

THE HIGHLANDS VOICE

Published monthly by the W. Va. Highlands Conservancy

Vol. 16 No. 2 March 1984

Canaan planning bill draws fire from developers

Survey shows Canaan development now controlled by outsiders

The Canaan Valley Authority Act, Senate Bill 415, was introduced by Senator John "Si" Boettner on February 3, 1984. He has had little peace about it since. Senate President Warren McGraw promptly assigned the bill to the Senate Judiciary Committee chaired by Senator Boettner rather than to the Natural Resources Committee where WVHC officials had been told it would suffer a quick death.

But this is exactly what Senators Bud Harman and Ash, who represent Tucker County, have assured will happen to the bill in Senate Judiciary. Harman, long a champion of development interests in Canaan, visited Boettner in his office just before the bill as introduced. Reports say Harman came across Boettner's desk shaking his finger in Boettner's face and saying he would do all he could to hurt Boettner politically if he introduced the bill. (Boettner is an announced candidate for Attorney General.) Senator Harman's rampage continued on the floor of the Senate after the bill was introduced and apparently even before he had read the bill.

Later in the week, Senator Gino Columbo of Harrison County claimed the bill would hurt an investment he made five years ago when he purchased 34 acres in Canaan. He referred to his 'Deerfield Village' complex in Canaan, a development of 160 one, two and three bedroom condominiums with private swimming pool, tennis courts, fitness center and jogging, walking and cross-country ski trails. Columbo ignored his conflict of interest problems in his remarks.

Senate Bill 415 provides for the establishment of a nine-member Authority composed of six Canaan Valley landowners and three state and local officials. The Authority would develop a comprehensive land use plan for the valley by January 1, 1985, then implement and enforce it. Those opposed to the bill claim it will stop development altogether, cost many local jobs, impose state level control and insure the condemnation of private property in Canaan for expansion of the Canaan Valley State Park.

Forty Canaan Valley landowners in the Canaan Land Planning Association approached Senator Boettner to introduce the legislation after their request was refused by Tucker County Senators Harman and Ash and Delegate Kevin Koury. They describe opponents' claims as outrageous, and say these claims were used to get area residents to sign petitions opposing the legislation. Harman presented the petitions for the Senate record.

"The purpose of the legislation is merely to provide a mechanism for Canaan Valley landowners with the assistance of county and state officials to plan for future development of the valley," explains Linda Elkinton, Canaan Land Planning Association Legislation Coordinator and WVHC Canaan Valley Committee Chair. "It's really the most minimum kind of action that could be requested."

"There are only essentially two methods under state law for making it possible for local jurisdictions to control their borders. One is by actions of the local County Commission and the other is by special state legislation. The Tucker County Commission has had the matter before them for the last decade and have been unable to deal with it. Our only resource is state legislation," she said.

"The bill would not impose a plan on area residents," Elkinton emphasized, "only make it possible for them to create, implement and enforce one themselves. And it is badly needed."

The opposition has also contended the legislation would allow 'outsiders' to tell Tucker Countians what to do. CLPA was surprised to learn through their survey of state and county records that 75 percent of the 35 businesses now located in Canaan are owned by persons who are not Tucker County natives. Most of them, in fact, come from elsewhere in West Virginia—Parkersburg, Huntington, Charleston, Clarksburg and Fairmont.

Land ownership in Canaan follows the same pattern but with the 75 percent more evenly split between 'outsider' West Virginians and 'outsider' out-of-state people.

"Although the insider/outsider argument is really only diversionary

and devious and is intentionally used that way," noted Elkinton, "clearly it is not Canaan Valley or Tucker County natives who are making decisions about Canaan now."

Elkinton points out a recent polling of Senate Judiciary Committee

members indicate they have been lobbied hard and non-stop by Canaan development interests, and Senators Harman and Ash. Even with the united efforts of the WVHC, the State League of Women Voters, West

Continued on Page 6

Legislative Update

by Perry Bryant

One of the problems with drawing up a list of legislative priorities is that you can't predict what bill will be introduced. This year's session has focused attention on Canaan Valley, the Conservancy's top legislative priority. However, most of the environmental issues have involved unforeseen bills.

The Senate Small Business Committee reported out a bill requiring all state agencies to adopt two sets of regulations, one for small business and one for all other businesses. When it reached the Senate floor, concerns about the bill's effect on several state administered programs (surface mining, hazardous waste and water discharge programs, for example) forced the bill back to committee. The Small Business Committee reconsidered the bill and adopted an amendment exempting safety and environmental regulation. The bill has passed the Senate and is assigned to the House Committee on Government Operations.

Similarly, the Water Quality Standards have also drawn a lot of atten-

tion this year. The Legislative Rule Making and Review Committee deleted a provision relating to low-flow streams which the Water Resources Board had adopted this fall. The low-flow issue is extremely complex. Basically, the board exempted low-flow streams from water quality standards. Following the elimination of that exemption by the Rule Making Committee, representatives of the coal industry, DNR, EPA, the Legislature and conservation groups have been meeting periodically to work out a solution to their problems. Hopefully a solution—one which protects the uses of the low-flow streams—will be worked out soon.

Two other issues have surfaced as important environmental issues this year. HB 1330 would require all state agencies to lease oil and gas rights. This bill applies to all state lands except state parks. It has passed the House Committee on Agriculture and Natural Resources and is being considered by the House Finance Com-

Continued on Page 2

Hertig gives views on Canaan, rivers, DNR

New Department of Natural Resources Director Willis H. Hertig discussed current legislative issues and his plans for DNR in a recent interview with Voice Editor Mary Ratliff. "I guess what I'm concerned about, more from a personal standpoint," he said of Canaan Valley, "is that with extensive development in the valley we're going to end up

destroying the very thing that makes the valley attractive for development. It's kind of like killing the goose that laid the golden egg."

Hertig also advocated better river protection and a comprehensive statewide river study. "It's a question of money," he said.

The interview appears on pages four and five of this issue.

VOICES

Opinion from members and friends

Canaan Bill Seeks Orderly Development

by Skip Johnson

I can remember when the only developments in Cannan Valley were Mallow Lake, Hoy Smith's grocery store and the Pine Ridge Dance Hall, and the only people who ever went there were deer hunters.

Kids who lived in Canaan Valley in the dark ages before it was discovered by tourists and developers were looked upon with awe and wonder by their peers at school in Davis because, they thought, nobody in their right mind would live in a godawful place like Canaan Valley in the wintertime.

As a matter of fact, not many people did live in Canaan Valley, primarily because of the severe winters.

But that began to change when the state of West Virginia built Cannan Valley State Park and ski complex in 1970, followed a few years later by Timberline, a private second-home and recreational development. Since then, housing in the once sparsely populated valley has jumped 400 percent.

Gone are the days when the only businesses on W.Va. 32 through the valley were the grocery and the dance hall. Now it is beginning to resemble a "Great White Way" from the park northward.

In short, the very qualities of beauty and isolation that brought the state park and land developers to Canaan Valley are being chipped away, slowly but surely.

Against this background came Sen. Si Boettner, D-Kanawha, to introduce a bill that would provide for more orderly development of the valley to protect its unique qualities, if it isn't already to late.

Mind you, the Boettner bill is not a no-growth bill. It simply allows for orderly development. What is so terrible about that?

