

THE HIGHLANDS VOICE

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River Conservation Award Goes To Bob Wise

By Linda Winter

On March 30, 1984, Representative Bob Wise (D-WV, 3rd) received the 1984 Distinguished River Conservationist Award at the opening ceremony of the Ninth Annual National Conference on Rivers in Washington, D.C. The award was presented to Wise by the American River Conservation Council (ARCC) and the Environmental Policy Institute. Wise received this award for his outstanding efforts in challenging the Stonewall Jackson Dam on the West Fork River and for his opposition to a proposed hydropower project on the Gauley River.

The award is given annually to the public official who has had a significant impact on river conservation or national water policy during the past year. Previous recipients include: Senators Paul Tsongas, Gaylord Nelson and William Proxmire; Representatives Phil Burton, Silvio Conte, Peter Kostmayer, Bob Edgar and Butler Derrick; and Maine Governor Joseph Brennan.

On Stonewall Jackson...

Before presenting the award, Pete Carlson of the Environmental Policy Institute related Bob's efforts against Stonewall. He said a major reason that Wise was elected into office was his opposition to the dam. After taking office, the first piece of legislation that Wise introduced was a bill to deauthorize the project. He also authored an amendment to delete \$26 million for the project from the FY '84-85 Energy and Water Appropriations bill. It was this amendment that was approved by a House vote of 213 to 161. Through much effort on the part of the rest of the West Virginia delegation, however, funding for the project was later restored and construction has continued.

Upon receiving the award Bob Wise said, "I'm very honored to be included in the company of previous recipients of this award." He recounted his fight against Stonewall and concluded that four years earlier it might have been beat. But with \$83 million already spent on the project and strong support for it from the rest of the West Virginia delegation, the fight at the Federal level is now over. He said we learn from it. "Projects like this must be stopped early on."

On the Gauley River...

A project that **did** get stopped before getting started was the Army Corps of Engineers' proposed long tunnel project on the Gauley River at the Summersville Dam. Wise is opposed to this project and said it would have diverted "the best three miles of whitewater in the Eastern U.S." The project would have also eliminated permanent jobs from the tourist industry while providing for only temporary construction jobs.

Recent Efforts

On the same day Wise received the award, he became the 8th co-sponsor of the State and Local River Conservation Act of 1984, HR 5166.

Sponsored by Rep. Jim Oberstar (D-MN), HR 5166 would provide assistance to state and local governments and private interests for river conservation. This bill would help the WVHC realize its goal of developing local river management plans for the Gauley, Bluestone and Greenbrier rivers!



WVHC Vice President for Federal Affairs Linda Winter talks with Chuck Hoffman, Director of the River Conservation Fund at the conference.

Proposed Wilderness Could Extend Into WV

by Sayer Rodman
Public Lands Management Committee Chair

A bill recently introduced in Congress proposes a group of wilderness areas for Virginia. One of them would very logically extend into West Virginia, in Monroe County. The Virginia Wilderness Committee advocates this extension, and seeks help from groups in West Virginia.

In the late 1970's, the RARE II process identified the Mountain Lake area in the Jefferson National Forest and overlapping the Virginia/West Virginia border as a possible wilderness candidate. It recommended the area for further planning and study.

The same RARE II process identified a number of areas in the Monongahela National Forest more familiar to most Highlands Conservancy members. Of these, the Cranberry and two Laurel Fork areas have become wilderness.

The Mountain Lake area lies more or less along a line extending from Waiteville in Monroe County, West

Virginia, southwest to Mountain Lake in Giles County in Virginia, or about 25-30 miles due south of Lewisburg and White Sulphur Springs. About 8,000 acres of it are in Virginia and 3,000 acres in West Virginia.

The area straddles the divide separating drainage directly to the Atlantic and to the Gulf of Mexico. The Appalachian Trail crosses the Virginia segment. Altitudes range from about 2200 to 4100 feet. Numerous rock outcrops give spectacular views. Upland oaks, maples and hickories dominate the forest. Table mountain pines occur among the outcrops, and hemlocks in the ravines.

Among the botanically interesting bogs is a ten-acre bog known locally as "Big Soft Sheep," a name inspired by its deep sphagnum cover.

The Nature Conservancy considers Glen Detler of the Soil Conservation Station in Monroe County knowledgeable about the area. He described it as typical of the geological Ridge and Valley Province, which also includes the ridges east of

Seneca Rocks in Pendleton County, familiar to many Conservancy members. The slopes of the Mountain Lake area are more gentle. A little more rain gives more diversity of trees, but there is much similarity. Detler said that part of the West Virginia segment of Mountain Lake was logged about 1960, but is recovering well.

On March 14, Virginia representatives Boucher and Olin introduced H.R. 5121, which proposes eleven areas in Virginia for wilderness. One of these, called Mountain Lake in H.R. 5121, is the Virginia portion of the RARE II proposal within the Jefferson National Forest.

The Virginia Wilderness Committee has been seeking wilderness status for the whole Mountain Lake area for some time. While they are naturally pleased with H.R. 5121 for Virginia, they consider the 3000 acres in West Virginia an integral part of the whole. They have approached

Continued on Page 3

VOICES

Opinion from members and friends

Its Time!

by Linda Winter

It's time you wrote your representatives to let them know you consider acid rain a very serious problem, not only for the Northeast, but for the state of West Virginia as well. Tell them:

*You are concerned about the possible impact on the state's economy of certain acid rain control measures that do not protect coal miner's jobs;

*You are concerned about the effect acid rain is having on West Virginia's few remaining trout streams;

*You are concerned about the effect acid rain is having on tree growth in the state;

*You want them to recognize that acid rain is a problem and that they must actively participate in finding a satisfactory solution; and most importantly,

*If they question who will pay for it and by what means emissions will be reduced, rather than say, "We don't need it," we just might end up with a plan that will control acid rain and not hurt the economy of the state. Without their positive input, an acid rain control plan may be passed without cost-sharing measures and without language that requires mandatory technological controls to reduce emissions.

