal mine.

The agreement, reached by the Attorney General's office, the Department of Natural Resources' division of Water Resources and New River, allows the coal company to release water—at a rate not to exceed 10,000 gallons per minute for 60 days—from the Dempsey pump site of the abandoned Lochgelly Mine into the Dempsey

Branch of Laurel Creek.

Under the agreement, New River is to construct a water treatment facility to monitor and treat discharge from the mine and monitor the effects of the flow on Dempsey Branch and Laurel Creek.

Due to the release, trout stockings of Laurel Creek have been suspended until February 1984.

In September 1978, a blowout from the Lochgelly Mine dumped iron-laden water into Dempsey Branch. New River was ordered to seal the discharge, but mounting pressure behind the seal is threatening another blow-out.

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Changes at Cranberry

On January 13, 1983, with a stroke of his pen, President Reagan created the second largest National Forest wilderness area east of the Mississippi River—the 35,550 acre Cranberry Wilderness. In the entire Eastern Region of the USDA's Forest Service, only Minnesota's Boundary Waters Canoe Area Wilderness is larger.

The signing of P.L. 97-466 has ended the controversy over whether or not a portion of the Cranberry Backcountry should be set aside as wilderness. This does not mean that controversy will no longer be associated with the wilderness says Bob Bodine, District Ranger for the Forest Service at Richwood, within whose Ranger District the entire wilderness lies. The Forest Service must now establish the management strategy for the area.

To assist wilderness visitors, a small brochure has been developed which should be available to the public this summer. It shows existing trails in the area and main trailheads, and contains information on weather, safety, hunting, fishing and wilderness regulations.

An Operation and Maintenance Plan is currently being prepared to guide the District's management of the wilderness for this season. Much of the work listed in the plan will be performed by two college graduates who have volunteered under the Student Conservation Association (SCA) program. They will be camping inside the wilderness to gain information, make visitor contacts and perform trail maintenance.

Trailhead information stations will soon be installed at all major entry points into the wilderness. Each station will contain a map, wilderness suggestions and information, and an optional self registration system. Visitors can use this to leave their itinerary, party size and comments. This information will help the Forest Service determine how to manage the area in the future. Bodine said that wilderness management must not allow the destruction of those two characteristics unique to wilderness areas—naturalness and solitude.

The SCA volunteers will be removing certain incompatible improvements from the wilderness. Signs which indicate minor runs and streams will be removed. Trail signs with mileages and destinations will be replaced by unstained, unpainted signs which will indicate only the name of the trail. The purpose is to offer wilderness visitors more of a challenge to use their own map reading and orienteering abilities. Remnants of hunting camps, accumulations of litter and undesirable campsite locations will be disposed of or at least inventoried for future removal.

Motorized access is illegal in a wilderness, although the Forest Service may use motorized equipment for search and rescue in life threatening situations. However, there are few, if any, travelways suitable for vehicle travel. Visitors who may need assistance should be aware of that fact before they start on a wilderness hike, Bodine said. The road up the Middle Fork of the Williams River (FR. 108)

and the road up the North Fork of the Cranberry River (FR. 76) are now listed as trails. They will be allowed to gradually revegetate with only a narrow foot trail to be maintained.

Designating the Cranberry as wilderness does not mean that it will not be managed. Many activities are proper and will occur:

—Hunting (except for bears since its in a State Bear Sanctuary), fishing, trapping, camping, cross country skiing, and gathering ramps for home use may continue.

—Research projects will be carried out provided they contribute to management of the wilderness resource. The area now offers an excellent opportunity to compare man's activities elsewhere with an area in natural conditions.

—Fires, insect and disease epidemics may be suppressed.

Some activities are no longer compatible with the new designation, including:

—No mechanical transport such as bikes, wagons and carts. Bodine said this will require public contacts this fall to acquaint deer hunters with this policy.

—No use of motors, chainsaws or generators.

—No logging, mining or other commercial use of the area.

—No timber stand or wildlife habitat improvement work.

—No fish stocking since this practice was not in effect within the area at the time the wilderness was created. Fish stocking will continue by the West Virginia Department of Natural Resources along the South Fork of the Cranberry below the gate since that road is outside the wilderness.

The following practices will be encouraged to protect the new wilderness and insure that a visit provides a wilderness experience:

—Party size of 10 or less.

—Use down material for fuel; standing dead trees should not be cut.

—Permits will not be issued for outfitters since this tends to concentrate users and increases the use level.

—Horse use will not be encouraged. Although the old roads up the Middle Fork and North Fork have been used by horses in the past, the Forest Service has not maintained these routes for horseback use. The clearance is not adequate and there are some difficult crossings of minor drainages.

—Camp away from trails and streams, preferably 100 feet.