Well, a lot, according to Sen. Bud Harman, R-Taylor, and so he says, a majority of the residents of the valley. They do not want anyone telling them what to do with their land, even if the bill gives them a strong voice in the telling.

It was this same kind of statesmanship and vision that was successful in beating down the dangerous proposal that a few West Virginia streams receive the protection of the National Scenic Rivers Act.

Anyway, Harman jumped on Boettner with both feet—how dare a senator from Kanawha County meddle in the private affairs of Canaan Valley? He has scheduled a meeting in the valley this weekend to map plans for stopping this nefarious scheme.

Obviously it did take political courage for a senator from Kanawha County to introduce a bill involving Canaan Valley, even if the valley is a state treasure. But Boettner has shown that kind of courage in the Legislature.

In the past two sessions he has become a leading supporter of environmental and natural resources causes. His approach has been balanced and he has been effective in working our compromises, and, after all, politics is the art of compromise.

The odds against the Canaan Valley bill going anywhere are 100-to-1, which are about the same odds that the chipping away at the valley will not continue. (Reprinted with permission from *The Charleston Gazette*)

...Update

mittee. (By publication, HB 1330 may have passed the House Finance Committee.)

A similar bill has already passed the House. However, HB 1285 only allowed—not required—agencies to lease oil and gas rights. HB 1285 also required some safeguards. A public hearing has to be held in the county where the land is held and the Governor has to approve the lease in writing.

The Air Pollution Control Commission has promulgated regulations governing air emissions of hazardous wastes and sent them up for legislative consideration. The controversial part of these regulations relates to air emission from waste water treatment plants. Frequently, industry will discharge hazardous waste into a treatment plant where it is aerated and eventually discharged into a stream. The APCC regulations require industries to give notice of what substances are going into the waste water treatment facility. If the wastes are dangerous enough, monitoring of the air emissions from

the treatment facility may be required.

This regulation has been adopted by the Legislative Rule Making and Review Committee and has been referred to the Senate and House Judiciary Committees.

Other Priorities

The status of some of the Conservancy's priorities are as follows:

- Protection of the upper part of the Greenbrier River has not yet been introduced.

- Funding for the solid waste program and the hazardous waste program is under consideration by the Senate and House Finance Committee.

- A bill establishing a Hazardous Waste Emergency Response Fund has been introduced in the House and referred to the House Judiciary Committee.

- A water use bill has been introduced in the Senate and referred to the Senate Natural Resources Committee.

Roster of Officers, Board Members & Committee Chairs

BOARD OF DIRECTORS

President: Larry W. George
9 Crestridge Drive, Huntington WV 25705 (736-1325)
Senior Vice President: Tom Michael
Rt. 2, Box 217, Lost Creek, VA 26385 (623-3447)
Vice President for State Affairs: Perry Bryant
1324 Virginia St. E., Charleston WV (346-5891 W)
Vice President for Federal Affairs: Linda Ann Winter
P.O. Box 27, Washington Grove MD 20880 (301-869-3793)
Secretary: Lois Rosier
633 West Virginia Ave., Morgantown WV 26505 (296-5158)
Treasurer: David Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
Past President: Jeannetta Petras
P.O. Box 506, Fairmont WV 26554 (534-5595)

EX-OFFICIO BOARD MEMBERS

Membership Secretary: Linda Cooper Elkinton
Rt. 5, Box 228-A Morgantown WV 265505 (296-0565)
Voice Editor: Mary Ratliff
1206 Virginia St. East, Charleston WV 25301 (344-2437)

DIRECTORS-AT-LARGE

(Terms Expire October of 1984)

Glen Davis: 85 Ward Avenue, Elkins 26241 (636-4714)
William P. McNeel: 1118 Second Ave., Marlinton WV 24954 (799-4369)
Joe McNeely: P.O. Box 2, Athens WV 24712 (425-1295 or 425-9838)
Vacancy
Vacancy

DIRECTORS-AT-LARGE

(Terms Expire October of 1985)

Geoff Green: Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
Sayre Rodman: 32 Crystal Drive, Oakmont PA (412-823-8938)
Skip Deegans: 126 W. Washinton St., Lewisburg WV 24901 (645-1656)
John Purbaugh: Rt. 1 Box 107, Kenna WV 25248 (988-9024)
Bardwell Montgomery: 512 Kanawha Blvd. W., Charleston WV 25302 (344-1997)

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 131, Charleston WV 25231 (343-2056)
NATIONAL SPELEOLOGICAL SOCIETY, Virginia Region: Sara Corrie
501 Ridgewood Road, Huntington WV 25701 (523-2094)
NATURE CONSERVANCY: Max Smith
Rt. 12 Box 154, Grafton WV 26354 (265-4237)
SIERRA CLUB, Potomac Chapter: John Ostrowski
805 W. Burke St., Martinsburg WV 25401
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria VA 22310 (703-548-7490)
PITTSBURGH CLIMBERS: Jean Rodman
32 Crystal Drive, Oakmont PA 15139 (412-823-8938)
GEORGE M. SUTTON AUDUBON SOCIETY: George H. Warrick
1709 South Davis Ave. Elkins WV 26241 (636-5896)
CANAAN VALLEY ALLIANCE: Joe Long
26 Lake Shores Dr., Cross Lanes WV 25313 (776-2505)
W VA COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights WV 25040 (779-2476)
W VA MOUNTAIN STREAM MONITORS PROJECT: Rick Webb
P.O. Box 1853, Elkins WV 26241 (636-7218)
KANAWHA VALLEY CHAPTER TROUT UNLIMITED: Mike Gilzow
1112 Summit Dr., St. Albans WV 25177 (722-2228 or 747-4464)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1 Box 523, Elkins WV 26241 (636-4559)
KYOVA CHAPTER, TROUT UNLIMITED: Frank Akers.
1601 Sycamore St., Kenova, WV 25530 (453-1494)

COMMITTEE CHAIRS

ACID RAIN COMMITTEE: Linda Winter
P.O. Box 27, Washington Grove MD, 20880 (301-869-3793)
CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
HIGHWAY COMMITTEE: Geoff Green
Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
MINING COMMITTEE: John Purbaugh
Rt. 1 Box 107, Kenna WV 25248 (988-9024)
SHAVER'S FORK MANAGEMENT GROUP: Bardwell Montgomery
512 Kanawha Blvd. W., Charleston WV 25302 (244-1997)
PUBLIC LANDS MANAGEMENT COMMITTEE: Charles Yuill
657 Afton Street, Morgantown WV 26505 (599-5057)
WATER RESOURCES COMMITTEE: Vacancy

"The Highlands VOICE" (ISSN 0161-9896) is published monthly by the West Virginia Highlands Conservancy, P.O. Box 506, Fairmont WV 26554. Distribution is to Conservancy members. A reentry per-

mit to mail at second class postage rates is pending at Elkins WV. Main entry is Fairmont WV.

POSTMASTERS should address Forms 3579 to: P.O. Box 506, Fairmont WV 26554.

Over 600 attend "Acid Rain '84"

by Linda Winter

"Stop Acid Rain in '84" was the theme of the first national citizens' conference to discuss strategies for reducing acid rain. The conference was held January 6th through 8th, 1984, in Manchester, New Hampshire.

