



THE HIGHLANDS VOICE

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Vol. 16 No. 3 April 1984

Conservancy to Host Attorney General Candidates for Debate '84

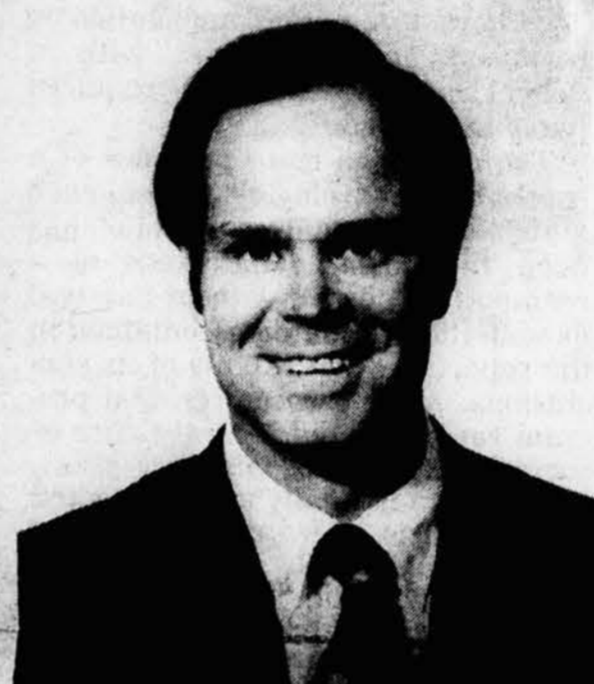
A debate between candidates for West Virginia Attorney General will highlight the Spring Meeting of the West Virginia Highlands Conservancy at Anthony on May 5th. Announced Democratic candidates Si Beottner, Charlie Brown and Daniel Stagers have agreed to participate.

Co-sponsored by the League of Women Voters and moderated by League President Becky Cain, the Saturday night debate format will be set by questions from a panel of state reporters. Deborah Baker, UPI Statehouse Reporter, Wayne Davis, AP Charleston Bureau Editor, and Chris Knapp, Staff Writer with the *Charleston Gazette*, will form the panel.

West Virginia Public Radio plans to tape the debate for broadcast. The debate will begin at 7:30 p.m.



Si Beottner



Daniel Stagers



Charlie Brown

The Attorney General of West Virginia is a powerful elected official whose legal representation of the state determines how aggressively environmental and consumer laws are enforced. He sets the tone for the criminal justice system and advises all state agencies. Under West Virginia Code the Attorney General's Office is required to serve as counsel for the state before the Supreme Court, federal courts and in state

courts on the request of the governor. He gives written opinions on questions of law, prosecutes and defends suits as required by the governor and other state officials.

Republican candidate James Jeter has declined to participate in the debate. Other candidates who file will be invited to join in the event.

(Editor's Note: As of the *Voice* deadline, no other candidates have filed.)

Spring Meeting Takes to the River

A full day of outdoor recreation will put West Virginia Highlands Conservancy members in the spring mood at the May 4-6 meeting at the Greenbrier Youth Center Camp, Anthony, W.Va. After Friday night social activities at the camp, members and visitors will be free to spend all day Saturday on one of several planned expeditions, or to simply slip off to the beautiful Greenbrier for a bit of fishing.

Two canoe trips on the Greenbrier lead the agenda of Saturday activities. John Purbaugh and Brian Farkis will lead the braver souls through the Class 2 to 3 rapids and large standing waves between Fort Springs and Alderson, an eight mile stretch requiring four to five hours. Don Brannon and Ray Ratliff will lead those who prefer the calmer waters and small rapids between Anthony and Caldwell, a six hour trip over 11 miles of river.

Veteran hiker and wildflower expert Charles Carlson will guide a hike in the Cranberry Glades, an easy six-mile hike with plenty of pauses for the newly blooming spring flowers and unusual wetlands flora. This trip will take four to five hours of walking in addition to the drive to the Glades area.

And for those who want the outdoors with a ceiling, Jerry Kyle will

take explorers underground into the famous limestone world beneath Greenbrier County. Cavers should wear sturdy boots and clothing to keep you warm and dry in 50 degree temperatures, and bring a reliable electric or carbide light. This four hour trip is suitable for novices, so budding cavers should plan to take advantage of Kyle's expertise.

Canoe trip participants must sign a waiver of liability and assume full responsibility for both themselves and their canoes. People who want to participate in a canoe trip but need a partner should contact John Purbaugh (988-9024), who will help broker partnerships. Individual arrangements must be made for canoe rentals.

Lodging for the weekend meeting is available for \$4.00 per person per night in camp dormitories. Hot showers and toilet facilities are provided, but lodgers must bring linens and bedding. For only \$2.00 per person per night, the Youth Camp will provide camping facilities with showers.

Three Saturday meals (including a box lunch) and two Sunday meals will be served at the camp. Advance registration (before April 25) is required for meals. The prices are:

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SPRING MEETING SCHEDULE

GREENBRIER YOUTH CENTER (CAMP ANTHONY), ANTHONY WV

FRIDAY, MAY 4
6-11 p.m.

Registration

8 p.m.

Dinner (on your own)

Committee Meetings

Recreation, music, movie

SATURDAY, MAY 5

8 a.m.

Breakfast

9 a.m.-5 p.m.

Field Trips (Bring or buy box lunch)

Canoeing, Anthony to Caldwell, Meet 9-9:30 a.m., Camp Anthony
Canoeing, Fort Spring to Alderson, Meet 10 a.m., Alderson City Park
Cranberry Glades Hike, Meet 9-9:30 a.m., Camp Anthony
Cave exploration, Meet 9-9:30 a.m., Camp Anthony

6 p.m.

Dinner

7:30 p.m.

DEBATE '84

Panelists: Deborah Baker, UPI, Wayne Davis, AP
Chris Knapp, Charleston Gazette
Panelists: Si Beottner, State Senator
Charlie Brown, Former Asst. Atty. General
Daniel Stagers, Mineral County Prosecutor

9:30 p.m.

Social Hour

Music, discussion of Greenbrier River protection

SUNDAY, MAY 5

8 a.m.

Breakfast

12 noon

Lunch

9 a.m.

Board Meeting

1 p.m.

Board Meeting (continuation)

VOICES

Opinion from members and friends

Permit Consolidation—A Question of Enforcement, Not Organization

by John Purbaugh

In March of 1983 the Legislature passed a bill requiring the "consolidation" of water pollution permits for coal operations, by transferring the power to issue and enforce these permits from the Water Resources Division (WRD) to the Reclamation Division within DNR. The official statement of the problem was that a company needed to get both permits, but there was considerable overlap between the two and a resulting duplication of effort by everyone involved.

The Conservancy opposed the transfer, and when it became clear that it would pass anyway, successfully offered an amendment designed to preserve the applicability of in-stream water quality standards to coal mine pollution.

This consolidation is proving hard for DNR to accomplish, even after the formal enactment of legislation. If duplication of effort were the only problem, an aggressive program of management coordination between the two divisions would have long ago ended the matter. The problems are historic, rooted in individual rivalry and pay inequities, and find their daily expressions in the sub-standard job sometimes done by both divisions in their appointed work of regulating the industry's pollution of our water.