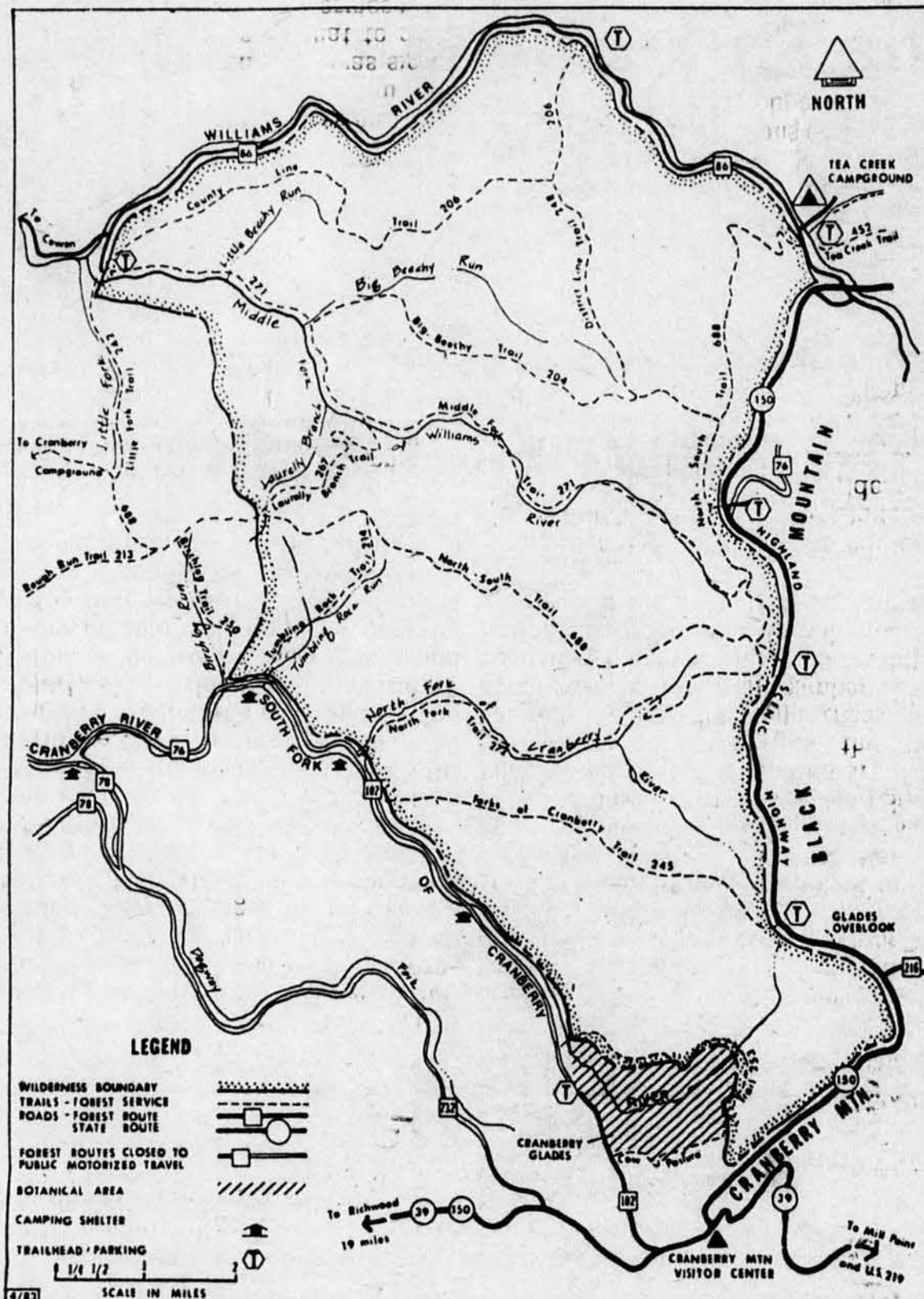
—Dispose of all bodily wastes by burying at least 6 inches deep at least 200 feet from streams and trails.

—All signs and remnants of a campsite should be eliminated when breaking camp—break up any rock firerings and pack out all unburnable trash.

—Low level flights by airplane or helicopter will be discouraged.

—Bridges and culverts will generally be left in place to prevent soil erosion and water degradation. Only hand labor can be used to remove any such structures which are deemed incompatible.

An interesting feature of this new wilderness, Bodine said, is that the



minerals beneath the surface of the ground were not owned by the government at the time the wilderness was created. They belonged to the Chessie System (CSX) who had to relinquish their mineral rights in exchange for monetary credits. CSX will apply these credits to other government minerals that they might acquire elsewhere in the future. To determine the total of the monetary credits, the law creating the wilderness provided for exploratory drilling to determine the volumes and values of coal, oil, and gas deposits both within the Cranberry Wilderness and in "contiguous areas." Bodine speculates that it may be difficult to achieve an agreement on volumes and values by the legislated date of January 13, 1984. If an agreement cannot be reached, either CSX or the government can petition the U.S. Claims Court to render a binding decision.

Another unique provision of P.L. 97-466 is that Congress is authorized to reimburse Pocahontas and Webster Counties up to \$2,200,000 for their expected losses of taxes and income which would have resulted from the eventual extraction of the mineral deposits.

The Cranberry Wilderness has often been confused with the Cranberry Backcountry since the law was signed in January. Bodine said that to avoid this confusion, the Forest Service plans to eventually phase out the use of the term "Cranberry Backcountry." The new wilderness was a part of the

original 53,000 acre Cranberry Backcountry, but it also includes quite a few thousand acres that were not in the original backcountry area. Regardless of what name, if any, is applied to the remaining area, the Forest Service plans to leave the gates intact on such roads as Dogway, Cranberry and South Fork. Camping shelters in that area will be maintained, whereas the two shelters within the wilderness will eventually be removed. Timber sales, road construction, stand and wildlife habitat improvement and fish stocking will be allowed in that area.

Another point of confusion has been the Cranberry Glades. The Glades lie outside of the established wilderness. They were purposely excluded since they are adequately protected as a National Natural Landmark and Botanical Area. Also interpretive facilities are provided there to add to public enjoyment and appreciation of this unique area.

One last point that Ranger Bodine stressed is that the Cranberry Wilderness is now a fact under public law. The Forest Service requests that all agencies, organizations and the people of West Virginia cooperate in seeing that the wilderness becomes an asset to the local area, the State and the nation. Public comments and suggestions will always be welcomed by the Forest Service as it strives to manage the Cranberry Wilderness for generations to come.