

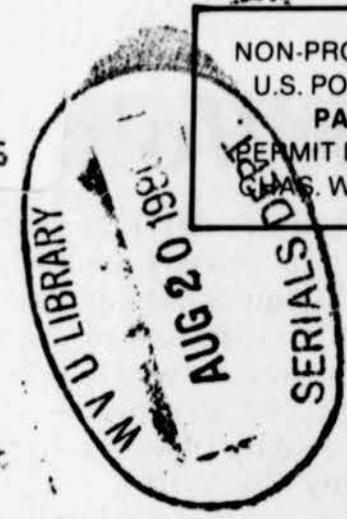


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VOL. 19 NO. 8 AUGUST 1986

40,000-acre Forest addition possible

The Monongahela National Forest could increase in size by more than 40,000 acres if attempts by the Trust for Public Land to acquire land on Cheat Mountain on the headwaters of Shavers Fork River are successful.

Trust for Public Land is a California-based group which buys attractive land and later sells it to state or federal government. It has negotiated an exclusive option to purchase the Shavers Fork land from Mower Limited Partnership.

MNF officials have placed a high acquisition priority on land in this area for several years because of its considerable recreation potential, historical and scenic values and importance as a habitat and wilderness area.

The deal arranged by the Trust for Public Land calls for acquisition in three phases over a five year period. Total purchase price for land in the first purchase phase is estimated to be \$14 million.

Forest Service acquisition of the 23,941 acres in phase I of the purchase would protect the land's natural resources and fill in a prominent gap in Forest Service holdings in the area.

The House Interior Appropriations Subcommittee allocated \$6. million for fiscal year 1987 to begin the purchase of land in phase I. If the \$6. million is approved by the full House, it would go to the Senate where Minority Leader Senator Robert Byrd favors the purchase.

Land slated for purchase in 1987 stretches from the Back Allegheny Mountain ridge to the eastern banks of Shavers Fork, including the crest of White Top just west of the river. This acreage affords more than seven miles of river access, contains a major Civil War fort site and is critical for protection of the Shavers Fork and Cheat River watersheds.

This may be the last chance for the Forest Service to acquire the land. If money is not appropriated and the Trust is unable to renegotiate the option, the land will almost certainly be divided and sold as smaller logging and development sites. The threat of vacation-home subdivision is strong because of the presence of the nearby Silver Creek and Snowshoe ski resorts.

Because Shavers Fork is a major branch of the Cheat River system, development of the watershed lands would jeopardize riparian habitat to the northern



Shavers Fork affords high-quality riparian habitat and numerous recreational opportunities.

boundary of the Forest and beyond, according to a report by the Trust for Public Land.

In addition, the property comprises a significant portion of the range of the Virginia northern flying squirrel, a federally listed endangered species. It is also habitat for three other species which are candidates for the endangered list.

Planned recreational uses of the phase I tract include realignment of the Allegheny Trail which now follows roadways along the property's 16-mile length.

Rivers and mining issues considered by WVHC board

Protection requested for New, Greenbrier; action suggested for Enoxy, DLM sites

Rivers and mining issues dominated the July 27 meeting of the West Virginia Highlands Conservancy Board of Directors.

At the recommendation of Anne Gentry, River Conservation Committee chair, board members voted to request that the bottom 10 miles of the New River be included in the New River Gorge National River. The Conservancy will ask Representative

Nick Rahall to include that section of the river in the omnibus rivers bill which he is expected to introduce to Congress early next year.

The lower section of the New River was included in the original bill creating the national river but was deleted and established as a study area.

A motion also was passed by the board to intervene in the license ap-

plication made to the Federal Energy Regulatory Commission by Elkem which operates the hydropower tunnel facility at Hawks Nest. The Rivers committee was authorized by the board to file the petition to intervene and to find a cooperating agency such as the National Wildlife Federation or the American Rivers Conservation Council to assist in the intervention.

The Conservancy also will request that the stretch of the Greenbrier River between Anthony Creek and Caldwell be added to the section of the river under consideration for wild and scenic designation. The state has been asked to prepare a management plan for the Greenbrier and make a gubernatorial nomination to the Secretary of Interior for its designation as a Wild and Scenic River.

The Greenbrier was studied by the Forest Service for inclusion in the national protection program. Its study area ended at Anthony Creek but the Rivers Committee recommended that the Conservancy support designation of the river to Caldwell.

Mining Committee

At the recommendation of the Mining Committee, the board approved a motion to continue its opposition to the Enoxy Corporation mining operation on the Buckhannon River. Related stories on page 8 elaborate on the reasons for this continued opposition.

The board also voted to request the state to get a water pollution permit for its water treatment operations on the DLM site it took over last year. Since DLM forfeited its bond and turned over its land to the state last year, the acid mine drainage problem it left behind has been treated by the state.

To prevent acidification of the Buckhannon River, treatment, which is estimated to cost approximately \$250,000 annually, must be continued indefinitely. Because the state has not issued itself a water pollution permit there is no guarantee it will continue the treatment. To ensure treatment is continued, WVHC will request that the state obtain a permit.

(See Board, Page 5)

Final MNF plan released, looks good

The final Monongahela National Forest Plan is ready. Weighing in at more than 15 pounds and 1,500 pages, the plan was released in July by the Forest Service.

