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Rahall Introduces WV National Interest River Conservation Act

Representative Nick Joe Rahall introduced a bill on January 29 that would create a network of federally protected rivers in southern West Virginia. The other West Virginia Representatives, Bob Wise, Harley Stagers, Jr. and Alan Mollohan, and Morris Udall (D-Arizona) co-sponsored the bill. Udall is the chairman of the House Interior and Insular Affairs Committee that will receive the bill.

The bill called the West Virginia National Interest River Conservation Act calls for the designation of the Gauley River from the Summersville Dam to Swiss as a National Recreation area, includes wild and scenic status for parts of the Bluestone and Meadow rivers, and modifies the boundaries of the New River Gorge National River (NRGMR).

Citing the natural, scenic, cultural, and recreational values of these rivers, Rahall said that if this legislation is enacted, Congress will have created a network of rivers "unsurpassed in their raw beauty anywhere in the East."

Rahall refers to the creation of the Gauley River National Recreational Area as the "centerpiece" of the bill. In his remarks introducing the bill, he pointed out that last fall the lure of the "intoxicating stretches of whitewater" on the Gauley brought over \$16 million in economic benefits to the state.

The bill states that any new Gauley River project constructed at or in conjunction with the Summersville Dam would have to comply with the terms and conditions imposed by the National Park Service to ensure that whitewater and other recreation activities within the recreation area are not affected.

Under the terms of the bill, the Meadow River from where it flows under U.S. 19 to its confluence with the Gauley will become the state's first National Wild River. This still primitive 4.5 mile segment has the repu-

tation among kayakers as being "the forbidden fruit of eastern whitewater."

The 13-mile section of the Bluestone River to be designated a National Scenic River flows from Pipestem State Park to the Route 20 bridge where it joins the backwaters from the dam on New River at Hinton. The scenic designation will not affect the existing project purposes of the Bluestone Dam.

In addition to modifying the boundaries of the New River Gorge National River, the bill directs the Park Service to acquire and develop the Cunard site as a New River access point. This access is already heavily used by both commercial outfitters and private boaters, especially when the New River is low.

Another section of the bill calls for allowing the State to spray for black flies on the area of the New River within the NRGMR without federal permission.

Rahall acknowledged those organizations which supported him in putting together the legislation. He said, "I would like to especially recognize the assistance given to this endeavor by a number of West Virginia's commercial whitewater outfitters, the Fayette County Chamber of Commerce and the West Virginia Highlands Conservancy."

At their winter meeting the Board of Directors of the West Virginia Highlands Conservancy voted to give their support to the bill, and Rahall was praised for his efforts in putting together the bill.

The board also voted to request that the proposed modifications in the NRGMR boundaries be further changed to include the lower New River to its confluence with the Gauley River. On the issue of allowing the state to spray for black flies, the Board had previously taken the position that the state should apply through the existing permit and environmental review process.

Court Upholds Need For Wetlands Permit In Canaan

Environmental and civic organizations expressed delight with a recent U.S. Court of Appeals decision upholding the need for a Section 404 Wetlands Permit from the U.S. Army Corps of Engineers to construct the Davis Power Project, a huge hydroelectric power plant, in the northern Canaan Valley.

"The local utility has, in the past, made significant contributions to protect outstanding scenic and natural resources and aided in the economic development of rural Tucker County, like when they contributed lands for creation of the Blackwater Falls State Park in the 1940s," says Elkinton, "and they could make a tremendous contribution to Tucker County now by making it possible for the land they own in Canaan Valley to be formally available for public use and permanently protected as a federal wildlife refuge."

Elkinton explains that the Canaan Valley, although now well-known by many as home of the State's premier skiing, golfing and recreation resort, is a most unusual geologic and natural area.

"It is a true paradise to hunters, fishermen and outdoors people of all kinds."

The high elevation and predominantly wet character of Canaan Valley, with over 4,200 acres of swamps, bogs, marshes and beaver pond areas, make it unusual in the hills of West Virginia.

The long, broad Valley resembles areas much further north, in upper New York State, Maine, and Canada in both climate and in landscape. Within the confines of its 35,000 acres and dependent, to a large degree, on the wetlands that exist there, can be found the largest array of both plant and animal life to be found anywhere in the State and perhaps even in the eastern United States. Hunters, fishermen, wildlife photographers, hikers and all kinds of people who love the out-of-doors are drawn to it and

appreciate its unique value as an unmatched natural area.