Representatives from 37 states attended along with 35 Canadian citizens. Over 600 people registered by the end of the weekend—more than double the number originally expected to attend the conference. "Acid Rain '84" was jointly sponsored by Friends of the Earth Foundation and the New Hampshire Citizens' Task Force on Acid Rain.

This was the first major conference on this issue to be held in the United States. Panels of American and Canadian experts explored the causes of acid rain and outlined the legislative and technological steps that could be taken immediately to stop it. Strategy sessions and workshops featured tactics citizens can use to fight acid rain, as well as plans for state and regional activities. Scientists addressed the impact of acid rain on health, the environment, economics and international relations.

The six leading Democratic presidential candidates addressed acid rain and other environmental issues and pledged to make acid rain control a campaign issue. Over 60 individuals either made presentations or speeches or led workshops over the 3-day period. The following is a synopsis of some of the major addresses.

Friday afternoon's program began with a reception hosted by New Hampshire Gov. John H. Sununu, Sen. Gordon Humphrey (R-NH), and Reps. Norman D'Amours (D-NH) and Judd Gregg (R-NH)—both sponsors of acid rain control bills in the U.S. House of representatives.

Jackson: We Cannot Wait

The highlight of the evening was an address by Democratic presidential candidate Reverend Jesse Jackson. In his dynamic speech he said, "Ecological harm is not distributed evenly throughout society. It is the poor, the elderly, the minorities whose drinking water is the most polluted, whose air is the most dangerous to breathe, whose food is the least nutritious, whose jobs are the most hazardous."

"Our mission is to end the acid that rains on the disinherited of our nation every day," he emphasized. "We cannot wait (to control acid rain) until the fishing and tourist industries in New England have been completely devastated. We cannot wait until relations with our best and closest neighbor, Canada, have deteriorated to the point of open hostilities."

Rev. Jesse Jackson supports in principal the approach taken by Rep. Henry Waxman (D-CA) in HR 3400 but would insist on a net 12-million-ton reduction in sulfur dioxide (SO₂) emissions. He also believes a significant portion of the acid rain superfund created by the bill should be used to encourage energy conservation.

Glenn: Technology Creates Jobs

Saturday mornings' program began with an address by presidential candidate Sen. John Glenn (D-OH). In his speech Sen. Glenn said action to control acid rain is justified now and that we can't afford to wait for a new administration to solve this problem. He said acid rain is causing detrimental effects on soils and crops in Ohio and that projected job losses from acid rain control are "politically exaggerated."

Glenn promised to propose legislation (S 2215, introduced January 26) to reduce SO₂ emissions by 8 million tons in 31 eastern states by 1996. His proposal would not cost jobs but create jobs by using existing technology and encouraging new technological controls. Funds to cover the cost of control would be raised by a fee on electricity generated from fossil fuel plants in the 31 eastern states.

Hart: More Mass Transit

In a Saturday afternoon speech, Sen. Gary Hart (D-CO) told the crowd he had campaigned aggressively on his acid rain position. If elected, Hart promised to continue strong support for an acid rain control program. As co-sponsor of the Stafford bill (S 796), he supports a 12-million-ton reduction in SO₂ emissions by 1998 in the 31 eastern states. Although he doesn't feel it's fair for the Northeast to pay for cleanup in the Midwest, if some form of cost sharing is what's needed to get an acid rain control program passed, he'd be for it. He also advocates tougher standards to reduce auto emissions. A comprehensive solution would include building a mass transit system, effectively reducing emissions and reducing unemployment at the same time.

Hollings: "Mr. Atmosphere"

Sen. Ernest Hollings (D-SC), co-sponsor of the Mitchell bill (S145), followed Sen. Hart with a colorful address. Calling himself "Mr. Atmosphere" (after Sen. Glenn's "Mr. Stratosphere"), Hollings supported a 10-million-ton reduction in SO₂ emissions in 10 years in 31 eastern states. He has introduced S 877, a bill requiring the National Weather Service to report the acid content in rain and snow as part of its standard weather forecast. If elected president, he would create the Acid Rain Mitigation Authority to institute pollution control programs to advance technologies. He considers it politically practical to have cost sharing measures in an acid rain control bill, but doesn't think it's fair to the Northeast.

Labor Sees No Conflict

In a panel discussion focusing on remedies to stop acid rain, Jack Sheehan, Legislative Director for the United Steelworkers of America, addressed the problem of possible job loss due to acid rain control. He said HR 3400, the Sikorski/Waxman bill,

changes the parameters and context of jobs versus the environment.

It could enhance or destroy the credibility of the environmental community in the eyes of industrial workers, he explained. "Are environmentalists also concerned with economic health?" he asked. Labor and the environment have always been at odds—abatement meant shut-down in the past. But Sheehan expressed the belief that abatement now means technological and economically feasible controls. Environmental concerns also mean health concerns. Cost concerns have inhibited environmental regulations in the past. "Why don't we let the free market decide how to abate?" he asked. Sheehan resents the automatic assumption that regulation means loss of jobs. Modernization of facilities is a road to employment and the environment is a factor in modernization. The United Steelworkers of America view HR 3400 as creating no conflict between cleanup and jobs.

Saturday night's conference dinner featured foods threatened by acid rain, including Atlantic salmon and wild rice, green beans with pecans, tossed salad, and cranberry-apple-walnut pie with soyflour crust.

Nationwide Support for Control

Following this superb meal was an address by Republican Gov. Thomas H. Kean of New Jersey, Chairman of the Coalition of Northeastern Governors. He pointed out that a recent nationwide Harris poll showed 90 per-

cent of people polled consider acid rain a serious problem. Seventy percent in each region of the country favor the proposition of passing on clean-up costs to everyone, including themselves.

Sen. George Mitchell (D-ME) and Rep. Gerry Sikorski (D-MN) also spoke.

Sunday Speeches Continue Theme

Rafe Pomerance, president of Friends of the Earth, pointed out Sunday that for the first time an environmental issue has become part of a presidential campaign. "In 1980," he said, "we elected a president who believed pollution came from trees." Holding up a lemon as a symbol of the Reagan administration's environmental policy, he said, "it's like a car with a defective steering mechanism and it needs to be recalled!"

Pomerance said only a few years ago the odds of stopping industry from chopping up the Clean Air Act were a thousand to one. Now, because of broad public support, Congress is working to reauthorize a strengthened Clean Air Act. On the issue of acid rain he said, "We are going to raise the decibel level of the debate so our leaders realize they face not just a political breeze but a gale force of citizen pressure."

Pomerance said in closing, "If the people lead, eventually the leaders will follow."

Continued on Page 7

Democratic Candidates urge acid rain control

by Linder Winter

On February 6, the eight major Democratic Presidential candidates joined in urging the democratic party's congressional leadership to pass acid rain control legislation "with or without President Reagan." This message was conveyed in a letter to House Speaker Thomas P. O'Neil (D-MA) and Senate Minority Leader Robert C. Byrd (D-WV).

The letter was transmitted by Sen. George Mitchell (D-ME), author of acid rain bill S 145, and Rep. Gerry Sikorski (D-MN), co-author of the Waxman/Sikorski bill HR 3400, the

acid rain control bill endorsed by the WVHC.