After a 30-day public comment period, the plan will be implemented. The shortness of this comment period is the major complaint about the plan so far, according to Public Lands Committee co-chairs Sayre Rodman and Donna Borders.

"Overall we are optimistic about this final version," Rodman said. "Obviously we haven't had time to go through it very carefully but it seems they have addressed the problems raised during the comment period for the Draft."

Rodman and Borders are examining the plan and hope to have comprehensive comments about how it meets the Conservancy's complaints prepared for publication in the next Voice.

New Voice editor needed

(Editor's note: After 16 months of editing the Voice, I am sorry to have to call it quits but I am moving to California at the end of August. If you know anyone who may be interested in the job please show them this article. I have had a good time editing the VOICE and hope that whoever does it next will too.)

WVHC is seeking a new editor for **The Highlands Voice**. The newspaper is an 8-page tabloid which has been published monthly since 1967 and has a circulation of approximately 1,000.

The position is compensated at \$125. per month plus expenses. The editor holds full editorial and supervisory responsibility for the **Voice**, coordinates volunteers in submission of copy and supervises commercial layout and printing. Applicants should have substantial writing experience and a knowledge of West Virginia natural resources issues.

The **Voice** is West Virginia's leading environmental publication, presenting news, features and analysis of natural resources issues affecting the state. It is also the Conservancy's primary medium for communicating with its members.

The **Voice** editor is a member of the WVHC Board of Directors and is expected to attend quarterly board meetings around the state. An interest in natural resources is essential and preference will be given to those who can make a long-term commitment.

Any resident of West Virginia may apply. For additional information or to apply send a resume and writing samples to Larry W. George, President, West Virginia Highlands Conservancy, 1206 Virginia Street, East, Suite 201, Charleston, WV 25701. Application deadline is September 15.

House and Senate to consider acid rain control legislation

Both Houses of Congress will soon have before them bills which would enact federal acid rain controls. Massive lobbying efforts are being launched by national environmental organizations to ensure widespread public support for these bills.

One such organization, the Natural Resources Defense Council, believes the prospects for passage of HR 4567 and S. 2203 look brighter than at any time since acid rain first became a national issue.

Immediate passage of these bills would enact federal acid rain control legislation which would reduce emissions of sulfure oxides by 10-12 million tons per year and make substantial reductions in nitrogen emissions as well.

The legislation would also call upon utilities, individual polluters and car makers to share the financial burden of reducing sulfur and nitrogen oxide emissions, and provide states with the flexibility to decide how best to achieve the necessary reductions.

After these acid rain controls are passed, the NRDC says it will be possible to make considerable progress with the Clean Air Act by strengthening its toxic air pollutant authority and preventing chronic low-level emissions and sudden accidental releases of toxic chemicals into the air.

In addition it would speed attainment of basic federal health standards by: 1) tightening controls on tailpipe and gas tank emissions from automobiles, 2) requiring installation of pollution controls on trucks as soon as possible, and 3) mandating additional measures to control hydrocarbon and carbon monoxide pollution in the several dozen urban areas which will not achieve standards by the present Act's 1987 deadlines.

According to the NRDC, the case against acid rain and for clean air is more compelling now than ever before.

More than 3,000 scientific papers have been published over the past 15 years documenting the causes and effects of acid rain. These studies offer compelling evidence that acid rain destroys soils, forests and lakes.

Last year the federal government spend \$65. million researching acid rain and this year will spend another \$85. million just on research.

NRDC and other environmental organizations are urging members to write their senators and representatives expressing support for passage of HR 4567 and S. 2203.

CLASSIFIED ADS

Hello, people of the Allegheny Mountains. I am seeking established communities or people wishing to start a community along bio-regional concepts. Please contact: Ed Lytwak, 30 Seanor Street, Jeannette, PA. 15644.

Any individual Conservancy member may place a free classified ad in the **Voice**. Send information to the editor by the third week of the month prior to publication.

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Hikers

We need trail reports
to update hiking guide

If you're willing and able to help contact:
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Outdoors report due in December

By Jeannette Fitzwilliams

The President's Commission on Americans Outdoors has three tasks: 1) Find out what Americans want to do outdoors (hike, bike, canoe, sail, ski, play golf, tennis, soccer, etc.), 2) Find out where they are doing it now and where they can do it in the future, and 3) Make such recommendations as are needed to enable them to do what they want now and in the future.

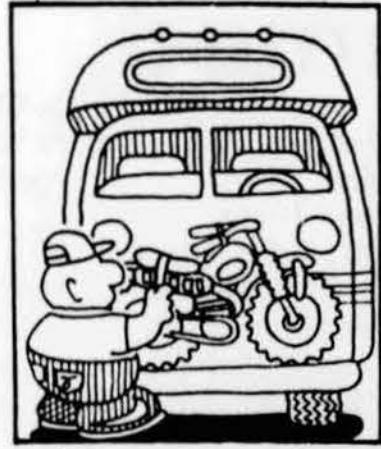
The commission was created in January 1985 but no appointments were made until the fall. The commission will file its final report by December 31, 1986 and then go out of existence.

Since last November it has held 16 hearings in different parts of the country. Its staff has held additional workshops, conducted literature reviews and ordered case studies. It has received more than 500 concept papers from professional recreation providers, researchers and land trusts.