Rearranging the responsibilities alone won't solve any of the problems; however, rearranging work assignments can also be a time-honored way of trying to get the job done properly. There are encouraging signs at DNR that this is a possibility.

After a year of trying to implement the permit consolidation, all DNR had to show for its trouble in January of 1984 was an informal comment from EPA indicating likely disapproval of the transfer based on defects in the program plan and technical legal concerns. (The latter have been remedied by the latest session of the Legislature.)

It is in the program area that DNR must reinvent the wheel and resolve some long-standing controversies.

The permit process for coal operations at the WRD has historically been uneven. At one time not too long ago, hundreds of mines had no water pollution control permits whatsoever from the state; many of those which did had carbon-copies of the standard form permit, with little or no consideration given to local site conditions or problems. In recent years, WRD made significant improvements on this record, but simply transferring their program to Reclamation won't cut the mustard.

Reclamation's program consists of a permit review process and field inspectors. While both groups were strong in the traditional reclamation

areas of restoration of contour, post-mining land use plans, revegetation and sediment control, both have also demonstrated inadequacies in water pollution matters in central West Virginia, where reclamation work done "according to the book" resulted in large perpetual acid-producing drainage from several sites.

My tongue-in-cheek characterization of Reclamation's program is that it utilizes "checklists" and "cowboys." A permit application is reviewed by comparison with a "checklist" to see if all required items are included.

Too often, the mere presence of a 'probably hydrologic consequence statement as required by law, has been the basis for issuance of a reclamation permit, without any real examination of the data contained in the report and the validity of its conclusions. After a recent critical program review by the federal Office of Surface Mining on this very point, Reclamation is finally moving toward more analysis of water questions in coal applications.

Out in the field, reclamation inspectors are an impressive bunch, outfitted with matching green jeep wagoneers and able to call up a helicopter flight to get the big picture on a site. They have a team spirit, with the apparent motto being, "We're on the job enforcing the law. All that paperwork regulation back in Charleston doesn't protect the environment; we do."

These jeep cowboys do a fine job in the traditional reclamation areas already named, but where were the cowboy enforcers at the problem sites in central West Virginia? They were right there, on the job, but unable to prevent the disaster of perpetual acid mine drainage because the paperwork permit, issued per the checklist in Charleston, approved the placement of acidic coal refuse in the backfill.

The traditional answer to environmentalists who questioned Reclamation's permit review process was: "that's something that can be taken care of by enforcement, if it ever becomes a problem." That approach doesn't work where the problem is acid or iron drainage from underground or surface mines. The mining method determines from the first ton of coal removed whether potentially toxic materials are exposed and whether ground water will influence the process. Initial technical judgments need to be constantly checked against site performance, and revised as necessary.

The biggest black mark against DNR on coal mining water pollution is the infamous August 12, 1983, memorandum from then-Director Dave Callaghan, in which he ordered

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32 Crystal Drive, Oakmont PA (412-823-8983)
WATER RESOURCES COMMITTEE: Ray Ratliff
1206 Virginia St. E., Charleston WV 25301 (344-2437)

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Senate Acid Rain Bill Advances; W.V. Congressmen Call for More Research

by Linda Winter

On March 7, 1984, the Senate Environment and Public Works Committee approved S 768 to reauthorize and amend the Clean Air Act.

This bill, sponsored by Committee Chairman Stafford (R-VT), originally called for an 8-million-ton annual reduction in sulfur dioxide emissions over 10 years in the 31 states east of the Mississippi River. However, Sen. George Mitchell (D-ME) offered an amendment to require a 10-million-ton sulfur dioxide reduction. This amendment passed by a vote of 14-2.

The two committee members voting against the measure were Sen. Steven Symms (R-ID) and ranking Democrat Sen. Jennings Randolph (D-WV).

Since the Mitchell amendment does not mandate how states should achieve emissions reductions, Randolph reportedly said the acid rain control plan could do irreparable damage to the state by causing increased unemployment in the coal industry. He prefers a national cost-sharing approach, pollution control by use of technology and provisions that would prevent widespread switching from high sulfur to low sulfur coal by utilities.

Sen. Pete Domenici (R-NM) reportedly said that high sulfur coal-producing states like West Virginia should acknowledge they have enormous reserves of low sulfur coal and be willing to make the economic adjustments to mine it.

The bill does not contain language on how to finance the emissions reductions. This is expected to be a major source of controversy if the measure is considered by the full Senate for a vote. Many members of Congress from western states object to helping finance a utility tax for cleanup that will occur elsewhere.

The Air Act amendment and reauthorization bill S 768 has not yet been scheduled for a Senate floor vote. Sen. Stafford hopes to have a vote on the bill before the July 1 recess.

During the Clean Air Act hearings on March 20, Reps. Mollohan, Rahall, and Staggers all testified against HR 3400, saying that more research was needed before passing acid rain control legislation. They said thousands of coal miners jobs would be lost if HR 3400 was passed.

Rep. Sikorski (D-MN), co-author of the bill, charged that the figures they used estimates of job losses under other acid rain control plans and that, in fact, jobs would be created by the bill in the state of West Virginia.

Rep. Bob Wise (D-WV 3rd Dist.) did not testify that day but is scheduled to testify on March 29th.

Spring Meeting...

(Continued from Page 1)

breakfast, \$2.75; lunch \$3.50; dinner \$4.00.

Skip Deegans (654-1656) can answer questions about registration, and John Purbaugh will answer inquiries about Saturday excursions. Conservancy members will get addi-

tional information in a brochure to be mailed soon. The public is welcome to attend Friday and Saturday events, and can register using the form found elsewhere in this issue. Registration fee is \$3.00.

"In art it's not thinking that does the job, but making."
— Goethe

Voice Staff Sought

Do you have a taste for journalism, technical writing, photography, design, research or just plain work? Do you want to make a contribution to the whole membership of the West Virginia Highlands Conservancy?

If you do, then we have a job for you. The Voice is looking for volunteer contributing editors, reviewers, and staff assistants for one year appointments to the Voice staff.

Applicants should have an interest in Conservancy issues and skills for the position. They must be willing to contribute at least four hours per month to the job, meet deadlines and follow up specific assignments.

Both present Conservancy members and prospective members may apply. We encourage college students who are looking for experience and a way to make a contribution to the environment to apply.

The following staff members will be appointed:

- Contributing Editor/State Issues
- Contributing Editor/National Issues
- Field Editor/Northern West Virginia
- Field Editor/Southern West Virginia
- Research Director
- Design Director
- Photographer
- Staff Assistant (Charleston)

Applications should be mailed by May 1, 1984 to Mary Ratliff, Editor, The Highlands Voice, 1206 Virginia St. East, Suite 201, Charleston WV 25301. Please send a sample of your work.

The first annual Voice staff weekend outing will be held in July to get acquainted and plan for the coming year.

Mining News

by John Purbaugh

Citizens Appeal Omega Permit

Omega Mining Company's permit to open a drift mine in the acid producing Upper Freeport coal seam in Monongalia County has been appealed to the state Water Resources Board by a group of local citizens. Richard "Chico" di Pretaro, a licensed surveyor and graduate student in hydrogeology active in Mountain Stream Monitors, will give technical advice. Appalred's John McFarren will provide legal representation.

