

THE HIGHLANDS VOICE

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Legislative Preview

Groundwater protection and litter control are expected to be two leading environmental issues in the 1988 West Virginia Legislature.

The WV Department of Natural Resources has produced a draft groundwater regulation statute, which has the backing of industry but which has been labeled "inadequate" by a coalition of WV environmental groups, including the Highlands Conser-

The bottle bill, which faltered last year, is being pushed again by the environmental community, but many legislators appear to be pushing for an alternative approach, including "litter taxes," increased penalties for littering, and enhanced solid waste collection.

The WV Department of Energy, which oversees mining safety and environmental regulations, will receive some attention since, if spending continues at the currant rate, its budget will be completely exhausted before the fiscal year expires. Reorganization of the WVDNR, introduced in '86 and '87, may received serious attention this year under the "third time's the charm" theory of legislative action.

WVHC members are encouraged to contact WVHC Vice President for State Affairs Ron Shipley or President John Purbaugh with their ideas or desires for WVHC action in the upcoming legislature. The WVHC Board of Directors will vote on a legislative program at its January 17 meeting.

Rivers Bill Adrift In Senate

The West Virginia Rivers bill would make 24.5 miles of the Gauley River below Summersville Dam a National Recreation Area, protecting the river and the canyon it flows through from hydroelectric power development. The bill also protects 4.5 miles of the Meadow River before it flows into the Gauley and 13 miles of the Bluestone. More than 100 miles of the Greenbrier was initially designated a wild and scenic river by the House bill, but agreement has been reached among the members of Congress involved to delete the Greenbrier at this time because of concerns voiced at local hearings.

The W. Va. Rivers bill (HR 900) was introduced by Congressman Nick Rahall and passed the U.S. House of Representatives on May 27th of this year. In September, Senator Rockefeller introduced a companion bill (S.1720) in the Senate which did not include the Greenbrier. So far, however, the Senate has taken no action. Governor Arch Moore has asked Senator Byrd to kill the bill, but Senator Byrd has not yet indicated what his position will be.

The Gauley River is one of the most spectacular and popular recreational rivers in the United States. One large dam already impounds many river miles at the Summersville Reservoir. In recent years the section below the dam has been threatened with hydroelectric power development pro-

WVHC Suggests Changes In DOE Rules

The WVHC, through a letter from President John Purbaugh to the Department of Energy, has suggested amending the WVDOE proposed rule changes converning distribution of DOE information.

Included in the DOE's proposed changes are rules that would require people to submit a statement about how the information they request would be used and that would increase the fees the DOE would charge for information. In addition the new rules would require that requests be filed at the Commissioner's office in Charleston and state that DOE "is under no obligation" to respond timely to requests filed in regional offices or to assure that responses to such requests are

accurate.

The WVHC suggests that the DOE rule changes drop the requirement that a request state affiliation and purpose. Requiring this information serves no valid purpose and will only chill the free exercise of the right to disclosure. There appears to be no statutory basis for DOE to require such information.

The proposed \$.25 per page charge for information was not based on a DOE cost study. In addition the DOE is proposing to charge a \$10.00 per hour search fee for the gathering of information, but the authority of a state agency to establish fees is limited to the cost of "making reproductions" and

(continued on page 6)

Winter Board Meeting

The WVHC Winter Board Meeting will be held Sunday, January 17, 1988, at 9:30 a.m. in the Martin Building on the West Virginia Weslevan College campus in Buckhannon. All members of the WVHC are welcome to attend the board meeting. A short slide presentation by the Buckhannon-Tygart River Coalition will follow the meeting.

Enoxy Mine Worthless

The Italian national energy agency, Ente Nazionale Indrocarburi (ENI) has filed a \$400 million lawsuit against Island Creek Coal and its parent company Occidental Petroleum claiming that environmental problems at Enoxy's Upshur county coal mine "have caused and will continue to cause financial losses, have made it virtually impossible to mine there, and have destroyed the mine's market value." Enoxy's Upshur Mine, located near Ten Mile on the Buckhannon River watershed, has been the source of a longrunning dispute over acid mine drainage.

In 1981, ENI entered into a joint partnership with Island Creek to establish Enoxy Coal Co. Information titled in the suit asserts that during the negotiations to create Enoxy, Island Creek and Occidental Petroleum "concealed from ENI the severity of an environmental problem at the Upshur Mine known as 'Acid Mine Drainage.'"

Specifically, ENI charges that Occidental and Island Creek received a letter from the Director of the West Virginia Department of Natural Resources (DNR) dated May 7, 1981, that described Island Creek's operations at the Upshur mine in bad shape because of the acid mine drainage. The letter also stated that based on past performance of Island Creek and other coal operators in the area, the DNR inspector for the Upshur Mine and the DNR technical staff believed that reclamation of the site technically was not

feasible. The DNR director also stated that the agency would not consider issuing any additional permits until Island Creek demonstrated that reclamation of the area was "feasible and actually accomplished."

ENI claims that Occidental and Island Creek did not inform them of the DNR letter during negotiations. Nor did they inform consultants hired by ENI to evaluate the coal mining operations at the Upshur Mine. ENI became aware of the DNR position on permits at the Upshur Mine in August 1981 "when the West Virginia press reported that ... no new permits would be issued," the suit continues.

ENI claims that Island Creek was not in compliance with DNR mining permit conditions at the time the coal properties agreement was closed, and cites a history of DNR and Department of Energy (DOE) violations to support their argument. Island Creek "deferred until the future reclamation that should have been done during the time that Island Creek was managing the (Upshur) mine," the suit charged, adding that the company's "failure to do the necessary reclamation at the Upshur Mine was a willful and deliberate decision motivated by self-interest."

ENI also contends that it has become increasingly difficult to obtain new mining permits for the operation, because of those violations and "the fact that there is no known method for preventing Acid Mine Drainage or reclaiming a site where Acid Mine Drainage is present.

"The Upshur Mine is indefinitely idled because of the high cost of complying with environmental standards," ENI claims, even if Enoxy Coal could obtain the necessary permits. With the mine idled, the cost of treatment of acid drainage at the Upshur mine remains "significant," the suit charges.

The lawsuit's contention that the mine is now worthless because of insoluble water pollution problems has residents living near the site worrying about who will pay the costs of the clean up. They are concerned that the cost of treatment ultimately will fall on the owners of the surface rights to the mine who had no choice but to submit to mining on their property since they did not own the mineral rights.

Responding to ENI's lawsuit, filed in federal court in New York City, Occidental Petroleum Corp. Chairman Armand Hammer said the action is "totally without merit."