The reports and testimony are now in and work is starting on the report. What it will say has not yet been determined but some idea may be gleaned from recent speeches by Commissioners Gilbert Grosvenor (National Geographic Society) and Derrick Crandall (American Recreation Coalition).

First is the preservation of the resource base. If lands and waters are not available, recreation is not possible. But quality and accessibility are important. Neither a beautiful lake that is inaccessible nor a polluted stream will meet the needs.

High on the agenda is development of an Outdoor Ethic — a bill of Rights and Responsibilities



MODERNE



MAN



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Bruce Van Allen

— and its wide dissemination so that lands acquired will be treated properly and the rights of other users and landowners will be respected.

Leadership both nationally and locally must be stimulated. It must be recognized that recreation is not just fun and games but is fundamental to health, quality of life and economic well being.

A process for decision making and its implementation — the institutions and necessary funding — must be created. Tennessee Governor Alexander, chairman of the commission, has said, "We must light a prairie fire for recreation."

Senator Wallop, commissioner and chairman of the Senate subcommittee that will deal with the commission's recommendations, agrees. "We must create a constituency for recreation," he said. "When attempts were made to divert Wallop-Breaux funds to other uses, the anglers who paid the taxes into the fund protested and the attempt failed. There has been little protest when appropriations were not made from the Land and Water Conservation Fund which provides the land

and capital development for recreation."

Agencies and land trusts do not vote. People who use the trails and playing fields do. Unfortunately, almost none of them testified before the commission or sent in suggestions and ideas.

The U.S. Conference of Mayors is organizing a coalition to fight for and support implementation of recommendations for urban recreation. Others will probably be getting organized. Hunters, anglers, river runners, skiers, hikers, and campers need to combine forces.

WVHC Board member Jeannette Fitzwilliams puts out a newsletter about the commission and what is happening that affects trails. If you would like to be on her mailing list, send \$5. (for postage and reproduction) to 13 W. Maple St., Alexandria, VA. 22301.

Also, look in the next *Voice* for information about the West Virginia Trails Conference which is scheduled for December in Charleston. That might be a good chance to get organized and find out about trail opportunities in West Virginia.

Coming soon:

WVHC Fall Review

Get ready to enjoy fall colors in the highlands. The WVHC fall review has been set for October 10-12 at Camp Ceaser, a 4-H camp near Webster Springs.

Outings will include the usual blend of hiking, canoeing and relaxing, according to review planner John Purbaugh. Hikes in the Cranberry Wilderness, a possible canoe trip on the upper Gauley and an auto tour to view the fall colors are among the outings being planned.

Lodging will be in dormitory style rooms, although camping is available at Camp Ceaser and there are motels nearby. A speaker and entertainment will be featured on Saturday evening. On Sunday, election of officers will take place at the annual membership meeting.

More details of outings and speakers will be included in the next *Voice* along with registration information.

Senators will vote soon on river protection bill

Within the next few weeks, the Senate will vote on the Omnibus Wild and Scenic Rivers Bill and decide the fate of eight rivers.

This single piece of legislation could protect or permanently place under study more than 400 spectacular, free-flowing river miles. The rivers in this bill are the Cache le Poudre in Colorado (77 miles), the North (79 miles) and South (84 miles) Forks of the Kern in California, the Saline Bayou in Louisiana (19 miles), the Black Creek in Mississippi (21 miles), the Farmington in Connecticut and Massachusetts (18 miles), the Henrys Fork in Idaho (42 miles), and the Great Egg Harbor in New Jersey (56 miles).

House bill HR 4350, a package of river designations, studies and generic amendments to the Wild and Scenic Rivers Act, was passed by an overwhelming vote in April. Now the American Rivers Conservation Council believes the bill has a good chance for passage in the Senate.

Although the Senate has had a poor track record on river bills in the past, this omnibus bill has broad bipartisan support. Five of the eight rivers are sponsored by Republicans and three by Democrats.

In addition, the bill has been supported by ARCC, the National Audubon Society, Sierra Club, the Wilderness Society, the National Parks and Conservation Association, Friends of the Earth and the Environmental Policy Institute.

The rivers included in the Omnibus Rivers bill are described in the June issue of *American Rivers*, the publication of ARCC, as follows:

North Fork of the Kern in California arises from Mt. Whitney, at an

elevation of 14,494 feet. Dropping more than 10,000 feet as it flows south, the river abounds with waterfalls, clearwater pools and spectacular alpine scenery.

The Great Egg Harbor is the longest canoeable river in the New Jersey Pinelands Preserve. It begins near Berlin, New Jersey and meanders through tidal and non-tidal wetlands to the ocean.

Henrys Fork, a springfed river in Idaho, provides essential habitat for the once-endangered trumpeter swan and other animals. It is threatened by six hydropower projects.

Cache La Poudre flows out of Colorado's Rocky Mountain National Park. It is popular with rafters and kayakers and if the bill passes it will be the first wild and scenic river in Colorado.

The **Farmington River** in Connecticut and Massachusetts is special in several ways. It is the site of an Atlantic Salmon Restoration Program, has some of the best whitewater canoeing in the east and is home to several significant historic sites.

Black Creek in southern Mississippi is characterized by white sandbars, overhanging vegetation and red clay vertical bluffs. Many threatened or endangered species live within its watershed.

Saline Bayou is a typical blackwater stream. No southern blackwater stream is now protected in the wild and scenic system.