The Omega story is, unfortunately, a typical example of the DNR permitting process. Omega applied for and obtained a Reclamation Division permit without any inquiries by the permit reviewers into the feasibility of perpetual treatment of acid drainage after abandonment of the mine. (This, remember, is the division which will soon take over all water pollution responsibilities for coal mining.)

The reclamation division is very knowledgeable on sediment control, restoration of contour, and revegetation issues. But they routinely make only a perfunctory analysis of acid mine drainage potential, omitting flow, pH, and treatment costs analyses from their files. Their deficiencies in review of hydrologic effects of mining were pointed out in the latest OSM audit of the program.

When Omega applied to the Water Resources Division for state and federal water pollution control permits, coal section permit reviewers projected a likely perpetual acid drainage problem, calculated an estimated annual cost of neutralization treatment, and initially recommended that a bond be imposed to guarantee treatment. However, after a letter to the division from the Governor's Coal Development Authority pointing out the dollar value and jobs potential of the mine, and expressing the fear that the company would relocate to Pennsylvania, division

personnel and company representatives met and were able to agree that no bond would be needed. The permit was then issued, without a bond requirement.

LaRosa Appeals Bond Release Denial

LaRosa Fuels of Clarksburg (of Hollywood fame) has appealed the denial of their request for bond release on their "Kittle Flats" permits on Gum Run and other tributaries of the Buckhannon River. LaRosa claims the water quality from these sites is better than pre-mining water quality, although in violation of the effluent limitations and in-stream standards for iron. The permits include both remined areas and new areas. Back when OSM still enforced the law, LaRosa was required to separate the drainage.

DNR will be defending its decision before the reclamation board of review. The case will be the first under the new provision of state law which allows bond release, even when water pollution is occurring, if the water quality is better than premining conditions.

Agencies May Not Withhold Information

Is there a new policy in DNR to file memos, "buck slips" and other documents they might wish to withhold from public scrutiny in a separate file from the applicable permit file? My advice is to ask to see a particular file under the state Freedom of Information Act. At the same time, ask the agency or division to identify any other files on the specific operation which exist and to list any and all documents withheld by date, sender, receiver, type of communication, and topic.

Remember, it is a crime under state law, punishable by fine and imprisonment, for any public official or employee to alter, secrete, destroy, or otherwise cause the non-existence of any document.

MOVING

ATTACH OLD LABEL HERE

NEW ADDRESS: _____

SEND TO:

W.Va. Highlands Conservancy
P.O. Box 506
Fairmont WV 26554

New Warrants Issued for Snowshoe Water Pollution

Four new warrants charging violation of water sediment standards were issued to Snowshoe developer S. Franklin Burford on February 13, 1984, according to a Charleston Gazette report. The new warrants replaced four warrants issued on March 10, 1983, and dismissed due to technical problems.

Burford's development practices at Snowshoe were challenged in a Trout Unlimited study, "Ski Development in Trout Country," by Cindy Rank. The report, issued in December (excerpt in March 1984 Voice), cited continuing violations of sewage permits, construction of unauthorized water and sewer lines in the Hawthorne Valley Complex, surface discharges of sewage from a polishing pond, and irresponsible construction practices causing excessive sedimentation.

Burford argues that improvements will take a lot of time and that other ski developments cause sedimentation as well. The developer, a former stripmine operator, said he ran out of money after bulldozing the first nine holes of his golf course. A December 11, 1983, Sunday Gazette-Mail article by Paul Nyden quoted Burford, "there's no sense in seeding rocks."

Other sources quoted by Nyden, however, indicated other developers have invested money and effort to control sedimentation. At Silver Creek, adjacent to Snowshoe, slopes are mulched and seeded quickly and water is ditched away from streams rather than into them.

The new warrants came after well over a year of inaction by Burford, who received warnings from the Department of Natural Resources and

then-Director Dave Callaghan as early as August, 1982. The original warrants languished under Pocahontas County Prosecuting Attorney Steven Hunter, a friend and political ally of Frank Burford. Such warrants automatically expire after one year.

But in early January this year, in the wake of the renewed interest created by the Trout Unlimited study, Chief Circuit Judge Charles Lobban appointed Greenbrier County Assistant Prosecutor Billie Jean Hutsenpiller as special prosecutor in the case.

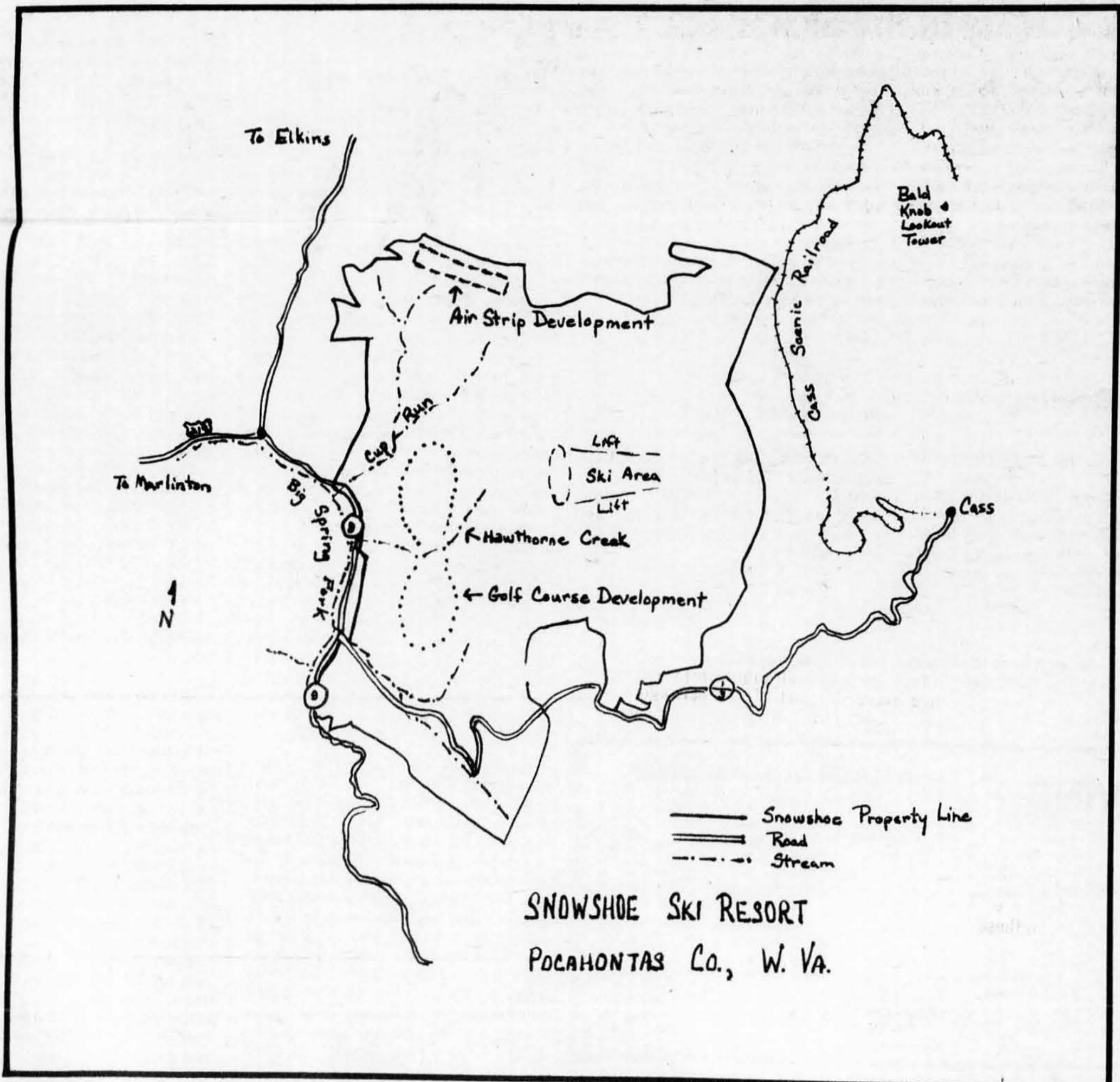
After a series of pretrial hearings in Pocahontas County Magistrate Robert Gilmore's court, the old warrants were dismissed and new warrants filed.