I can assure you that representatives have heard a lot from the coal industry on this issue. They need to hear from you that we **do** know enough about it, that we've waited long enough, and that waiting any longer could cause irreversible damage to the environment. Urge them to support the Sikorski/Waxman/Gregg bill, H.R. 3400.

There address is:

The Honorable (name of representative)
U.S. House of Representatives
Washington, D.C. 20515

Committee Chairs Appointed

WVHC President Larry George appointed two new committee chairs during March.

Sayre Rodman, also a Director-at-Large, has taken over the leadership of the Public Lands Management Committee.

After reconstituting the Water Resources Committee under the new name of River Conservation Committee to reflect more closely the Conservancy's new emphasis on river protection, George appointed Ray Ratliff chairman. Ratliff, a Charleston attorney, represented the Conservancy in the Canaan Valley/Davis Power project and Cranberry litigation.

Clippers Needed!

Inveterate newspaper reader—we need you and your scissors! To develop top-notch background files on issues and events of interest to the Conservancy, the **Voice** needs regular volunteers to clip articles from local, state and national newspapers.

If you volunteer, all you'll have to do is collect articles regularly from a paper you receive and mail the collection once a month to the **Voice**. We need you. Fill out the form below and send it to us if you're willing to help.

Yes, I'll clip for the **Voice**.

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Corps Files Objections To Summersville Noah Project

According to a Charleston Gazette report in early March, the U.S. Army Corps of Engineers filed with the Federal Energy Regulatory Commission (FERC) a list of objections to the Noah Corporation application for licensing a small hydropower plant on the Gauley. Noah Corporation, serving as agent for the Town of Summersville, was seeking authority to construct the plant at the present Summersville Dam.

The Corps earlier filed an application for licensing a much larger project, with a plant to be built three miles downstream and connected to the lake via a long tunnel.

The Corps' objections, mostly of a technical nature, were termed "standard," by Summersville's city attorney, C.T. Lay. "We're not alarmed," Lay told the Voice editor after the objections were filed. "We consider them soft-toned compared to others," he said.

Lay believes their project is compatible with present uses of the river and the lake. The Corps would retain control over releases, and the application specifies run-of-the-river releases.

The Citizens for Gauley River, a group of whitewater rafters and others opposed to the Corps' plan because of the loss of three miles of whitewater it would cause, say they don't object to the Noah plan. Dave Brown, Executive Director of the group, said they have "no objection against installation of hydro at the dam as long as we can preserve twenty days of recreational use at appropriate levels."

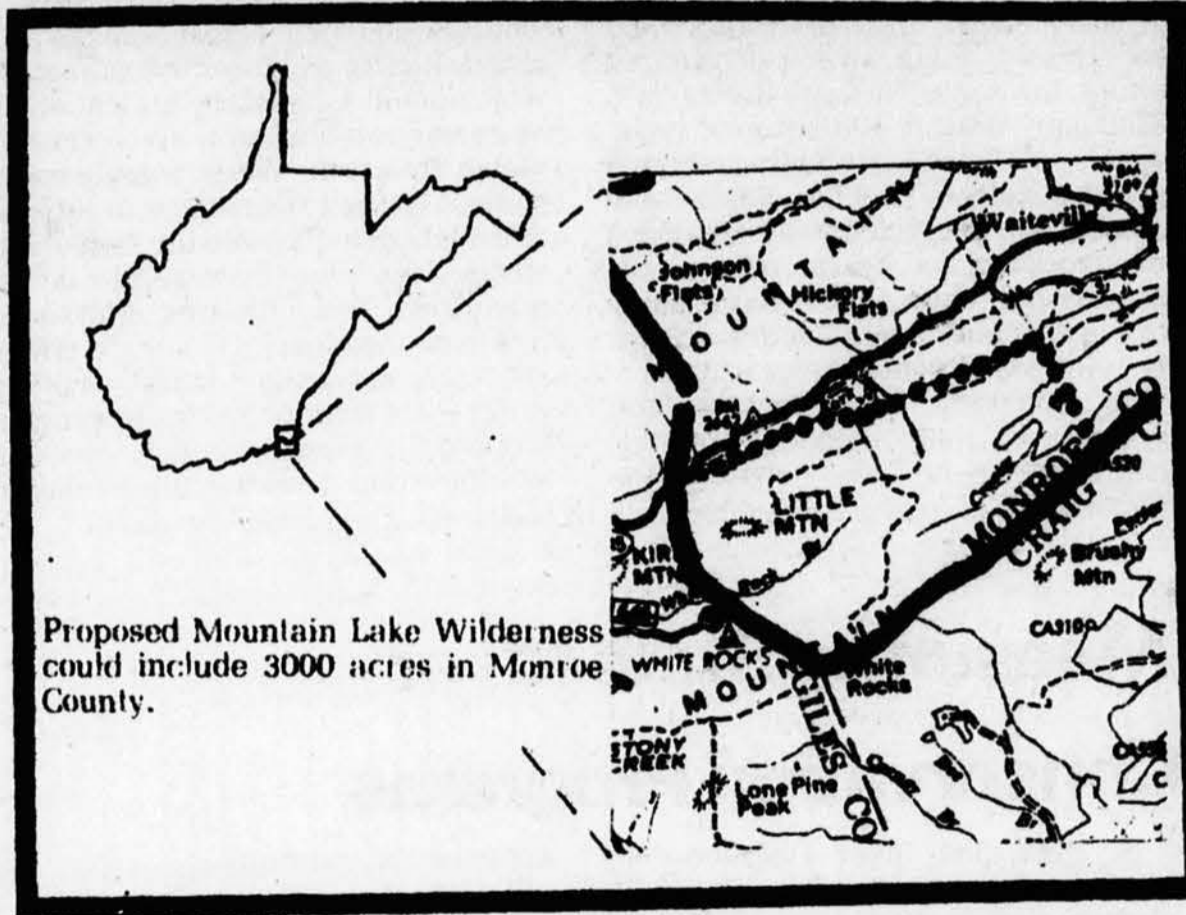
No project can be licensed on Gauley River during the three-year study period provided under the Wild and Scenic Rivers Act. The river was nominated for inclusion under the act, and the study period will expire three years from the date the study is received by Congress, which is expected to occur sometime this year.