"This is a longstanding dispute over some coal properties purchased by ENI," Hammer said. "We understand ENI filed the suit to avoid the running of a six-year statute of limitations. There is no merit to the suit and we will vigorously defend our rights in court."

(From news stories)

-Mountain View-**Endowing the Future**

by John Purbaugh

As much as I hate to join the annual parade of solicitations in December, I'm going to do so. The Conservancy's Endowment Fund, created in 1984, is still in its infancy but can be the foundation for our future health as an organization. Many members have already contributed to the fund, because they like the idea of their gift invested in perpetuity, producing income for Conservancy activities and projects. Though our assets are modest now (in the \$30,000 range) after only three years, just think where we'd be if this had begun twenty years ago, when the Conservancy was formed!

During the past year, WVHC has used income from the Endowment Fund, together with membership fees and publication sales revenues, to work on several big and countless small projects. They include:

- protection of the Gauley, New, Meadow and Bluestone Rivers through Congressional designation as wild, scenic or recreational rivers;
- establishing standards of quality in West Virginia groundwater;
- successful litigation opposing the Davis Power Project in Canaan Valley;
- beginning involvement in hazardous and toxic chemical pollution issues;
- revisions updating the Hiking Guide to Monongahela National Forest, for printing of a new edition; and
- membership, with the help of a grant from WVDNR's Non-game Wildlife Program, of "Nature Skool," an educational program for children ages 3-10.

None of these or our other projects or goals is ever really "wrapped up," because threats to rivers and natural resources, and the need to inform and educate on environmental stewardship, are never-ending. WVHC's existence and health are both fragile and enduring. Please consider assisting, not only in our daily work, but also in assuring our future ability to continue this work. Make your tax deductible contribution payable to "WVHC Endowment Fund" as Suite 201, 1206 Virginia Street, East, Charleston, West Virginia 25301.

HAPPY HOLIDAYS!

Letters to the Editor:

State Park System Does Make "Common Sense" Improvements

Dear Editor:

After reading Mountain View in your most recent publication, [November Voice] I felt compelled to respond to John Purbaugh's comments on State Parks, Commerce and the private dollar. In short, my response is, nothing is to be gained by disseminating misinformation.

The Department of Commerce is attempting to compensate for gross underfunding by the State Legislature by producing revenue from private investments on State park and State forest property. This is a simple matter of revenue enhancement designed to reduce the State park system's dependence on the tax dollar. However, to assume this effort will be at the sacrifice of common sense, good taste, or morality is a false assumption.

The Department, since its inception, has made numerous improvements to the State park system and all of them have been within the confines of common sense, quality, good taste and morality. Since the writer referred to Cass Scenic Railroad, let us consider the specifics. The Department of Natural Resources did not restore several company houses for use as recreational cabins; they did not install the board sidewalks and white picket flences; they did not convert the superintendent's house into a Bed & Breakfast; and, they did not create the reproduction of the old lumber mill. All of these improvements have occurred since July 1985, when the Department of Commerce assumed responsibility for operation of the State parks system. These improvements have caused revenue at Cass to increase by \$121,000 since 1985.

I do not wish to infer that the Department of Natural Resources could not have performed equally as well as relates to Cass, but, the point is, they did not. Therefore, the logic set forth by the writer is flawed by its basic assumption. However, using his logic we can assume that, since the Department of Commerce must be given credit for the accomplishments, control should remain where it is.

As to the issue of Coopers Rock and the proposed tram, the key word here is proposed. Yes, we are considering a tram at Coopers Rock and have held an initial public hearing for the purpose of obtaining public input as it relates to a proposal by Alpha Associates. We remain open-minded about this proposal and its potential impact on tourism in the area, financial assistance to the park system and appropriateness at Coopers Rock. We intend to properly consider all points of view at a another public hearing to be held December 10, 1987, in Morgantown. The agenda for that hearing will be designed to clear up misconceptions about such issues as amusement parks, which we oppose, the acreage on the other side of the river, and all other matters. We will then schedule time for the Coopers Rock Coalition to state their position and open the floor to the public. Following the hearing, we will weigh all of the points of view and render a decision in a timely fashion.

It is my sincere hope that future comments concerning the Department of Commerce are based on correct facts and true knowledge of the attitudes and accomplishments of the Department.

Sincerely, Robert E. Trocin Commissioner

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COMMITTEE CHAIRS

WVHC ENDOWMENT FUND: Ann Spaner

23 Seneca Hills Drive, Elkview, WV 25071 (965-7631)

CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton Rt. 5, Box 228-A, Morgantown, WV 26505 (296-0565)

MINING COMMITTEE: John McFerrin

1105 Tinder Avenue, Charleston, WV 25302 (345-5646)

PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman

32 Crystal Drive, Oakmont, PA 15139 (412/838-8983)

and Donna Borders, 924 Second Ave., Marlington, WV 24954 PUBLICATIONS COMMITTEE: W. E. "Skip" Deegans

2112 New Hampshire Ave., N.W., Apt. 615, Washington, 20009 (202/265-9337)

MBERSHIP DEVELOPMENT COMMITTEE: Adrienne Worthy

316 Skyline Drive, Charleston, WV 25302 (343-2767)

AIR/WATER TOXICS: Kim Taylor 1420 Lee St., Charleston, WV 25301

ADMINISTRATIVE OFFICES

Adrienne Worthy, Membership Secretary Suite 201, 1206 Virginia Street, East Charleston, WV 25301 (304) 343-2767

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

Guidelines For Articles & Letters To The Editor

The Voice welcomes any well-researched article or editorial on areas of concern, for example, river conservation, public land management, mining, Canaan Valley. General articles on outdoor activities - canoeing, hiking, caving, climbing - or on unusual places or speciai outdoor events are also needed. All submissions are subject to editing. To assure accuracy in the printing of these articles, the following guidelines have been established:

1.) Whenever possible, articles should be typed, double spaced on 8½ by 11 inch paper, with at least one-inch margins on each side. If the submission is not typed, the author should use lined paper and write legibly on every other

2.) Each article should be accompanied by the author's name, address, and telephone number. (Addresses and telephone numbers will not be printed with the article, but are needed so that the editor may contract the author for additional information, if necessary.) If the article is more than one page, the author's last name should be placed under the page number on each page

3.) Photographs related to the article are greatly appreciated. Black and white photographs reproduce best, but color photos can be used. Photographs will be returned, if the author requests them.

1.) The deadline for each issue of the Voice is the last Friday of each month.

The Voice also welcomes letters to the editor expressing views on any of the topics covered in previous issues or on other environmental concerns. Letters to the editor should follow the guidelines for articles.