Sens. Alan Cranston (D-CA), John Glenn (D-OH), Gary Hart (D-CO) and Ernest W. Hollings (D-SC); Former Florida Gov. Reubin Askew; Rev. Jesse Jackson; former South Dakota Sen. George McGovern; and former Vice President Walter Mondale all signed the letter.

Could this united stand by the Democratic presidential candidates for meaningful acid rain legislation be a direct result of the "Acid Rain '84" conference?

ATTACH OLD LABEL HERE

MOVING

NEW ADDRESS: _____

SEND TO:

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

New DNR Director wants effective, responsive department...

Willis H. Hertig, appointed Department of Natural Resources Director in January after the resignation of Dave Callaghan, came to DNR in 1978 as deputy director. A biologist who served on the W.V.U. faculty since 1960, Hertig's previous responsibilities at DNR included the forestry, wildlife and parks divisions. In the following interview, Mr. Hertig discusses his ideas on current issues and operations of the department.

Editor: We'll start with a general question. If you would, describe your goals for the coming year and your long range goals if you have any.

Hertig: Well, as far as goals, I don't know that I have any new initiatives. I'm not thinking about starting new programs. Certainly I have a goal; the goal is to continue the operation of what I consider one of the most complex departments in state government—continue its operation so it's effective and it's responsive, efficient, and does the things it's charged with by the code. That would be my goal.

Editor: In a previous interview you mentioned wanting to maintain the stability that you believed Dave Callaghan brought to the department. Does this mean pretty much a continuation of his policies and practices as well as his administrative workings?

Hertig: Well I think that looking at it from a standpoint of Dave's relationship to the chief executive and my relationship to the chief executive, Dave spent seven years working with the governor in fashioning programs that were consistent with the governor's views and his philosophies. I think that to say I am going to make any changes in that would not be appropriate. I don't think there are any changes needed in terms of overall thrust of the department, because they are consistent with what the governor has in mind. I don't intend to change that.

Editor: So you don't plan any sort of systematic evaluation of particular policies?

Hertig: No, not really. About the only change in overall philosophy would be in connection with my perception and my perspective relative to forestry in the department. And I think the governor has indicated through his Office of Economic and Community Development as well as through the sponsoring of the Governor's Conference on Wood Industries that was held a couple of months ago indicates that the governor is quite interested in forestry and in wood industry and wood products. I would say my emphasis will be stronger on forestry.

•On the Environment

Editor: What type of philosophy on the environment did you bring to the job? What is your own personal set of values?

Hertig: Of course philosophy—I think your philosophy changes as you grow older. You gain new insights. Because of different positions you gain different perspectives. I can't say that the philosophy I brought to the department is necessarily the same as it is today. I'm not suggesting that changes in philosophy can be capricious things, but you do learn as you gain additional new experiences. You're put in different positions, different situations, different circumstances and you broaden, I think. You broaden your perception of issues, and of missions to the point where your philosophy may reflect that. Probably that's my case.

Editor: Where have you come from?

Hertig: Well, I think probably I was more kin to... a kind of a radical environmentalist, I think, back fifteen years ago, for example. I think I've matured enough to understand that there is a balance which can be struck between our environmental concerns and the development that certainly is going to take place. I think there are some environmental concerns that you can't compromise. I don't think you can compromise water quality, for example, and I know that we do that simply because of the way the Clean Water Act is written and we do it because of the impossibility of totally eliminating any pollutants in the streams. I know that we compromise it. I personally don't think we should, but reality is such that we have to do that. I'm not enamored with the idea.

Editor: Is that because you see water as the primary resource that once damaged cannot be restored?

Hertig: Yeah. I think water, from a biological standpoint, has an obvious importance. Of course air is another dimension we shouldn't compromise. We should strive in the case of water and in the case of air to ultimately completely eliminate pollutants. I think that should be the objective. I think that should be the goal. I think we should work toward that.

Editor: Do you have any difficulty meshing your ideas with the DNR, or do you feel you're in pretty good balance—your personal ideals for the environment and the department's goals.

Hertig: Yes. I don't feel uncomfortable at all.

• On DNR's Role in Legislation

Editor: We're in the middle of the legislative session. A number of natural resource issues have been raised. What part do you think DNR plays in the process of legislation?

Hertig: I think DNR and all state agencies play an important role in legislation. It's not infrequent that when a legislator has an idea in his mind about a piece of legislation he'll contact the agency and ask for background, and oftentimes ask for

help in drafting the bill. So I think we're involved that way. We're involved certainly when it comes time to offer testimony, we're called upon to appear before different committees to explain what the impact might be of a particular piece of legislation, whether it has any serious impact on a program or where it would enhance a program. Yes, we're involved in the process, mostly from an advisory, information providing standpoint. I think sometimes we're accused of some pretty heavy lobbying. I won't comment on that.

Editor: You don't see the DNR as an agency which should lobby on behalf of certain bills or against certain bills? You see your role as informational?

Hertig: Well the reality is that a program or a piece of legislation which would seriously impact the department or some of its programs—we are going to speak against that kind of legislation. Obviously, as director, I'm going to speak to legislators expressing my concern.

Editor: If the legislation affects an environmental issue without directly involving a department program, what is your role then?

Hertig: There I think it's pretty much advisory. In several cases we've offered comments on pieces of legislation that would not be included in Chapter 20.

•On Canaan Valley

Editor: Canaan Valley is usually described as a unique environment and a very important resource in West Virginia because of its character. Do you believe the valley needs any form of protection in order to survive?

Hertig: Looking at the resource itself, the valley, and recognizing it from the biological standpoint, recognizing that it's a very fragile environment, recognizing that because of the unique characteristics and the unique qualities—because of all of those things together, the fragility of the environment and specific habitats and that sort of thing, the geologic uniqueness of the valley—those are the things that attract people. There are private landholdings in the valley and because of the attractiveness there will be people wanting to develop. I think some kind of planned development—something other than just haphazard development—would be in the best interest of all these unique characteristics that make the valley the valley. I guess what I'm concerned about, more from a personal standpoint, is that with extensive development in the valley, we're going to end up destroying the very thing that makes the valley attractive for development. It's kind of like a case of cutting your nose off to spite your face or killing the goose that laid the golden egg.

Editor: Do you think the bill which would establish the Canaan Valley Planning Authority is a positive direction for protection?

Hertig: It certainly offers more protection than is presently available for the Valley.

Editor: Do you think its enough?

Hertig: Well, from the standpoint of director or from my own personal standpoint?

Editor: Whichever way you want to speak.

Hertig: From my own personal standpoint, I think the Valley deserves all the protection possible. That's my own personal feeling. I think from the director's standpoint, the bill does offer a rational, reasonable approach to development. It doesn't preclude development at all. It simply assures that those qualities and characteristics of the valley that are here will still be there after the cycle of development has completed, after all the development that the Valley can stand has been done. Then I feel the characteristics of the Valley would be protected.

Editor: You feel you could support the bill as an interim measure at least for immediate kinds of planning?

Hertig: Personally I could.

•On River Protection

Editor: What rivers in West Virginia do you think are most in need of protection?

Hertig: I'd say all of them.

Editor: The Conservancy recently voted to focus its efforts on protection of the Gauley, Greenbrier and Bluestone Rivers. What position would take on the best strategy or method of protecting these rivers? Do you think federal designation under the Wild and Scenic Rivers Act in any of these cases is appropriate? Or is there a state alternative or some other alternative that would be preferable for protection?

