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West Virginia University 26506

Published monthly by the W.Va. Highlands Conservancy

VOL. 19 NO. & OCTOBER 1986

# **WVHC Resolution On Canaan Valley**

The West Virginia Highlands Conservancy Board of Directors passed the following resolution at its October 12 meeting:

That the WVHC regrets Governor Moore's decision to pursue an avenue of withdrawing the State of West Virginia from the Davis Power Project case court proceedings given the fact that this plan by the Allegheny Power System:

1. Is unnecessary to meet current and future power needs of the state, region, or county;

2. Would destroy many thousands of irreplaceable wetland acres that represent a high national and state priority for protection;

3. Would change the current predominant land use direction in the area from one that complements its stature as a National Natural Landmark and that attracts ever-increasing tourist dollars to benefit the local economy;

4. Would involve the state in mitigation costs of unestimated value that could well mean the end of private land ownership in Canaan Valley;

Would eliminate the chance of designation of the area for consideration as a "national widelife refuge" for which the U.S. Department of Interior has expressed high-priority interest and commitment, and result in long-term economic benefits to the local community and state for greater than any possible returns connected with such a power dam development.

The governor move with all deliberate speed in a cooperative effort with the U.S. Department of Interior toward the establishment of the Canaan Valley National Wildlife Refuge and use the powers of his office to communicate the superior economic benefits of this designation.

(See Resolution, Page 2)

# **Governor Moore On Davis Power Project**

Governor Arch Moore told U.S. Secretary of the Interior Donald Hodel that West Virginia is pulling out of a 1981 legal challenge to the building of a Tucker County power project. The state Department of Natural Resources, the U.S. Department of the Interior, and environmental groups including WVHC, National Audubon Society, National Wildlife Federation, and the Sierra Club had challenged the license for the Davis Power project granted by the Federal Power Commission, now the Federal Energy Regulatory Commission, in 1977.

The DNR, environmental groups, and the U.S. Corps of Engineers also filed a federal suit in 1978 challenging a lower court's decision to grant Allegheny Power a dredge and fill

In August, the Charleston Gazette

reported that Dave Granger, a lawyer for the Allegheny Power System, had said the state and federal governments must remove themselves from the suits if a settlement is to be reached. He also said that environmentalists may be persuaded to stop their legal actions if both the state and federal governments pull out.

Moore told Hodel Monongahela Power is willing to turn over the state land now owned privately for building the Davis Power Project. The plant will combine pump storage with 1 million tons of coal a year to generate its power and will produce \$2 million in tax revenues for Tucker County. In addition Moore pointed out the 7,000 acre lake created by the project will provide ideal development sites for second homes and vacation residences.

# **Conservancy Files Intervention In Hawks Nest Hydropower Application To Protect New River Gorge**

The West Virginia Highlands Conservancy has filed a motion to become an intervenor in proceedings before the Federal Energy Regulatory Commission (FERC) to relicense the Hawks Nest Hydropower Dam and Tunnel. The motion was filed on Monday, August 11th by Conservancy President Larry W. George, a Charleston attorney.

Joining the Conservancy in the motion to intervene are the National Parks and Conservation Association, the West Virginia Chapter of the Sierra Club and Friends of the Earth.

The Hawks Nest facility is owned by the Elkem Metals Company and essentially dewaters 5.5 miles of the New River Gorge by diverting nearly all the river's flow through a 3.1 mile power tunnel. The river is diverted at the Hawks Nest Dam, just below Hawks Nest State Park, and emerges from the tunnel at the Elkem Power House approximately one mile upstream from Gauley Bridge in Fayette County.

George said, "the Conservancy is asking FERC to carefully examine the existing impact of the Hawks Nest Dam upon the New River Gorge by considering alternatives to reduce the aesthetic and fisheries damage. The Hawks Nest Dam & Tunnel creates the largest river diversion in the eastern United States and adversely affects the New River Gorge, a natural feature of national significance."

The Conservancy is also requesting FERC to prepare an environmental impact statement, to consider increasing minimum flows in the dewatered portion of the Gorge and to carefully examine the economic aspects of both power production and recreational activities.