On March 6, 1984, Ms. Hutsenpiller requested a writ of prejudice

against Magistrate Robert Gilmore. Circuit Judge Lobban then removed Gilmore from the case and assigned Greenbrier County Magistrate Lewis Longanacre. Lobban also appointed Richard Laurenson assistant prosecutor in the matter.

No hearing dates have been set on the new warrants.

John Richard, President of the Kanawha Valley Chapter of Trout Unlimited cited the importance of the affected streams. "Cup Run, Hawthorne Run and Big Spring Fork support native brook trout, and are one of less than a dozen areas in the state which have naturally reproducing rainbow trout." Describing the pending legal case, Richard said no one is giving any information about the case now. "But we're hopeful something will be done this time."



MSM Leads Demonstration at Snowshoe

by Tom Rodd

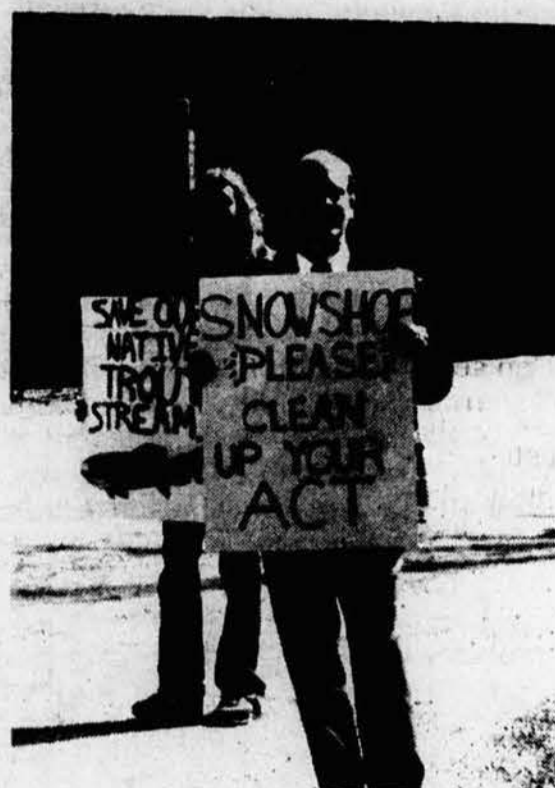
On February 18, 1984, West Virginia Mountain Stream Monitors sponsored a small informational demonstration at the Snowshoe Ski Resort in Pocahontas County. The five demonstrators displayed placards and gave leaflets to skiers entering the resort. The demonstrators also passed out copies of the long Charleston Gazette article by Paul Nyden (December 11, 1983) on environmental problems at Snowshoe.

Snowshoe security guards told the demonstrators to leave, which they did after about an hour. Among the demonstrators were Glenn Davis, WVHC Director, Tom Rodd and Greg Tiemans of Mountain Stream Monitors and Joe Gatski, a Morgantown resident.

The leaflet was designed to make Snowshoe skiers aware of pollution problems at Snowshoe and spark their interest in protection.

"We want our West Virginia environmental agencies, and our courts, to vigorously enforce the law at Snowshoe and elsewhere," the leaflet read in part. "We want Snowshoe to please clean up their act and cooperate with the authorities, not insult and ignore and defy them. We want skiers at Snowshoe to be aware of the situation."

(Persons wishing information on future public actions at Snowshoe should contact Tom Rodd, 341 Sanford Street, Morgantown WV 26505 (219-6600) Rodd noted that legal action may be forthcoming to avoid future problems with Snowshoe security guards.)



Snowshoe—A Sty in the Sky?

by Joe Gatski

(Editor's note: Mr. Gatski, a carpenter, painter and poet, offered this personal statement of his reasons for picketing at Snowshoe.)

I have many fond memories of trout fishing in the West Virginia Alleghenies with my uncle and father. We would pile into my uncle's truck and drive east until we hit the cool air of the mountains. Often we'd fish for native brook trout. Hooking one of those speckled beauties was an experience I'll never forget.

Wild trout were here before the white man and the red man. Wild trout need sediment-free, cold water. During the early 1900's lumbermen all but destroyed the virgin forest, and with it, many of the native trout streams. Sediment and elimination of shoreline shade were the main culprits.

However, a few of the streams have survived and have natural trout populations. During the CCC days, some were actually upgraded. On the Cheat Mountain range are the headwaters of three river systems. Part of this highland area is National Forest; other large tracts are privately owned. Some of this land is now the Snowshoe Resort.

It seemed to us that Mr. Burford has ignored environmental law and the biological well-being of the streams around Snowshoe. We decided to set up an informational picket on the public road leading to the Snowshoe ski area.

We had observed that most of Snowshoe's customers were from out of state, and unfamiliar with the environmental problems and issues. We hoped our leaflets would reach these

people and cause them—and Snowshoe's management—to pay attention to these problems.

I saw a great bungling in the design of the area and much disturbance of the soil without reseeding. When the snow melts—it was partially melted on the warm day we were there—the place must be a sea of mud.

We accomplished our objective of passing out several hundred leaflets to skiers. We were dismayed and disappointed to be harassed by Snowshoe security. They claimed the right to order us off a state roadside which is clearly public property. Next time we'll come with a court order.

It was the hope of our small party that we have planted a seed, and struck a small blow for citizen environmental action.