"The best way to move ahead," explains Jacki Bonomo, MidAtlantic Regional Executive for the National Wildlife Federation, "is to let the U.S. Fish and Wildlife Service complete plans for a jointly managed national wildlife refuge in Canaan."

National wildlife refuges are federally protected areas with outstanding wildlife resources that are managed for wildlife, public use and public benefit, she explained. West Virginia is the only State in the U.S. that does not have a federal wildlife refuge within its borders.

"The northern Canaan Valley is ideal for such designation and everyone would profit, the power company through selling the land and by the good public relations it would mean; the local economy for the jobs, increased local revenues and economic development involved with visitorship to such a federally protected area and everyone who loves and appreciates the area for its natural qualities."

"The Chincoteague National Wildlife Refuge located on the eastern shore of Maryland was established in 1963. Today its visitorship is estimated at over 1.5 million people a year. A recent study shows that each of these visitors spend an average of \$33.33 per day on-site for food, beverages, lodging and entertainment."

"That's some \$50,000,000 a year added to their local economy," Bonomo points out. "And that's hardly insignificant to any community."

"Nothing could mean more to the local economy and long term economic stability of the area," says Jody Boyd, WV League of Women Voters Land Use Chairman, "and nothing makes more practical sense."

"A federal wildlife refuge would be the
(continued on page 8)

Winter Board Meeting — Rivers, A Recipe, and More

West Virginia Rivers

The Board of Directors of the West Virginia Highlands Conservancy voted to give their support to the West Virginia National Interest River Conservation Act of 1987 sponsored by Congressman Rahall. Rahall was praised for his efforts in putting together the bill. Details are given in a related story on this page.

The Board decided to continue to pursue scenic river status for the Greenbrier River and to begin a public education program directed toward that end. Realizing that flood control actions may be necessary on the Greenbrier, the Board voted to support those flood control measures least disruptive to the Conservancy's Greenbrier protection goals.

The Conservancy's River Committee, chaired by Anne Gentry, and Scott Martin, Vice President for Federal Affairs also deserve praise for their efforts in keeping the Conservancy informed on the bill and meeting with Rahall's staff

and the staffs of the other West Virginia congressmen and senators.

State Conservation Legislation

The Board also adopted positions on a number of conservation issues that will be taken up in the 1987 State Legislature. The Bottle Bill, conservation easements, the prohibition of Davis Power Project in Canaan Valley, and fee increases for hunting/fishing licenses were all supported. [For a review of these issues, the reader should see the January Voice.]

Legislation dealing with DNR/DOE reforms may not be introduced this session, but the Conservancy continues to work toward the following reforms:

Abolish the Water Resources Board and replace it with an Office of Appeals in DNR to assume the Board's appeal function.

Require bonding as a term and condition of NPDES/state

water pollution control permits from the DNR/DOE. The purpose is to secure post-mining treatment of acid mine discharges in the event the permittee becomes insolvent.

Eliminate DOE's authority over coal related NPDES/state water pollution control permits. Since EPA has not approved the transfer permitting authority for NPDES/state water pollution permits to the DOE, all coal related permits continue to be issued by DNR, which since the 1985 Energy Act, has no statutory authority to do so.

Reconsolidate in DNR the Dam Safety Program. In March 1985, DOE Commissioner Faerber terminated the DOE Dam Control Section and discharged its staff. Presently DOE has no engineers to inspect the state's 150 coal-related dams, and DNR has four engineers to monitor 300 non-coal dams.

Grant civil service status to the eight Directors and Dep-

(continued on page 6)

LETTERS TO THE EDITOR

Canaan Village — Conservancy Suit

Dear Editor:

I read with shock and dismay that Canaan Village has sued the Conservancy and Linda Elkinton out of irritation with their opposition to a sewage discharge permit for their development.

I suppose the Clerk of the Circuit Court for Tucker County had to accept the suit, but the Conservancy and Linda Elkinton don't have to accept the threat that such a suit implies. Abuse of process has long been a tort action available to complainants where an action has been prosecuted for an illegal purpose and to satisfy an ulterior motive. Malicious abuse of process is a tort proceeding available to complainants where a prior civil proceeding has been instituted by the defendant, without probable cause, with malice, and terminated in favor of the plaintiff.