South Fork of the Kern has its headwaters in the Inyo National Forest and is totally free-flowing. It has a dramatic diversity of vegetation and is the ancestral home of the golden trout.

Details in September Voice



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Wildlife Federation joins effort to protect WV's Canaan Valley

(Editor's note: The following article appeared in the July 1986 issue of Conservation 86, a publication of the National Wildlife Federation. It outlines the problems facing Canaan Valley and some of the efforts to protect it by the WV Wildlife Federation).

Although the West Virginia valley is often cold and misty, settlers must have thought it looked like the Promised Land because they named it Canaan Valley.

At 3,200 feet above sea level, Canaan (pronounced ka-NANE) is the highest valley east of the Mississippi River. Its altitude and general sog-giness (average yearly rainfall is 53 inches) make Canaan suitable for many kinds of plants which ordinarily live much farther north.

Cranberries and blueberries grow there, as do balsam fir, aspen and heather. Rare sedges can be found in Canaan, and the goldenrod that grows there is turned by bees into a delicious honey.

This unique array of plant life make Canaan Valley a promised land to the 286 species of mammals, birds, reptiles, amphibians and fish that thrive there.

For instance, one of the largest populations of beaver in the eastern U.S. lives in Canaan Valley. Beaver ponds provide feeding, nesting and resting grounds for black and mallard ducks, as well as shore and wading birds.

Other animals in Canaan include black bears, red foxes, timber rattlesnakes, mink, screech owls, and red-tailed hawks. And the Blackwater River, which runs through the valley, has brown trout in plentiful numbers.

Some of these animals range over the entire 34,000 acres of Canaan Valley, but many rely on the 6,000 acres that are shrub swamps or bogs. Fully 40 percent of West Virginia's wetlands are in Canaan Valley and their size and quality are unequaled by any in the eastern U.S.

Sadly, though, this earthly paradise has not

escaped the notice of developers.

In 1970, a group of power companies proposed to dam the Blackwater River and build a water pumping and storage facility. But unlike the benign damming done by the beavers, a dam built by power companies would inundate more than 7,000 acres of irreplaceable valley lands and make the area uninhabitable for many of the valley's animals.

Proponents of the damming proposal, called the Davis Power Project, say it will bring jobs and money to the region, which is one of the poorest in West Virginia. The power companies say the dam will increase the county's income by almost \$3. million a year — a ten fold increase over its current intake.

But the dam has some vocal opponents as well, including the West Virginia Wildlife Federation (an affiliate of the National Wildlife Federation), the Department of Interior (which, in 1974, designated the northern half of Canaan Valley as a National Natural Landmark) and the U.S. Army Corps of Engineers, which refused to issue a permit to the power companies citing the value of the wetlands that would be destroyed.

However, the power companies did get a permit to build a dam from another Federal agency — the Federal Energy Regulatory Commission. And, in 1980, a U.S. District Judge ruled that the Corps cannot overrule a permit issued by the Commission.

Meanwhile, other Federal agencies were getting into the act. In 1977, the U.S. Fish and Wildlife Service proposed that Canaan Valley be acquired as a National Wildlife Refuge. (West Virginia is the only state without a National Refuge).

And in 1979, then-President Carter directed the Department of Energy to study alternatives to the Davis Power Project. A draft report outlined a number of alternatives but President Reagan took office in 1981 and the final version of the report



Canaan Valley — a ground floor view.

was never issued.

This byzantine state of affairs has been held up since 1982 in the U.S. Court of Appeals for the D.C. Circuit.

Everyone, from the stalled power companies to the Corps of Engineers, is waiting for the Court's decision — a decision that may be years away.

Now, the West Virginia Wildlife Federation and other conservationists are trying to get the issue resolved once and for all.

According to Tom Dougherty, a Regional Executive for the National Wildlife Federation, "it's time to bury the hatchet and come back to the bargaining table." It's time, he says, for a new approach.

One way to resolve the conflict might be to arrange a land swap. The power companies could trade the land they own in Canaan Valley for less fragile land elsewhere.

The West Virginia Wildlife Federation has developed a slide show that describes the beauty and value of the valley. The show is being used to convince people around the valley that National Refuge designation for Canaan would not only bring tourists and revenue to their county, but also preserve a beautiful ecosystem for the enjoyment of future generations.

More information about the slide show is available from the West Virginia Wildlife Federation at Box 275, Paden City, WV 26159.

Board (continued from page 1)

At its spring meeting the board voted to file a petition with the Environmental Protection Agency asking that agency to resolve problems with the state's NPDES program. No petition was filed because EPA officials indicated that they were aware of the problems and were working to solve them.

Because the issue is not yet resolved the board decided to continue monitoring the problem and to take action if necessary.

Public Lands Committee

Sayre Rodman, Public Lands Com-

mittee chair, reported that the Coopers Rock agreement offered by the Department of Commerce had been discussed with climbing groups which are participating in the legal action.

Representatives from the groups will meet with a Department official at Coopers Rock sometime this fall to discuss the issues in the agreement. Both the Conservancy and the climbing groups agree, however, they will not sign the agreement if it contains the provisions allowing the Department to make regulations with no public input.

Rodman and committee co-chair

Donna Borders have been reviewing the final version of the Monongahela National Forest Management Plan. They said they are optimistic about it and that it is a great improvement over the draft.

