



THE HIGHLANDS VOICE

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Published monthly by the W.Va. Highlands Conservancy

VOL. 19 NO. 6 JUNE 1986

Judge declares 2-acre exemption void WVHC challenge to provision of DOE bill succeeds

A lawsuit challenging exemptions for 2-acre or smaller mines which were provided for in a portion of the Department of Energy bill passed by the 1985 Legislature reached a successful conclusion in May.

Kanawha Circuit Judge Margaret Workman declared void the portion of the bill allowing 2-acre or smaller mines to follow less stringent environmental requirements.

In the ruling, Workman stated that Energy Commissioner Kenneth Faerber agreed to refrain from administering or enforcing that portion of the law and from receiving or reviewing permit applications for 2-acre mining exemptions.

The lawsuit was filed last summer by the West Virginia Highlands Conservancy, the League of Women Voters and the West Virginia Citizen

Action Group. A preliminary injunction preventing the Commissioner of the Department of Energy from enforcing the portion of the law dealing with 2-acre or less mines was issued in July 1985 shortly after the suit was filed.

The suit alleged the 2-acre exemption portion of the bill was adopted in violation of the state's constitution because the provision was not reflected in the title of the bill. This was the basis of the lawsuit although environmentalists also opposed the concept of a 2-acre exemption.

After the injunction was issued DOE officials agreed not to do anything with the 2-acre clause and to allow the injunction to continue indefinitely.

Provisions of the law included a

shorter public notice period, less comprehensive application requirements, lesser minimum bonding requirements, exclusion of bonding for haul roads and spoil areas, and lesser environmental performance standards.

State environmentalists believed that enforcement of these provisions would have seriously damaged the state's mining reclamation program. It could have encouraged the subdivision of mine sites into two acre or less sections so only the less stringent requirements would have to be met.

Conservancy President Larry George hailed the ruling as an important victory. He said it would be possible for the Legislature to re-enact the Legislation but that there would be opposition to such efforts.



MNF Supervisor Ralph Mumme receives appreciation gift at Spring Review.

Hydropower reforms would protect rivers and streams

When you tug on something in nature, you find it connected to everything else. That lesson gets learned the hard way over and over again. One of the more recent examples is the way a program to promote alternative energy sources turned into a major threat to rivers and fisheries. This year, as Congress considers an overhaul of hydropower licensing regulations, conservationists are working to correct the oversight.

The story begins in the late 1970s when energy shortages prompted Congress to pass legislation promoting alternative energy sources. Entrepreneurs were encouraged to develop hydropower projects. The lure: guarantees that the electricity they generated would be purchased by utilities at generous prices. The

idea was to promote what is called "retrofitting," installation of new generators on existing dams.

Instead there was a torrent of proposals for new dams and generators on rivers and streams throughout the country. More than 5,000 applications for permits to build so-called "small hydro" projects were filed between 1978 and 1985.

The Federal Energy Regulatory Commission is largely responsible for the torrent. FERC extended economic incentives far beyond what the original law intended, and often granted licenses without sufficient regard to recommendations by state governments or wildlife agencies for protection of rivers and wildlife. A single river was sometimes the target of dozens of entrepreneurs. For ex-

ample, there are 50 applications pending for small hydro projects on Idaho's Salmon River and tributaries whose salmon fishery already has suffered major damage from hydroelectric development.

The federal law that might change this and protect rivers and streams from willy-nilly development is a set of amendments to the Federal Power Act and the Public Utility Regulatory Policies Act (PURPA). Both the House and the Senate have passed amendments, but the two versions are quite different. A conference committee will be working to resolve differences this summer.

In fact, conservation of river habitat and recreational resources is fairly well hidden among the myriad issues to be resolved. The legislation

began as an attempt to resolve whether public or private utilities should receive preference in license renewal proceedings. But the bills now pending, particularly the House version (HR44), also address environmental considerations.

The House bill would establish environmental protection as a primary purpose of the licensing process. It sets out procedures for resolving disputes between fish and wildlife agencies and developers, with a strong emphasis on environmental protection. And it limits somewhat the extension of economic benefits to new dams.

The Senate bill as approved by committees limited the economic benefits available to new dams by applying qualifying conditions.

Board meets July 27 at Pricketts Fort

The West Virginia Highlands Conservancy's Board of Directors will meet Sunday, July 27 at 9:00 a.m. at Pricketts Fort State Park near Fairmont. An agenda and directions to the meeting room will be mailed to board members.

The meeting is open to all WVHC members and others; look for signs directing you to the meeting room or call President Larry George at the number listed in the roster on Page 2.

Saturday afternoon and evening, before the board meeting, board members and others are invited to participate in the regularly scheduled events at the Park. Pricketts Fort is a restored colonial era frontier fort with townspeople and craft-

smen and women in historical garb.

A colonial supper is at 6:30 p.m. followed at 8:30 p.m. by a new outdoor drama entitled "Pricketts Fort: An American Frontier Musical."

Reservations are necessary for both the meal and drama; details will be mailed to board members. Others should call Larry George or Dave Elkinton at the numbers listed in the roster.

No camping is available at Pricketts Fort but there are public and private campgrounds within a half hour of the park. In addition, there are many motels in the Fairmont area.

Details and lists of accommodations will be in a memo sent to board members.

Trail reports needed

HELP! We need a few good women, men and children to hike trails in the Monongahela National Forest this summer and send us back a report about trail conditions. The information is needed to update the MNF hiking guide and to provide data on any flood damage caused by the November floods.

Not only does the MNF hiking guide serve thousands of hikers, but it also is an important source of operating funds for the West Virginia Highlands Conservancy.

For more information about how you can help, contact Skip Deegans, Box 564, Lewisburg, WV 24901, telephone (304) 645-6028.

Revised Corridor H plans call for passing lanes rather than superhighway

Modifications of plans for Corridor H may result in a two- or three-lane highway with passing lanes rather than the originally envisioned four-lane superhighway, according to Highways Commissioner William Ritchie.

The cost of constructing a superhighway along the more than 100 miles left to complete would be more than \$800 million, Ritchie told *The Charleston Gazette* in early April. This amount of money just is not available so plans are being scaled back.

Something less than four lanes would accomplish the purpose of the road which is to provide easier access to West Virginia's tourist sites for Eastern travelers. Ritchie said widening present roadways and building passing lanes on the mountains would be an attractive alternative.

Corridor H will ultimately connect Interstate 79 at Weston to Interstate 81 near Strasburg, Virginia. An 18-mile section from I-79 to Buckhannon and a 6-mile section from Elkins to Bowden have been completed.

The 20-mile section between Buckhannon and Elkins already has been designed and rights of way bought to the community of Aggregates west of Elkins. This section will be a four-lane as originally planned.