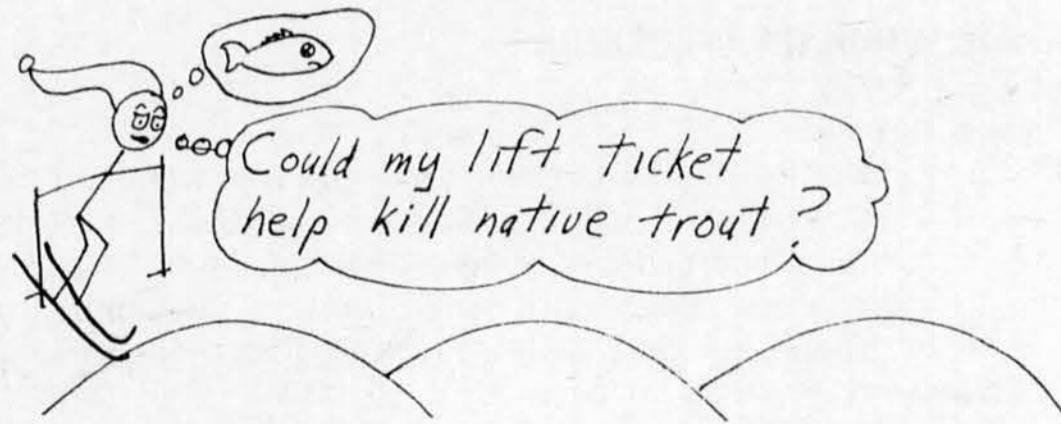
For myself, I have wandered alone and with friends in these mountains all my life. This wilderness and its beauty—and its terrors—are the most important thing in my life.

I feel that in one sense Cheat Mountain is lost, though environmental laws still need to be enforced there. But there are other places worth saving. Will there be nowhere to look without a scar on the mountainside? Clean streams and unbroken forests are a crucial part of our heritage, part of our faith that "mountaineers are always free."

Oh, and by the way—it was fun, and liberating, to take our slogans and concerns to the mountain. We sang "Where have All the Brook Trout Gone?" On the way home we stopped at the virgin spruce forest east of Huttonsville. There we stood in awe of the mountain's timeless beauty. It was a good day.



Mountain Stream Monitors members and friends reach out to Snowshoe skiers, hoping to increase pressure on developer Frank Burford to comply with water pollution laws and improve development practices. Top left: Kevin Woodcock and Tom Rodd, Top right: Joe Gatski; Bottom: Rodd, Greg Tiemans, Woodcock and Gatski.



Join the Conservancy

Demonstrators distributed leaflets designed to make skiers aware of Snowshoe's environmental problems and to encourage them to take an interest in development practices in ski country.

Allegheny Trail Spans Highlands

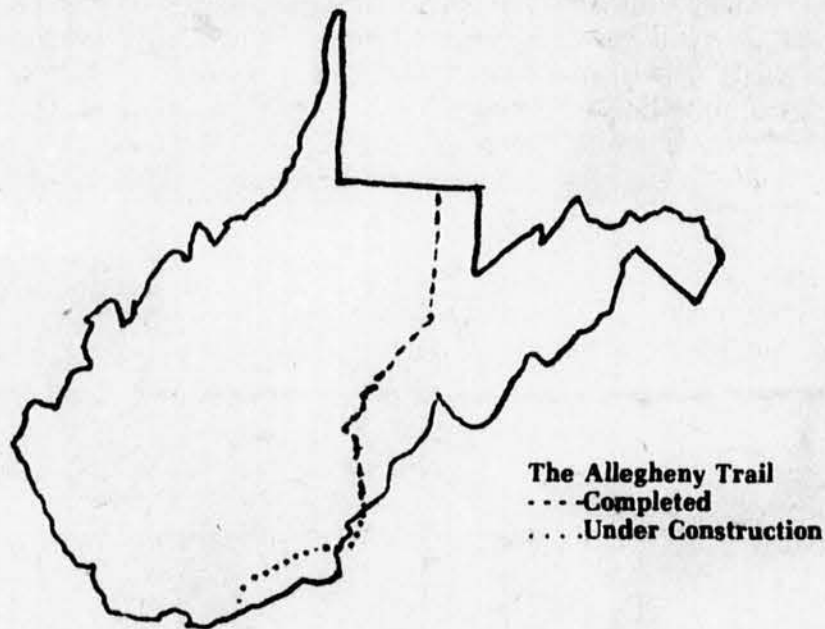
Hikers fond of West Virginia's beautiful highlands will want to send for West Virginia Scenic Trails Association's new publication **The Allegheny Trail Hiking Guide**. The new guide will lead you over 220 miles of the only long distance hiking trail in the state, from the Pennsylvania/West Virginia border south to Minnehaha Springs in Pocahontas County. Sections of the trail under development will eventually add 60 miles to the Allegheny Trail and extend it to the Appalachian Trail on Peters Mountain in Monroe County.

Along the new trail, hikers will enjoy scenic overlooks and small lumber and mining towns, and pass through

four state parks, two state forests and portions of three national forests. The sections open for public use are marked with 2 x 6 yellow blazes.

At the trail's eventual southern terminus, the Association already manages the Sugar Camp Farm at Lindside to provide access from West Virginia to the Appalachian Trail.

The guide is available postage paid for \$5.00. Write: Publications, West Virginia Scenic Trails Association, 633 West Virginia Ave., Morgantown WV 26505. A 33 per cent discount is available for orders of 10-23 copies, and a 40 per cent discount for orders of 24 or more copies.



Coming Up.....

ACID RAIN WORKSHOP

- April 27-29, 1984
- Nicholas County Memorial Park, Summersville WV
- WV's Sierra Club Group sponsors this "Appalachian Acid Rain Workshop", featuring a showing of the Canadian film "Requiem or Recovery." Speakers, a tour of the dead Lake Boley at Babcock State Park. The workshop will examine effects of acid rain, economics of cleanup and of failure to act, and current proposals for cleaning up.

• Write: Susan Brown, P.O. Box 4122, Morgantown WV or call (412) 878-5611

MOUNTAIN STREAM MONITORS WORKSHOP

- April 14, 1984
- Workshop in Morgantown area in conjunction with Earth Week.
- Write: Mountain Stream Monitors, Inc., Box 170, Morgantown WV 26505.

NONGAME WILDLIFE WEEKEND

- June 1-3, 1984
- Blackwater Falls State Park, Davis WV
- DNR's Wildlife Resources Division sponsors this weekend exploration of West Virginia's wildlife, featuring slideshows, talks and trips. Participants can choose to investigate birds, insects and butterflies, salamanders, frogs and toads, snakes, streamlife or plants from the three-day smorgasbord of activities.

• Registration required, before May 25, 1984. Cost with 2 nights lodging and three meals, \$50.00. Without lodging, \$15.00. Camping available. No refunds after May 25.

• Write: Maxine Scarbro, Department of Natural Resources, 1800 Washington Street, E., Room 711, Charleston WV 25305.



....good friends

Trout Unlimited is a national conservation organization. TU was founded in 1959 on the banks of the Ausable River in Michigan by a group of men who were not happy about the way things were going with their fisheries. In the 60's, TU expanded outside Michigan and today boasts 37,000 members in over 300 chapters across the United States.

Trout Unlimited came to West Virginia in 1972 with the formation of two chapters in the Kanawha Valley and Clarksburg. The West Virginia Council was formed in 1974, and growing interest built the group to the present 9 chapters and 600 members. Chapters are located in Charleston, Clarksburg, Morgantown, Parkersburg, Huntington, Lewisburg, Beckley, Bluefield and Wheeling.

Trout Unlimited strives to protect, preserve and enhance West Virginia's trout fishery through grass roots actions of its chapters. Chapters hold meetings, sponsor projects, provide newsletters, raise funds and give classes in angling arts. The Council co-ordinates chapter activities and speaks for Trout Unlimited in certain situations.