The Conservancy recently proposed the eleven mile river segment from the New River Gorge Bridge to Gauley Bridge, which includes the Hawks Nest hydropower facility, for inclusion in the existing New River Gorge National River. The Conservancy has requested the West Virginia Congressional delegation to include the eleven mile designation in the omnibus West Virignia scenic rivers bill proposed by U.S. Rep. Nick Rehall (D-WV) for introduction in the new Congress next January.

George concluded, "The Hawks Nest segment of the New River Gorge may be the most outstanding part of the Gorge and should be included in the National River. The Conservancy's intervention in the FERC license proceedings is intended to assure that the existing adverse impacts of power production on the Gorge are minimized wherever possible."

The FERC is an independent agency of the U.S. Department of Energy and regulates the licensing of hydropower facilities and interstate electric power sales under the Federal Power Act. Each original hydropower license was issued for a period of fifty years and the first federal licenses issued in the 1930's are only now expiring. The Hawks Nest license is only the sixteenth in the nation to be renewed and may set legal precedents of national importance since hundreds of hydropower licenses will expire during the next decade.

The existing FERC license requires a mandatory discharge from the Hawks Nest Dam of only 25 cubic feet per second (cfs) compared to the average flow of 9,200 cfs. The Hawks Nest Tunnel diverts up to 10,000 cfs and essentially dewaters the river during more than 70% of each year.

The U.S. Fish and Wildlife Service (FWS) staff is suggesting increased flows to enhance fisheries habitat in the Gorge, although a formal agency recommendation for a specific discharge from the Hawks Nest Dam has not been made to FERC. The FWS staff has worked with Elkem for two years but has been unable to reach an agreement on an increase in river flows.

FWS is also investigating the protection of an extremely rare plant of world significance, Running Buffalo Clover. The Clover is located on Elkem lands and exists in a single ten foot square patch, one of the few known sites in the world and the only one in West Virginia. Although located far above the river, FWS is concerned that any increased recreational use in the Gorge may threaten the Clover site. The Nature Conservancy is working with Elkem and FWS to protect the site.

The West Virginia Department of Natural Resources (DNR) has kept a low profile on the entire Hawks Nest issue. DNR sources report that Governor Arch Moore has directed DNR not to take any action which might impact adversely on the Elkem Metals Company. Elkem employs up to 700 men at its Alloy plant and has stated that any decrease in hydropower production will diminsh the economic viability of its operations since it would have to purchase replacement power at a higher cost from the Appalachian Power Company.

(See Hawks Nest, Page 3)

# **New Board Of Directors**

At the October 12 business meeting of the Highlands Conservancy, the board of directors voted to accept the slate of candidates proposed by the nominating committee. The new officers are John Purbaugh, President; David Elkington, Senior Vice President; Larry George, Vice President for State Affairs; Scott Martin, Vice President for Federal Affairs; Lois Rosier, Secretary; and Tom Michael, Treasurer.

John Purbaugh then appointed Perry Bryant to serve as a Director-At-Large. The roster of officers, which appears in each issue of the Voice, has been updated and contains the addresses and phone numbers of the new officers.

# **New VOICE Editor**

Gary Worthington of Fayetteville, West Virginia, is the new Voice editor. Since he did not begin his duties until October 1, there was no September issue of the Voice. Hopefully the Voice will get back on schedule for the November issue.

People interested in contributing original articles or editorials to the Voice should submit them by the 25th of each month. Photographs of areas of concern. for example, Canaan Valley, the Gauley River, are desperately needed. Clippings on environmental issues from newspapers and newsletters around the state are also welcome.

> Send to: Gary Worthington 118 Clark Avenue Fayetteville, WV 25840 Phone: (304) 574-0540

# **West Virginia Trails Conference** November 8 and 9

The 1986 West Virginia Trails Conference will be held on November 8 and 9 at Camp Arrowhead, near Barboursville, West Virginia.

Presentations on cycling, canoeing, horseback riding, hiking and whitewatering are scheduled. Discussion groups are planned for an exchange of experiences and ideas on trail policy, planning, design, construction, maintenance, and use.

Please plan to attend. For more details call John Giacalone at (304) 746-2129 or

Doug at (304) 727-8463.