Purposed Wilderness....

Continued from Page 1

Rep. Harley Staggers, Jr., and need support from within West Virginia. Extensive further information is

available from Ernie Dickerman of the WVC, R. 1, Box 156, Swope Va. 24479.



Proposed Mountain Lake Wilderness could include 3000 acres in Monroe County.

"HIKING GUIDE TO MONONGAHELA NATIONAL FOREST AND VICINITY"

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KTC

...good friends

A Long And Winding Trail

What do 149 people from 18 to 81 years of age have in common? Hiking, of course. And they do it just about every weekend in The Kanawha Trail Club. The confirmed outdoor-lovers of the KTC usually hike four to six miles on Sunday afternoons just to enjoy the parks and forests of West Virginia.

Between pleasure hikes, members help with trail construction and maintenance in cooperation with The Appalachian Trail Conference and the West Virginia Scenic Trails Association. Maintenance involves cutting sprouts, grading steep places and repairing weather damage. The group takes responsibility for 26 miles of the Appalachian Trail as well as several trails in Kanawha Forest.

One of the benefits of all this work, besides a feeling of satisfaction at helping others enjoy the outdoors, is

the occasional discovery of a rare plant species. Kanawha Trail Club WVHC Director Charles Carlson reports finding two rare flowers on Peters Mountain while doing trail work. He identified Core's Mallow and Allegheny Mendezia in their only known habitat in West Virginia.

The KTC, organized in June 1943 with 59 members, has been hiking and building trails for over forty years. The group also plans spring and fall outings to parks and forest in and out of West Virginia.

The group welcomes the public to go on any of their hikes. Hikers must wear proper footwear and carry rangelingear. The Sunday hikes usually being at 1:30. For information, write: Kanawha Trail Club, P.O. Box 4474, Charleston WV 25364.

State Trying to Slow Gypsy Moth Invasion

The West Virginia Department of Agriculture will soon begin spraying approximately 50,000 acres of forest lands in the eastern panhandle in an attempt to slow the spread of gypsy moth and reduce the infestation there. Mr. Albert E. Cole, Director of Plant Pest Control for the Department, says the populations of gypsy moths are high in the area and the spreading inevitable.

"Our goals are to prevent defoliation, eliminate the people problems that arise with a severe infestation of the moths, and be a factor in controlling the pace of the spread throughout the state," Cole said.

The department will use a combination of bacillus thuringiensis and dimilin, a synthetic biological control which acts as a growth regulator. Bacillus thuringiensis is a bacterial preparation containing a crystalline toxin which causes disease in the caterpillars but is harmless to humans and animals.

Explaining the problems caused by a severe infestation, Cole described a common skin rash which develops in

children. "The tiny hairs of the caterpillar blow around and can get embedded in the skin, causing irritation," he said. As many as 20 to 25 per cent of school children have been out of school because of the rash in severely infested areas of New England.

Caterpillar migrations also cause nuisance problems, Cole explained. He described how the caterpillars swarm over the sides of houses, leaving a trail of detritus in their wake. "People are really wanting the protection," he said.

The National Park Service initially opposed spraying along the Appalachian Trail. Officials there have since reversed their position, however. When asked if the fact that the Department of Agriculture's planned use of biological controls rather than other pesticides might have affected this reversal, Cole said, "I would hope so."

Counties to be affected by spraying this spring are Jefferson, Morgan and Berkeley.

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National River Conservation Conference: New Efforts To Build A Constituency For Rivers Vital

Citing the growing interest in non-federal river conservation strategies, Chuck Hoffman, Director of the River Conservation Fund, kicked off two days of workshops on alternative river protection plans during the National Rivers Conservation Conference. The conference, held in Washington, D.C., on March 30th through April 1st, attracted representatives of conservation groups and state river management programs from all regions of the United States as well as Canada and Australia.

Hoffman identified new trends in successful protection across the country. Eleven states have completed state river inventories, broad-based assessments of river resources. These inventories are being used to identify priorities for protection and to build a constituency for rivers, he explained.

"We're seeing stronger cultivation of support from streamside landowners and local governments," Hoffman said. By giving increased care to the concerns of people who live near the river, the nature of the plans are changing. Rather than struggle against local opposition, most effective efforts now take advantage of local participation, he said.

Another important trend Hoffman cited involves the integration of state laws, policies and agencies which affect rivers. Several states have state scenic rivers programs established through legislation. Hoffman advised looking at all laws which affect rivers to keep these programs from existing in a vacuum. "This is critical if a state river program is to be a viable tool in protection."

Reviewing the status of river protection in the United States, Hoffman pointed to Maine, Massachusetts, New York, Michigan, Minnesota, Oregon and Pennsylvania as examples of excellent state programs. These states have developed a strong public concern for rivers, an overall plan for protecting the most valuable waterways, and management plans which use strategies adapted to state and local interests. According to Hoffman, each state's plan is tailored to fit particular needs. "What works in one state may not work in another," he said.

The RCF director warned the pressure to develop rivers would continue to increase. With that pressure, the danger of losing already established protection for important rivers could increase as well. California, for example, has recently reduced the number of miles of protected rivers in the state scenic rivers program from 4000 to 1235. The lower figure represents the number of miles of those rivers designated under Section 2 of the Wild and Scenic Rivers Act. Oklahoma and Tennessee have also cut back protection.

Hydropower Pressures Increasing

Part of the threat to state protected rivers comes from hydropower, Hoff-

man explained. Hydropower licensing is controlled by the Federal Energy Regulatory Commission (FERC), an agency which is not subject to state laws.

From Michigan alone, FERC is now reviewing over 200 applications for relicensing or exemptions for small hydropower projects. Twelve of these applications represent proposals to build hydropower facilities on state designated rivers. Under present law, a state can't stop FERC from issuing a license. Only federal status as a Wild and Scenic River takes precedence over FERC's authority.