A key to Trout Unlimited's status as a respected conservation organization in West Virginia has been their excellent working relationship with the Wildlife Division of the Department of Natural Resources. Many projects are done with DNR's approval and cooperation.

Trout Unlimited has completed a number of successful stream surveys, including a study of the Middle Fork of the Williams River and a cooperative management study of the upper Elk River.

To encourage trout fishing, TU has conducted stream improvement projects, helped open stretches of Rich Creek (Mercer County) and Second Creek (Greenbrier County) to public fishing, and established a "fish for fun" area at Seneca Rocks. They have also taught over 150 people in their annual fly fishing school in just five years.

TU has made special efforts to establish brown trout in the state. Working with DNR, they have backpacked fingerlings to remote streams for the last eight years, carrying in over 75,000 since 1981 and establishing brown trout in streams where they hadn't been before. TU also acquired a special strain of brown trout for evaluation by DNR.

Many of Trout Unlimited's projects focus on environmental issues and problems effecting streams. Projects have included:

- Comments on Environmental Impact Statements for the Highlands Scenic Highway and Corridor H.
- Elimination of chlorine post-treatment in waste treatment plants on trout streams.

- Intervention before FERC on Summersville power project.
- Pressure on ski developments to minimize siltation.
- Ongoing information campaign on acid rain.
- Impact comments on many mining operations.
- Opposition and comments on BTI use in New River areas.
- Support for protection of Canaan Valley.

TU's active projects include a stream improvement project on White's Run, an experimental lime neutralization project in Holly River State Park, and fingerling stocking in Kentucky trout streams and throughout West Virginia.

Max Robertson, current chairman of the West Virginia Council of Trout Unlimited, welcomes inquiries. Write him at 916 Echo Road, South Charleston WV 25303.

(Editor's Note: This is the second in a series of articles highlighting organizational members of WVHC. Next month: The Kanawha Trail (Feb.)

VOICES, Opinions...

(Continued from Page 2)

both divisions to conduct "all in-stream sampling for enforcement purposes...at or below the lowest permitted treatment facility on the water-course," and specifically allowed the use of a natural water-course as a pollution drainway or treatment pond.

This memo resolved the long-standing conflict between Reclamation, which treated the entire permit area as the discharge, thereby ignoring in-stream conditions on the site, and WRD, which treated each individual pond on the site as a discharge and tested for in-stream conditions on the site.

DNR's adoption of the Reclamation Division approach writes off for enforcement purposes all streams within a reclamation permit area.

Many permit areas are five hundred, a thousand, or several thousand acres; the effect on state streams is therefore considerable.

New Director Will Hertig has failed to rescind the Callaghan memo. Until he does so, no "consolidated" permit program can reasonably proclaim its eligibility for EPA and public approval. DNR must return to enforcing water quality standards in streams on mine sites, rather than just below the site.

DNR is not the owner of the state's waters. The agency is only a steward for the public trust ownership of those waters. DNR fails in its stewardship when it chooses to continue ignoring in-stream pollution on mine sites.

Trekking on the Allegheny Trail

by Doug Wood

(Editor's Note: Doug Wood, of West Virginia Scenic Trails Association, sent this article last October, in the crack between editors. Now that the hiking season is starting again, we hope this will draw you out to the hills, even though the colors have changed back from autumn's gold to spring's green.)

I remember the leaves softly tapping as they bounced from branch to branch, finding their way from the tops of the massive sugar maples that populated our campsite to the forest floor which cradled my tired body in its cool autumn grasp. We were two days into the Allegheny Trek for Life and Breath and had every reason to enjoy this restful night.

We had hiked along the beautiful Gladly Fork of the Cheat River, ascended Shavers Mountain, and traversed many knobs atop this great ridge. We had carried our homes with us and had experienced the joy of self-reliance. But we had also shared with others: snacks, a drink of water from our canteens, extra moleskin, a wool shirt. We were sometimes bushed, but never lost—we followed the gold blazes of the Allegheny Trail, West Virginia's first homegrown, long distance hiking trail.

We were there to breathe clean air, see beautiful forest scenes, test our bodies, purge our souls, renew our spirits, and help the American Lung Association of West Virginia improve our chances of living with healthy lungs.

Thirty-six people obtained a minimum of \$150 each in pledges for backpacking 30 miles in three days on the Allegheny Trail. The trek started at the McCray Creek Trail (between Alpena and Gladly in Randolph County) and ended near Durbin in Pocahontas County. Some of us were veterans from the two previous Treks and some were new. Some had never backpacked before and some were well-seasoned 'packrats.'

By the end of the Trek, some were in bliss from the experience and some were just plain tired and crabby. But we all had given of our own time and sweat; we had volunteered.

Every year since 1981 the American Lung Association of West Virginia and the West Virginia Scenic Trails Association have sponsored the Trek. The major goals of each Trek are:

- to have people intimately experience the outdoors by backpacking;
- to make people aware of the programs of the ALA;
- to raise money for those programs; and
- to expose folks to the Allegheny Trail.

We were certainly exposed to the Trail. The autumn colors of the forest canopy and floor were breathtaking in the sunlight. Some trekkers saw deer, turkey, grouse, chipmunks, ravens, vultures, hawks, and various small birds. We found coon tracks and bear scat. John Heavener, Executive Director of ALA of W.Va., and

I camped about two miles shy of the first night's planned campsite in order to make sure all the stragglers and our 'sweep,' Roger Cook, came through.

When darkness fell we heard a barred owl far away toward the Shavers Fork. Several small mice with large voices announced their presence and defined their territory near our tent. The barred owl was probably defining his territory also before setting out to hunt the nocturnal mice in his neck of the woods.

Early the next morning a deer ran back and forth behind our tent, snorting and stamping a hoof at our intrusion. I thought how nice it was to be considered important enough to merit investigation but not threatening enough to cause immediate flight.

The trees inspired me. We passed through magnificent cathedrals of tall, straight black cherry, maple, hemlock and spruce. Rock outcrops snuggled among yellow fern beds looked like great gray beasts grazing in buttermilk pastures, reminiscent of the wood bison that once roamed the forests of West Virginia. We saw stands of younger trees, displaying a wealth of species diversity with every step in the successional continuum from timber harvest to mature forest.

Some of us found an exposed rock outcrop which afforded colorful views into the deep valley of the West Fork of the Greenbrier River and the shallower basin of the Shavers Fork.

When we came into the second night's camp (John's Camp Run

Shelter), we found water from two nearby sources; an amazing fact since the state was in the midst of a very long drought and since we were on a high ridge. Some of us walked another two miles to the Shavers Fork on a blue-blazed trail and took a dip. On the way back to camp we found some very tasty apples to sweeten our backpack larder. That night we held an informal vesper service for those who wished to muse on the rigors of the trail and the experiences of life.