The route from Bowden east will go to Seneca Rocks through Harman (U.S. 33) and on to Petersburg (WV 28-55), Ritchie said. It is this section which may be modified to a two- or three-lane highway.

Environmental groups, including the Conservancy, have opposed the route east of Bowden citing adverse environmental impacts particularly to native trout streams. Ritchie said he had no qualms about the environmental impacts because with enough money the streams could be protected.

Completion of the corridor depends on funding from three sources: tolls collected, highway bonds and the Appalachian Regional Commission. Availability of money from these sources will determine the size of the highway east of Elkins and when work will begin on the Buckhannon to Elkins section.

—reported in *The Charleston Gazette*, 4/8/86

Moore increases quotas for New River rafters

Daily limits on rafters on the New River have been changed again, this time by Governor Arch Moore. In late May, Moore increased rafter quotas from the variable limits set by the Commercial Whitewater Advisory Board to 2,500 rafters per day.

Lower limits recently were set by the Commercial Whitewater Advisory Board which called for a maximum of 2,200 rafters per day before June 15 and only 1,800 rafters per day after that date.

Safety will be increased with year-round river use limits, Moore claimed. He said outfitters will be able to train and retrain guides on year-round basis.

Moore's action is an attempt to assure that the West Virginia tourist industry is a leader on the national scene. He said that travel analysts predict that the 1986 season will be the best in history for North American destinations and he wants the state to get its share of travelers.

Under existing law and Department of Natural Resources regulations, Moore said he has the authority to impose new limits. DNR rules give the agency's director the power to modify licenses and set peak use limits before final issuance of rules by the advisory board.

DNR director Ron Potesta said he will call a board meeting soon to ask for formal approval of Moore's action, according to a report in *The Charleston Gazette*.

Several small whitewater outfitters had complained that the board's proposed limits would hurt their ability to compete with larger companies. Moore said competition is the mainstay of our economy and that competition by developing outfitters would maintain and increase the vitality of the industry.

Volunteers needed for WVHC projects

River Conservation — Ann Gentry, the new chair of the WVHC River Conservation Committee, is seeking volunteers to serve on the committee and work on a variety of issues.

Issues include: 1) state management plan for protection of the Greenbrier River; 2) Congressional designation of the Gauley River Canyon as a National Recreation Area; 3) proposals for Corps of Engineers' dams and other flood control projects on the Greenbrier and Cheat Rivers; and 4) an individual to serve as WVHC representative on the New River Gorge Task Force established by the U.S. National Park Service to develop a management plan.

Interested individuals should contact Rivers Committee Chair Ann Gentry as noted in the roster on page two.

WVHC 20th Anniversary — Volunteers are requested to assist in planning a 20th anniversary celebration for the Conservancy. Although the Conservancy was informally organized in 1965, the first Board of Directors and membership system was established in January, 1967.

Interested individuals should contact Conservancy President Larry George as noted in the roster on page two.

Roster of Officers, Board Members & Committee Chairs

BOARD OF DIRECTORS

President: Larry W. George
1033 Quarrier St., Suite 715, Charleston, WV 25301 (346-3705)
Senior Vice President: Tom Michael
Rt. 2, Box 217, Lost Creek, WV 26385 (623-3447)
Vice President for State Affairs: Perry Bryant
1324 Virginia St., E., Charleston, WV (346-5891 W)
Secretary: Lois Rosier
1632 Otlahurst Dr., Fairmont, WV 26554 (363-1895)
Treasurer: David Elkinton
Rt. 5, Box 228-A, Morgantown, WV 26505 (296-0565)
Past President: Jeannetta Petras
Rt. 7, Box 573-D, Fairmont, WV 26554 (534-5595)
Vice President for Federal Affairs: Bill Wilcox
9313 Mill Branch Place, Fairfax, VA 22031 (703-273-9359)

DIRECTORS-AT-LARGE

(Terms expire October of 1986)

William P. McNeel: 1118 Second Ave., Marlinton, WV 24954 (799-4369)
Cindy Rank: Rt. 1 Box 227, Rock Cave, WV 26234 (924-5802)
Ray Ratliff: 1206 Virginia St., East, Charleston, WV 25301 (344-2437)
Paul Brant: P.O. Box 1842 Princeton, WV 24740 (487-1405 W)
John McFerrin: 1105 Tinder Ave., Charleston, WV 25302 (345-5646)

DIRECTORS-AT-LARGE

(Terms expire October of 1987)

Geoff Green: Rt. 1 Box 79-A, Burlington, WV 26710 (289-3565)
Sayre Rodman: 32 Crystal Drive, Oakmont PA 15139 (412-828-8983)
Skip Deegans: Box 564, Lewisburg, WV 24901 (645-6028)
John Purbaugh: Box 2502, Dudden Fork, Kenna, WV 25248
Jim VanGundy: 240 Boundary Ave., Elkins, WV 26241

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 131, Charleston, WV 25321 (343-2056)
NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region: Sara Corrie
501 Ridgewood Road, Huntington, WV 25701 (523-2094)
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria, VA 22301 (703-584-7490)
PITTSBURGH CLIMBERS: Jean Rodman
32 Crystal Drive, Oakmont, PA 15139 (412-828-8983)
W.VA. COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights, WV 25040 (779-2476)
W.VA. MOUNTAIN STREAM MONITORS PROJECT: Milton Zelermyer
20 Arlington Ct., Charleston, WV 25301 (342-2996)
KANAWHA VALLEY CHAPTER TROUT UNLIMITED: Jim Stout
P.O. Box 5189, Charleston, WV 25311 (755-9576)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1 Box 523, Elkins, WV 26241 (636-4559)
KYOVA CHAPTER TROUT UNLIMITED: Frank Akers
1601 Sycamore St., Kenova WV 25530 (453-1494)
LEAGUE OF WOMEN VOTERS OF WEST VIRGINIA: Anne Romance
Rt. 1 Box 150 F, Bristol WV 26332 (783-5271)

COMMITTEE CHAIRS

WVHC ENDOWMENT FUND: Larry W. George
1033 Quarrier St., Suite 715, Charleston, WV 25301 (346-3705)
CANAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5, Box 228A, Morgantown, WV 26505 (296-0565)
HIGHWAY COMMITTEE: Jim Stout
P.O. Box 5189, Charleston, WV 25311 (755-9576)
FINANCE COMMITTEE: Tom Michael
Rt. 2 Box 217, Lost Creek WV 26385 (623-3447)
MINING COMMITTEE: John McFerrin
1105 Tinder Ave., Charleston, WV 25302 (355-5646)
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman
32 Crystal Drive, Oakmont, PA 15139 (412-828-8983)
RIVER CONSERVATION COMMITTEE: Ann Gentry
6440-A Starlite Dr., Sissionville, WV 25320 (988-1109)
EVENTS COMMITTEE: John Purbaugh
Box 2502 Dudden Fork, Kenna, WV, 25248 (988-9024)
PUBLICATIONS COMMITTEE: W.E. "Skip" Deegans
Box 564, Lewisburg, WV 24901 (645-1656)
MEMBERSHIP DEVELOPMENT COMMITTEE: Milton Zelermyer
20 Arlington Ct., Charleston, WV 25301 (342-2996)

ADMINISTRATIVE OFFICES

Adrienne Worthy, Membership Secretary
Suite 201, 1206 Virginia Street, East
Charleston, WV 25301
Deborah Smith, Voice Editor
914 11th Street
Huntington, WV 25701
(304) 525-3151



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

HELP HELP HELP HELP

Contributions to **The Voice** are desperately needed. Every month I write, edit, hunt for illustrations and do everything else associated with producing a monthly newspaper and I always need help.