Experience Teaches Best & Worst Strategies In Each State

Land acquisition is no longer the prime method of protecting rivers, according to a consensus of state representatives at the National River Conservation Conference. Sharing their experiences and judgements about the best and the worst strategies for river protection in their own states, participants repeatedly cited methods involving local participation among the most successful.

Purchase of land, especially through eminent domain, was classed 'worst' by most states. Only New Jersey, Florida and Wisconsin represented exceptions to that rule. Florida has set aside \$85 million per year for seven years to buy critical habitat, a program funded through a stamp tax on real estate.

The director of Alaska's state parks suggested cash poor, land rich states should look at all state lands, then consider land trades and exchanges for significant areas.

Several states described workable combinations of state rivers programs with local management plans. In New York, the state established a regulatory program, but delegates management authority to local governments after a plan is completed. In Virginia, where rivers can't enter the scenic system without local support, advisory committees are established for each river.

Ohio also uses advisory councils for designated rivers, assisted by state-funded coordinators each responsible for two or three rivers. Pennsylvania's scenic rivers system includes a 'pastoral' category which promotes ownership management in farming areas.

Donated conservation or scenic easements are a favorite tool in Arkansas and South Carolina, as well as many states actively working on river management plans. Arkansas residents can receive a direct rebate on state income tax for granting conservation easements.

"The problems is 'consistency,'" Hoffman said. For state river conservation programs to work, the state legislation must contain language which orders other state agencies to make rules and regulations conform to rivers program requirements. But beyond state consistency provisions, a federal statute is needed to prevent FERC or other agencies from overriding state authority.

The cornerstone of the "State and Local River Conservation Act" (S. 1756), introduced by Sen. Durenberger (R-MN), is this federal consistency provision, Hoffman said.

The same bill in the House is Oberstar's H.R. 5166.

A section of the bill, subtitled "State Concurrence with Federal Programs," provides in part: "No license or permit shall be granted by the Federal agency with licensing authority unless the State or its designated agency has concurred with the applicant's certification or unless, by the State's failure to act, the concurrence is conclusively presumed."

A bill sponsored by Sen. Mitchell (D-ME), the "State Comprehensive River Planning Act" (S. 2361), contains a similar provision.

in local communities and among various state agencies.

"People who have a stake in the plan are going to make it work," one participant said, "instead of letting it fail."

WVHC's Rivers Conservation Committee Chairman Ray Ratliff asked whether existing legislation or programs had been identified as models which could be used by states which have not established a river conservation program. While some argued against trying to use any approach as a model, one participant noted the model legislation is useful as an organizing tool. Charles Morrison, representing New York's state rivers program suggested using another word. "We find it's better to provide 'sample' provisions, a menu of ideas to select from. That way we're not implying which is best," he said.

Measuring State River Conservation Programs

In 1982, the River Conservation Fund started a comprehensive study of state river conservation programs nationwide. Because of wide differences in legislation, administration, selection, management and enforcement, RCF found the programs difficult to compare.

RCF did develop a set of criteria to assess plans, and believes states "must substantially satisfy these criteria in order to maintain a program which protects designated river resources and which maintains a level of public support sufficient to continue operation."

The following list of criteria are reprinted from an RCF publication. Their assessment of whether West Virginia meets each of these criteria

appears in parenthesis after the criterion.

I. Protection

A. No new dams, diversions or obstructions to the natural free-flowing qualities of the stream should be permitted on designated or study rivers. (WV-Yes)

B. The state program should require that the actions of all state agencies (and local agencies) must be consistent with the purposes for which the river was designated. (WV-No)

C. Designated rivers should be protected from adverse impact from water resource development projects

Strategies, New Dangers For Rivers

Wise Signs On For Rivers Bill

West Virginia 3rd District Congressman Bob Wise recently asked to have his name added to the growing list of sponsors for H.R. 5166, the State and Local River Conservation Act. The bill, introduced in the House on March 15, 1984 by Rep. Oberstar (D-MN), provides incentives for states and local groups to participate in river conservation and gives states veto power over hydroelectric facilities planned for state protected rivers.

Describing the state veto provisions of this bill and its Senate counterpart S. 1756 sponsored by Sen. Durenburger (R-MN) and others, Chris Brown of the American Rivers Conservations Council said, "It's a states' rights issue, from our point of view." (The "State Concurrence with Federal Proposals" provision is explained in the lead article on page 4.)

The incentives provided by the bill include grants for river conservation projects, protection from adverse development, and support for volunteer efforts.

The grants, totaling up to \$5 million per year nationwide, would be awarded on a fifty-fifty matching basis to states, local governments and qualified private organizations. Eligible for grants under the bill are projects for:

- establishing and administering state and local programs to conserve the natural values of rivers;
- conserving lands adjacent to qualified rivers;
- demonstrating innovative methods for river conservation; and
- developing river management plans, technical assistance documents, or regulations for rivers.

The bill specifies that grants may not be used for land acquisition, purchase of easements, or development of facilities.

Funds provided for these grants under the law would be allocated among eligible states based on a percentage per state plus an amount in proportion to total mileage of rivers included in the Nationwide Rivers Inventory.

To be eligible, states must either have an established state program or

have developed an assessment of river related resources of the state. The bill defines 'state program' as a system of rivers or river segments designated for natural environmental values, given special protection from water projects and other adverse developments, and managed under special guidelines.

West Virginia has not conducted a state-wide assessment of rivers. The Natural Streams Preservation Act of 1969 did establish the rudiments of a state program, but the legislation only addresses water impoundments on the designated streams.

Beyond the grants program, the Oberstar bill provides additional funds for developing state assessments to states which haven't completed them.

Bill Gives Support to Volunteer Efforts, Clarifies Tax Incentives

Drawing on acts of 1969 and 1972 which provide support for volunteers in parks and forest, H.R. 5166 promotes conservation efforts of individuals and organizations by authorizing federal assistance and providing travel and subsistence expense reimbursement.

