



# THE HIGHLANDS VOICE

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Published monthly by the W.Va. Highlands Conservancy

VOL. 19 NO. 7 JULY 1986

## Settlement proposed in Coopers lawsuit

**Agreement offered, WVHC and climbing groups examine its provisions**

The Coopers Rock climbing ban lawsuit may be resolved this summer if a settlement agreement offered by the state Department of Commerce is accepted.

The Conservancy filed suit against the Department of Natural Resources in early 1985 when DNR officials refused to rescind a ban on rockclimbing at Coopers Rock State Forest. Imposed in early 1984, the ban prohibited technical rockclimbing and rapelling at the state forest, one of the most popular areas for this sport in the state.

After jurisdiction for state recreation areas moved from the DNR to the Department of Commerce, the Department of Commerce offered a settlement agreement to resolve the issues involved in the lawsuit proceedings.

In the agreement, the Department of Commerce agrees not to enforce any policy totally banning rockclimbing in all areas of Coopers Rock for two years, provided that the department has the authority to designate the areas in which rockclimbing is permitted.

During the two year period the department would allow rockclimbing on a trial basis while a study is made of the conduct and manageability of the activities. Areas where rockclimbing would be permitted will be clearly marked and efforts will be made to restrict the size and number



Visitors use the overlook at Coopers Rock State Forest to view the Cheat River Canyon.

Photo courtesy of GOECD.

of areas where the sport is banned.

In return for this partial lifting of the climbing ban at the forest, the plaintiffs in the case (WVHC, Pittsburgh Council of American Youth Hostels, Explorers Club of Pittsburgh, and the Pittsburgh Climbers) would agree to several conditions set out in the proposed settlement agreement.

These include acknowledging that

Coopers Rock is public land maintained for the benefit of all West Virginians; that the forest may be used in different ways, some of which may compete; that the primary use of the overlook is to provide an unrestricted view of the Cheat River canyon; and that rockclimbing at the overlook conflicts with this primary use.

The plaintiffs also would acknowledge that rockclimbing en-

dangers the habitat of the flat-spined three-toothed land snail; that it is a hazardous activity; that the Department of Commerce has the prerogative to accommodate competing interests in the forest; and that the department has the sole discretion to determine the most appropriate manner for administration,

(See Settlement, Page 3)

## THE VIEW

By George Houghton Huppman

The day broke gray and cool. Last night's brilliant fields of stars were replaced by a threatening overcast. We quickly began to break camp in an effort to keep our equipment dry. After a relatively simple breakfast of scrambled eggs cooked on my backpacking stove, we were folding up the tent when the sky began to drizzle, or more accurately, to mist. It was then that we noticed the treetops surrounding the perimeter of this mountainside meadow in West Virginia were not visible — at 3,000 feet we were inside a cloud.

With my Jansport D4 pack strapped on tightly, we descended out of the meadow, into the forest and down the slope to Red Creek. Last fall's record breaking floods had drastically altered the look of the rocky stream bed, one bank being so eroded that it was now a 20 foot cliff. Still, the sight of this remote mountain stream flowing downhill under a canopy of beech, maple and birch held our gaze for

several silent minutes. We chose the quickest way across, a fallen beech from the opposite side leaned against the top of the high bank we stood on. Stepping carefully down the narrow trunk with the rushing creek uncomfortably far below and 40 pounds of gear on our backs got our adrenalin going.

We were ready for the steep hike up the Boars Nest trail to the Flatrock Plains. The topo map showed the low point of this trail where it crossed the creek to be about 2,900 feet. When we finished our ascent in three miles, we would be at 4,600 feet. That altitude gain would be the equivalent of climbing up almost six football fields stacked vertically end to end.

We passed the small brook on our right from which we had filled our canteens the night before — a pretty little unnamed tributary to Red Creek with clear sweet water flowing under moss-covered rocks (notable in an area where many

streams are darkened by tannic acid from the trees). Since that brook ran parallel to the trail it would be with us for a while. We started at a fast pace, taking long strides in an effort to put the trail behind us as quickly as possible. The dark clouds began to rain in earnest, dropping sheets of water on the tall forest canopy. We paused to put on our pack covers, deciding against putting on slickers — we preferred to be "water cooled." To distract ourselves from the increasingly steep climb, we talked. I told my companion Rob Williams how he had snored loudly last night in the tent, and how I had silenced him several times by jabbing my knee into his back. He replied that he had never been told he snored before, and added (with a grin) that what I had heard was probably a black bear grunting outside the tent. In a few minutes conversation became an effort, interfering with our lungs laboring for oxygen.

(See View, Page 3)



## Help Wanted

### WVHC projects in need of volunteers

**River Conservation** — Volunteers are sought to serve on the WVHC River Conservation Committee and work on a variety of issues, including:

- 1) state management plan for protection of the Greenbrier River,
- 2) Congressional designation of the Gauley River Canyon as a National Recreation Area, and
- 3) proposals for Corps of Engineers' dams and other flood control projects on the Greenbrier and Cheat Rivers.