The Constitutional right available under the First Amendment to criticize is not now and has never been a ground for either abuse of process or malicious abuse of process. To the contrary, it would seem to me that the actions of Canaan Village in suing the Conservancy and Linda Elkinton may well fall within these grounds and make available to the Conservancy and Linda Elkinton serious damages.

I would hope that the Conservancy will respond in a vigorous manner to this uncalled-for, improper abuse of the Constitutional right of Americans — the right to criticize and have a personal opinion.

And, I hope that it will not be lost in the passing that it is more than significant that Canaan Village has finally decided to avail itself of a zoning law which might well make such litigation unnecessary — that is a proper way to regulate development for the good of all.

Thank you.

Sincerely,
Thomas Ward
Judge, Circuit Court
For Baltimore City

Wildlife Refuge In Canaan

Dear Editor:

I was impressed with Linda Elkinton's article entitled "A Wildlife Refuge In Canaan Valley" in *The Highlands Voice* January 1987 issue. Of the many reports published on A Canaan Valley Refuge I have read, this one was the most helpful to me.

The time may be near when an all out effort should be made for a Wildlife Refuge in Canaan.

1. Politically the next two years may be the most favorable nationwide, but much needs to be done to get state-wide support. Personally I don't know enough about this outstanding wetland area, and I can say the same for sympathetic organizations in my county. On two occasions I showed up for a conducted tour of the area. The first time it was canceled, and the second time no one showed to lead the tour. The production of a "Soundslide Program on the proposed Canaan Valley Refuge" is a suggestion I make.

2. The proposal of a \$380,000 payment to Tucker County for loss of land as a Tax Base may sound excessive, but it must be realized wildlife refuges do not attract or employ many people.

I'm a bird and plant lover at heart and have visited numerous wildlife refuges in the South and the West, and people are what one sees the least, unless the refuge creates a park-like approach to capitalize on its natural resources.

3. The provision for hunting on the refuge does not go down with me, and it appears this is an effort to gain support for the refuge. I would support a public hunting area in Canaan, but believe it should not be a part of the refuge. Where I live, during the hunting season, Sunday is the only time it's safe for me and my dog to take our daily walk.

Sincerely,
Oliver Johnson
Lerona, W. Va.

No Need For New Power Plants

Dear Editor:

I didn't see Larry George's comments toward West Virginia's entering the power production business [November *Voice*], but I want to point out something. I think it was in 1978 that Amory Lovins, a world-renown energy researcher and soft-technology advocate, spoke at the West Virginia Land and Energy Festival at Jackson's Mill. His talk was so thoroughly documented, and the clarity of the message was so complete, that I have never forgotten the arguments and the points made. In fact, I distributed about 10 copies of a cassette I made of his speech to my friends (if anyone reading this has one, please get in touch). Also, a transcript of the speech was printed in D. L. Hamilton's follow-up newsletter after the conference.

So where is everybody on this issue? A few hundred of us heard this, and I can't believe not a single soul is echoing what was made so obvious at that time!

Investments in energy conservation are vastly cheaper than building new power plants. All we would accomplish by building more generating capacity is to starve funds that could be used for conservation and weatherization, and instead we continue feeding a very wasteful system! A number of publicly operated, as well as a few private utilities, have already begun such programs.

I am an advocate of public power. Instead of building more plants, how about buying the existing ones and retrofitting with sulphur scrubbers as a public employment project? Also, why not use the \$12 million West Virginia will receive from the Exxon overcharge for home weatherization, as was intended by the courts?

Sincerely,
Mike Harman
St. Albans, W. Va.

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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 special 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 line.

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.

4.) 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.

Faerber's Reign At DOE

by Ernie Nester

Department of Energy Bill: On April 11, 1985, the West Virginia Legislature took a giant step backward by passing Governor Moore's bill to establish the new Department of Energy (DOE). The 700 page DOE bill was prepared by lawyers from a firm that represents the coal industry. Most of the legislators that voted for the bill did not understand the contents of the bill. The DOE bill combined the Department of Mines with the Reclamation Division from DNR.