The provisions apply to volunteer conservation, management, assessment, inventory, research and education projects.

To clear up existing uncertainty about whether donations of land or scenic easements qualify as tax deductions, the bill establishes that such conveyances "shall be deemed to further a Federal conservation policy and yield a significant public benefit." Previously, interpreters of tax laws have quibbled over the application of "significant public benefit," effectively eliminating owner tax advantages for cooperating with a management plan.

According to Brown, the bill has had hearings in the Senate (as S. 1756) where it received support from all major environmental groups, The National Association of Counties, and others. "The support is broad but not deep," Brown said. "We want the sponsors to come through with real support."



West Virginia's 3rd District Congressman Bob Wise receives ARCC's Distinguished River Conservationist Award from Chris Brown. His efforts to stop the Stonewall Jackson Dam and the long-tunnel hydropower project on the Gauley won him the honor.

WVHC Members Attend

Three WVHC members attended the National Rivers Conservation Conference in Washington on March 30 through April 1st. Linda Winter, Vice President for Federal Affairs, Rivers Conservation Committee Chairman Ray Ratliff, and Voice Editor Mary Ratliff participated in the three-day program entitled "Water & Rivers: Local-State-National-International Perspectives, Methods, Tools."

After the Friday night keynote address by West Virginia Representative Bob Wise, the conference consisted of a series of concurrent workshops designed to address the status of river conservation and the processes now available to conserve rivers.

Among the workshops attended by WVHC representatives were:

- State River Conservation Programs
- 1984 Water Policy Overview
- 1984 Federal River Conservation Agenda
- Management of the Deschutes River, Oregon

- Hydropower
- Integrating State River Management Authorities
- River Corridor Strategies
- Land Trusts for River Conservation
- River Conservation Implementation

"The overall thrust of the conference," Ray Ratliff said, "was toward local initiative—how he can promote the wise use of our rivers and protect them with home-grown strategies."

Workshop presenters included state and local people involved in rivers conservation projects across the country, staff members from national environmental groups, National Park Service technical assistance staff, and international representatives.

"After hearing these presentations, you can't help but realize that time's a-wasting for rivers in West Virginia," Ratliff said.

June Is American Rivers Month '84

When do people save rivers? When they love them. The best way to create concern for the future of rivers is to get people involved—get them on the rivers to see the beauty and enjoy the matchless calm.

That's part of the idea behind American Rivers Month, a time when river-lovers across the country are planning events to celebrate rivers and increase the awareness of public

officials about the threats facing our nation's waterways.

Canoe races, clean-up programs, fishing contests, historic reenactments, festivals and more are being held across the country to bring people to the rivers.

It's not too late to plan something for your river. Water is one of West Virginia's finest resources. Plan an activity on your favorite river today.

Editor's Note: The National Rivers Conservation Conference provided such a wealth of information and ideas important to the Conservancy as it focuses on river conservation issues that you'll be hearing more. The processes and in-depth analyses of river protection strategies, legisla-

tion and other issues will come over the course of the summer. The Voice also has a Focus on West Virginia Rivers in the works. If you're willing to help by writing about or photographing your favorite West Virginia River, please write us.

Measuring State River...

Continued from Page 4

built upstream or downstream of the designated segment. (Not indicated.)

D. There should be provision for the enforcement of resource protection standards. (WV-Yes)

E. Requirements for the non-degradation of water quality should exist and be enforced. (Not indicated.)

F. Designated rivers should have clearly defined lateral and terminal boundaries. There should be a process and criteria to determine these boundaries prior to designation and to set them as a result of designation. (WV-No)

II. Program Vitality

A. There should be periodic additions of new rivers to the system. (WV-No)

B. The program should have adequate staff and access to adequate enforcement and management staff to fulfill its mandate. (WV-No)

C. New studies should be periodically initiated. (WV-No)

D. An adequate budget, appropriate to the state budgeting mechanism, should exist. (Not indicated.)

E. Progress reports on the program should be published periodically. (Not indicated.)

III. Resource Management

A. The managing agency must have the means to control development along designated river corridors. (WV-No)

B. The managing agency should have an oversight and approval role with regard to local plans and regulations. (WV-No)

C. A process should exist for management plan implementation, administration, adoption, and revision. (WV-No)

D. A management plan should be developed and adopted for each river. (Not indicated.)

E. Where appropriate, state managing agencies should cooperate with federal resource management agencies, including... National Wild and Scenic River studies, wilderness studies, and National Park System studies. (Not indicated.)

IV. Process, Selection, and Administrative Management

A. Criteria and processes for determining eligibility and classification of potential river additions should be set. (WV-No)

B. There should be established procedures and means for conducting qualifying and pre-designation studies. (WV-No)

C. State river programs should be logically ordered within state agencies and visible within state government. (Not indicated.)

V. Public Involvement and Response

A. There should be a process to cultivate and support of riparian landowners and other local interests for protection of study and designated rivers. (WV-No)

B. Public hearings should be held to generate public opinion, comment and suggestion regarding the performance of the program and managing agency; public support should exist. (WV-Yes)