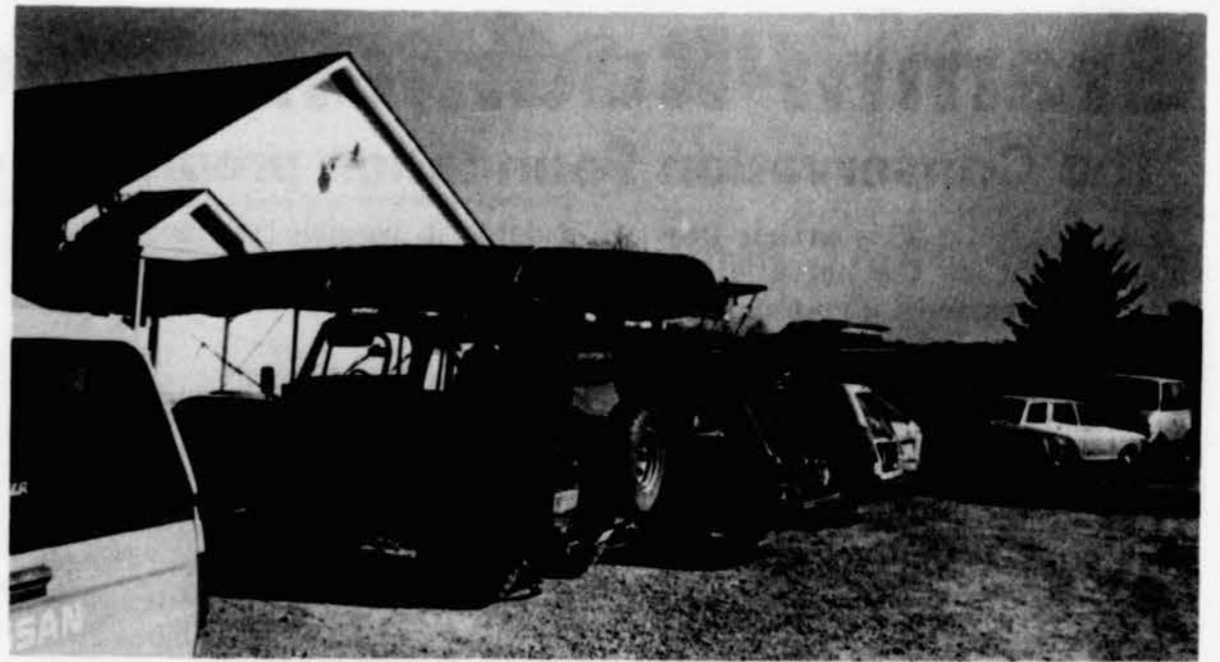
What I really need is someone (or several someones) willing to write regular editorial/commentary columns. By the time I get all the articles and artwork together, I have little time to gather my thoughts enough to write opinion or commentary pieces.

Such writing is necessary to bring the **Voice** to life and make it a statewide forum for environmental news and opinion. So, anyone out there with opinions or viewpoints to share, let me hear from you.

The other major problem in producing the **Voice** is the availability of photographs and artwork.

Surely some of you have photographs we could use — interesting shots of the highlands; people hiking, canoeing or caving; mining or logging operations, etc. If so, please share them with us.

Please, let me hear from YOU. The **Voice** is the most visible part of the Conservancy and I need help from everyone to make it the best it can be.



Canoes wait at Camp Pioneer as Spring Review paddlers prepare to hit the river.

YOUR VOICES

Preserve natural stream channels, reader says

To the Editor:

If we wish to preserve any of the stream channels we know and have grown accustomed to, we must acknowledge that the natural channel will not carry the 100-year flood. Only vastly changed, engineered channels will handle such flows. We must decide if we want to live with these entirely different channels or try to restore something like we are accustomed to. If we decide the latter we surely recognize the wisdom of not rebuilding structures in the floodplain.

The engineered channel is wide with even, stable banks of river rock sloped up at a 2:1 grade. It is straight

and smooth. It resembles more of a featureless ditch than the stream we are accustomed to. It is 100 feet wide and 1 inch deep, unshaded and warmer.

This is not the familiar stream we are accustomed to or expect to see in such a pretty setting. A natural stream has meanders, larger rocks, pools and riffles, natural banks and shade. It has a variety of rock sizes; the larger rocks cause pool depths and currents and provide hiding places for fish. Trout may not live through the summer if the flow is warmed. Moreover, channellized reaches cannot be stocked by an agreement with the federal government, and it may simply not be pretty

enough.

It is quite a choice. Who should have a voice in this choice? Surely the landowners and residents, but many citizens far from the flooding know and care about these reaches. These streams only in a narrow sense belong to the landowner. It is a wise landowner who remembers that the value of his land depends on the value others place on it. One reason for this surely is the natural channels of the pretty streams in the immediate area. It is a choice that will have lasting consequences on land values and tourism.

To a great extent these natural, familiar channels have been

destroyed. Can they be restored? Somewhat, surely. If it is our goal to retain the natural channel we can work toward their restoration and stabilization as far as possible. If it is not our goal, we are likely to further destroy their natural features in favor of engineered, sweeping channelization solutions.

We must choose. We must clearly reject the replacement of what is left of these familiar natural channels with new engineered, wide featureless channels that will carry the 100 year flood but will further impoverish the area's tourism base and its quality of life forever.

Don Gasper, March 1986

Mining threat deplored

Fellow Citizens:

I'm writing to you concerning one of the last wilderness type areas in Preston and Barbour counties. A high ridge makes up most of this area. Locally this mountain is called Laurel.

Laurel Mountain is known habitat of many species of wildlife such as bear, deer, turkey, grouse, cottontail rabbit, fox, bobcat, etc. Also, creeks like Little Buffalo hold brook trout, West Virginia's only wild trout.

But now Interstate Lumber Co. is removing coal and timber in the area as the recent destruction of Flag Run attests. Flag Run, formerly also a native trout stream has already been denuded.