Their comments and comparisons between the Draft and the Final Plans will be compiled soon and published in the next issue of the Voice.

Other

Membership Secretary Adrienne Worthy reported that the total paid membership as of July 27 was 693. This is approximately the same as in May. Plans are to start a new

membership drive in September.

Conservancy President Larry George brought to the Board's attention a letter from the Attorney General requesting the Conservancy's input on the issue of transporting chemical weapons through West Virginia. The board agreed to take no position on this issue at present because it is a statewide rather than a highlands oriented issue. Conservancy members wanting more information about the possible transport of chemical weapons through the state can contact the Attorney General's office.

Reasons to join WVHC

The West Virginia Highlands Conservancy is a private, non-profit environmental organization started in 1967. Its objectives are "to promote, encourage, and work for the conservation - including both preservation and wise use - and appreciation of the scenic, historic, open space, wilderness, and outdoor recreation resources of and related to West Virginia, and especially the Highlands Region . . ."

Members include people and organizations diverse in their personal interests and professions but united by a common interest. Most WVHC members are West Virginians but many live outside the state.

The Highlands Voice, a monthly

8-page newspaper, is sent to all Conservancy members. It is filled with environmental news on topics of interest and concern to members as well as articles about trips and outings.

The Conservancy sponsors two special weekends each year. These are usually at some scenic spot in the highlands and feature speakers, outings and board meetings.

Your contribution to WVHC is tax deductible and joining is as simple as filling out this form and returning it to the office in Charleston.

Join today and become part of an active organization dedicated to preserving West Virginia's natural resources.

Yes, I'd like to support the West Virginia Highlands Conservancy and receive **The Highlands Voice**. Please accept my membership in the category I have checked.

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- \$30 associate
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Membership Benefits

- 1-year subscription to **The Highlands Voice**
- Special meetings with workshops and speakers
- representation through WVHC's efforts to monitor legislative activity.

The West Virginia Highlands Conservancy is a non-profit organization. Your contribution is tax-deductible. Please keep this for your records.

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Environmental disputes find a new cure — mediation

Use of negotiation by federal agencies, states growing rapidly

What started as an experiment more than 10 years ago — using mediation to settle environmental disputes — is taking root in the United States and beginning to influence the way environmental decisions are made at every level of government. So says Gail Bingham in a new book "Resolving environmental disputes: A decade of experience", released in May at a conference in Washington.

Three hundred people gathered to learn about new developments in environmental dispute resolution, a process in which parties voluntarily meet to seek agreement on a divisive issue. The use of mediation by federal and state agencies and private groups is growing rapidly, Bingham reports. At the same time, she cautions, several barriers, chief among them funding, could dampen a promising outlook.

Bingham analyzed more than 160 instances since 1973 in which mediation and related techniques were used to address environmental disputes involving either a specific geographic location or issues of national or state policy.

The success rate has been high, Bingham says. Agreements were reached in more than three-quarters of all disputes that used mediation to

reach a decision or prepare a recommendation. Eighty percent of site-specific disputes on which agreements had been reached were fully implemented.

Since 1982, several federal agencies — the Environmental Protection Agency, the Department of Interior, the Department of Transportation, the Federal Trade Commission, and the Occupational Safety and Health Administration — have used or are using negotiations to develop regulations. In these efforts, federal officials meet with representatives of the parties affected by a regulation to reach a consensus on a proposed rule, thus reducing the prospect of lengthy litigation once a regulation is adopted.

States are also encouraging greater use of negotiation techniques. Massachusetts, Rhode Island, Texas, Virginia and Wisconsin have statutes that require an applicant for a solid waste facility permit to negotiate a siting agreement with the host community.

Other states are offering mediation as a public service. In Hawaii, it is linked to the administrative office of the state court system, in Minnesota to the state planning office. California, Colorado, Massachusetts, New

Jersey, Virginia, Washington and Wisconsin rank high in terms of the number of environmental disputes resolved within their borders using negotiation techniques. "When people think of environmental disputes, they commonly think of cases in which environmental groups challenge proposals made by private industry," Bingham said. About 20 percent of the site-specific disputes she analyzed involved both private companies and environmental groups. The largest single group of cases involved negotiations among public agencies. Environmental groups were involved in about a third of the cases, private corporations about the same.

Bingham cautions that several factors could limit growth in this field. A key problem is funding mediation services, which have been paid for chiefly through philanthropic grants. Foundations, among others, have questioned whether the parties themselves or government should pay more of the costs. Government agencies are increasingly funding environmental mediation but "cuts in government spending may limit the number of future cases paid for by agencies," Bingham said.

The most often made assertion

about environmental mediation is that mediation is cheaper and faster than litigation, Bingham said. She found little empirical evidence to support the claim. The median duration of the disputes analyzed is 5-6 months, the actual length may vary from a few weeks to several years. The median duration of a lawsuit filed in U.S. District Court is about seven months but few lawsuits go to trial.

Ten percent of the environmental lawsuits that do go to trial in U.S. District Court take more than 67 months. "The threat of protracted litigation, not the length of the standard case, creates the popular conception that mediation is faster than litigation," Bingham suggests.

"The first decade of experience with voluntary dispute resolution alternatives has demonstrated that they often are successful options for settling many environmental controversies," Bingham said. "If incorporated systematically into public decision-making, mediation and negotiation offer society the opportunity to change the way it makes choices about controversial environmental issues.