C. There should exist a clearly defined process for public involvement in pre-designation studies. (WV-No)

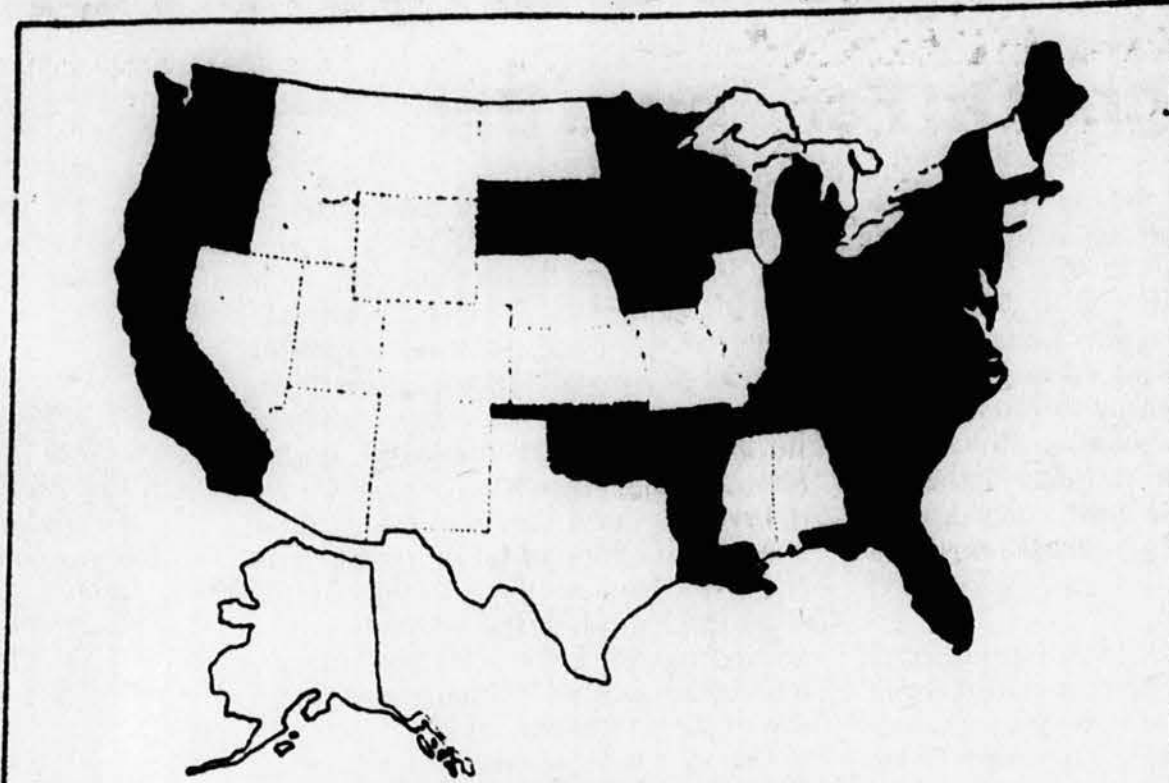
D. There should be a defined plan for citizen, local government and other interest group participation in the management process. (WV-Yes)

E. There should be evidence of media support for the program. (Not indicated.)

Under the RCF checklist, West Virginia is also marked "no" as to having a completed or ongoing statewide inventory. West Virginia is one of twenty-seven states on the inventory which do have a river conservation program. Of the sixteen indicators, the state earned a total of four yesses. Neighboring states with programs met more of the criteria than West Virginia. Pennsylvania met

the most standards with 14, followed by Ohio with 12. Virginia with 10 and Kentucky with seven. All states were

marked on the same sixteen factors. Only Minnesota met all sixteen criteria.



State River Conservation Programs

State	Year	No. of Approved Rivers	Stream Miles	State	Year	No. of Approved Rivers	Stream Miles
Alabama	•	1	12	New Mexico	•	1	30
Arkansas	1979	0	0	New York	1972	77	1,246
California	1972	6	1,235	North Carolina	1971	2	36
Florida	1972	1	5	Ohio	1968	9	541
Georgia	1969	41	74	Oklahoma	1970	6	551
Indiana	1973	3	107	Oregon	1969	9	580
Iowa	1970	1	80	Pennsylvania	1972	6	271
Kentucky	1972	8	110	South Carolina	1974	1	5
Louisiana	1970	48	1,448	South Dakota	1972	0	0
Maine	1983	16	1,087	Tennessee	1968	11	360
Maryland	1968	9	441	Texas	•	1	50
Massachusetts	1971	4	83	Virginia	1970	8	138
Michigan	1970	12	1,240	Washington	1977	3	67
Minnesota	1973	6	440	West Virginia	1969	5	236
		2	515	Wisconsin	1965	3	91
New Jersey	1977	2	25	Totals		265	11,103

*Alabama, New Mexico, and Texas do not have authorized programs.
 **Oklahoma figures do not reflect the recent Barren fork deletion.
 ***Virginia figures do not include the recent James River addition.
 Courtesy of River Conservation Fund.

*Wisconsin figures do not include six major projects which are not associated with the wild rivers program.

**Oklahoma figures do not reflect the recent Barren fork deletion.

***Virginia figures do not include the recent James River addition.

Courtesy of River Conservation Fund.

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Books & Info

Remembering The New River

"Lest we forget" may be reason enough to review the fight to save the New River from the Blue Ridge Project. The ten-year struggle ended on September 11, 1976 with a presidential signature on Congress' designation of the upper New as a Wild and Scenic River.

But Thomas J. Schoenbaum, Professor of Law at UNC-Chapel Hill who assisted the State of North Carolina during the last two years of court battles, gives us far more reason to remember the fight in his 1979 book, **The New River Controversy**.

Schoenbaum, who characterizes it as "an epic political and legal battle involving the major institutions of our society," portrays the struggle in distinctly human terms, capturing the real force of commitment, courage, persistence and sheer faith required for a prolonged and lopsided battle to save an endangered resource.

Before the author recounts the controversy, however, he traces the geologic events destined to create the second oldest river in the world, a river which dissects the Appalachian chain. Explaining evidence for 8000 years of human habitation in the ancient valley and sketching the isolation and slow development of the last 200 years, Schoenbaum quickly and simply proves the vital place of a natural New River in this development-minded age. From the beginning, we're given the perspective Appalachian Electric Power (AEP) and other Blue Ridge Project proponents either lacked or didn't care to consider.

Ironically, the impulse to over-development may have succeeded in damming and flooding 20,000 acres of the valley in the late sixties, a plan which barely aroused opposition in the area during three years of planning. Only the backhanded favor of the Interior Department in 1966, when it intervened and asked the project size be doubled to provide water-quality control downstream, brought the issue to the battleground.