Hertig: The three rivers you mention are certainly worthy of protection, the same as all the rest of the rivers. I might be partial to Shavers Fork or Glady Fork or Cranberry, which I think also need protection. I think they're all vitally important. I don't know what the best strategy is for protecting them.

I know on the Greenbrier, for example, as was the case with the Cacapon, a lot of resistance to federal control, a federal presence. And the people on the Cacapon were more predisposed toward a local management scheme by a local governmental entity—state, county or municipal government. Frankly I don't know what the best strategy is. I know some of the legislators have asked us to explore the possibility of cooperating

with a study which the National Park Service will make available that we can participate in by providing matching money. That may be something we need to do. I don't know where we're going to come up with \$60,000, but it still may be something we need to pursue. You could design a strategy and determine what the best way to go might be.

Editor: It would seem to me that the difficulty with identifying a strategy is one problem, but the result of not identifying a strategy would be no protection. In other words, if there's no concerted effort to find a way to protect these rivers, then there won't be a way.

Hertig: I don't disagree with that. I'm not familiar with all the particulars of what the National Park Service has in their program. I'm not familiar with all the things a state has to do in order to be a participant. As a matter of fact I have Ed Hamrick looking at that right now to make some suggestions and recommendations so I can pursue it.

Editor: One of the reasons cited for the shelving of the Gauley for wild and scenic status was the non-interest in federal management and the lack of alternative management available. Is the state willing with any of these rivers to participate in a management plan?

Hertig: When you start participating in a management plan, you start committing money. Right now I've got about as many kids in school as I can handle. That's essentially the way we are with DNR and taking on additional management responsibilities. I don't question the wisdom of doing it, the desirability of doing it; it's just that I don't know where we'd get the money.

Editor: This may go to your problem with money, but a number of states have done comprehensive studies of all their waterways and some of them have done combined studies putting together energy and rivers studies. Does this need to be done in West Virginia?

Hertig: I think this needs to be done, yes.

Editor: Just a question of money?

Hertig: It's a question of money. You know we've had several studies on the Cheat drainage, for example, or maybe the West Fork drainage where we've looked at acid mine drainage and have done a comprehensive study of that dimension. Certainly, it would be desirable to have comprehensive data on all watersheds from the standpoint of all the things that impact on water quality. Acid mine drainage just happens to be one of them.

•On In-Stream Water Quality Standards

Editor: Mr. Callaghan issued a memo

some time ago which limited the authority of the Water Resources Division in testing for in-stream pollution near mine waste treatment sites. His memo said Water Resources inspectors had to stop at the edge of the permitted area. Effectively this policy would allow higher iron levels in-stream that would otherwise be allowed if those streams are flowing on the permitted area and especially where there are in-stream treatment plants. How do you feel about that policy?

Hertig: Well, the policy Dave fashioned, to begin with, was an interim policy. I think he had to do it because there was some confusion when it came to enforcement when it came to this activity. He did that to eliminate the friction and the conflict. I think it's been reasonably successful. As soon as we get the NPDS transfer hammered out, with Reclamation assuming the water responsibility on coal mining activities, I think the policy then can be... well, we won't need the policy.

Editor: Will it not allow higher levels of in-stream pollution that way than it would the other? In other words, doesn't the edge of the permit area become the equivalent of an effluent?

Hertig: I'm not aware of any problems that have developed because of that. There are stringent requirements—or I think they're stringent—on discharges from surface mines. A person may not agree with in-stream treatment, but at this point I'm not aware that it's created any serious problems. Maybe somebody can correct me on that.

Editor: I think the difference is the difference between the allowable effluent levels and the in-stream levels, so all of the stream which falls on the permit area loses its status as a stream and it becomes part of the treatment. If it's a large permit area, you potentially have a large area of the stream affected by that. In terms of fish which might breed in that area, you potentially have a larger effect.

Hertig: I don't know how many of those situations exist. I'd have to talk to our Reclamation and Water Resources people to find out how many of those exist. I've got a notion there's not an extraordinarily large number. I think with the NPDS transfer, we'll be able to handle that.

Editor: So you would intend then to measure effluent levels at the waste treatment site and anything below by the in-stream standard, only it would be measured by the Reclamation people?

Hertig: Right. That's my understanding of the proposed regulations. Of course those regulations are in a state of flux right now because of certain disagreements that exist. I don't know how they're going to finally come out.

•On DNR and Agriculture

Editor: A bill was introduced to abolish DNR. Although this bill has very little chance of passage, if you were called on to defend this department, what would be your main point?

Hertig: I don't take that legislation seriously simply because you're going to continue to have the same responsibilities, the same problems.

Editor: What I'm reaching for is whether you see any inherent distinctions between the purposes and goals of the Department of Agriculture and DNR which means they ought to remain separate. Is the Department of Agriculture more production oriented and DNR more protection oriented? Is there a characteristic difference in your function other than your area of responsibility?

Hertig: Yes, I think Agriculture is more production oriented than DNR. DNR has such a multitude of functions. You can't just say it's preservation because you have regulatory functions which admit there is development. And you have regulatory programs to protect en-

vironmental quality. You've got other functions which are recreation functions. I don't see all those things meshing with Agriculture in a very reasonable way.