Are there no laws against this sort of thing? Also, running for 16 miles over Laurel Mountain is an old Indian trail, used long ago. If something is not done, we'll lose another piece of natural history.

Laurel Mountain is worth preserving not only for its beauty, but for its historical worth as well.

If you're concerned about this area, please write.

Joe Gatski
Wheeling, WV 26003, May 1986

Waste Division necessary

To the Editor:

I strongly support a Division of Hazardous Waste. This state and country needs dedicated people to protect the health and safety of the public and environment.

No doctor is going to say a person was injured or his health has been harmed by industry's neglect unless there is an accident of a large scale.

The government, doctors and scientists know the dangers of hazardous waste and pollution but they put up little fight against business. The government would rather spend our tax dollars on the medical cost and other programs to help people after it is too late.

The workers and people of this country are suffering needlessly because of poor inspectors who walk around with blinders on and who lay in bed with the companies. This government has not learned that a clean nation is a healthy nation.

Grover J. Robbins
Wheeling, WV 26003
May 1986

Help for nesting bluebirds

To the Editor:

I really enjoy reading your paper on the environment but I don't read anything about birds.

Has anyone ever thought of putting up regulation eastern bluebird houses? The little bluebirds are very scarce now. I have started a bluebird trail on my own.

I'm a self-styled naturalist and I'm trying to do what I can to help bring back the little Eastern Bluebird to western Pennsylvania and anywhere else where they have not been for a long time or where they have no place to nest.

My trail starts at an old abandoned strip coal mine just past the Jenny Nature State Park near Lake Arthur on Route 8 towards Franklin, PA.

I put my houses on telephone poles. Bluebirds must have open country to nest. Wrens and other little birds will nest if a box is near brush and trees but not a bluebird.

I shall be adding more boxes as I can and will accept any boxes anyone cares to make and give to help.

Esta Anthony
Matrona Heights, PA, March 1986

UIC program protects underground water

In January 1984, West Virginia was delegated to implement an Underground Injection Control program by the U.S. Environmental Protection Agency. The UIC program seeks to protect underground sources of drinking water by regulating the subsurface injection of fluids.

Currently the Division of Water Resources of the Department of Natural Resources regulates all types of injection wells in the state. Some of this responsibility is shared by the Oil and Gas Division of the Department of Energy.

Injection wells are used to dispose of liquid wastes by injecting the material into geologic formations beneath the earth's surface. Operators are required to implement and maintain self-monitoring procedures to ensure compliance with regulations.

State UIC personnel visit and inspect injection wells and update the well inventory. They also document and investigate any domestic water well complaints which may be injection related.

For more information about the UIC program in West Virginia, contact the Division of Water Resources, Public Information Office, 1201 Greenbrier St., Charleston, WV 25311.

I think the following person(s) may be interested in Conservancy membership. Please send them the membership brochure and other information about the Conservancy.

Name _____
Address _____

Name _____
Address _____

Please return this form to:
The West Virginia Highlands Conservancy
Suite 201
1206 Virginia St., East
Charleston, West Virginia 25301

Gramm-Rudman deficit reductions: how deep

The Conservation Foundation predicts a gloomy future for environmental funding

(Editor's Note: This article provides insight on the potential effects the Gramm-Rudman budget bill will have on federal, state and local environmental programs. Most of the information and the tables are excerpts from an article in the January-February issue of the *Conservation Foundation Letter*. My thanks to the Conservation Foundation for permission to use this copyrighted material.)

How the nation's environmental programs will fare as Congress attempts to meet the deficit levels set by Gramm-Rudman is anyone's guess. Nobody knows what level of cuts environmental programs will sustain, but the prospects are decidedly gloomy as they are for so many domestic programs. Gramm-Rudman has already chopped 4.3 percent off the fiscal 1986 appropriations for all programs at the Environmental Protection Agency and many other agencies. Now attention is on the critical fiscal year 1987 which starts October 1, 1986.

Gramm-Rudman, the Balanced Budget and Emergency Deficit Control Act of 1985, forbids Congress from passing a budget resolution with a 1987 deficit of more than \$144 billion. The act also stipulates that in 1988 the deficit cannot exceed \$108 billion, in 1989 — \$72 billion, in 1990 — \$36 billion and by 1991 the federal deficit must be reduced to zero.

Congress has a set period of time to establish agency budgets that meet the requirements of the new budget law. If they fail to achieve these targets, there will be automatic across-the-board cuts in all programs which are not exempt. Exempt programs include Social Security, Medicaid and Aid to Families with Dependent Children.

President Reagan's proposed 1987 budget is designed to meet the Gramm-Rudman target. Ironically, it could be kinder to environmental programs than the across-the-board cuts likely to emerge from the Gramm-Rudman process. It proposes the elimination of, or massive reductions in, other domestic programs such as Amtrak and urban development,

making it possible to recommend smaller cuts for programs in EPA, the Interior Department and elsewhere.

This has the potential of pitting environmentalists against people seeking funds for other worthy domestic programs not exempted from the Gramm-Rudman bite. Unfortunately, the Reagan Administration's budget contains so many politically unrealistic and fiscally dubious components and assumptions that it would be most unlikely to reach the 1987 deficit-reduction target. As a result, environmental programs can be expected to face another round of cuts.

Early this year a special Federal panel in Washington, D.C. ruled that the automatic budget cutting provisions of Gramm-Rudman were unconstitutional. The case will be heard by the Supreme Court this summer.

Gramm-Rudman, the Balanced Budget and Emergency Deficit Control Act of 1985, is the budgetary equivalent of clearcutting. The EPA could be subjected to a devastating cut of 17-25 percent.

Even if the Supreme Court upholds the lower court ruling, heavy pressure will still exist to meet the deficit target. Under the legal fallback position written into Gramm-Rudman itself, however, any spending cuts would go into effect only through a joint resolution approved by the House and the Senate and signed by the President.

Either way, it has been estimated that EPA could be subjected to devastating cut of 17-25 percent. Under Gramm-Rudman, across-the-board cuts would be applied to some 260 specific programs. Within these, subprogram funding levels could be shifted as long as the program appropriation met the target.

EPA operating budget

It could be said that EPA's 1986 operating budget is not so bad considering the circumstances. Appropriations are \$1.426 billion — up

about 5.8 percent from 1985 even after the 1986 Gramm-Rudman reduction. (See Table 1.)

But, the 1986 budget calculated in constant 1981 dollars represents only \$1.142 billion, a more than 15 percent reduction in real terms from the 1981 appropriation of \$1.351 billion. This reduction has taken place in the face of increasing research and pollution abatement responsibilities.