The Need For A West Virginia Governmental Ethics Law

By Robert T. Hall Executive Director Common Cause/West Virginia

The inability of the courts to act effectively in the case of former economic development director Jack Redline's use of a state airplane for his own personal convenience is only the most recent of a whole series of abuses of governmental power in West Virginia. Justice Richard Neeley, who recently complained about secretaries' typing personal letters on state time, used his own secretary to babysit his children. Energy Commissioner Ken Faerber, when he was first appointed, used his authority to give millions of dollars of land reclamation contracts to a company of which he was one of the owners. Justice Neeley again used the influence of his position to get a Department of Human Services awarded to a company that rents space in a building he owns.

In each of these cases, the action was legal under West Virginia law. The courts, or in Justice Neeley's case the Judicial Ethics Comission, ruled that there was no violation.

Such clear abuses of power should not be permitted. What we need in a comprehensive governmental ethics law that would clearly state:

- (1) That no public servant can use his or her public office to obtain any personal services or financial gain other than the compensation provided by law.
- (2) That no public servant can use the influence of his or her office or position for personal financial gain.
- (3) That no public servant can accept gifts or honoraria or travel expenses which would influence his or her actions as a public official.
- (4) That public servants cannot have private business contracts with the departments of government in which they serve.

(5) That public officials cannot use their offices for political campaign purposes.

(6) That public servants cannot use confidential information for their own purposes.

(7) That people who leave public service cannot immediately turn around and represent business interests before the agencies in which they served.

The integrity of our government is indeed dependent upon the personal integrity of those who are elected or appointed to public office. But it is now clear that the standards of personal integrity are seriously eroding. Actions which once would have elicited a public outcry for resignations are now accepted as commonplace. We, as a people, are growing immune to scandal - and cynical about our government.

It is time to put a stop to it; time to pass a governmental ethics law that will set some public standards and some criminal penalties for people who use public office for their personal benefit.

The purpose of an ethics law, however, is not only to call those who abuse their offices to account. It is to set a public standard, to give guidance to public servants, to raise the level of our consciousness of the trust that the public must necessarily place in its officials.

Surely most of the people who work in the public sector have and want to keep a keen sense of the public trust that they hold. The problem is that the public standards slip away. What one person gets away with soon becomes the norm. The poor examples set by Supreme Court Justices go a long way toward degrading everyone's sense of right and wrong. As a result, public servants who would want to keep the highest personal standards find themselves going along

with and eventually adopting practices of which they would otherwise not approve. "Everyone's doing it" becomes the moral standard.

But this erosion of public values can be checked. We might not like to legislate morality, but there comes a time when the size of a community is just too large for the informal, personal maintenance of moral standards to be effective—a time when society is so fluid and its processes so complex that the standards have to be written down.

Now is that time for West Virginia. We must act now to preserve the public morality from further erosion by putting down in writing, in our civil code, the standards we expect of public servants. On behalf of the Governing Board of Common Cause/West Virginia, I invite each and every member of the Highlands Conservancy to join us in the effort to secure passage of a comprehensive Governmental Ethics Law for West Virginia.

Common Cause National Chairman to Support Bill

Common Cause/West Virginia and House Speaker Chuck Chambers have invited Common Cause National Chairman Archibald Cox to visit West Virginia to support the Governmental Ethics Bill initiative. Cox will be here on January 20th and will be the speaker at the 1988 Public Service Awards Banquet. The following day he will meet with the press, with Delegates and Senators and will testify at a Public Hearing on the Governmental Ethics Bill.

For more information, invitations, and reservations call Bob Hall at 342-2790.

A Further Comment On the "Acid Rain" Stalemate

Donald C. Gasper

We should be indebted to Rochelle L. Stanfield for her mature article in "National Journal" that was reprinted in the October Highlands Voice. In her "Air of Zealotry" she describes the two extreme sides taken on the "Acid Rain" issue and perceptively notes this has resulted in a deadlock, and that others are searching for a compromise plan of action. I would like to again use three of her excellent paragraphs to set the stage for another view - if not alternative. It should at least be of historical interest, and an aid in understanding its eco-politics.

Of all the causes that favor a heavy government hand, only environmentalism has held its own in this era of deregulation. Of the many reasons for this phenomenon, the enthusiasm, aggressiveness and sheer doggedness of environmental organizations must rank near the top. Now, however, the ardor of some environmental groups on the issue of acid rain control could end up being counterproductive. on a very ambitious and high-cost acid rain control program has gained the groups in the coalition only a sense of frustration. Despite all their self-righteous demands, loud cries of outrage and political posturing, since 1981 not one additional ton of sulfur dioxide has been removed from the air beyond the reductions already required by the 1977 Clean Air Act, . . .

On the other side:

... stubborn adherence to the refrain that the link between coal-burning boilers and acid rain damage has yet to be proved and, therefore, that expensive control legislation might be wasteful, the coal and utility industries, their representatives in Congress and the Reagan Administration have been able to hold off acid rain legislation for six years.

She notes further "there never has been any indication of compromise from either side." The two sides of the issue were polarized from the very first. One reason for the polarization was that early strategists, uniting in the National Clean Air Coalition, picked up the phrase, "Let the polluter pay." This was idealistic, but unexamined then, and apparently unquestioned since.

This position, of course, meant that the users of electricity generated from burning fossil fuels would pay - and pay dearly. (The power companies made much of this in their efforts to delay legislation.) The fact is (and was) that all the citizens of the Eastern U.S. were willing to pay up to \$100 more/year on their power bill in order to clean up the air, protect our health, buildings and monuments, and our aquatic and forest resources. Harris Polls through this entire period showed over seventy percent of U.S. citizens were willing to pay this much more to protect their environment and that of their children. An informed, environmentally concerned citizenry were certainly ahead of their legislators on this issue. They made it clear they wanted no degraded environment with its costs passed on to their children; yet even the leaders of their national conservation groups did not understand. The enormous cost of a drastic/crash clean-up of sulfur emissions would have been spread out over so many that the cost would not be much for anyone. This alternative was overlooked by the "zealots," and polarization began. "The polluter must pay" became part of the problem.

Further, when lack of progress was apparent, Senator John Glenn proposed that the money generated from such a broadbase should be accumulated into a "super fund" that could be spent as needed - a bigger source would just be given a bigger cleaning unit. This would enable high sulfur coal in Ohio, West Virginia, Illinois, Missouri, etc., to be mined so there would be no job dislocations. These powerful legislators and the coal industry itself would not have to delay the re-authorization of the Clean Air Act. However, Senator Glenn was not listened to; the lines were drawn; the mindsets of the "zealots" were closed.

Is it too late? Could this still work?