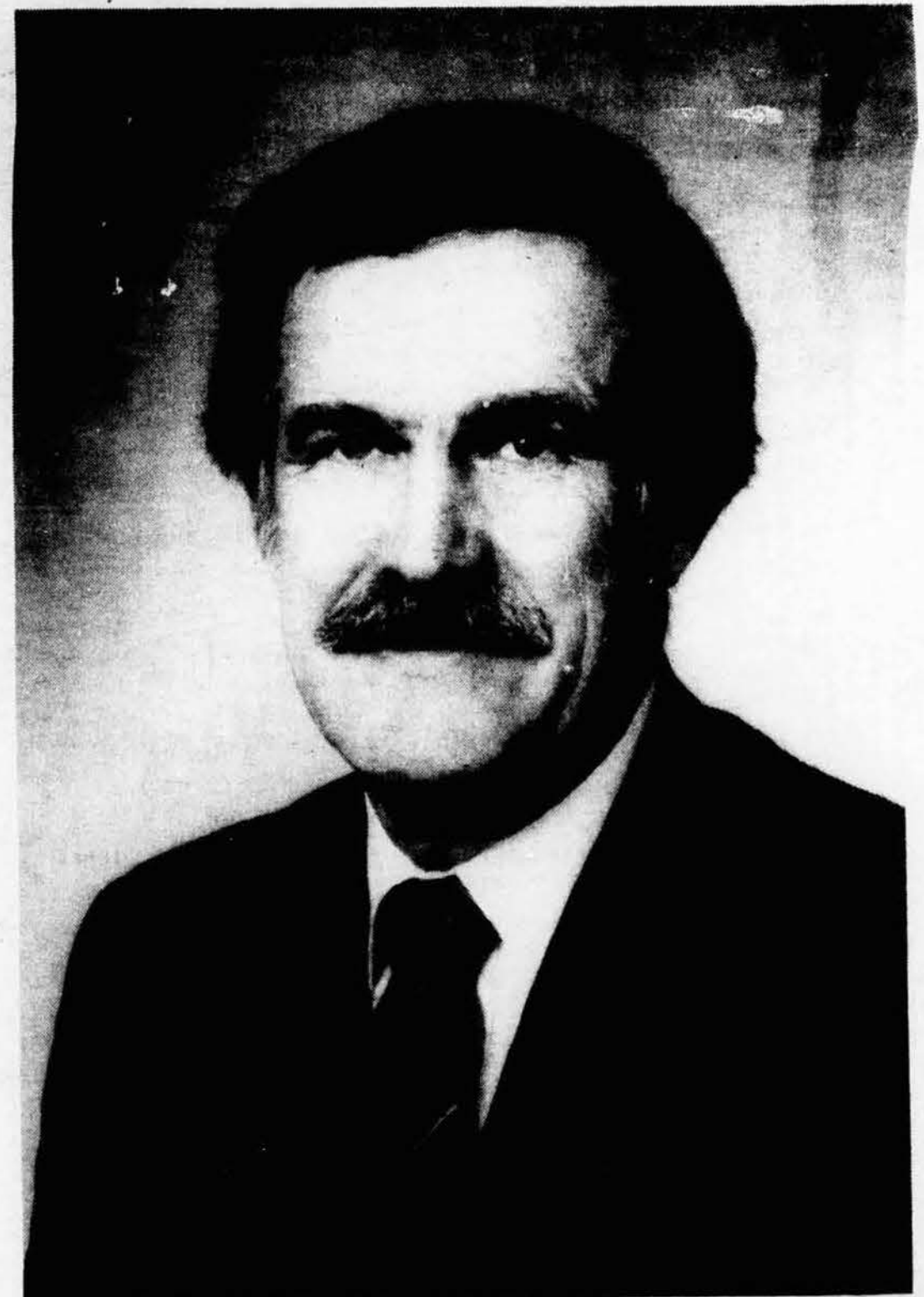
•On Regulation

Editor: One of the smaller transfers discussed has been the Forestry Division. You've talked about wanting to put more emphasis on forestry. What is the style of this emphasis? Is it to promote production, or to develop an overall plan for state forests?

Hertig: I think it's an admission that our forests constitute a fundamental block, nearly a keystone that we rest so many of our other programs on. Water quality, for example, is directly tied to good forest management. The fact that we have 11 to 12 million acres of West Virginia forested I think is a significant contributor to improved water quality. I think it's going to continue to get better because of that.

Our wildlife programs are intimately tied to good forest management. I'm not saying 'good forestry management' strictly in terms of managing

Continued on Page 6



New DNR Director Willis H. Hertig will continue his predecessor's policies but with a new emphasis on forestry. Hertig gives his ideas on Canaan, West Virginia rivers, water quality issues and the role of the DNR.

New director...

Continued from Page 5

trees to be harvested. It's much more complex than that. I don't deny that management of forests for production of trees is very important and will be a major contributor to our economy through the years. But it's that interdigitation between our other programs, our parks programs. One of the attractions of West Virginia in the fall is the spectacular display of colors. Forests are so closely tied to the tourist industry and all of these things. To say that we're going to excise this major foundation, this rock that we stand on, just doesn't make any sense.

I recognize the need to promote our forest products because I know it is our most important renewable natural resource, but to say that is the primary goal in management is very short-sighted. It's tunnel vision. I don't think we can afford to take that view. Forests are so important.

Editor: Do you think that whole range of important qualities of forestry might be lost if it were transferred?

Hertig: I don't think there's any question. There's absolutely no doubt in my mind. And that's not to disparage Gus and his programs. I'm sure he does well at the programs he's into. But the programs we're into, which includes our forestry program, we're good at too.

Editor: Do you think the Forestry Division needs additional funding? Is that one of the reasons it hasn't received as much emphasis?

Hertig: If you look at the budget over the last four years, I know forestry has suffered. But our budget has increased over the past several years, many \$28 million, and most of that is from federal funds. In increased general revenue, we received only \$110,000. Even if we'd devoted all \$110,000 to forestry I don't think we would have solved the problem. The fact is, we've all had to operate under extremely limited general revenue funds. Those revenues haven't increased significantly over that period. You have to make choices and set priorities for spending. The governor has to make those choices and he comes to us and says, this is all you can have. We have to make cuts

within the department. Forestry has lost people, but the other divisions have lost people too. It's had a serious impact on all our programs. You just can't solve the problem with our revenue increase.

•On Regulation

Editor: Do you think department regulations as they stand are enough to control timbering practices now being used?

Hertig: On state forests, I don't think there's any question.

Editor: Is there any clearcutting going on at all on state forests?

Hertig: No.

Editor: Do you have a long-range plan for dealing with solid waste and hazardous waste?

Hertig: I don't think any individual comes up with a long-range plan for handling. I've got a long-range objective—in the short term—and that is to have a place in adequate regulations to deal with both. Obviously our biggest problem is having enough money to man these programs when we have them in place. I'm hoping with what we have to make some efforts and to begin to address both. I know we'll not be able to do all that's necessary, and not even that that's desirable. But my intent is to move the programs along so we can begin to adequately address the problems. I hope funding will be available to support these. What I'd like is to have them ready, so when that money is available the programs can be expanded.

•On the Future

Editor: You've been somewhat involved in politics before. Do you feel you could work with any governor, or would you be too tied to any candidate to feel comfortable...?

Hertig: Well I'm not tied to any candidate at this point simply because the governor's made it clear we're not to be involved with any candidate during the primary election. I'm not going to object to that. I can't say. I'm only looking into the future until the end of December of this year.

—Books & Info—

Ever miss Watt? Enjoy an irresistibly ironic chronicle of his comedy of verbal errors and tragedy of environmental terrors by prize-winning editorial cartoonists. Collected in **100 Watts: The James Watt Memorial Cartoon Collection**, Carew Papritz, Editor, (Khyber Press) 1983. Available in paper for \$6.50 from

Khyber Press, P.O. Box 1616, Auburn WA 98002.

Free list of Pennsylvania Youth Hostels. Send name, address and 20 cent stamp to A.Y.H./PA, Hostels, 6300 Fifth Avenue, Pittsburgh PA 15232

CORRECTION

Our apologies to **Glen Eugster** of the National Park Service for misspelling his name, and to Steven Taylor, consulting engineer, and **Bert Pierce**, DNR biologist, for interchang-

ing their names on picture captions.

Also, Canaan is not taking flight a second time. West Virginians continue the second **fight** to protect this special valley.



....good friends

(Editor's note: Over the next year the **Voice** will focus on the purposes, projects and success stories of the organizations belonging to WVHC in this column. These organizations, listed in the roster, share many of the Conservancy's concerns and support our goals through their memberships)

20 YEARS, 20,000 ACRES

Just over twenty years ago, The Nature Conservancy took root in West Virginia. Joining the national movement to set aside outstanding natural areas for protection, the West Virginia Chapter has added nearly 20,000 acres to the national total of over a million acres.

The Nature Conservancy acquires, leases and registers land to give protection to unusual ecosystems, rare plants and endangered animals. West Virginia land directly acquired through donation or purchase may become a preserve managed by the West Virginia Chapter, or the organization may convey the property to local, state, or federal agencies for parks or forest recreation areas.