Obviously the 1987 outlook is far bleaker. The President's budget proposes \$1.377 billion, a drop of about 3.5 percent even after the 1986 Gramm-Rudman cut and not counting inflation. Congress traditionally provides more funding. But under this year's deficit-cutting imperative, EPA programs could be severely pruned. Environmental programs could be forced to compete with each other; with housing, space and other programs lumped into the same ap-

the 1987 appropriation would be increased to \$655.5 million. (See Table 2.)

Under current law, Congress has restricted or prohibited entrance fees at many parks. Fees are collected at 108 parks now, says Interior Secretary Donald Hodel and 80 others could support fees. He argues that new fees would not adversely affect enjoyment of the parks. Fees have been frozen since 1972 and have fallen far behind inflation. For example, Hodel says, a vehicle entering Shenandoah National Park would pay \$5 for four days rather than the current \$2.

Annual collections now total some \$21 million. The Administration wants to increase this to \$74 million in 1987. In addition to the \$59 million to be allocated to NPS operations, the Treasury would receive \$15 million.

A similar proposal is being made for the Forest Service. Current law limits user fees at campsites in national forests. The Administration wants legislation that would authorize user fees at up to 3,000 additional sites with recreational facilities. Revenues of \$52 million would be retained by the FS for operation and maintenance.

The catch is that the Administration simultaneously proposes a reduction in the FS's recreation budget from \$85.8 million in 1986 to \$33.7 million. The only ways Congress can maintain even the current level of funding are to either approve the user fees or raise the appropriation level. Congress faces the same dilemma with the national parks proposal.

It seems unlikely that Congress will approve such drastic cuts as those proposed by the Administration for fiscal 1987. Yet, as table 2 shows, the reductions in 1986 are sizable even without any proposed recisions that might be approved.

Aid to state and local governments

A major thrust of Administration policy is to transfer many responsibilities to state and local governments — but at the same time cut back fiscal aid. Table 3 shows how total federal grants to state and local governments declined sharply after the Reagan Administration took over. These grants climbed back, mostly under congressional prodding, but are now slated for another major reduction should Congress accede to, or Gramm-Rudman lead to, adoption of the President's budget requests.

More than half the \$7.5 billion reduction from 1986 to 1987 would result from the President's proposed elimination of general revenue sharing with local governments.

As table 3 indicates, various environmental grant programs show similar drops in funding. The situation is even starker than the figures indicate, however, because the purchasing power of the dollar has slipped substantially. For example, in constant 1982 dollars, total aid over the period 1980-1987 would drop from \$68.5 billion to \$40.3 billion.

In the face of renewed pressure by

propriations bill as EPA; and with the wide range of other discretionary domestic spending programs, many of which are considered worthwhile or even critical.

Not included in the EPA appropriations table is the Superfund. The revenues it receives from taxes on petrochemical feedstocks are used to pay for cleaning up abandoned hazardous waste sites. Last year Congress failed to renew the Superfund taxing authority, which expired September 30. This put a tourniquet on the program, with cleanups or planning halted at more than 100 sites until a House-Senate conference resolves its disagreements.

The 1985 appropriation from the Superfund was \$620 million. For 1986 Congress approved \$900 million (\$861 million after Gramm-Rudman reduction), but said that only about \$60 million would be available until Superfund is renewed.

The outlook for 1987 is even more problematical. The Administration proposes \$1.05 billion, a reflection of its position that Superfund should total \$5.3 billion over the next five years. This is in contrast to the House position last year in favor of \$10.3 billion over that period and the Senate's figure of \$7.5 billion.

In addition, the House wanted to draw most funds from petrochemical taxes while the Senate would include a value-added tax broadly applied to manufacturing. The Administration threatened to veto either proposal.

Public lands

Appropriations for operation of the National Park System would be reduced from \$610.6 million in 1986 to \$596.5 million in 1987 with one important proviso. The Administration proposes that recreation user fees be increased enough to provide an additional \$59 million for park operations. If Congress were to buy this,

EPA OPERATING PROGRAMS

Appropriations (in millions)

	1985	1986 ^a	1987 (request)
Air quality	\$234.6	\$248.4	\$239.2
Water quality	251.7	245.5	217.8
Drinking water	86.0	87.3	84.1
Hazardous waste	191.9	237.9	256.2
Pesticides	66.9	66.8	69.4
Radiation	13.0	9.8	12.0
Interdisciplinary	56.3	53.9	47.9
Toxic substances^b	84.5	137.2	89.3
Energy	58.6	59.1	59.6
Management & support	304.0	280.3	300.8
Total operating budget	1,347.6	1,426.1	1,376.5

^aAfter the initial 1986 Gramm-Rudman reductions of 4.3%.

^bThe fluctuations in the toxic substances program consist almost entirely of loans and grants for school asbestos programs. The Administration proposes their termination in 1987 on grounds they should be a state and local responsibility.

TABLE 1

Why will environmental programs be cut?

the Administration to further reduce federal aid to state and local governments, it is useful to ask how these governments responded to the sharp reductions early in the decade. Did environmental programs, in particular suffer substantial damage? There is no simple answer but some generalizations can be made.

Total spending by all three levels of government for waste water treatment plant construction declined from \$7.9 billion in 1980 to \$6 billion in 1983. Federal grant outlays declined from \$4.3 billion in 1980 to \$3 billion in 1983 and then to \$2.6 billion in 1984. State and local governments followed suit.

Appropriations for EPA pollution control grants to states dropped from \$274 million in 1981 to \$233 million in 1983. During the same two-year period, however, state and local expenditures for a range of pollution abatement, regulation, monitoring and research activities rose from \$1.023 billion to \$1.154 billion.

These figures indicate that state

The Administration proposes that user fees in national parks be increased enough to provide an additional \$59m.

and local governments were willing to continue increasing appropriations somewhat in the face of federal retrenchment. Unfortunately, it is difficult to keep up with the loss of purchasing power caused by inflation as well as the need for added funds to cope with emerging environmental problems such as hazardous waste. Also, overall spending figures mask deficiencies in individual states and individual programs.

An April 1984 report of the State and Territorial Air Pollution Program Administrators said that the states have not been able to fill the gap created by decreased real federal aid. It said that, after adjusting for inflation, total funds available for state air pollution control programs declined 13 percent between 1979 and 1984 — with real federal funding down 24 percent and real nonfederal funding down by 6 percent. Similarly the Association of Local Air Pollution Control Officials said in an April 1985 survey that "local governments are

LAND ACQUISITION			
Land and Water Conservation Fund			
Appropriations (in millions)			
	1985	1986^a	1987
	(actual)	(estimated)	(requested)
National Park Service, total	\$199.2	\$93.6^b	\$15.3
State Grants	73.5	47.6^c	0
Fish & Wildlife Service	70.2	38.7^d	1.5
Forest Service	50.5	26.9	3.2
Bureau of Land Management	2.7	2.2	0
Total	322.6	161.4	20.0

^aFigures include initial Gramm-Rudman reductions.
^bThe Administration asks a rescission to reduce this total by \$55.2 million. This would have to be accepted by Congress.
^cThe proposed rescission would reduce this figure by \$35.9 million.
^dA rescission request would reduce this by \$5 million.