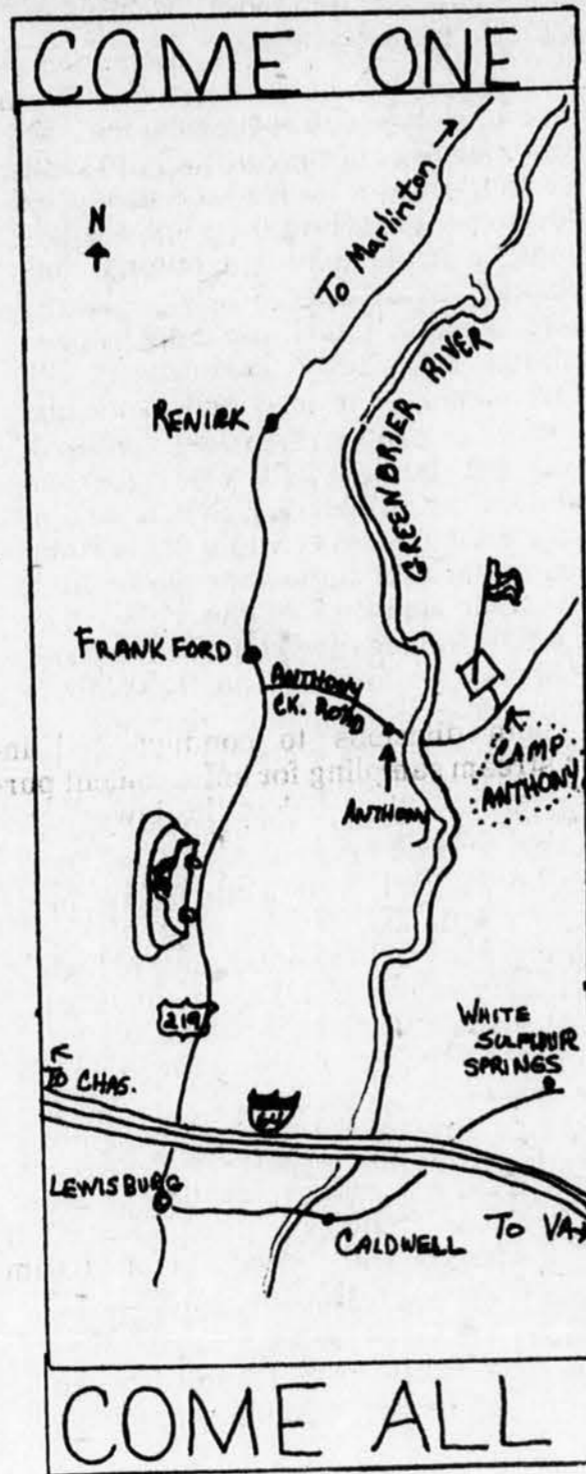
George Rosier was a real treat at the campfire with his storehouse of jokes and stories. He gave irreplaceable help as support man for the Trek as well. He hauled equipment for Charlie Hill from WSAZ-TV and he supplied water and encouragement to all of us at each checkpoint and campsite. George is the Trail Coordinator for Section 1 of the Allegheny Trail.

Anita Tracy, coordinator for Section 3, assisted George as did WVSTA member Pete Josimovich. Anita also deserves applause for her work with

a crew of young people on the descent of Shavers Mountain near Gaudineer Knob. It was a rough descent for us, but not nearly as rough as it would have been before Anita dug out a tread this summer. The person who oversees the section we hiked as well as the rest of Section 2 of the Allegheny Trail is Fred Bird.

George hauled us from our stopping point near Durbin to Plyler's Marker where we had left our vehicles. Bonnie Plyler proved the perfect hostess to our ragtag band. We then drove to the Durbin Moose Lodge where Bonnie Sharp and her daughter Joann had prepared a mouth-watering meal of chicken, corn pudding, pinto beans and cornbread, rolls, hot coffee and various salads, cakes and pies.

The trekkers had enjoyed a triple blessing that weekend: the sweet fellowship of backpacking enthusiasts, the warm hospitality of Mountaineers, and the sensational beauty of the highlands along the Allegheny Trail.



WVHC SPRING FLING

GREENBRIER YOUTH CENTER (CAMP ANTHONY), ANTHONY, WV

MAY 4-6, 1984

Please register me/us for the WVHC Spring Meeting:

Name (s) _____
 Address _____
 Phone _____

Please reserve the following accommodations and meals:

		Number	Rate/ person	Cost
Dormitory Rooms (with hot showers)	Friday	_____	x \$4.00	= _____
	Saturday	_____	x \$4.00	= _____
Camping facilities	Friday	_____	x \$2.00	= _____
	Saturday	_____	x \$2.00	= _____
Meals	Saturday:	Breakfast	_____ x \$2.75	= _____
		Box Lunch	_____ x \$3.50	= _____
	Sunday:	Dinner	_____ x \$4.00	= _____
		Breakfast	_____ x \$2.75	= _____
	Lunch	_____ x \$3.50	= _____	

Subtotal _____

Registration: \$3.00/ person _____

Total _____

Meals must be reserved and paid before April 20. Advance payment will secure lodging. Check payable to: West Virginia Highlands Conservancy. Mail to: Skip Deegans, Box 564, Lewisburg, WV 24901
 Child care may be available if demand is adequate. If you want child care, please check times and list ages of children.

_____ Saturday field trips _____ Saturday evening _____ Sunday Meeting
 Ages of children _____

Thoughts and Thanks for Canaan Valley Legislation Support

Linda Cooper Elkinton, Chair
WVHC Canaan Valley Committee

We want to express our thanks to the many concerned citizens, conservationists and Canaan Valley landowners who supported Senate Bill 415, legislation to provide a long-sought method for planning, managing development, and protecting the economic and natural resources of the rapidly changing Canaan Valley.

The effort succeeded in focusing attention on the matter both state-wide and in the State Legislature where it had never before been addressed. It has prompted the formation of yet another local group to deal with the situation.

But despite wide publicity, the Canaan Valley Development Act did not see floor action this year. In fact, it did not move beyond its Senate Judiciary Committee assignment.

Senator John 'Si' Boettner eloquently addressed the need for the bill then he introduced it to the Senate. Tucker County Senators attacked it viciously, non-stop, and apparently before even reading it.

Predictably, Senator Bud Harman led the effort to discredit the work of the Canaan Land Planning Association, Canaan land-owners who organized to have the legislation introduced despite intense pressure to be quiet and go away. Harman, Tucker County's representative from Taylor County, claimed the petition of opposition be submitted for the Senate record carried the names of 99 percent of the property owners in Canaan (IF CLPA supporters represented only one percent, the property-owning population of Canaan would have to be 4,000. The figure is really closer to 300.) Repeated erroneous references in the local press suggesting Senate Bill 415 would mean both a total halt to development in Canaan and speedy government condemnation of land made an easy job of collecting signatures on a petition opposing the legislation.

To cloud the issues, opponents raised legal and ethical questions about comprehensive land planning, zoning, and what is routinely referred to as "state usurpation of the powers of county government.

But even more effective in preventing consideration of the bill was a smoke screen of standard bearing, false or irrelevant claims. Some said the bill would mean state take-over of private property. Some personally attacked Boettner as the 'good senator' who has committed the unthinkable, heretical act of breaking the unwritten rule of courtesy by introducing a bill related to a matter that has its basis in another's district.