In 1983 the West Virginia Chapter, numbering 1120 members, added 603 acres to their protected areas. They acquired lands in Tucker, Preston and Jefferson counties, including land at the mouth of the Blackwater River, along the Shenandoah and in the

Cranesville Swamp. Leases in Berkeley County and Hardy County brought in 15 acres of shale barrens having rare plant communities. Lands registered for voluntary protection in Jefferson, Barbour, Monroe, Pendleton and Grant counties have been identified as home to such rare plants as Virginia Nailwort, Spreading Pogonia, Micheaux's Saxifrage, Canby's Mountain Lover and numerous orchids. One site contains a plant community known as a "cedar glade," the first one found in this part of the Appalachians.

The Nature Conservancy uses their Natural Diversity Scorecard to study areas for possible inclusion under their protection. The ratings help the group identify the most diversified and ecologically valuable lands and species. In conjunction with DNR's Heritage Program, the group employed a field ecologist in 1983 who spent the entire growing season investigating over 90 potential protection sites throughout the state.

Preserves managed by the West Virginia Chapter are overseen by preserve committees. Each committee tries to organize at least one active work day at the preserve during the year. The work days involve both the committee and the local public in the maintenance of the area.

Canaan planning...

Continued from Page 1

Virginia Wildlife Federation, Trout Unlimited, the Canaan Valley Alliance, West Virginia Citizens Action Group and their leadership doing all they can to insure passage of SB 415, the odds are tremendous.

"It will not move out of committee," Elkinton said, "unless legislatures hear from the memberships of these organizations and all other interested

people across the state. It takes a lot of letters to offset the powerful lobby of the development and vested interest. Letters, and calls to Legislative Services at 1-800-642-8650 if letters are not possible, are absolutely essential. The session ends on March 10th. Time is so short. And there is none to waste."

Coming Up.....

West Virginia Highlands Conservancy Spring Meeting

•May 5-7, 1984

•Greenbrier Youth Camp, Anthony, WV

•Candidates for West Virginia Attorney General will debate questions posed by a panel of statehouse reporters. West Virginia Public Radio will broadcast the debate.

•Great outdoor recreation planned—hikes, canoeing, spring flower walks.

•Registration information coming in the April Voice.

The New River Symposium

•April 12-14, 1984

•Appalachian State University, Boone NC.

•A multi-disciplinary conference open to people with professional or amateur interest in the New River. Economists, biologists, natural historians, architects, historians, geologist, botanists, geographers and archaeologists will speak.

•Registration before March 12, \$24.00; after March 12, \$35.00

•Write: Reservations, Center for Continuing Education, Appalachian State University, Boone NC 28607. Phone (704) 264-5050

Trout Unlimited Open House

•April 14, all day

KVCTU Open House, Civic Center, Charleston WV

600 attend...

Continued from Page 3

Mondale: Count Me In

Former Vice President Walter Mondale gave a rousing speech and called attended to Reagan's "appalling environmental record" by saying "We got rid of Ann Gorsuch Burford, we got rid of James Watt, and now we must vote Reagan out."

Mondale believes in a 48 state approach to acid rain control and in making polluters pay more. He supports a 50 percent reduction in emissions by 1990 and appropriations for energy conservation research. If elected president, he would encourage technological development to lower costs of clean up. Mondale supports the Mitchell bill, S 145.

The crowd applauded loudly when Mondale said some people have accused him of catering to special interest groups. If working for a clean environment meant a special interest, then "count me in!" he said. "We have a better country because of the environmental movement."

Cranston: Retire Coal and Nuclear

The next speaker, Sen. Alan Cranston (D-CA), reminded the group he held the highest environmental rating given by the League of Conservation Voters. He co-sponsors the Mitchell bill (S145) and the Stafford bill (S 769) and supports a 50 percent reduction in SO₂ emissions by 1990.

Cranston does not support cost sharing and believes in reducing emissions by switching to low sulfur coal. Cranston wants to see coal-fired power plants retired and not replaced, efficiency standards set for household appliances, and nuclear energy phased out by the year 2000. Responding to a question from the audience about displaced coal miners, he said it is the government's responsibility to retrain miners who have lost their jobs.

Canada: 48,000 Lakes at Stake

Minister Charles Caccia, Federal Minister of the Environment for Canada, gave the final speech. He pointed out how acid rain affects fisheries, tourism, agriculture and forestry in Canada. Scientists predict Canada will lose 48,000 lakes by the year 2000 if something is not done soon to control acid deposition. He cautioned that we must treat the environment with the same importance we give to labor and jobs.

One of the major accomplishments of conference participants was the adoption of a "citizens platform" to urge both the U.S. and Canada to reduce SO₂ emissions 50 percent by 1990. In addition, participants voted unanimously to call upon the president and Congress to establish a program to provide for:

- "significant interim reductions in SO₂ emissions
- "further reductions in nitrogen oxide (NO_x) emissions by 1990
- "use of control techniques that both preserve existing jobs and create new ones
- "measures to protect sensitive but still healthy ecosystems and to prevent

degradation from increases in acid pollution
"establishment with the Canadian

government of a joint U.S./Canada Acid Rain Control Program to achieve these objectives.

Let's make 1984 the year we start controlling acid rain!

CANAAN VALLEY

WHY IT'S SO SPECIAL

G E O G R A P H Y

"It's hard to characterize Canaan Valley by any list of 'unusuals'. Canaan Valley is what it is by virtue of its location, a high, large northern valley far south of its vegetational range...the total valley is a thing to be experienced. In my opinion, it ranks with Yosemite and Yellowstone Valleys, though not, of course, of quite their size. In the east, however, there are very few areas of its grandeur and magnificence." U. S. Department of Interior in their Registered National/Natural Landmark Study.

-- The Canaan Valley became a National/Natural Landmark in 1975.

-- It is the highest valley of its size east of the Mississippi River. To get to it, one ascends before descending into the valley floor.

-- The Canaan Valley is 35,000 acres in size (55 square miles). Peaks surrounding it are Brown Mountain 3732' (north), Canaan Mountain, 3820' (west), and Cabin Mountain, 4375' (east). Spruce Knob, the highest mountain in the state is 4861'.

C L I M A T E

-- The Canaan Valley averages 53" of precipitation annually.

-- Snowfall averages 120" annually but in the winter of 1976-77 it amounted to 235".

-- Canaan Valley's climate is more characteristic of areas 500 miles or more to the north, like Vermont, New Hampshire, Maine and Canada.

-- Frost can occur every month of the year and has, but on the average there are 92 frost-free days out of the year.

P L A N T S

-- Over 580 different plant species have been identified in Canaan Valley.

-- Canaan Valley contains the largest stand of balsam fir in West Virginia—the traditional Christmas tree.

-- Two heather species, rare to this area, grow on Cabin Mountain.

-- Forty species of plants found in Canaan Valley are listed on the West Virginia Department of Natural Resources' Proposed Rare and Endangered Species List.

-- Much of the plant and animal life in Canaan Valley are examples of northern species and in many cases they represent the southern-most outpost for the species.

A N I M A L S

-- Canaan Valley supports a great abundance of wildlife species including white-tailed deer, black bear, bobcat, snowshoe hare, fisher, fox, raccoon, cottontail rabbit and many others. Fifty-five different mammals in all are known or expected to occur here.