But the 40,000 acre plan, which would have inundated the homes of 2700 people and erased the history of nearly 100 miles of the New and its upper forks, infuriated residents of the valley and the state.

The years ticked away as AEP prepared the requested modifications. The opposition began to organize. By the first showdown at

Federal Power Commission (FPC) hearings in 1969 and 1970, support for protecting the valley and gained enough momentum to precipitate delays.

As the weight of local protest and widening political support grew, tipping the teeter-totter of advantage toward the side of New River residents and conservationist, dam proponents added victory after victory in the FPC and the courts to their side. The book creates of this agonizing process a compelling narrative in which the precarious balance is nearly lost over and over. Each rescue from imminent defeat amounts to a purchase of time.

Part of the excitement of the story develops in the curiously fortuitous circumstances, political and otherwise, which push key people into line on the side of the river, often just in time.

In a thorough but never cumbersome explication of the legal and political strategies, the writer carries us through the years of litigation, the search for alternative and new legal issues, and struggle for federal wild and scenic status.

Schoenbaum fleshes out the ranks of advocates of protection and proponents of the dam, as well as the pressures which eventually forced defections by Interior and the AFL-CIO from the AEP camp. As a North Carolina writer, Schoenbaum understandably emphasizes local and state figures in the fight, but he doesn't ignore the great contributions of organizations and key people from West Virginia and other states. The names on both sides are ones which should be remembered as they resurface on the current political scene.

For the environmental activist, the book offers lessons in strategy, politics, and citizen organization which all too often have to be learned or relearned the hard way in each newly threatened community. It reminds us to seek out every source of support, to pursue every possible strategy, to overlay local, state and national efforts, and most of all, not to give up.

The book is still in print (John F. Blair, Winston-Salem, \$14.95), and the West Virginia Library Commission has copies. If you haven't read **The New River Controversy**, do. I guarantee it will make you feel just fine.

Pocahontas Gets Compensation For Wilderness

Pocahontas County recently received a \$2 million appropriation from the federal government as compensation for taxes lost after the designation of the Cranberry Glades as a wilderness area. The funds were provided according to the provisions of the Cranberry Wilderness Act, P.L. 97-463, signed into law in January of 1983.

Of the total, \$1.5 million has gone to the Pocahontas County Board of Education and the other \$.5 million to the County Commission. The Board has made no decision on the use of the money, but has indicated it will probably go to school buildings. They are waiting to see the outcome of the state bond and levy election to determine its impact on building needs before designating the use of the federal money in a project which would provide a long-term benefit to the county. McNeel says buildings are also the most pressing need.

The County Commission has set up a special fund for their share, and plans are to allow the fund to produce interest permanently and use only the

interest for county projects. The Commission has also expressed concern that people continue to receive benefits from the money.

Had the Cranberry not been declared a wilderness, the county would have continued to receive taxes from mineral holdings in the area. Since those revenues would have come in over the year, the county wants to extend the advantages of the one-time federal money as well.

The \$2 million came directly to the County Commission, which had previously agreed to give the bulk of the money to the schools. Regular county tax levies generally follow a similar distribution ratio, with schools realizing over 70 per cent and the Commission receiving the rest.

Objections to wilderness and similar federal projects are often based on the "loss of tax revenue" argument. The in-lieu of tax monies appropriation provides an effective way to lay that argument to rest, especially when county governments use good judgment by designating those funds to provide long-range benefits.

BTI Needs More Study, Agencies Say

The four-year-old black fly controversy surfaced just long enough this spring to remind us the use of BTI is still under study. The three federal agencies which joined at Senator Byrd's urging last summer to study the problem and make recommendations released a 77-page working study on March 20. According to the document, the National Parks Service, the U.S. Fish and Wildlife Service and the U.S. Department of the Interior agree there is still not enough scientific data to justify the use of BTI.

Although the black fly is an irritant to people along the New River and surrounding areas, only a few cases of allergic reactions have been reported. The report states that BTI should be applied only if the black fly population reaches the point where the health and safety of residents are affected.

Federal officials asked the state Department of Natural Resources, Health Department, and local agencies for more study of:

- Black fly population trends;
- Accurate counts of allergic reactions;
- The level of nuisance, economic

or health threat posed by black flies.

Even if the effects of the black fly justify use of BTI, a nine-month Environmental Impact Study will be required to meet federal requirements.

The black fly swarms from April to early November, but the treatment must be applied in the larval state before swarming to have any effect. Although BTI has been used on an experimental basis elsewhere and been found to be the least damaging treatment to kill black fly larva, significant impacts on the fish and other parts of the food chain could occur.

"The literature indicates that the impact of reducing black fly larval populations with BTI would likely have significant indirect adverse impacts on the fish and aquatic insects which feed on black fly larvae," the report notes. It concludes with a recommendation for fogging and other localized control means to reduce the nuisance problem.

With the need for a two-tiered study—first to establish whether there is a serious need for control, and then whether the environmental impact of such control is tolerable—the BTI controversy could lie dormant for another year or more.

The Conservancy Needs You!

West Virginia Representatives Testify On H.R. 3400

by Linda Winter
Vice President for Federal Affairs

On March 20th, the House Energy and Commerce Subcommittee on Health and the Environment held its first hearings on the authorization of the Clean Air Act.

Three West Virginia Representatives—Nick Joe Rahall, Alan B. Mollohan, and Harley O. Stagers, Jr.—testified against acid rain control bill H.R. 3400, sponsored by Subcommittee Chairman Henry Waxman (D-CA) and subcommittee member Rep. Gerry Sikorski, (D-MN).

H.R. 3400 calls for a 10-million-ton reduction of sulfur dioxide emissions and a 4-million-ton reduction of nitrogen oxide emissions in the lower 48 states by 1995. Scrubbers would be installed on the fifty utility plants emitting the largest amounts of sulfur dioxide and reductions would be funded by a one mil per kilowatt hour tax on electricity generation nationwide.