Bingham directs the Conservation Foundation's Dispute Resolution Program.

EPA emissions trading policy still holds promise

While the Environmental Protection Agency's program in emissions trading has not yet produced the results that its most enthusiastic promoters once expected, it continues to hold promise as a strategy for promoting more cost-effective pollution control, according to a Conservation Foundation report "Reforming air pollution regulation: The toil and trouble of EPA's bubble," released in July.

When Congress reauthorizes the Clean Air Act it should allow EPA to continue its experiments with this program says the report's author, Dr. Richard A. Liroff. EPA Administrator Lee Thomas is expected to announce the final emission trading policy statement sometime in August.

Emissions trading encourages industries to control pollution more than they are required to, at points where reductions can be achieved most inex-

pensively, while foregoing more expensive reductions that otherwise would be required elsewhere at a facility. Liroff analyzed the arguments for and against emissions trading, as well as more than a dozen of the approximately 40 "bubbles" proposed for approval by EPA.

As the most advanced application of emissions trading, the "bubble" policy derives its name from placing an imaginary bubble over a facility with multiple points of air pollution. While the cumulative emissions from the imaginary bubble are fixed by regulation, the operator can vary controls among the different points, limiting most those points that are least expensive to clean up and controlling to a lesser extent those points that are more expensive to clean up.

The promise of emissions trading is that it would reduce costs, encourage innovation, increase

cooperation between regulators and the regulated, and promote administrative flexibility — all while helping meet national air quality objectives. To its critics, however, trading poses a threat to the environment by allowing industry to avoid needed controls and take advantage of loopholes in the regulatory system.

A few of the dozen bubbles Liroff analyzed reduced pollution more than compliance with conventional regulatory requirements would have. A few have sped pollution abatement. "Bubbles have produced significant cost savings," Liroff says, even if claims are discounted by a 20 to 50 percent skepticism factor.

Bubbles have added some useful flexibility to the Clean Air Act's administration even though their environmental benefits and detriments on the whole have been unremarkable, the author notes.

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★ *Hiking Guide to Monongahela National Forest and Vicinity* West Virginia Highlands Conservancy

An invaluable guide for hikers, this book includes trail descriptions and topographical maps for more than 200 trails in the Monongahela National Forest. The Dolly Sods Wilderness, Allegheny Trail and the Greenbrier River Trail are included.

★ *A Citizens Guide to River Conservation* Diamant, Eugster, and Duerksen

A how-to manual for people who want to help in the fight to save rivers and streams from development and pollution.

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Please send me the following books:

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NEWS BRIEFS

(Editor's note: Each month I publish a News Briefs page summarizing relevant news stories from newspapers around the state. It is hard, however, for one person (me) to have access to all the different papers. Therefore, help is needed!!! If you regularly read a local newspaper, including the Charleston ones, and would be willing to clip out articles about environmental issues or other topics of interest to Conservancy members I would like to hear from you.

Please send any contributions or questions to me at the address listed in the roster. Be sure to write the date and name of the newspaper on the clipping. Thanks!!!)

Bill requires Gauley whitewater releases

Legislation being considered by a House-Senate conference committee could require the Corps of Engineers to increase releases from the Summersville Dam to enhance whitewater recreation opportunities.

Senator Jay Rockefeller supports the language of the legislation which calls for releases from the dam on at least 20 days during a six-week period starting on Labor Day. The provision is an insertion in an overall water resources bill.

It stipulates that except for emergencies, there will be no suspension or modification of releases solely for the generation of hydropower.

Rockefeller has said that the provision will allow outfitters to better plan their Gauley River rafting season. In addition it will make it clear that whitewater recreation is a top priority of the operation of Summersville Dam.

The Corps has cooperated to some extent with outfitters in the past in determining when and how much water is to be released. The legislation before Congress will formally require the Corps to make whitewater releases a priority.

Action is expected on the waters bill later this summer or in the fall.

—reported in *The Charleston Gazette*, 7/18/86

State to ease hazardous waste regulations

Because state regulations for handling hazardous wastes are more stringent than federal regulations, an advisory committee to the West Virginia Department of Natural Resources has recommended modifications in the state guidelines.

The modifications would save millions of dollars for industry. A recent study indicated that complying with current state guidelines would cost thousands of jobs and force industry to spend as much as \$50. million.

Federal law allows normal industrial wastes to be mixed with hazardous wastes as long as dilution to safe levels is achieved. Current state law prohibits any mixing of waste water with hazardous wastes.

The modified state guidelines would allow mixing under the same rules applied under federal regulations. Additional stipulations to protect the environment would be added to the state law.

The advisory committee which made the recommendations to soften state regulations is made up of industry representatives, environmentalists and state health officials.

—reported in *The Charleston Gazette*, 7/16/86

New River offices to be in Glen Jean

The New River Gorge National River headquarters may soon be located in the historic coal town of Glen Jean.

In mid July, the Reagan administration said it supported a bill allowing the National Park Service to acquire land outside the boundaries of the national river for a visitor's center and headquarters.

Administrative headquarters for the park are now located in Oak Hill. A 10-acre site in Glen Jean is proposed for the new headquarters.

Several advantages have been put forth for the Glen Jean site. It is close to the major north-south highway that parallels the river and is near the midpoint of the river.