-- Canaan Valley has the largest beaver population in the state.

-- It contains the largest population of woodcock in the state and is the southern extent of the snipe breeding range.

-- Canaan is the only known nesting site in West Virginia for the American bittern and the goshawk.

Report cites chronic pollution by Snowshoe developer

(Editor's Note: Cindy Rank prepared a report, "Ski Development in Trout Country," detailing sedimentation and pollution problems created by careless development practices at Snowshoe. These excerpts from her report, released in December, are reprinted with permission.)

By 1978 Snowshoe's original sewage treatment plant had outlived its usefulness. The 80,000 gyp facility could no longer handle projected use for the upcoming ski season. Snowshoe began work on a new system located further down the hill on the Elk River side of the mountain. Inoperative lift stations, discharge of raw sewage, and construction and operation of an unauthorized facility were the cause of much concern. Resolution of these matters came in 1980 when Snowshoe received approval for new permits from both the Division of Water Resources (DWR) and the Health Department.

In January 1982, after several months of consultation and meetings, DWR brought criminal charges against Snowshoe for continued violation of their two-year-old sewage permit. A series of meetings between Snowshoe, the Governor's office, and the office of the DNR Director resulted and a schedule of compliance was agreed to. Since that time some progress has been made, but as of November 1983 the sewage system still had not been completed as required by the new permit.

In September 1982 the Health Department issued an order against Snowshoe to cease construction of unauthorized water and sewer lines in the new Hawthorne Valley complex, and at portions of the resort on top of the hill. The order also directed Snowshoe not to discharge sewage from their polishing pond to the surface of the ground.

In November 1982 the Health Department threatened civil action to enjoin Snowshoe from further construction, from occupancy of any residential areas not served by a permitted sewer and water system, and to require inspection and excavation of all construction completed prior to issuance of a permit at projects on top of the hill. Since that date several plans have been submitted and approved for lines already in place on top of the hill. The Hawthorne Valley lines have yet to meet Health Department standards, testing requirements, and, as of November 1983 are not yet approved.

Construction at the Hawthorne Valley complex, begun in mid-year 1982, has also been the source of criminal charges against Snowshoe from DWR for sediment pollution of the trout streams in the area. Four warrants were signed March 10, 1983, charging Snowshoe with negligent pollution under state law and regulations with respect to excessive sedimentation resulting from construction of the Hawthorne Valley golf course and residential area, which drains into the headwaters of the Elk River.

At a meeting at Snowshoe March 28, 1983, with representatives of the

Governor's office, DWR, and the Health Department, Snowshoe agreed to submit and comply with a Sediment Control Plan complete with maps and drawings that would outline their attempts to contain present and future sediment runoff. A very sketchy outline of a plan was submitted to DNR, and then returned to Snowshoe for further details and assurances. To date (December, 1983) no additional details have been submitted, nor have any adequate sediment control measures been implemented.

Documents reviewed in this report illustrate an absence of adequate care and planning in portions of

development at Snowshoe. This void is evident in the installation of sewer and water facilities. It is also this lack of proper planning that causes and contributes to the ongoing sediment problem addressed by this report.

No one disputes the fact that construction activities involving earth moving will produce some amount of mud. The reality of the situation at Snowshoe is that present careless construction is creating excessive amounts of sedimentation and allowing that sediment to enter the trout waters of Cup and Hawthorne Runs, and Big Spring Fork. Methods of prevention are available and should

be incorporated into any earth moving activity in order to minimize the amount of sediment released from a construction site. Additional control measures are also available to direct and contain sediment before it reaches nearby stream channels.

Whether due to an attitude of reckless abandon, intentional disregard of reasonable construction methods, obstinate refusal to accept advice, or a lack of understanding of the necessity for precautions, construction at the Hawthorne Valley complex is devoid of any reasonable and effective pollution measures.

U.S. Permits Shavers Mines, Conservancy wins case

by Bard Montgomery

Six mine permits in the Shaver's Fork watershed of the Monongahela National Forest have been approved by U.S. Office of Surface Mining (OSM) Director James R. Harris. Four of the mines of Enviro-Energy, Inc. are already operating to extract coal belonging to Mower Lumber Co. that underlies national forest land.

Shortly after the last of the permits were being approved by Harris, a long stalled court case was resolved in favor of the West Virginia Highlands Conservancy, casting doubt on Enviro's right to mine in the area. The Conservancy had appealed OSM's 1980 decision that Enviro had "valid existing rights" to the coal when the 1977 Surface Mining Control and Reclamation Act went into effect. The Interior Department's Board of Surface Mining Appeals refused to hear the Conservancy's appeal. U.S. District Court Judge William Kidd on February 1 ordered the appeals board to hear arguments from the Conservancy. Therefore the board will have to decide the issue of Enviro's "valid existing rights."

The permits granted by OSM include special conditions intended to minimize the impact of the mines on recreational and aesthetic values of the upper Shavers watershed, and to prevent pollution to the river itself. The principal condition is modeled on requirements imposed in 1979 by the West Virginia Department of Natural Resources, and limits the number of operating mines to no more than six, and the miles of bonded haul road to no more than twenty-two. Additionally it prohibits a coal-preparation plant on national forest land.

Other permit conditions provide for regrading the Glade Run and Upper Linan mine sites to approximate original contour, and require that all sites be established as wildlife habitat after mining. At the old Linan mine, the company will be required to sample the roof and pavement of the shaft at 1,000 foot intervals to determine the sulfur, iron and pH of exposed strata. This information will allow calculation of the mineral pollutants that may eventually be discharged from the mine mouth after the workings are abandoned and flooded.

For the planned mines to be located at the mouths of Yokum Run and Suter Run, the company will be required to submit a plan to protect rare and endangered plants along the banks of Shaver's Fork. The company will also be required to abate noise from generators by mufflers, shrouds, or vegetative buffer zones.

The special conditions were discussed at informal conferences in Charleston last fall among representatives of the company, the Conservancy, OSM and the U.S. Forest Service. Enviro officials agreed to most conditions, but contended that the bonding requirements are too stiff,

and that regrading Glade Run and Upper Linan to approximate original contour is neither legally required nor environmentally sound.

In the meantime, Conservancy officers continue negotiations with Enviro over the future of mining in Shaver's Fork. In addition to conditions imposed by state and federal agencies, the Conservancy hopes to persuade Enviro to agree to a comprehensive water quality and stream life monitoring program for the upper Shaver's Fork, and to perpetual treatment of post-mining pollutant discharges.

Join

THE W. VA. HIGHLANDS CONSERVANCY

New Renewal

Name
Address
City State Zip
Organization you represent (if any)

Membership category (see descriptions opposite)

- | | |
|--|--|
| Individual | Organizational |
| <input type="checkbox"/> \$10 Regular | <input type="checkbox"/> \$20 Regular |
| <input type="checkbox"/> \$20 Associate | <input type="checkbox"/> \$30 Associate |
| <input type="checkbox"/> \$50 Sustaining | <input type="checkbox"/> \$60 Sustaining |
| <input type="checkbox"/> \$ 8 Senior | |

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

Make checks payable to The West Virginia Highlands Conservancy.

Return this card with check.