Interested individuals should contact committee chair Ann Gentry as noted in the roster.

**WVHC 20th Anniversary** — The Conservancy's 20th Anniversary is coming up in 1987 and volunteers are requested to assist in planning a celebration.

The Conservancy was informally organized in 1965 but the first Board of Directors and membership system was established in January 1967.

Interested individual members should contact Conservancy President Larry George at the address noted in the roster.

**Hawks Nest** — Elkem Corporation has filed a license application for the Hawks Nest hydropower tunnel project. Conservancy volunteers are requested to help review and analyze this license application.

Interested individuals should contact Conservancy President Larry George at the address noted in the roster.

**Trail reports** — Volunteers are still needed to hike trails in the Monongahela National Forest and send back reports about trail conditions. The information is needed to update the MNF hiking guide and to provide data on damage caused by the November floods.

The MNF hiking guide serves thousands of hikers and is an important source of operating funds for the West Virginia Highlands Conservancy.

For information on how you can help, contact Publications Committee chair Skip Deegans as noted in the roster.

**Voice contributors** — Volunteers needed to clip articles on environmental news from local newspapers for use on the **Voice's** News Briefs page. Be sure to include the name of the newspaper and the date.

Also needed are volunteers to write stories and take photographs for the paper. All contributions are welcome.

Send material to Editor Deborah Smith at 914 11th Street, Huntington, WV 25701.

## Nature, recreational programs offered by Oglebay Institute

A backpacking camp, summer wildflower weekend and a fall mushroom weekend are among the many activities offered this year by the Oglebay Institute.

In addition to these special activities, the Institute is host to an exhibit entitled "A taste of West Virginia." Both native-born West Virginians and visitors will enjoy this exhibit which opened June 20 at the A.B. Brooks Nature Center in Oglebay Park.

The theme for the summer-long exhibit is "Colorful West Virginia." It explores the natural beauty, customs and folk art of the state.

The exhibit is open daily from 9 a.m. to 5 p.m. (noon to 5 p.m. on Sundays) and admission is 75 cents for adults and 50 cents for children under 13.

The Oglebay Institute is also sponsoring NatureQuest Day Camp for children 7 to 10 years old. The Day Camp runs in weekly sessions through July and the first two weeks of August.

NatureQuest features National Wildlife Federation Environmental Education programs. Activities include salamander and pond study, bird watching, tree identification, stream search, insect adventures, watermelon hunts and discovery walks.

Cost of the camp is \$30 per week for Institute members and \$35 per week for non-members.

For adults, the Institute is sponsoring a backpacking camp from July 13-19. The program teaches practical skills such as choosing and using equipment, trail clothing and boots, packing a pack, putting up a shelter and planning trail meals.

Groups of eight hikers and two leaders leave base camp at Oglebay Institute Terra Alta Mountain Camp and backpack in one of West Virginia's largest wilderness areas.

The camp staff consists of experienced backpackers knowledgeable in the technique of hiking with minimal impact on the land.

In August, the Terra Alta Mountain Camp will be host to a wildflower weekend. Allison Cusick, a premier botanist, will lead the foray into the West Virginia countryside to help identify and discuss the summer wildflowers.

The wildflower weekend will be August 22-24 when the summer flowers are in full bloom.

Finally, in September, the Oglebay Institute will sponsor a mushroom weekend at the Terra Alta Mountain Camp. This weekend will feature field trips to collect and study mushrooms, displays of identified mushrooms, slide programs and discussions of edible mushrooms.

Leaders for the September 5-7 weekend include prominent mycologists and naturalists from the Oglebay Institute.

For more information on any of these programs sponsored by the Oglebay Institute, contact Oglebay Institute, Oglebay Park, Wheeling, WV 26003.

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## Hikers

We need trail reports  
to update hiking guide

If you're willing and able to help contact:  
Skip Deegans, Box 564,  
Lewisburg, WV 24901







## 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!!!)

### Flood debris cleared from Corps lakes

Driftwood and other debris left in West Virginia lakes by last November's record-setting flood are gradually being removed by the Corps of Engineers and its contractors.

A major clean-up effort began in June, although debris had already been removed from some of the lakes.

Corps officials say Summersville Lake in Nicholas County has the most debris, followed by Sutton Lake. The water storage level at Sutton reached an all-time high during the flood.

Sutton Lake has a very large drainage area, parts of which are heavily timbered. This accounts for the large amounts of driftwood and debris clogging the lake.

Boaters are advised to use caution at Sutton, particularly in the area near the dam.

Bluestone Lake, with the largest drainage area of any state reservoir, has historically had the worst debris problems. Corps officials said, however, that a new barge crane which has been stationed on the lake for three years has been effective in keeping Bluestone clean.

—reported in *The Charleston Gazette*

### FS plans to repair Seneca Rocks complex

Forest Service officials at the Monongahela National Forest headquarters in Elkins have made plans to rehabilitate the flood damaged Seneca Rocks Visitors Center complex.