Major problems with the bill included the following:

1. The bill did not include any conflict of interest provision for the commissioner.
2. Provisions were made for a total of 10 political appointees in DOE.
3. Mine sites disturbing 2 acres or less were exempted from the regulations.
4. One agency no longer would control all water pollution control permits.
5. The policy section of the bill made it clear that the primary purpose of DOE is to promote extraction of coal, oil, and gas.

Faerber's Conflict of Interest: On July 15, 1985, Governor Moore appointed Ken Faerber as Acting DOE Commissioner with a salary of \$65,000 per year. Faerber had funneled \$18,200 into Governor Moore's 1984 campaign in apparent violation of the state law limiting donations to \$1,000. Faerber was heavily involved with mining and reclamation companies receiving permits from and doing business with the state. Faerber then proceeded to approve strip mining permits and change orders for reclamation work for his own companies.

On October 25, 1985, the federal Office of Surface Mining (OSM) ruled that Faerber must divest himself of all coal related interests to remain as DOE Commissioner. Faerber apparently sold his interests in the coal companies and the West Virginia Senate

rolled over again and approved his nomination in 1986.

DLM Bailout: Under a consent order in November 1985, DOE took over DLM's abandoned mine lands and the responsibility for treating the acid drainage on the Buckhannon River watershed in Upshur County. DLM spent 10 years and millions of dollars trying to treat the acid drainage problems before they conned DOE into taking over their problems. The state received from DLM cash, equipment, and a large chunk of surface, mineral and fee lands. I do not think that DOE has been able to develop an effective treatment method that will protect the streams.

Enoxy Permit Application: Enoxy Coal Company applied for a 717 acre strip mining permit (WV/NPDES NO. 0091839, SMA-1788) adjacent to the DLM site on the Right Fork of Tenmile Creek of the Buckhannon River in Upshur county. The combination of the high sulphur Kittanning coal seams and iron pyrites create severe acid drainage problems.

The West Virginia Highlands Conservancy, Trout Unlimited and local residents filed objections with DOE and EPA. John Richard stated Trout Unlimited's concern in a letter to DOE on November 18, 1985: "Enoxy's plans for the mining operation call for valley fills and in-stream treatment of effluent on two unnamed tributaries of the Right Fork of Tenmile Creek of the Buckhannon River. Stream surveys conducted by DNR wildlife biologists on October 1, 1985, have confirmed the presence of reproducing native brook trout in both of these tributaries as well as the Right Fork of Tenmile Creek."

Permits were issued by both DOE and DNR. EPA overruled DNR's second attempt to grant a water pollution permit and indicated the exclusive authority had now passed to EPA. On October 28, 1986, the West Virginia Supreme Court overturned Enoxy's surface mining permit issued by

DOE in May, 1986, because DOE did not allow public comment on the application after it had been significantly revised.

Enoxy Fish Kill: During the July 4th weekend of 1986, several of Enoxy's treatment ponds overflowed for about 5 days pouring black-colored, acid water into a tributary of Tenmile Creek. DNR fisheries biologist Dan Ramsey said that nearly 3 miles of native brook trout waters were destroyed. According to Ramsey, about 100 miles of native brook trout waters have been destroyed in the region.

During the previous two years state inspectors had issued 31 citations to Enoxy and most of the violations were connected with the pollution of trout waters. DOE supervisor Harold Parsons, Jr. requested show-cause hearings but was overruled by Faerber. After the July 1986 spill DOE ordered Enoxy officials to appear at a show-cause hearing on August 21, 1986. That hearing was postponed at the request of Enoxy's lawyer, Gregory R. Gorrell. Enoxy president John W. Smith and Gorrell met privately with Faerber and three other top DOE officials. They worked out a consent order requiring Enoxy to build a dam and a central treatment plant to neutralize acid drainage. The August 21, 1986, consent order stated that: "The violations resulting in the show-cause order were not willful, were not a result of a lack of reasonable care and diligence on the part of Enoxy, and were not the result of an unwarranted failure to comply on the part of Enoxy."