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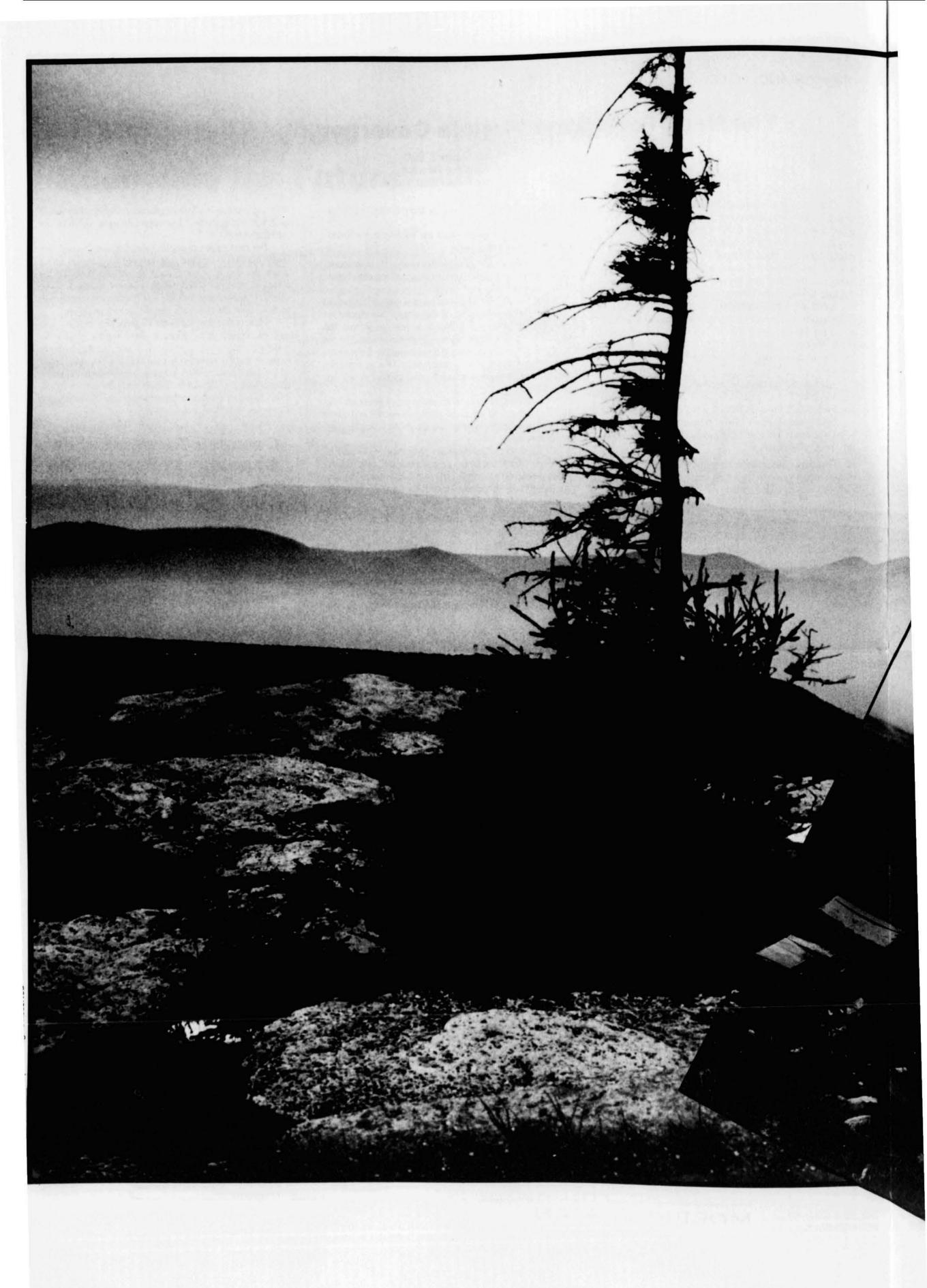


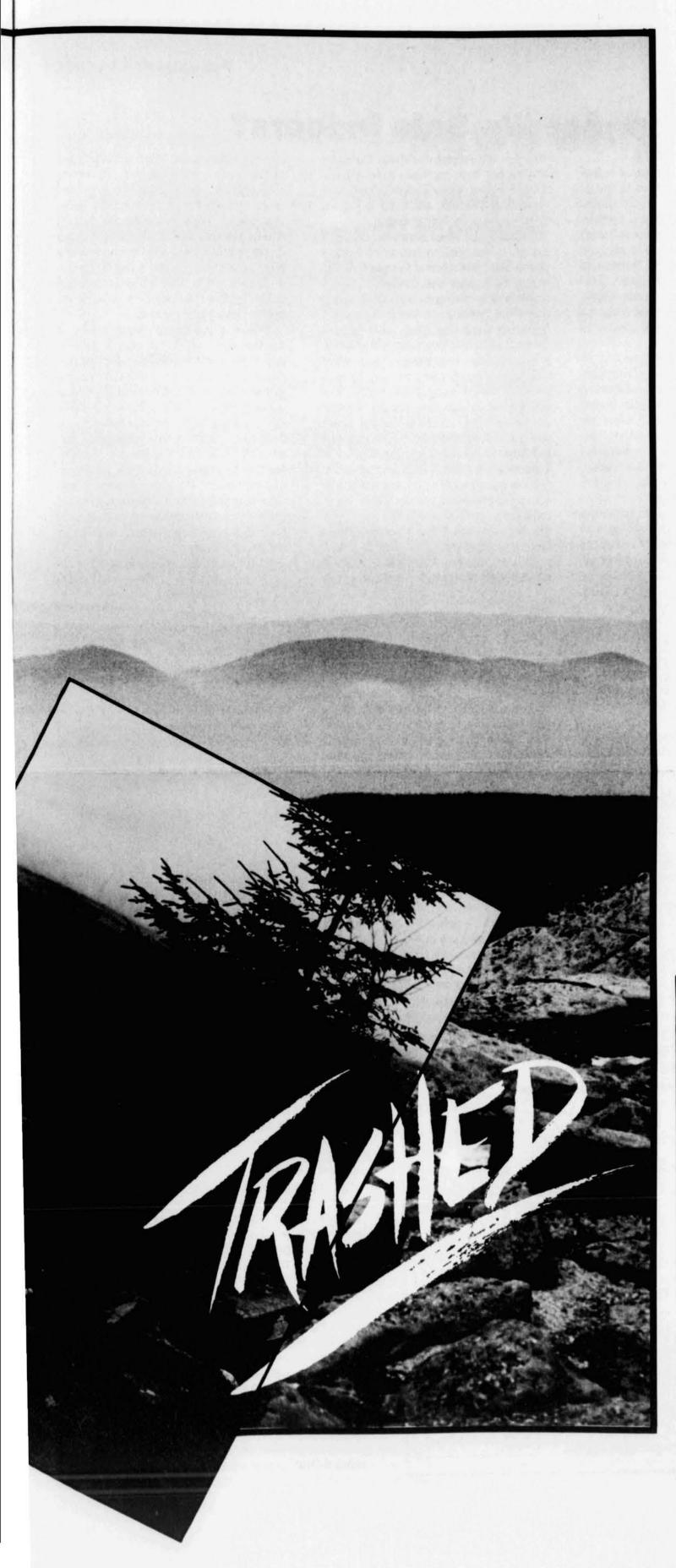




b. von alten

© Bruce Von Alten





Dolly Sods is a West Virginia Treasure.