# **MARK YOUR CALENDAR**

The Highland Conservancy Winter Meeting is set for JANUARY 25 in Elkins.

**Resolution** (continued from page 1)

The WVHC will be working with the West Virginia Wildlife Federation toward protecting the Canaan Valley to its designation as a National Wildlife Refuge. (See "Canaan Wildlife Refuge," page 3). It is vitally important that Conservancy members and other interested individuals and organizations write Governor Moore and Secretary of Interior Hodel immediately and express their views on protection of the Canaan Valley as a Nation Wildlife Refuge.

Many readers may have written letters before stating their views on preserving Canaan Valley, but new "actors" are now involved, and expression of sup-

or

port in letters to them at this time is essential.

Write to:

Secretary of Interior Donald Hodel Main Interior Building 18th and C Streets, NW Washington, D.C. 20240 Governor Arch A. Moore State Capitol Charleston, WV 25305

# JOIN **WVHC TODAY**

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Adrienne Worthy, Membership Secretary Suite 201, 1206 Virginia Street, East Charleston, WV 25301

Gary Worthington, Voice Editor 118 Clark Avenue Fayetteville, WV 25840 (304) 574-0540)

# HELP

To prepare a bigger and better fifth edition of the WVHC Hiking Guide to Monongahela National Forest, we need:

# **PHOTOGRAPHS**

Black-and-White and Color

Contact: Skip Deegans, WVHC Publications Committee Box 564, Lewisburg, WV 24901

# Canaan Wildlife Refuge Efforts Are Still Alive-

(The following article by John Martys is reprinted from "West Virginia Wildlife Notes," a publication fo the West Virginia Wildlife Federation, Inc.)

After 25 years, efforts are still alive to protect the ecologically unique and fragile Canaan Valley. Current activity is spearheaded by the Canaan Valley Committee of the West Virginia Wildlife Federation. The committee chaired by past WVWF President Jim Westfall, is working toward the establishment of a national wildlife refuge in the valley. Made up of representatives of several state and national organizations, the Canaan Valley Committee will be the grass roots network for all efforts both on the local and national level.

West Virginia is the only state in the union without a national wildlife refuge in its boundaries. Canaan Valley is thought to be the most ideal location for a West Virginia refuge because of its unique character. The valley has over 28,000 acres of wetland making it the largest wetland of its kind in the eastern U.S. There are over 583 species of flora in the valley, many of which are

only common to northern Canada.

The establishment of a national wildlife refuge would mean not only the preservation of one of this state's and country's most valuable natural treasures but also an economic boom for Tucker County. In addition to the 25 new jobs directly related to the refuge, countless other jobs in related business will be created. Also, because the federal government cannot pay taxes on the property, a \$300,000 annual payment in lieu of taxes would be made to the county. The refuge would not only add a new economic base to the county but also provide it with a sound and reliable source of revenue. The refuge would not mean the Canaan Valley would be devoid of activity. On the contrary, according to Department of Interior guidelines, cooperative agreements with various land users can be made that would promote activities consistent with the objectives of the refuge.

Support for the Canaan Valley Wildlife Refuge is widespread. The U.S. Fish and Wildlife service has been behind the project since its inception and in 1974, the Department of the Interior deemed Canaan Valley a National Natural Landmark. Since

1970, many other groups and organizations have been actively involved in the Canaan Valley issue and have evolved the movement to a wildlife refuge to where it is today.

Even though the U.S. Fish and Wildlife Services of the Department of the Interior is anxious to make Canaan Valley one of its almost 500 National Wildlife Refuges, the major osbstacle in this effort is the Allegheny Power Systems. In 1970 APS applied to the then Federal Power Commission for a license to build a 1,000 megawatt pumped storage facility in the Canaan Valley. This would have resulted in the flooding of over 7,000 acres of the valley and massive construction on the ecologically fragile valley and nearby Cabin Mountain. After 16 years of court suits, appeals and litigation, APS obtained a license to construct the facility. However, due to an appeal of this license by state and national conservation organizations and the U.S. Corps of Engineers regarding its jurisdiction on Federal Energy Regulatory Commission projects, APS cannot proceed with construction.