In addition, it is accessible to city water and sewer services and would protect the 62,024 acres of parkland from development.

Both Senator Jay Rockefeller and Senator Robert Byrd are co-sponsors of the bill.

—reported in *The Charleston Gazette*, 7/19/86

WANTED:
New Voice Editor
See page 2 for details

Spraying in National River restricted

A federal judge ruled in mid-July that the state of West Virginia must get permission from the National Park Service before spraying Bti inside the boundaries of the New River Gorge National River.

The Park Service sought and obtained a temporary restraining order in June to prevent spraying in the gorge. The state is spraying Bti in an attempt to curtail the number of black flies and gnats in southern West Virginia.

Spraying began in upper stretches in the New River, in the Greenbrier River and some feeder streams. Environmental groups and anglers complained about the spraying because they believed the bacteria could disrupt aquatic life in the river.

The judge was expected to issue a formal opinion later in the month in favor of the Park Service. A court spokesperson said the state would have to apply to the Park Service for permission to spray and agree to follow its rules and regulations.

—reported in *The Charleston Gazette*, 7/15/86

1,900 dams in U.S. estimated to be unsafe

West Virginia is one of twenty-five states with a dam safety inspection rated as inadequate, according to a recent report by the Federal Emergency Management Agency.

The report estimates that there are 1,900 unsafe dams in the country and identifies 57 of these as being in West Virginia.

Since 1972, the year of the catastrophic failure of the Buffalo Creek dam, both federal and state governments have improved their efforts at monitoring dam safety. The collapse of the coal waste dam on Buffalo Creek killed 125 people in Logan County.

In June of the same year, a dam in South Dakota gave way and 237 people were killed.

Although dam safety has been a pressing national concern since that time, this progress report by FEMA indicates that much more remains to be done to adequately protect against catastrophic dam failures.

—reported in *The Huntington Herald-Dispatch*, 6/18/86

Moore supports Clean Coal projects

Three projects designed to burn West Virginia coal more cleanly were supported by Governor Arch Moore in June at the Clean Coal Technology Conference in Morgantown.

The three projects are West Virginia University's MAGIC project, Weirton Steel's direct reduction process and the Cool Water gasification project.

The MAGIC project would allow WVU and its Foster Wheeler partner to generate steam and electric power cleanly while burning high sulfur coal. Federal Clean Coal Technology funding is being sought for the project.

Weirton Steel's process is designed to burn coal directly during the steel-making without the need to first manufacture coke. It is also seeking federal funding.

Moore calls the Cool Water project the "technology of tomorrow." A test burn with this method was recently completed using northern West Virginia coal at a California demonstration site.

—reported in *The Dominion Post*, 6/20/86

Research Natural Areas proposed in MNF

Fourteen areas in the Monongahela National are recommended as Research Natural Areas in the MNF Final Forest Plan released in July. These areas represent special environments and the designation provides some protection.

In the Draft Plan only four areas were recommended for RNA designation. Through suggestions from citizens and organizations such as the Nature Conservancy, forest planners identified 10 additional areas to be recommended as RNAs.

The Nature Conservancy was instrumental in generating interest in locating special areas in the forest. In the Eastern Region, which contains 14 national forests, it provided \$100,000 for use in evaluating and establishing these areas.

The Forest Service will match these funds in carrying out the program.

Areas on the MNF recommended for RNA designation include the Cranberry Glades, Stuart Knob, Mt. Porte Crayon, Rohrbaugh Plains, White's Draft and other areas with special botanical or zoological characteristics.

Following approval of the Final Plan, a field review to collect detailed information on the sites will be carried out and used in making the final designations.

—reported in *The Parsons Advocate*, 6/25/86

Devil's Run to Tablerock — a hike through history

By Allen de Hart

High on the Canaan Mountain plateau is a group of connecting foot trails which are rich in forest history. The 8.4 mile Plantation Trail, named for a 2,462-acre plantation of red spruce, is the main and longest one of the group.

From it are a number of short fire trails and three trails cross it to make easy walking routes from the Canaan Loop Road. An additional path, the 1.1 mile Tablerock Overlook Trail, leads to spectacular vistas, a contrast to the sequestered Plantation Trail. A combination of these trails makes an excellent day or overnight hike.

The Plantation Trail was constructed by the Civilian Conservation Corps in the 1930s to reforest one of the best spruce forests ever timbered. The CCC also planted a few groves of Norway spruce and red pine.

To protect the young seedlings the CCC built fire lanes that have a number of miniature cement dams called "water points" or "pump chances." The trail varies in altitude from 3,580 feet to 3,312 feet.

The eastern trailhead is on WV-32, two miles south of the Blackwater River bridge in Davis. At first you see a mixture of maple, birch, hemlock and spruce. White snakeroot borders the trail. After one-half mile you cross Devil's Run, where the density reminds you of Devil's Gulch in the Otter Creek Wilderness.

The trail is bordered, sometimes arbored, with rhododendron, mountain laurel and mountain ash. Cinnamon, hayscented and other ferns decorate the trail sides and mosses carpet the treadway. Water seepage and conglomerate rock are commonplace.