This landscape, rich in open vistas and wind swept beauty, is a testimony to the natural splendor of the Mountain State.

Hikers and hunters,
berry pickers and bird-watchers,
photographers and four-wheel drivers,
naturalists and biologists,
artists and tourists,
have all marveled at and
been renewed by this
haven of solace and solitude.

Unique and unspoiled, Dolly Sods, including the surrounding Cabin Mountain landscape, has attracted and held the attention of a public which has a deep affection for preserving and protecting this West Virginia treasure . . .

or so it seemed.

Sadly, some individuals have chosen to view the fragile, open meadows bordering Dolly Sods as a dumping ground.

In the summer of 1987, the U.S. Army used the Dolly Sods vicinity as a training area. While military activity brings a regimented and mechanical presence to Dolly Sods and Cabin Mountain, it seems the people involved in the actual maneuvers have left more tangible evidence of their presence behind.

Scattered and discarded in a northern meadow, empty boxes, used Sterno cans, and plastic food pouches, all U.S. Government Issue, are lasting reminders of the presence of people who obviously did not appreciate the beauty of the Dolly Sods area.

Dolly Sods is a West Virginia treasure. It must not be trashed!

If an unspoiled Dolly Sods and Cabin Mountain are important to you, contact:



WV Secretary of State Ken Hechler State Capitol Complex Charleston, WV 25305 (304)345-4000

MNF Supervisor James Page U.S. Forest Service P.O. Box 1548 Elkins, WV 26241 (304)636-1800

Maj. Gen. John A. Wilson, III WV National Guard 1703 Coonskin Drive Charleston, WV 25311

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Air Pollution: Are We Safe Indoors?

Air pollution, once considered an exclusively outdoor problem, has found its way into Canadian and American homes and office buildings. The culprit this time is not automobile exhaust or factory emissions, but rather contaminants, including asbestos, formaldehyde and radon.

In the United States, envirnment officials have focused their attention most recently on radon, a naturally occurring by-product of uranium decay. According to recent studies by the Environmental Protection Agency (EPA) and the Office of Science and Technology Policy (OSTP), exposure to this colorless, odorless, radioactive gas causes over 20,000 lung cancer deaths yearly and may threaten one out of every eight single-family U.S. homes. Congress considers the dangers so great that it recently budgeted \$15 million over the next three years for continued EPA research on the hazard and ways to reduce it.

The radon program comes as part of a larger Congressional effort to curb indoor air pollutants including a four-year, \$100-million program for asbestos cleanup in schools and a \$300,000 allocation for further research

into indoor air pollution in 1987.

Canadian officials also recognize indoor air pollution as a serious health hazard in Canada. A recent Canadian government report recommended that federal agencies handling the problem develop a coordinated and comprehensive approach to improve indoor air quality in Canadian homes and office buildings. In the past five years, Canada has spent \$257 million to curb dangerous levels of formaldehyde and budgeted over \$30 million for reductions in asbestos levels.

The problem of indoor air pollution in both countries largely grew out of responses to the energy crisis of the 1970s. Efforts to meet tighter insulation standards for homes and offices ironically worsened indoor air quality. In some cases, the insulation materials themselves, such as asbestos and ureaformaldehyde foam, added pollution to the indoor environment. In others, the added insulation reduced natural ventilation, causing a guildup of pollutants from household sources, including smoking, cooking and household cleaners. Only recently have scientists begun to examine the effects indoor air pollution has on health, and the extent of the

hazard is the subject of debate. Particular concern has been expressed about the impact of indoor air pollution on the very young and the very old, both of whom remain indoors for long periods.

Radon is the latest indoor air pollution hazard. It first came to international attention in late 1984 when radon was found in homes built over the Reading Prong, a uranium-rich geological formation which runs from northeastern Pennsylvania into New Jersey and New York. Until then, no one realized it could pose widespread dangers to householders, even though the gas was a well-known health threat to uranium miners. Over the last two years, however, state and federal officials have already reported dangerously high radiation readings, some as much as 1,000 times EPA's safe exposure standard, in 47 states and the District of Columbia. Even at EPA's recommended safe exposure limit of 4 picocuries per liter of air (a picocurie is a standard measure of radiation), the risk of getting lung cancer increases between 1 and 5 percent over a lifetime of exposure.

EPA recently issued homeowner's manuals detailing methods for measuring and reducing radon levels. Some techniques aim to keep radon out of the home by sealing cracks in basement walls and floors or constructing radon barriers with special paints and plastics. other methods, designed to remove radon as well as other air pollutants that do infiltrate living areas, include various home ventilation systems. While these measures have proved successful in reducing radon levels at the state level, they are neither cheap nor foolproof.

Several governmental organizations in the U.S. and Canada are also developing new technologies to combat indoor air pollution. In an effort to prevent radon exposure in newly-built homes, the U.S. EPA is studying ways to predict radon levels at possible building sites and to change home design and construction accordingly. Likewise, the U.S. and Canada are working together to improve indoor air quality in non-industrial workplaces, including offices, schools and hospitals. The two countries are currently discussing plans to conduct joint research projects and share information on indoor air pollution.

(From Environmental Perspectives, a Canadian Embassy Newsletter.)

DOE rules (from page one)

should not extend to search time.

Before adoption of its rule setting such fees in 1982, the Water Resources Board conducted a cost study and then imposed a fee of \$.13 per page, with a waiver if the fee is less than \$5.00. The Water Resources

Board also waives all fees for persons stating their inability to pay. Prior to the creation of the DOE, the DNR's reclamation division adopted and used a similar fee schedule.

The WVHC suggests revising the fees to charge \$.10 per page, with no fee if the total

charge is less than \$5.00 and to provide a waiver of all fees for those signing a statement of their inability to pay. In addition the DOE proposed requirement that all fees should be paid in advance by certified check, cashiers check, or money order be changed to all payment by cash or check in response to an

invoice submitted when the copies are transmitted.