Because of this . . . appeal, a resolu-

tion to the situation may take several more years and it is possible that APS will negotiate with the Department of Interior on the purchase of its 15,400 acres. However, there is no assurance that APS is willing to give up on a 16-year fight.

The state of West Virginia has been on both sides of the Canaan Valley fence since 1970. No one is sure of the current DNR position on Canaan Valley. (See update of state's position in article on Moore and Hodel, page 1.)

The success of this effort to make Canaan Valley a wildlife refuge will depend on the activities of the Canaan Valley Committee and the support of their constituent organizations. The committee will undertake a citizens awareness and information program to better educate the public and especially the residents and business people of Canaan Valley. The Canaan Valley Committee encourages everyone to let the Secretary of the Interior, the Governor, and state and federal representatives know of your support for the refuge. (See page 3 for addresses.)

### Hawks Nest (continued from page 1)

The Governor's position has apparently eliminated the role of DNR in the licensing proceeding. The West Virginia Attorney General has historically intervened on behalf of DNR in all FERC hydropower applications affecting state rivers. However, the Moore Administration has instructed the Attorney General not to intervene in the Hawks Nest proceedings.

The Hawks Nest FERC license expires at the end of 1986. However, FERC can issue temporary licenses while the license application is pending. It is expected that the Hawks Nest license could take

up to two years to process.

Elkem Metals Company uses all power generated at Hawks Nest for ferro-alloy production at its metals plant in Alloy, West Virginia. Hawks Nest generates 25 cycle power which is not technically suitable for commercial sale since 60 cycle power had been the national standard for decades

The New River Gorge National River is a unit of the U.S. National Park Service (NPS) and was established by the Congress in 1978. Congress originally directed the NPS to study the lower eleven miles for eventual inclusion in the National River. However, Secretary of the Interior James Watt reversed the favorable NPS staff recommendation and forwarded a negative recommendation to the Congress in 1981.

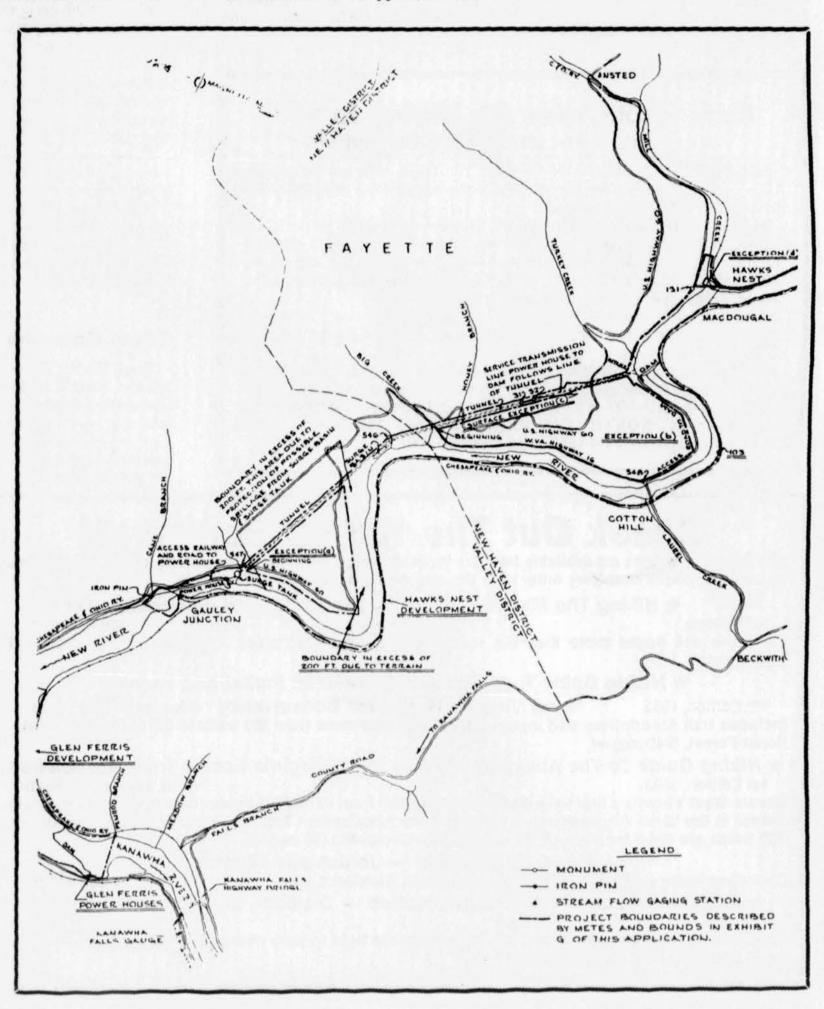
The National Park Service is now proposing boundary changes to the existing 62,000 acre National River reservation to provide for better management and eliminate unnecessary acquisition. NPS currently proposes to delete almost 10,000 acres and add 4,000 to the existing boundary area which was somewhat arbitrarily determined by Congressional staff during the passage of the 1978 logislation.