TABLE 2

unable to compensate fully for the real dollar reductions in federal and state support."

The problem is compounded by the fact that many agencies feel it is important to address new concerns such as toxic air pollutants, indoor air pollution and woodburning.

Federal grants to states from the Land and Water Conservation Fund also decreased sharply from \$307 million in 1980 to \$166 million in 1984. Partly as a result, state spending for parks and recreation remain-

ed moribund, increasing in the 1980-1981 fiscal year from \$1.329 billion to only \$1.888 billion in 1983-1984. In the same time span, however, local government spending climbed from \$5.735 billion to \$6.956 billion.

Spending by most individual states declined between 1980 and 1984, but there were notable exceptions in states where bond issues and other special financing programs gave boosts to park and recreation pro-

grams, including those in Pennsylvania, Florida, Georgia and Massachusetts.

These mixed results do not lend themselves to optimism for environmental programs in the event of further heavy cuts in federal aid. A generally low level of state and local government replacement of cuts in federal aid was observed in 1982. Such replacement tended to be most frequent in relatively wealthy areas or on the part of generally liberal governments.

Because environmental programs have become more popular with the public, they have a better chance for survival in state and local priority-setting than in earlier years. Even so, these governments face the prospect of drastic cuts in urban programs, in general revenue sharing and in other areas. In a desperate scramble for funds, serious slippage or neglect in environmental programs does not seem unlikely.

The consequences of reduced federal aid to states are difficult to

In a desperate scramble for funds, serious slippage or neglect in environmental programs does not seem unlikely.

forsee. At the least, individual environmental and other programs in some states seem likely to be jeopardized.

FEDERAL AID TO STATE & LOCAL GOVERNMENTS								
	Outlays (in millions)							
	Total Federal Aid (Except Payments to Individuals)	EPA wastewater construction grants	EPA operating grants	EPA hazardous waste fund	Rural water & waste disposal grants	Coastal zone management	Fish & Wildlife Service	Land Acquisition (LWCF)
1980	\$59,524	\$4,343	\$260	—	\$325	\$41	\$124	\$307
1981	57,831	3,881	300	—	269	50	141	292
1982	50,320	3,756	320	3	210	33	149	211
1983	50,859	2,983	271	13	157	43	155	144
1984	53,294	2,619	246	57	135	31	155	166
1985	56,545	2,889	262	47	176	24	155	135
1986(e)	57,097	2,808	279	84	183	—	118	75
1987(e)	49,576	2,382	269	132	162	—	107	67
1991(e)	44,017	1,309	271	295	15	—	107	3

TABLE 3

The Conservation Foundation: its purpose and goals

The Conservation Foundation is a nonprofit environmental research organization based in Washington, D.C. It conducts interdisciplinary policy research on emerging issues in environmental and resource management.

It brings together people with varied backgrounds and diverse points of view to clarify issues and to reach agreements on controversial environmental problems.

The Conservation Foundation does not have members. Nor does it lobby, litigate or buy and sell land. Rather it

emphasizes action-oriented research to influence policy.

Since its founding in 1948, the Foundation has been dedicated to improving the quality of the environment and to promoting wise use of the earth's resources. An advocate characterized by reason and balance, the Foundation recognizes the indisputable link between economic and environmental goals.

In addition to conducting interdisciplinary research, the Conservation Foundation regularly convenes dialogue groups of environmen-

talists, business leaders, government officials and others to mediate problems before they become open conflicts.

The Conservation Foundation also informs and educates policy makers and interested citizens through books, reports, newsletters, conferences, films and workshops.

For more information about the Conservation Foundation and its mission write to The Conservation Foundation, 1255 Twenty-Third Street, N.W., Washington, D.C. 20037.

Later this summer the VOICE will report on Gramm-Rudman effects in West Virginia

Utilities required to reduce emissions by new bill

Legislation mandating reductions in sulfur and nitrogen emissions over a 10-year period was introduced in the House of Representatives April 10.

The bill, which has more than 120 co-sponsors in the House, would reduce sulfur emissions by 10 million tons and nitrogen emissions by 4 million tons by 1997. To achieve the first phase of reductions, electric utilities would be required to reduce sulfur emissions by 5 million tons by 1993.

By the end of the second phase in 1997, other non-utility sources would be required to reduce sulfur emissions by an additional 5 million tons.

Nitrogen oxide emissions would be reduced by imposing tighter controls on cars and trucks.

Senator Robert Byrd and Governor Arch Moore oppose this legislation because of its potential for creating unemployment in West Virginia. Byrd favors clean coal technology rather than the proposed emissions controls.

But many environmental leaders contend that some form of mandatory control is necessary. The bill introduced in the House is expected to pass the Health and Environment Subcommittee which is considering it. A similar bill failed in the same subcommittee in 1984 by a one-vote margin but sponsors believe they have a majority this time.

Who picks up the tab for installation of costly scrubbing devices is one problem many industry

representatives have with acid rain legislation. Under the bill introduced, revenues from a special fee on generated electricity would be used to pay the interest on loans and bonds used to buy pollution control equipment.

Studies of the job impacts of acid rain legislation in 1984 indicated that approximately 10,000 to 30,000 jobs would be lost if states were required to reduce emissions to certain levels, according to the Office of Technology Assessment.

This figure just represents jobs lost in high-sulfur coalfields, however, and does not account for jobs which would be gained in other sectors of the industry.

Workshops offered for artists and photographers

Artists and photographers have the opportunity this summer and fall to attend creative workshops in the highlands of West Virginia.

Alpine Visual Arts, a concept developed by Dorothy and Fred Busk, will offer workshops throughout the summer which emphasize exploratory artistic approaches to an alpine environment.

Based in Davis, the week-long to 10-day workshops will focus on painting and photographing the natural

environment with professional artists and photographers providing instruction and criticism.

The workshops will involve both studio and field work. Some of the more than 40 courses offered this summer include: WV wildflowers, summer still life, magic of landscape, photographic vision and naturalist photography.

Two and four day weekend workshops are also offered including ones for beginning artists and

photographers.

The long range goal of the founders of Alpine Visual Arts is to create a vital summer community of artists in the highlands of West Virginia. In addition, they hope to create a haven for practicing artists to escape urban pressures to pursue their craft.

For a catalog of courses offered this summer by Alpine Visual Arts, contact Dorothy Busk, P.O. Box 480, Davis, WV 26260.