The DOE rule changes should also be amended to allow requests to be made to regional offices without the qualifier on timely and accurate responses.

Smoke Breathes Fire Into Acid Rain Debate

Laura Zelenko United Press International

Smoke trails stemming from forest fires in West Virginia's woodlands have revived a heated debate on acid rain, with the battle lines clearly drawn between Northeastern and Southeastern states.

Wary New Englanders contend the orange midday sun and pungent smoke odors were vivid signs of how air pollution travels north, whether from forest fires or industrial emissions.

The National Weather Service agreed the hazy skies in New York City and Boston were a direct result of the weeklong rampage of forest fires in Kentucky, West Virginia and other parts of the Southeast.

"We thought it was a graphic demonstration on how interstate air pollution occurs," said Bruce Maillet, director of the Division of Air Quality Control in Massachusetts. "This is the first time the general public was able to see the visible effects of it."

One scientist at the Massachusetts Institute of Technology called the traveling smoke "a gigantic natural experiment" that shows how air pollutants travel over long distances from a known origin.

"The public in general perhaps never has seen it that demonstrably," said Dan Golomb, with the MIT's energy lab

But officials in West Virginia are hesitant to conclude the northward flow of forest fire smoke has any relevance to acid rain.

Carl Beard, West Virginia's chief air pollution control officer, said the traveling smoke was similar to the "long range transport" of acid rain.

But acid rain results mainly from sulfuric emissions of fuels in electrical and other industries and it's impossible to determine the origin, said Beard, director of the West Virginia Air Pollution Control Commission.

"The forest fires that we had overwhelmed the air supply, but there were forest fires [also] in Kentucky. So West Virginia is not the only culprit in this thing," Beard said. "The difficult thing about acid rain is that it originates from a number of places."

West Virginia environmental leader John Purbaugh

said the ongoing debate between the Northeast and the Southeast over the origin of acid rain is "a regional exercise in fingerpointing."

But he said the public perception in New England about the recent air pollution could be significant in the debate over acid rain legislation.

"If breathing our smoke helped a large number of the New England population to perceive that our region is the source of their acid rain problem, then that's perhaps more

Path of smoke from Southeast fires WIS. **New York City** MICH. OHO IND. ILL. MO. N.C. Atlantic Ocean Location of **Forest Fire** Smoke Cloud **Gulf of Mexico**

important than whether that is the case or not," said Purbaugh, president of the West Virginia Highlands Conservancy. "If a lot of people up there think this means some-

thing, then it does mean something."

Massachusetts has advocated federal acid rain legislation for several years, and plans a significant reduction next year in sulfur emissions produced there, Maillet said.

More than 900 micrograms of particulates per cubic meter were reported in West Virginia during the recent spate of fires, which Maillet called "tremendously high."

Maillet said measurements were not complete on the level of pollution that reached Massachusetts, but he said the air was "very dirty."

"It was a very big local concern because people could actually smell it," Maillet said.

"I had "t soon any pollution like this since I had visited

"I hadn't seen any pollution like this since I had visited Mexico City," he added.

Winds around a high pressure system off the coast of Virginia blew the forest fire smoke northward in a clockwise direction, said Maillet, who contends acid rain blows northward under similar conditions.

When New England has its worse acid rain and ozone pollution, the air mass is coming from the Southeastern United States, Maillet said.

West Virginia Gov. Arch Moore, a virulent opponent to federal acid rain legislation, denied claims that forest fire smoke from his state polluted the Northeast coast.

"Please indicate to them, as far as we're concerned they're getting a taste of the burn occurring in Virginia, not West Virginia," Moore said.

Purbaugh said the current polarization of the Northeast and Southeast over the acid rain issue hampers the progress of legislation aimed at combating the problem. But New Englanders' concern over the smoke pollution could be used as a "footnote in the debate, at the very least," he said.

"I think it's understood that acid rain and air pollution travel in similar ways," Purbaugh said. "But that's such a gross generalization that I don't think it's helpful in this policy debate."

(From the Gazette Mail)

NEWS BRIEFS

Fort Bragg Troops Wreak Havoc **During National Forest Maneuvers**

Active-duty soldiers from Fort Bragg, N.C., may not be greeted with open arms next time they ask permission to conduct maneuvers in the Monongahela National Forest.

U.S. Forest Service officials are upset that, during a November training exercise in and around the Monongahela, Special Forces troops and members of the 82nd Airborne Division:

- Caused a 40-acre forest fire along the East Fork of the Greenbrier River north of Bartow.
 - Started another fire in a Thornwood woman's back yard.

 Used the parking lot of a Bartow motel to shoot flares and other pyrotechnics, some of which passed over a field full of farm animals.

All military maneuvers in the Monongahela are coordinated through the West Virginia National Guard, with which the Forest Service has had an excellent working relationship, according to forest supervisor, Jim Page.

"Over the years we've operated under a memo of understanding with the guard, and this summer, after a lot of public input, an environmental analysis was prepared to cover military activities in the forest," Page said. "We had no problems, even with a couple of big operations later in the summer. But when the group came up from Fort Bragg, in the course of their exercises things didn't go so well."

Page said it had not been determined whether the Fort Bragg soldiers left the scene not knowing that a fire had been started, or if they panicked and left the area after the fire broke out. The fire was not reported and the use of any pyrotechnic device by the military during fire season violated Forest Service rules.

Mollohan Says Tough Clean Air **Laws Cut Production**

WASHINGTON — The coal industry has to fight back against the public relations campaign by environmentalists over acid rain because tougher federal air pollution laws would cut domestic coal production by 25 percent, industry analysts said this week.

Speaking to a group of coal-industry observers, West Virginia Rep. Alan Mollohan said the environmental groups have succeeded in planting the image of "dead lakes" and "dead forests" in the public's mind, despite new evidence that acid rain is not a serious problem.

"This is a political problem, not a scientific problem," said Mollohan, a Democrat and former coal company lawyer.

He was referring to the recent report by the federal National Acid Precipition Assessment Program that claims acid rain is having little effect on the environment.

That assessment, however, has been bitterly challenged by environmentalists and some scientific organizations that claim administration officials distorted the NAPAP data.

Those groups are also lobbying Congress to adopt acid rain legislation to restrict emissions from coal-burning power plants. Public utilities claim such restrictions would cost them \$9 billion to comply with, causing as much as a 20 percent increase in rates to consumers.

Daniel Dreyfus, vice president of the Gas Research Institute, said GRI estimates an acid rain law would also cut domestic coal consumption by 25 percent by the year 2010.