the 1978 legislation.

Any boundary changes must be approved by the Congress and the Conservancy Board of Directors believes this will be the best, and possibly only, opportunity to add the Hawks Nest segment of the

Congressman Nick Rahall (D-WV) has already agreed to include the NPS proposed boundary changes in this omnibus West Virginia scenic rivers bill. Mr. Rahall has directed his staff to review the Conservancy proposal to include the Hawks Nest segment in the New River Gorge National River and an on-site staff visit is expected.

Gorge to the National River.



# **Potesta Visits Fall Review**

West Virginia's Department of Natural Resources Director Ron Potesta told Conservancy members that he and the Moore administration "need to hear from conservationists" on issues ranging from Canaan Valley to hunting license charges.

Appearing at the Fall review weekend held October 10-12 at Camp Caesar near Cowen in Webster County, Potesta spoke informally and answered ques-

tions from a spirited and tenacious crowd for nearly three hours.

In his opening remarks, the Director reviewed the current status of both the regulatory and resource management programs administered by the agency. Potesta answered questions by Canaan Valley committee chair Linda Elkinton and others concerned with Governor Moore's recent announcement that he favors the Davis Power project which would flood much of the valley, and that he intends to pursue the project as a possible location for the first state-owned power plant. Potesta responded:

# "Don't assume that because you've written letters before that we know what your views and concerns are."

On other topics, Potesta said that any Department of Natural Resources protective management of the Greenbrier or Bluestone river corridors would occur only with widespread local agreement and support. He defended the Department of Natural Resources' failure to require bonds to guarantee treatment of acid mine drainage from abandoned mines, contending that the issue was "a loser" without legislative action requiring such bonds.

The Directors also announced the Department of Natural Resources plans to request legislation amending the hunting license statues to require a special stamp for certain species, such as bear or turkey, to better fund those specific wildlife programs and to require a new "habitat" stamp which would fund

capital improvements for wildlife facilities and areas.

# New Publication On Hiking In WV Available from the WVHC Bookshelf

HIKING THE MOUNTAIN STATE; The trails of West Virginia by Allen de Hart has just been published by the Appalachian Mountain Club Books in Boston, Massachusetts.

HIKING THE MOUNTAIN STATE is a comprehensive guide to the walking and hiking trails of West Virginia. Written for all levels of ability and interest, the guide covers more than 500 trails — from the longest, the 150-mile-long Allegheny Trail, to the shortest, the 85-yard-long Five Senses Trail, especially adapted for blind hikers.

Each trail listing includes information on camping, hunting, fishing and nature observation. The trails are shown on 38 maps and have USGS and

USFS map references.

Allen de Hart spent over four years hiking the more than 1750 miles of trails described in the guide. De Hart grew up in Raleigh County and has since hiked over 15,000 miles in 46 states and 16 foreign countries. He is the author of NORTH CAROLINA HIKING TRAILS, SOUTH CAROLINA HIKING TRAILS, and HIKING THE OLD DOMINION.

# **Stonewall Jackson Dam Complete**

The Army Corps of Engineers will begin impounding water behind the newly conpleted Stonewall Jackson Dam in Lewis County during the winter of 1987, creating a lake of 2,650 acres. The \$206 million dam was built four miles above Weston on the West Fork River for flood control.