Testimony

Rep. Nick Joe Rahall stated in his testimony that there is not sufficient scientific evidence to support a "massive and costly" acid rain control program. He also said, "If our assumptions on the causes and effects of acid precipitation are misguided, then ten years from now we will look back at a public policy fiasco that cost the consumer billions of dollars, displaced thousands of jobs, and has wreaked havoc on whole regional economies and without achieving the intended environmental benefits."

During his testimony, Rep. Alan Mollohan said midwesterners face "Draconian" control measures under the bill and a loss of up to 80,000 mining jobs. He said, "We are not faced with imminent, irreparable harm" from acid rain.

Rep. Harley O. Stagers, Jr. also testified on March 20th and stated there was "inadequate information about the origins of acid rain." Far more research is needed, he said, to "gain a better understanding of the sources of atmospheric emissions contributing to acid precipitation"; to know "the chemical processes involved in the conversion of atmospheric emissions to acid rain"; to know "the extend of the ecological damage"; and to know the "feasibility of federally-imposed emissions standards and control methods and the cost of such programs."

He said West Virginians are "sensitive to what the impact of arbitrary reduction targets for sulfur dioxide emissions will have on the coal mining industry." The best approach to addressing the problem, he maintained, is H.R. 1405—Rahall's research bill which provides for a five-year study of the causes and effects of acid rain and provides for assistance to states to mitigate acid rain damage.

Subcommittee Chairman Waxman said that while science cannot yet pinpoint which smokestacks effect

particular lakes and forests, no one has challenged the findings of the National Academy of Sciences that sulfur dioxide emissions cause acid rain.

Rep. Sikorski noted that more than 6000 studies have documented that acid rain is a serious environmental threat. All states contribute to the problem, he said, so all will have to contribute to the cost of the cleanup.

On March 30th, Rep. Bob Wise testified before the subcommittee and said while he was not totally opposed to acid rain control legislation, he fears that H.R. 3400 "would still significantly increase electricity costs while drastically effecting the future market for coal." He said the aluminum industry as a large electricity customer would be hard hit in West Virginia as a result of increases in power costs which could damage the competitive position of the industry in world markets.

He said he believes acid rain legislation will be forthcoming, and

therefore offered several suggestions/concerns:

*Legislation should address the problems that would be caused in the coal industry by restricting sulfur dioxide emissions by whatever means. Legislation should also give incentives to non-coal burning utilities to convert to coal.

*He endorses the concept of the 48 state trust fund if it is ultimately decided that scrubbers must be installed on the fifty largest sulfur dioxide emitters, but there is some evidence that a one mil per kilowatt hour fee would not generate sufficient funds to pay 90 per cent of capital costs to install scrubbers.

*He feels the provisions of H.R. 1405 should be incorporated into any acid rain legislation the subcommittee reports.

*He is supportive of Rep. Richard Ottinger's (D-NY) amendment which he plans to offer during subcommittee markup. This amendment would advance \$20 million for higher level

research and development on pollution control technology and \$25 million to clean up damaged lakes plus an exemption from fees for low-income households.

In closing Wise said, "I am not afraid to confront the problem of acid rain, but I want to know that this subcommittee and the Congress is proposing the right solution. Please remember that clean air and clean water are important to coal miners and manufacturers too. No state has more at stake in this debate, environmentally speaking, than mine."

The acid rain control bill H.R. 3400 now has 130 co-sponsors. Markup of the bill in subcommittee is expected to occur within the next few weeks.

ARCC Asks \$1.25 Million For River Assistance

Calling it "the most vital and vigorous program occurring in river conservation today", American Rivers Conservation Council Conservation Director Chris Brown has recommended resisting Administration cuts in the National Park Service river assistance program for Fiscal Year 1985 and instead increasing funds by \$250,000. Brown made the request in testimony before Representative Sidney Yates's Interior Appropriations Subcommittee on February 29.

The "River Conservation Technical Assistance" program, which comes under an Interior Department budget item, "Natural Programs", allows Park Service personnel to assist states and local organizations in developing river conservation strategies. Notable successes to date include:

•Maine Rivers Study—A cooperative effort with the state of Maine, this study assessed all 33,000 miles of Main rivers and led to the permanent protection 1100 miles.

•Farmington River (CT)—Pulling together 17 towns, the private watershed association, and the State Department of Environmental Protection, the Park Service has led the development of a conservation strategy for this outstanding river.

•Maryland Rivers Study—The National Park Service completed a statewide river assessment and inventory to identify potential areas for further study or protective measures.

•Schuylkill River Greenway Study (PA)—The Park Service staff completed a study which led to the development of a river conservation strategy and plan for a 23 mile segment of the Schuylkill.

•Wood and Pawcatuck Rivers Study (RI)—The Park Service completed a study which assessed resources

values and identified specific conservation actions to be undertaken.

Last year the rivers assistance program received approximately \$1 million (out of the \$1.695 in the budget for the Natural Programs). This year the Reagan Administration has recommended cutting back the figure to an estimated \$250,000 (\$825,000 total for Natural Programs); "through a core staff...NPS will continue at a lower level of effort with cooperative projects that were initiated in 1984", the NPS budget justifications state. ARCC has asked for an additional \$1 million for rivers, increasing the total to \$1.25 million.

"Congress has fortunately seen the merits of this program over the last three years and each year has resisted recommended spending cuts," says Brown. "The benefits of this approach to resource conservation are apparent; minimal federal cost, lack of political contention, and avoidance of conflict between developers and preservationists. An increase of \$250,000 seems only reasonable for a program that has expanded from two to four Park Service regions and now has requests coming in from all over the country."

The biggest project to date under this program is just getting off the ground in the Pacific Northwest. The Bonneville Power Administration (BPA) and the Pacific Northwest Power Planning Council (PNWPPC) have requested National Park Service technical assistance on a mammoth scale. Working cooperatively with NPS and the states of Idaho, Washington, Oregon, and Montana, BPA and PNWPPC intend to initiate a study of rivers in the four states, to future energy development plans. BPA will put up to 80 per cent of the funding, with the states and Park Service providing the balance.

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