Dreyfus said the higher cost of burning coal would push customers to oil or natural gas. Without strict emission controls, domestic coal consumption is expected to grow from roughly 820 million tons in 1986 to 1,193 million tons in 1986 to 1,193 million tons by the year 2010, according to Dreyfus.

Mollohan said the growth of the coal market is what hangs in the balance in the acid rain debate, and he chided the industry for not launching an aggressive media campaign to show that power plant emissions are getting cleaner.

Charleston Daily Mail, November 11, 1987

instead of oil and gas-fired electricity.

director of the Center for Clean Air Policy, which conducted the study.

demand by power plants supplying the New England states, the study said.

Valley power plants with scrubbers to reduce emissions of sulfur dioxide.

the path of the project, a recent study shows.

connect the two regions during the mid 1990s.

tion being considered by Congress.

At first, New England utilities would buy power generated by American Electric Power's plants that currently are idle. Eventually, when the excess capacity is used up, the utilities would pay to build additional plants in West Virginia.

save \$2 billion to \$3.2 billion over the next 30 yers by using power produced by coal-fired plants

Sale of State Power Given 50-50 Chance

Selling coal-fired electricity from the Ohio Valley to New England would enable West Virginia to reap \$1.8 billion during the next decade, but a number of bureaucratic hurdles lie in

"At this point, it's a little better than 50-50 that it will happen," said Ned Helme, executive

The Washington-based environmental group's study said the power project could protect between 1,000 and 2,000 high-sulfur coal mining jobs threatened by acid rain control legisla-

In addition, new jobs could be created in the high-sulfur coal industry due to increased

Two years ago, West Virginia Gov. Arch Moore and New Hampshire Gov. John Sununu

The utilities also would pay for construction of a 540-mile transmission line that would

New England consumers eventually would pay those costs. But, the study said, they would

proposed selling 1,000 megawatts of unused electricity in the Ohio Valley to New England

utilities. Under the plan, New England utilities would pay the full cost of retrofitting Ohio

Moore has proposed building four 300-megawatt power plants in West Virginia and has established a public energy authority to oversee that construction.

Construction of the four plants would pump \$1.8 billion into West Virginia's economy by the end of the century, the study said.

However, the study said "significant political obstacles" lie in the project's path. Governors in New York, Pennsylvania and New Jersey have not endorsed the proposal. The proposed power line would travel through those states.

The Charleston Gazette, November 13, 1987

1987 Osprey Project

The West Virginia Department of Natural Resources successfully raised 19 ospreys this summer. This year makes the fourth year of the Nongame wildlife Program's continuing effort to establish a breeding population of these birds in the Mountain State.

Sixteen ospreys were released along the South Branch of the Potomac River where releases have been made in previous years. The other three birds were released in cooperation with the U.S. Army Corps of Engineers at Tygart Lake.

Three-week-old ospreys were flown to West Virginia from their nest sites in Maryland and Virginia on June 29 and 30 by members of the West Virginia Wing of the Civil Air Patrol. The birds were introduced to their new homes using a process known as "hacking." After being placed in artificial nests, the birds were fed fresh fish by the attendants who watched over the birds 24 hours a day. The young ospreys began exercising their wings at approximately six weeks of age in preparation for their first flight.

Flight skills were soon mastered, and the ospreys tried their luck at fishing. The attendants continued to provide food because it took a couple of weeks before the ospreys were able to catch all the food they needed. Volunteers from the Potomac Valley Audubon Society attended the hack sites on the Potomac River, while the Corps of Engineers hired West Virginia University wildlife students to staff the Tygart Lake site.

The ospreys may migrate to South America, but it is hoped that when they sexually mature in two to three years they will return to their West Virginia home to nest.

West Virginia Nongame News, Fall 1987

Wetlands Cleared for Cleanup

Researchers in serveral eastern coal states are trying to duplicate the way nature cleans up contaminated water flowing from abandoned mines.

Shallow ponds, called wetlands, are being created throughbout the Appalachian Coal Basin where rusty-colored acid mine drainage seeps from the ground.

Biologists have discovered that as the drainage percolates through these man-built marshy areas, a certain amount of potentially toxic metals disappears and does not trickle into streams and water supplies.

When coal is mined, certain minerals in the earth are exposed to air and water. When oxidized, they produce acid water with high concentrations of potentially toxic metals, such as iron, aluminum and manganese, said R. Kelman Wieder, associate professor at Villanova University in Pennsylvania.

An estimated 10,500 miles of streams in eight states are affected by mine drainage, according to the Appalachian Regional Commission's most-recent study on the problem. A 1969 study requested by Congress indicated the problem was the worst in southwest Pennsylvania, northern West Virginia and western Maryland.

Problems with acid mine drainage, however, persist throughout the Appalachian Coal Basin. On a map, the basin looks like a funnel cloud in Pennsylvania that tapers south to Alabama. The coal basin also runs through parts of Ohio, Kentucky, Tennessee, Maryland, West Virginia and Virginia.

Sunday Gazette-Mail, November 29, 1987

DNR Probe Leads to 127 Arrests

A yearlong probe by the state Department of Natural Resources into illegal fur trading has led to the arrests of 127 people, DNR Director Ron Potesta said.

The probe by the DNR's Enforcement Division uncovered an illegal fur trade of more than \$600,000 between November 1986 and November 1987. The value of West Virginia's fur trade was more than \$2.8 million during the same period, he said.

Potesta said DNR officers discovered numerous irregularities after examining fur dealers' transaction reports.

Potesta said those arrested were cited for 255 violations were for incomplete fur transaction reports, 49 for failure to file a report, 43 for exceeding the season possession limit on raccoon and 30 for failure to file a proper shipping tag.

In addition, 13 people were arrested for failure to check in a bobcat, seven for dealing without a license, six for illegal possession of wildlife, six for exceeding the season possession limit on fox and two for exceeding the limit on bobcat.

DNR officers also found illegal activities in Maryland, North Carolina and Pennsylvania. Fur dealers and their agents are being invited to attend DNR-sponsored meetings next month in Romney, Fairmont, Beckley and Parkersburg to learn about state laws and regulations and proper reporting procedures, Potesta said.

Sunday Gazette-Mail, November 29, 1987

BOOK REVIEW-

Author Looks At Toxic Cloud Hanging Over Us

By Norman Oder

THE TOXIC CLOUD. The Poisoning of America's Air. By Michael H. Brown. 307 pages. Harper & Row. \$18.95.

It's difficult, if not impossible, to prove that toxic air pollution from chemical plants and other sources causes cancer and other health problems. But Michael Brown's angry book presents such an imposing array of anecdotal and other evidence that it should serve to further national change.