NATURE SKOOL children "caterpillar" up a trail while enjoying their fun study of the out-of-doors. Through WVHC, Nature Skool, developed and directed by Linda Elkinton, recently received a grant of \$500. from the state Department of Natural Resources. Nature Skool is an educational program for children offered at adult programs and events.

Another in the rock outcrop series

Laurelly Rocks

Black Mountain — elev. 3,800

By Bob Stough

Located deep in the heart of the Cranberry Wilderness, high on the ridge above the Laurelly Branch and Middle Fork river, these rocks offer an excellent view of a large portion of the Middle Fork drainage. The view is all wilderness as far as you can see, encompassing virtually the entire length of Sugar Creek Mountain, most of the central section of Black Mountain, and a large section of the ridge separating Beechy and Little Beechy runs from the Williams River.

Vegetation in the vicinity of the rocks is mainly young spruce and hemlock with occasional dense patches of mountain laurel which is quite spectacular in season. Large numbers of deer inhabit this area of the wilderness and if you're quiet and lucky you may catch a glimpse of a black bear.

The rocks themselves are well off the trail but do not require much bushwacking to reach, only careful and persistent navigation. Coming up from the Middle Fork on the Laurelly Branch trail, note that the trail eventually crosses the main branch of the stream before shortly recrossing it and heading up to the North-South trail on the summit of the mountain.

At the first downstream crossing one notices an old logging road heading off to the north. Follow this until it peters out in a small rockfield surrounded by open forest. Then turn slightly northeast and continue until you reach the edge of the plateau which you will know by the numerous dense heath thickets.

The rocks are not visible or obvious from the open forest but require only a short bushwack through the thickets. Their precise location is due west of the junction of the Middle Fork and the Laurelly at approximately the 3800' line on top of the ridge.

Check out the WVHC Bookshelf

The following conservation and wildlife books are available from the West Virginia Highlands Conservancy. Order your copies by sending check or money order and the order form below to:

West Virginia Highlands Conservancy
P.O. Box 506
Fairmont, WV 26555

★ **Care of the Wild**
Jordan and Hughes

This is an excellent guide to home emergency care for wild animals. It is available in both hard and soft cover editions.

★ **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.

WVHC BOOK ORDER FORM

Please send me the following books:

_____ Care of the Wild, \$8.95 paperback
\$13.95 hardback

_____ Guide to Monongahela National Forest and Vicinity, \$7.00

_____ A Citizen's Guide to River Conservation, \$7.95

Add \$1.50 for postage and handling (except when ordering just the hiking guide) and make check out to West Virginia Highlands Conservancy.

Total Enclosed _____

Name: _____

Address: _____

Return this form to WVHC, P.O. Box 506, Fairmont, WV 26555.

NEWS

(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 strengthens protection for water

A compromise bill mandating an overhaul of the 1974 Safe Drinking Water Act and requiring the Environmental Protection Agency to begin protecting water supplies from chemical contamination was passed by the House of Representatives in May.

Although the 1974 act resulted in safer drinking water for the American public, concern has been mounting over chemical contamination of water supplies. More than 700 synthetic substances have been identified as water pollutants.

The new law would regulate substances such as benzene, organic chemicals such as PCBs, inorganic chemicals such as cyanide, radioactive material, bacteria and viruses. EPA would be required to issue standards for 83 contaminants within three years.

Original House legislation called for states to develop groundwater protection programs but this was removed from the compromise bill. A separate bill is expected to address groundwater contamination problems.

EPA procedures to set standards were streamlined by the bill. In addition public water systems will be required to monitor for unregulated contaminants at least once every five years.

—reported in *The Charleston Gazette*, 5/14/86

Game Farm needs money to open expansion

An expansion of facilities at the French Creek Game Farm is approaching completion but more money is required to open it to the public.

Reconstruction work will allow exhibits now kept on three-acre tract to be moved to natural habitats on a 35-acre site. Wild animals native to West Virginia are held at the preserve.

Currently the 50 varieties of native animals are kept in cages at the game farm for visitors to observe.

More money is needed to complete restroom, administration and information buildings, service and food storage buildings and a parking lot all of which were part of the reconstruction and expansion program begun in 1984.

Money for the expansion came from the governor's emergency manpower program and an allocation from the Land and Water Conservation Fund. No general revenue money was provided to the Farm for operation during the last legislative session.

French Creek officials have said it is up to the Division of Wildlife to provide operating money but most of its operating funds come from licenses and that money cannot be used for recreation purposes.

—reported in *The Charleston Gazette*, 4/29/86

Rare fish indicates better water quality

Last summer fisheries biologists from the Department of Natural Resources collected an adult specimen of the rare blue sucker at the Belleville lock and dam on the Ohio River.

The blue sucker was present throughout the 19th century in the Ohio from Indiana to the Pennsylvania state line. At that time it was considered a rather common, well-known and preferred food fish.

Since 1925, however, the fish has undergone a drastic decline, probably in response to increased turbidity and pollutants in the Ohio River.

Finding the blue sucker again in Ohio River samples is indicative of improved water quality of the river, thanks to cooperative efforts of several resource agencies.

—reported in *Nongame News*, Winter 1986

BRIEFS**WVU could get new coal-to-steam plant**

A proposal to build a new coal-fired power plant which would provide heat and electricity to West Virginia University has been submitted to the U. S. Department of Energy.

The proposed plant would be built by Consolidation Coal Co. and Foster Wheeler Power Systems of New Jersey. It would burn about 500 tons of West Virginia coal each day and replace three obsolete coal-to-steam plants now run by the university.

Financial assistance from the federal clean coal technologies program is being requested for the project by the companies involved. The proposal calls for the Department of Energy to share engineering, site acquisition, construction and operating costs on a 50-50 basis with the companies.

WVU officials have expressed interest in the proposal as an alternative to refurbishing the school's current steam facilities. Replacement of the obsolete system would cost approximately \$45 million.

The Department of Energy is expected to make a decision on the project by late summer or early fall. If approved, the new plant could be operational by late 1989 or 1990.

—reported the *The Charleston Gazette*, 4/23/86

Legislation to curb acid rain debated

Governor Arch Moore recently spoke out against federal legislation to curb acid rain saying that as many as 7,500 jobs in West Virginia could be lost.

Moore testified at a meeting of the House Energy and Commerce subcommittee on health and the environment. He said passage of the legislation would be the worst economic disaster ever to hit the nation's energy producing and consuming sectors.

The bill in question calls for elimination of 10 million tons of sulfur dioxide and 4 million tons of nitrogen oxide from the air by 1997. Anti-pollution efforts at electric power plants, industrial boilers and factories would be employed to eliminate the pollutants.

Cost of the measure is expected to be between \$3.8 billion and \$4.9 billion a year. It would be financed by electricity rate increases of about \$1.16 a month.