At 2.7 miles you intersect with the Allegheny Trail. Here is a shelter and water. After another 2.4 miles you intersect with the Lindy Run Trail where bears have chewed the trail sign post to a stub. A third cross trail, the Railroad Grade Trail, is at 6.3 miles. A hike south on it for 0.6 miles leads to another shelter and water in a cove. This is the site of a former long railroad trestle.

When you reach the western terminus of the Plantation Trail at the Canaan Loop Road (a good locality for a vehicle shuttle that is 9.8 miles on USFS Road 13 from WV-32 at Canaan Heights), walk left for 65 yards to the Tablerock Lookout Trail. Be prepared to stay a while at the end of this trail.

There are naturally sculptured rocks with indentations and fissures, patches of wintergreen and huckleberry, and wildflowers. Stay until sunset and watch the shades and shadows of Red Run Valley, the Mozark Mountain range and Shavers Mountain. And think about the history of these magnificent forests and those who have worked for their preservation.



Gary Stainback hikes the Plantation Trail on the Cheat Ranger District.
Photo by Allen de Hart

Enoxy mining permits challenged

By John Purbaugh

Enoxy Coal Company's latest application for a 500+ acre permit to surface mine in the acid-producing Kittanning seams on the Right Fork of Ten Mile Creek of the Buckhannon River is being vigorously opposed by a number of local landowners and two conservation groups. Enoxy originally proposed, in the fall of 1985, to area mine over 700 acres and announced its intention to valley fill two unnamed tributaries of the Right Fork and to construct two large in-stream sediment and chemical treatment ponds.

The West Virginia Highlands Conservancy, Trout Unlimited and nearby landowners objected, asking the

federal Environmental Protection Agency to block the NPDES water discharge permit because of the valley fill, the in-stream ponds, the likelihood of perpetual acid mine drainage and the need to protect the Right Fork and its tributaries as native brook trout waters.

The EPA agreed, objecting to the issuance of the permit unless the fills and in-stream ponds were eliminated and trout waters were protected by appropriate effluent limits. EPA also wanted Enoxy to either prove that its phosphate treatment technique prevented acid mine drainage on existing sites, or to post an adequate bond to guarantee perpetual treatment.

West Virginia Department of Natural Resources Director Ron Potesta issued a second draft NPDES permit in late May 1986 which "assumes the receiving streams are not trout waters." It requires Enoxy to submit quarterly reports on the water quality of untreated influent and to perform a series of acid-base accounting and simulated weathering tests on the disturbed material.

DNR has said that it may, based on these or other results, require a water treatment bond by permit modification at some future date. In comments submitted on this second draft, the same landowners and conservation groups objected to this

"wait and see" attitude as hiding from the issue. They also pointed out contrary biological evidence to DNR's "assumption" about the streams not being trout waters. EPA must approve any final permit.

In addition to the NPDES water discharge permit, Enoxy's surface mining permit is being challenged. The surface mining permit, issued May 9, 1986 by DOE, will have its validity determined in arguments September 10 before the Supreme Court of Appeals on a landowner's claim that DOE issued the permit without sending the completed, revised application to public notice as required by the surface mining act.

July release from Enoxy sites acidifies Ten Mile Creek

(Editor's note: The following article was published in the July/August newsletter of the Mountain Stream Monitors, accompanying the above article by John Purbaugh.)

Enoxy Coal Company is being held responsible for a serious acid release event which occurred in early July at its Upshur County surface mine site. Three treatment ponds have been identified as the sources of acid mine drainage which flowed into two tributaries of Right Fork of Ten Mile Creek.

At least one of these tributaries had been a thriving native brook trout stream. All fish and insects in that stream are now dead. DNR fish biologist, Dan Ramsey, in an article in the *Record Delta* reported that the trout stream was acidified to pH 3.0. Ten Mile Creek water at its mouth on the Buckhannon River tested at 5.0.

Heavy rainfall is being blamed for the pollution which is believed to have flowed 24 hours a day for at least five days. None of the impoundments was

broken, nor was malfunctioning equipment believed to be responsible. Steps are being taken to correct the situation. On July 7 alone, 16,000 to 20,000 gallons of caustic soda were dumped into the ponds to neutralize the acid.

This most recent pollution event has significance beyond its impact on Ten Mile Creek. The Buckhannon River acts as a buffer for the Tygart Valley River, which carries a heavy acid load from abandoned mine sites. The Buckhannon River also has a number of unreclaimed sites.

In addition to the Enoxy site, there are three other active mines in the area (DLM, Bean's Mill and Badger). The capacity of the Buckhannon River to dilute the acidity of the Tygart Valley River depends on the continuous, effective treatment of drainage at the active sites. The latest failure raises more doubts about the reliability of these treatment systems, which are essentially artificial life support systems for much of the Buckhannon River and Tygart Lake.

Nominations for Board and officers requested

Elections for new officers and five directors-at-large will be held at the annual meeting of West Virginia Highlands Conservancy at the Fall Review.

The nominating committee is requesting nominations from the membership to fill these important positions.

Nominated individuals must be Conservancy members and will serve two year terms. Each Conservancy member may nominate up to five individuals and must include a statement indicating that the individual is willing to serve.

Nominations should be made in writing to Deborah B. Smith, Chair, WVHC Nominating Committee, 1206 Virginia St., East, Suite 201, Charleston, WV 25301.

A list of nominees will be published in the September *Voice*. Nominations will also be accepted from the floor at the annual meeting.