Brown broke the story on Love Canal and later wrote "Laying Waste," a book on the dumping of toxic wastes. Now he tackles an issue that may be familiar to residents of chemical-production areas like the Kanawha Valley but has not yet attained national resonance.

Toxic air pollutants, as Kanawha Valley residents should know, are not the traditional smog-type pollutants that were significantly reduced after the passage of the Clean Air Act in 1970. Thesse are the mainly unregulated, less visible, sometimes odorless chemicals that may attack health in unknown ways.

Though Brown discusses large leaks and the fear of a Bhopal-type disaster, he concentrates on the regular, smaller-scale emissions that are a part of the production process. He mentions chemicals like chlorine, formaldehyde and hydrogen sulfide, which are common to the Kanawha Valley.

"We don't understand the total impact," the commissioner of New Jersey's Department of Environmental Protection tells Brown. "I think it's the next era of the environment: trace contaminants in the air. Dump sites don't present the eminent-type hazard of air emissions."

The U.S. Environmental Protection Agency has set limits for only seven of these pollutants. In only one state, New York, has a state agency begun a regular program to sample the air for these pollutants. Only in the past few years have state agencies been assembling limited inventories of these emissions.

Therefore companies, faced with no regulatory re-

quirements, have had little incentive to add better equipment to cut emissions.

Brown argues that industry and government haven't been doing their job. So, in a virtually state-by-state tour, he goes to the people.

Near Midland, Mich., where Dow Chemical emits 48 million pounds of chemicals a year, Brown finds dwarf tulips, residents with thyroid problems, headaches and nosebleeds, and mothers who make maps of their neighborhood to note birth defects and retarded children.

Brown travels to south Chicago, where "you have to cover your face to breathe." In east St. Louis, he meets a woman who regularly wears an air helmet with a double-filter system. In one chapter, Brown visits the Kanawha Valley where he recounts the terror felt by some Institute residents during the August 11, 1985, leak from Union Carbide, and the health problems detailed by other residents.

No state has more devastating problems than Louisiana, Brown writes, where massive tax breaks and few regulations have encouraged industry. A doctor in New Orleans calls the situation "a massive human experiment conducted without the consent of the experimental subjects."

In Baton Rouge, the odors got so bad that workers at another chemical plant filed suit against an incinerator operated by Rollins Environmental Services.

In Louisiana, about 30 percent of the residents can be expected to develop cancer, according to one estimate. No one is sure why. Industry proponents target a lifestyle in which residents smoke and eat fatty foods.

But no one has done enough to find out about the link between industrial emissions and cancer. An epidemiologist at Tulane University's medical school found that people living within a mile of large chemical plants were 4½ times as prone to lung cancer as those further away. Then her funding dried up.

Brown acknowledges that smoking is the overwhelming cause of lung cancer and cites a study by two English researchers who conclude that pollution causes only 2 percent of all cancer deaths.

But Brown argues that researchers don't know enough about environmental causes. Nor do they know much about synergism—the additive effects of two cancer-causing agents. For workers exposed to asbestos who also smoke, the cancer risks greatly increase, he notes.

And he critiques a 1985 EPA study that concluded air toxics cause 1,300 to 1,700 cases of cancer a year. The study only analyzed 15 to 45 chemicals—less than half the carcinogens the agency identified. It ignores synergism, he says.

If only 3 percent to 4 percent of cancer deaths were attributable to air toxics, he argues, then California alone would account for as many deaths as the EPA estimated for the whole nation.

What does Brown recommend? Increased air monitoring, more restrictions on emissions, higher fines. He also suggests a change in our mindset, that we be prepared to start banning more chemicals.

As Brown has written a book that is a national survey rather than a complete history, Kanawha Valley residents should be reminded that he doesn't mention some of the changes that have been made in this area.

Since the August 1985 leak, area chemical companies have made significant reductions in the air emissions. The EPA conducted a study that air pollution cancer risks estimated in three communities were higher than national averages. More reductions are scheduled. The Harvard School of Public Health recently conducted air monitoring as a prelude to a possible area health study.

The issue will continue. As Brown writes, "Now, in the same way that we learned about ground pollution from the Love Canal, or smog episodes from disasters in London, we can learn about exotic atmospheric molecules from the Kanawha Valleys and Houstons and Midlands."

It should be added that the book bears a list of endorsements from several people involved in the air toxics issue, from conservative Rep. Guy Molinari, R-N.Y., of pollutionplagued Staten Island, to the Attorney General of Louisiana. (Reprinted with permission from The Charleston Gazette.)

State Senators Oppose Coopers Rock Tramway

A Democrat in the state Senate from Kanawha County and a Republican colleague from Monongalia County have joined an effort to stop the construction of a tramway at Cooeprs Rock State Park.

Sen. Tod Kaufman, D-Kanawha, has added his name to a petition of citizens who oppose the tramway that the senator says the state Department of Commerce wants to have built.

The group presented the petitions with 2,100 signatures to state Commerce Commissioner Robert Trocin.

Joining Kaufman on the petition is Sen. George "Buffy" Warner, R-Monongalia.

The state is attempting to work out a long-term lease agreement with a private developer to build a tram car from the park just outside Morgantown to the Monongahela River Gorge.

"We feel that the tram would be incompatible with the natural beauty of Coopers Rock and would degrade the scenic quality that it seeks to exploit," Coopers Rock Coalition chairwoman Nora Schwab said in a news release.

Kaufman, in a prepared statement, said, "Coopers Rock is a beautiful state park and does not need this ill-conceived, shortsighted, destructive type of growth in order to attract tourists to the state."

Category

Regular

Patron

Name:

Address:

Associate

Sustaining

Mountaineer

City/State/Zip

Senior/Student

WVHC Membership Categories (Circle One)

"People come from miles around to visit Coopers Rock because of its natural beauty, untamed cliffs, unobstructed views and nature in her finest glory," Kaufman said. "We West Virginians know better than most, because of the lessons which the ravages of strip mining have taught us that industrial production and economic development do not have to mean ruined land."

Organization

50

100

200

400

600

Phone:

Family

25 50

100

200

300

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 coutdoor recreation resources of an 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.

Mail to: Suite 201, 1206 Virginia St., E., C	Charleston, WV 25301
lembership Benefits	The West Virginia Highlands Conservancy is a non-profit organization. Your contribution is tax-deductible. Please keep this for your records.
1-year subscription to The Highlands Voice	
Special meetings with workshops and speakers	Date
representation through WVHC's	Amount

Make checks payable to: West Virginia Highlands Conservancy

Individual

12

30

100

200