The legislation would require governors in each state to decide how emissions would be reduced.

Coal companies charge that utilities will switch to low sulfur western coal to achieve the necessary reductions. They say this would mean a loss of jobs in the East and Midwest.

The National Wildlife Federation and state air pollution administrators spoke out in favor of the bill.

—reported in *The Charleston Gazette*

White Day watershed saved from mining

Surface mining will not take place on the White Day Creek watershed thanks to efforts by the Citizens for Preservation of White Day Creek and the Larosa Coal Co. of Bridgeport.

Larosa President James Larosa agreed in April to withdraw 20 acres from a 266-acre permit tract. The citizens organization met twice with Larosa to persuade him to withdraw the tract.

White Day Creek, forming the boundary between Marion and Monongalia counties between Fairmont and Morgantown, is a trout stream stocked by the state Department of Natural Resources. The watershed area is a prime hunting area for wild turkeys, deer and other game.

Such a voluntary withdrawal from an area by a mining company has only happened in West Virginia once before. The Holly Grove Coal Co. withdrew its permit to mine on the Little Kanawha River watershed after citizens protested.

The White Day citizens group is now working to have the White Day watershed declared unsuitable for mining.

—reported in *The Charleston Gazette*, 4/14/86

WV water quality data base considered

A statewide computerized data base for water quality may be developed by the state water resources board and West Virginia University.

The data base would include information on roads, streams, drainage areas, existing water quality permits, nearby oil and gas wells and other data.

It would be used by different state agencies which deal with water quality problems. These could include the Department of Highways, Department of Energy, Health Department, West Virginia Geologic Survey and Department of Natural Resources.

Having the information readily available in a standardized form is expected to facilitate communication among agencies and the issuing of NPDES permits.

The wildlife division of the DNR already has a stream coding system which will be used as a starting point.

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

DEADLINE FOR JULY VOICE

JUNE 28

Send contributions to Deborah Smith

See address in roster

Protection for Panther needed, Kaufman says

After visiting Panther State Forest in early April, Kanawha State Senator Tod J. Kaufman strongly endorsed the concept of upgrading the area to a state park, according to a report in **The Welch Daily News**.

Kaufman, a member of the senate's interim committee on state parks, said park status would open the facility to a wider range of recreational, educational and entertainment activities. In addition, it would protect the reserve against exploitation by coal and timber interests.

Kaufman also said a Panther Park would be an ideal location to kick off a CCC-type jobs program called for in a bill introduced during the regular session of the Legislature.

The jobs proposal passed both houses and has been forwarded to Washington to attract federal funding. The program is designed to clean up the whole state, particularly to demolish and clean up unsightly abandoned buildings.

Government-paid workers could upgrade roads and hiking trails, pick

up litter and demolish unused buildings in the forest, Kaufman said. This also would help ease the poverty in the area.

A 1983 governor's jobs program at Panther was a great success, according to former Panther superintendent Bob Beamblossom. During a six month period, coal miners participating in the program constructed 3,000 picnic tables for the entire state parks system.

During his visit to the area, Kaufman examined a forest road recently redesignated as a state highway by the state's road commissioner.

The road was taken out of the forest system which is covered by forest regulations to aid New Windward Coal Co. New Windward is opening a coal mine near Panther and plans to haul coal through the forest on the newly designated road.

Kaufman said redesignation of the road was inconsistent with the public interest because the state was, in effect, giving a road to a private business.

NWF advocates tax break for environmental zones

Imagine the federal government studying a river segment for addition to the Wild and Scenic Rivers system while encouraging mining development along the river's banks.

Such a scenario is possible given current federal tax laws which heavily favor development in many areas recognized as environmentally sensitive. A solution to this type of contradiction has been introduced to the Senate, according to a report in the February **Conservation 86** published by the National Wildlife Federation.

Senate Bill 1839, introduced by Senator John Chafee (R-RI), calls for eliminating or reducing certain tax breaks for developers in "environmental zones."

Environmental zones would include waterways being studied as Wild and Scenic Rivers; islands and beaches in the Coastal Barrier Resource System; and critical habitat for endangered species. Also included would be areas approved for addition to our National Wildlife Refuges, National Parks and Forests but not yet

acquired.

If passed, S. 1839 would not forbid development in environmental zones. It would, however, take away tax deductions and write-offs that aid development. Thus developers would have to pay their own way when developing environmentally sensitive areas.

Without tax breaks, industries would be discouraged from developing in environmental zones because better tax deductions would be available for development in less sensitive areas.

S. 1839 would withdraw tax subsidies from undeveloped areas along the Atlantic and Gulf Coasts. The NWF supports expansion of the legislation to include all undeveloped beaches and spits on the West Coast and Great Lakes.

In addition, NWF suggests inclusion of wetlands in the environmental zone designation. Wetlands provide essential habitat for valuable fish and wildlife but are rapidly being filled or dredged for development.

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.



Conservancy members help construct a water bar on a trail in the Laurel Fork Wilderness during the Spring Review weekend. Their efforts were part of the Sierra Club's cooperative trail recovery project in the Monongahela National Forest.

Groundwater pollution control causes controversy in state

Controversy about whether the state has authority to regulate underground drinking water supplies has surrounded a recent decision by the water resources board, according to reports in **The Charleston Gazette**.

In an April case involving Ohio Power Company, the board ruled that the chief of the water resources division of the Department of Natural Resources has exceeded his authority in asking for additional groundwater monitoring requirements in a NPDES (National Pollution Discharge Elimination System) permit.

Ohio Power had appealed an order from the water resources chief asking for groundwater monitoring requirements in a permit for the firm's 70-acre Connors Run flyash pond near Moundsville.

NPDES permits form a major part of federal water pollution control efforts. But these permits apply only to specific point-source discharges into surface waters.

For this reason, the water board ruled that the state did not have the authority to request the monitoring. The board acknowledged that the state had the authority to request the information under the state pollution

control permit system but not under the NPDES program.

John Purbaugh, Conservancy member and environmental lawyer, said that although NPDES permits apply only to surface water, the permit in question was a joint state/NPDES permit.

The State Clean Water Act covers all water, including groundwater. Because the permit applicable to the Ohio Power Co. site was a joint permit, the chief of the water resources division does have the authority to request whatever monitoring is required if there is reasonable belief that groundwater pollution is occurring.

Purbaugh said the board ruling has implications beyond the Ohio Power case because there are a large number of permits in force that require groundwater monitoring.

Board members said that in making the ruling they considered the fact that the water resources chief has both civil and criminal remedies to use in preventing pollution of groundwater.

Purbaugh said after-the-fact remedies are no substitute for permits because they are usually not pursued or are not effective if they are pursued.

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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- \$15 regular
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- \$30 associate
- \$50 sustaining
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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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