The construction did not, as had been predicted, provide a boom to the local economy. At the peak of work on the dam itself, approximately 200 people were employed by the two prime contractors. The work force has now dwindled to only a few. This is disappointing in a county where the unemployment rate is 20 percent. Francine Snyder, an opponent of the dam's construction, pointed out that the dam did not bring about a construction boom. "The companies basically brought in their own crews," she said.

But Weston Mayor Danny Whelan believes the project represents a golden opportunity for the future. "I'm going to hit hard on the tourism potential," he said. "Business firms and the population in general must realize that it represents our economic future."

Recreation facilities costing \$28 million, half of which is to be paid by the state, are scheduled to be under construction next year.

Snyder contends the recreational development will not be extensive enough to bring in a lot of people. "I don't think it will generate enough revenue to pay the cost of the facilities or maintain the park," she said.

-Skip Johnson, The Charleston Gazette, 10/9/86

# **Gauley River National Status Opposed**

West Virginia Chamber of Commerce President John Hurd of Charleston sent Rep. Nick Rahall, (D-WV), a copy of a resolution adopted at the organizations recent board of directors meeting. It said federal control of West Virginia rivers "is unjustified and not in the best interest of the state and its people."

Rahall, a member of the House Interior Committee, has proposed that a 26-mile stretch of Gauley be designated a national recreation area.

The board said national river designation "carries with it direct and indirect restrictions of mining, timber harvesting and manufacturing both within and adjacent to the designed area, and air and water quality laws which limit commerce far beyond the designated area."

Rahall in a response to the chamber said, "I am disappointed you chose to adopt this position, and it's evident you did not fully examine the issue. There is not doubt the state would greatly benefit from increased economic activities stemming from a Gauley River National Recreation Area." Rahall pointed to businesses that have prospered in the region as a result of New River Gorge National River. He said such designations lend prestige to an area and "put it on the map."

The chamber contended that such designation of Gauley would likely result in eventual federal ownership averaging 100 acres per mile of river, and federal control through easements of a corridor averaging 1,000 acres per mile.

A Rahall spokesman said if land is bought or easements taken, it would only be cliff line to cliff line.

The exact amount of federal presence on Gauley would depend on legislation creating the area. Each national recreation area management plan is different, setting out various degrees of zoning, easements or purchase.

-Skip Johnson, The Charleston Gazette, 9/30, 10/1/86

### **Local Chamber Favors National Concept**

Doug Maddy, Director of the Fayette Plateau Chamber of Commerce, informed the VOICE editor that the local chamber is in favor of having National Recreation status conferred on the Gauley River. He said, "In general, the chamber views giving the Gauley River national recreation status in the same light as giving the New River national river status. The Gauley is a valuable resource in the area and the concept of giving it national protection is supported by the chamber."

# Check Out The WVHC Bookshelf

The following guides are available from the West Virginia Highlands Conservancy. Order your copies by sending check or money order with the attached order form.

NEW ★ Hiking The Mountain State — The Trails of West Virginia NEW

1st Edition Allen de Hart Cost: \$12.95

Covers in 416 pages more than 500 trails totaling over 1750 miles. Contains 38 maps and 18 photographs.

★ Hiking Guide To Monongahela National Forest and Vicinity

4th Edition, 1982 West Virginia Highlands Conservancy Cost: \$7.00 (Post Paid) Includes trail descriptions and topographical maps for more than 200 trails in the Monongahela National Forest. (240 pages)

★ Hiking Guide To The Allegheny Trail — West Virginia Scenic Trails Association
1st Edition, 1983

Cost: \$5.00 (Post Paid)

Covers West Virginia's first long distance hiking trail from Penn./WV border near Coopers Rock State Forest to the West Virginia/Virginia border at the Appalachian Trail on Peters Mountain. Presently, 220 miles are open for use with 60 more in development.) (88 pages)

\* Care Of The Wild - Jordan and Hughes

Describes home emergency care for wild animals. (Hardback only)

Cost: \$13.95

\* A Citizens Guide To River Conservation — Diamant, Eugster, and Duerksen Cost: \$7.95

Gives information for people who want to help in the fight to save rivers and streams from development and pollution. (Only a few copies).

WVHC	BOOK	ORDER	FORM

Place a X in the blank before the books you wish to order:

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