The plan calls for building a swinging bridge over North Fork River east of the visitors center, abandoning the Sites Park except for the parking lot, closing the Roy Gap area, scaling the picnic area down to 15 units and establishing a 30-40 unit tent-only campground.

In addition, a flood interpretive trail will be constructed in the flooded areas to replace the old nature trail.

The visitor center and grounds will be repaired to approximate former standards, according to the plan.

The plan is available for public review in the forest supervisor's office in Elkins.

—reported in *The Charleston Gazette*, 6/14/86

### Sulfur dioxide reduction rule proposed

New rules to force operators of certain industrial boilers to reduce emissions of sulfur dioxide were proposed by the federal Environmental Protection Agency in June.

New or modified steam generating units larger than 29 megawatts would be reduced by 90 percent. A 50 percent reduction in emissions from boilers using anti-pollution devices also would be required.

EPA officials believe that the new rules will significantly reduce sulfur dioxide emissions from new industrial boilers.

The proposal was issued by EPA under an order from a U.S. District Court which directed the agency to propose standards for emissions by June 1 and to adopt the new standards by November 1, 1987.

Although the proposal is aimed mainly at industrial boilers, it also will involve some units used commercially or by utilities.

Sulfur dioxide is considered by many experts to be a prime ingredient in acid rain.

—reported in *The Charleston Gazette*, 6/3/86

### Mine reclamation gets \$14.7 million

West Virginia has been awarded \$14.7 million to reclaim 42 sites under the state's abandoned mine lands program.

The award by the Office of Surface Mining Reclamation and Enforcement was announced by Governor Arch Moore in June. The money will be used to reclaim sites adversely affected by past unregulated mining practices.

Specific projects to be funded by the award include the stabilization of a collapsing underground mine in Marion County and the extinguishing of several burning coal refuse piles in Kanawha, Logan, Raleigh and Harding counties.

A 6-foot mine void will be filled at a collapsing 30-acre mine in east Fairmont to prevent subsidence damage. Subsidence problems in west Fairmont and Bar-rackville also will be stabilized.

Other projects include draining and sealing mines, regrading coal refuse piles and removing old tipples.

—reported in *The Charleston Gazette*, 6/17/86

### Weirton Steel violates clean air laws

Two air pollution control violations have been served on Weirton Steel Corporation since last August when the Environmental Protection Agency rejected the steelmaker's bubble plan for meeting air quality standards.

The company is still negotiating to extend the plan which was rejected because it had not resulted in the attainment of required air quality standards. But EPA still viewed the company as out of compliance and issued the violations.

Bubble plans allow industries to meet overall clean air standards under an imaginary bubble rather than meeting them at every emission point.

Under the terms of Weirton's original bubble plan, approved in 1982, the area was supposed to show attainment by the end of three years. Because it was still not in compliance, EPA rejected extension of the plan.

Weirton Steel, the West Virginia Air Pollution Control Commission and EPA now are discussing plans to abandon the bubble concept in favor of positive pollution controls in all areas of the Weirton complex. This would include installation of conventional scrubbers and bag houses, according to an EPA official.

—reported in *The Charleston Gazette*, 6/4/86

### Waste management called inadequate

Hazardous and toxic wastes produced by several federal agencies are not managed properly according to a recent report by the General Accounting Office.

Federal facilities which produce hazardous wastes are required to plan for their management and safe disposal just like private operations. But in its recent study, the GAO found that federal agency performance in this area was less than exemplary.

More than 70 percent of the agencies handling waste which were reviewed by the GAO had not been inspected and of those that had, almost half were in violation of waste management laws.

Agencies cited in the report include the Department of Energy, the Department of Transportation, NASA, and the General Service Administration.

Approximately 2 percent of the estimated 290 million tons of hazardous wastes generated in the U.S. each year comes from federal facilities.

Officials at agencies cited in the report blame a lack of agency emphasis on waste management for the inadequate compliance.

—reported in *The Charleston Gazette*, 6/7/86

### Hazardous waste division to be created

Although the Legislature didn't pass the bill to reorganize the Department of Natural Resources during the 1986 session, a solid and hazardous waste division, one of the bill's major provisions, will be created by executive order of the governor, DNR director Ron Potesta said in late May.

DNR currently has about 40 employees working in the solid and hazardous waste and water resources division. Potesta estimates that 70 employees will work for the solid and hazardous waste division.

Hazardous waste management is an important environmental issue because every chemical company and manufacturer in the state has to be issued a permit. Authority to make regulations and issue permits is now divided among different divisions and branches of the DNR, the Air Pollution Control Commission, the Water Resources Board and the Department of Highways.

DNR was recently given authority to take over the state hazardous waste program which it had been operating although the program was under the control of the federal Environmental Protection Agency.

The purpose of federal and state hazardous waste laws is to protect underground water and air from pollution and to regulate the transportation of wastes.

—reported in *The Charleston Gazette*, 5/30/86

**DEADLINE FOR AUGUST VOICE**

**JULY 30**

**Send contributions to Deborah Smith**

**See address in roster**