Using routine strategies, Senator Gino Columbo appealed to personal loyalty in the Senate and called up political debts. Ignoring his conflict of interest, he claimed the bill would deprive him of his personal financial investments in land he owned in Canaan. (Sen. Columbo of Harrison County purchased 34 acres in Canaan in 1979. He reportedly planned to erect only two residences on it, but now has under development a 150 condo unit complex.)

Before S.B. 415 was introduced, supporters knew passage would be an uphill battle. Those familiar with what's at stake and with local politics remain desperate for a solution. They hope state legislation is not the only route to take.

It's so easy to say, "Let's leave it to county government," or "Let's leave it to local landowners," or "Who wants to keep development from occurring anyway, for any reason, in these difficult economic times?" But, of course, we're not talking about ending development, only about planning to accommodate it wisely in a sensitive area.

Everyone who visits Canaan Valley plans something for it. It's that kind of place. The County Government has issued two plans for the Valley's future, not to mention four others from other sources. And, as a result of this legislation, a new organization has emerged with even another plan.

The Canaan Valley Landowners Association is a non-profit,

membership organization formed to aid its members "in the furtherance of their community and civic goals of self-determination, local resource management, and overall protection of the community from external malevolent influence." Their aim is to develop a land use and management plan for the Valley. The County Commission says they will implement "the will of the people" in Canaan. Landowners are confident it will work this time and say, go to it!

If the "will of the people" is, in fact, a monolith, we're in luck. And if the most forceful spokespeople for that monolithic will turn out to be those who represent interests above and beyond the profits which stand to be made from private development, Canaan may end up in pretty good shape one day. Frankly, I wouldn't count on either.

Two additional notes:

•For the first time in WVHC's history in Canaan protection issues,

local people worked for protection. Forty Canaan landowners signed their names as supporters in this legislation. They wrote letters, talked about it, and put themselves on the line in a variety of ways. (Can you think what that would have meant with Cranberry?) That's impressive and we're proud of each of them and the efforts they made.

• We've often heard it said, "Why are conservationists always opposing things? Why aren't they ever for something? Why don't they propose a solution to a problem, get behind it, and be for something positive?"

In analysing this legislation, we think we were for something. We're not saying it's the only solution for Canaan. In the final analysis, this legislation would still have left nearly everything in the hands of local landowners (the Development Authority would have been composed of seven local landowners, clearly the ruling majority). But the bill was a 'for something,' positive approach.

CLPA Letter Explains Bill, Proves Local Support

After weeks and weeks of trying without success to get the **Parsons Advocate**, the local paper that serves the Canaan Valley area, to print articles explaining the Canaan Valley Development Act while numerous articles were carried on opposing views, CLPA sent the following letter to the editor. It was carried in the weekly **Parsons Advocate** in their February 29th issue, just 10 days before the end of the legislative session.

Editor, **The Parsons Advocate**
February 20, 1984

During the past few weeks, numerous statements and erroneous allegations have been directed to the efforts of the Canaan Land Planning Association to develop a viable method of managing future development in Canaan Valley and protecting its valuable economic and natural resources. We have attempted through direct mailings to Canaan Valley landowners and residents; information and press releases to your paper and discussions with local elected officials to provide local citizens with accurate information to enable a clear understanding of the problems that we think face land-and business-owners in Canaan and an appropriate plan, through State Legislation, of dealing with these problems.

While we recognize that the Tucker County Commission may perhaps be the more appropriate body to attend to these matters, our efforts and those of others to effect such action has thus far proven fruitless and the fact remains that no actions has been taken. One of our very first official actions was to discuss our concerns and the option of this legislation as a possible solution with members of the Tucker County Planning Commission (Mrs. Dorothy Thompson, Chairman and member, Mr. Charles Reed.)

Our representatives subsequently

met and discussed our proposed legislation with Senators Harman and Ash and Delegate Koury. Following that, we sought assistance from legislators from other districts and were successful in having our bill introduced on February 3, 1984. Senate Bill 415 was assigned to the Senate Judiciary Committee where it now awaits further action. We have also sought cooperation from the Tucker County Commission but have met with only dead-ends and more promises of possible future action.

Senate Bill 415 provides for the establishment of an Authority to plan for the Valley's future land uses and develop appropriate rules and regulations to implement and enforce the planned uses. Specifically, (1) farm uses of Valley lands would not be prohibited but rather encouraged; (2) development, the jobs and economic returns it produces, would continue and not be stopped; (3) far from eliminating property rights it would insure them forever while preventing compromise of important water and economic qualities of the Valley; (4) the bill provides for county and state coordination for local control rather than state government dictating to local landowners what they could or could not do with their land—Tucker Countians would themselves hold seven of the nine positions on the Authority; and, (5) it is intended to insure continued development of Canaan Valley with maintenance of high property values and the very features that attract tourists to the Valley for a great variety of recreational activities.

From a review of this bill (which is readily available from C.L.P.A. on the Legislature) we also think reasoning readers will conclude that misrepresentations of the goals and intent of our efforts occurs when Tucker County Senators and other elected officials, private interests and your newspaper continues to make

statements that alledge that S.B. 415 provides for such things as "land condemnation," "unlimited powers to acquire land and any other property in the area," fees and penalties that would not benefit local residents, "deprive farmers of the right to freely utilize their land," is a bill "without precedent," is "an affront to the free enterprise system" and that it was composed by a "handful of dissidents opposed to any form of progress."

The following is a partial listing of "SUPPORTIVE CANAAN VALLEY LANDOWNERS" who favor S.B. 415. It demonstrates significant support for this legislation and in much greater percentages than the 1 per cent specifically alledged by Senator Harman in the past: Mr. Maurice Brown, Mr. Victor Wolke, Mr. Frank Joseph, Mrs. Patricia A. Cooper, Mr. J. Clark Campbell, Mr. Arthur Krummenoehl, Ms. Lisa K. Cooper, Mr. Albert F. Kotras, Mr. Winslow Ayer★, Mrs. Carolyn M. Brown, Mr. David Ecke, Mr. Neil Hadley, Mr. Paul Husk, Mr. Roy Henderson, Mrs. Nancy Campbell, Mr. David P. Elkinton, Mr. Richard Myerly, Mr. Robert D. Stroessner, Mr. Robert Edgell, Mrs. Jo Ann Ecke, Mr. Joseph H. Cooper, Mr. Randall Moyer, Mr. and Mrs. Herbert Soldz, Mrs. Mary Neville, Ms. Linda C. Elkinton, Mr. Harold Chase, Mr. Paul Berghausm, Mrs. Joyce E. Edgell, Ms. Laura Little★, Mr. Donald F. Scanlon, Mr. John W. Neville, Mr. Charles Coffman, Mrs. John M. Foster, Mr. Joseph Novious, Mr. William G. Dudley, Mr. Robert Eddy, Mr. Lloyd Clark, Mrs. Mary Clark, Mrs. Karen Lukens, Mr. Robert Pennington. (★ Canaan Valley Business owners)

We think your consideration of our rights as citizens to freedom of speech and equal access to the press merit your publication of this letter and we sincerely hope you will do so.

Sincerely,
Carloyn M. Brown
Corresponding Secretary