Contempt Citation: On July 10, 1986, the West Virginia Supreme Court issued an order requiring full roof bolting in all thin seam mines using Wilcox mining machines. Faerber argued that this would be too expensive for the owners and stalled in implementing the order. Faerber issued new safety regulations on October 21, 1986, after another miner was killed by a roof fall.

The United Mine Workers initiated proceedings to have Faerber declared in contempt-of-court. On November 19, 1986, the Supreme Court held Faerber in contempt-of-court and ordered him to pay a \$100 fine to UMW and pay \$5,807.75 in attorney fees and \$991.50 in expenses incurred by the union.

Thomas V. Reishman, Deputy Commissioner of DOE, had a request prepared to have the taxpayers pay \$6,899.25 for Faerber's fine and expenses. UMW asked the Supreme Court to block this move by Faerber to weasel out of personal responsibility for the fine. The court set a January 29, 1987, hearing date on the request and asked Auditor Glen Gainer not to process the check.

Faerber was not represented in court by the attorney general's office, but he hired 3 lawyers from a private firm at \$65 to \$75 per hour. The taxpayers will be stuck with this bill when it arrives.

Treat at the Greenbrier: During 1986 Faerber treated coal operators and a few state officials to an all expense paid outing at the Greenbrier using \$19,652 from federal funds. The Governor's portion of the bill was originally \$2,084, but was reduced when an error was discovered after several *Gazette* articles about the meeting. This money from federal funds should have been used to reclaim abandoned mine lands.

Order to Inspectors: During the fall of 1986 Faerber sent out an order to the DOE inspectors informing them that they could not issue show-cause orders against any coal company without his approval. I suppose that Faerber did not want any inspector to take rash action against a coal company, such as enforcing state laws and regulations.

A *Charleston Gazette* editorial on November 18, 1986, suggested that Faerber should resign. The West Virginia taxpayers are getting a sorry performance for \$65,000 a year.

High-Risk Activities and WV State Parks

by

Sayre Rodman

These comments are addressed to the West Virginia Department of Commerce about the proposed rules governing the public use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas, subject of a hearing on January 21. The comments address only Section 2.8, which covers so-called "high risk" recreational activities.

The Pittsburgh Climbers is a small outdoor-oriented group, organized about 24 years ago, among people active in rock climbing, caving, and whitewater boating, primarily in the West Virginia mountainous areas. Our members are familiar with the recreational appeal and technologies of these activities, and with suitable locations in West Virginia. We are party to the suit (Civil Action 85-C-732), brought by the West Virginia Highlands Conservancy and others, concerning the banning of rock climbing at Coopers Rocks State Park several years ago.

THE ISSUE:

Section 2.8 of the proposed park rules summarily and totally bans rock climbing, caving (identified as spelunking), and other such activities as may occur to the authorities, in all State Parks, Forests, and Hunting and Fishing Areas. Any exceptions would be at the initiative and discretion of the area superintendent.

OUR POSITION:

Rock climbing, caving, and related activities are fully legitimate public uses of many non-urban public lands. It is in the public and private interest to permit these activities at many of the physically suitable locations on public lands. These locations are an important resource of the State lands under discussion.

To identify places suitable, or unsuitable, for these recrea-

tional activities requires both knowledge of the complex technologies and esthetics of these activities, and also knowledge of management of areas used for general public activity. This knowledge is spread among skilled recreational users and area managers. No one person or group, alone, knows enough.

Under the proposed Section 2.8, an area superintendent could maintain a total ban on almost any activity which made him uncomfortable, if only because he did not understand anything about it. There is no channel for public recourse.

The Pittsburgh Climbers propose that a reasonable rule would allow the State, through its superintendents, to regulate or ban any activity at all, but only subject to well-publicized-in-advance public meetings with proponents of such activities. The ultimate regulation would be required to consider the public record of views of all sides.

SUPPORTING ITEMS:

A: Physically and technically challenging activity is in the public interest. It is surely obvious that physical conditioning, and mastery of physical skills, by members of the public is desirable. The Federal welcome of rock climbing at Seneca Rocks is an example of this understanding.

The Department of Commerce, itself, appears to understand the interest and excitement generated by sports like rock climbing. State-distributed literature, stressing the excitement of outdoor West Virginia, has shown climbing at Seneca Rock. We understand that regional tourism agencies have taken aerial TV footage of Seneca climbing. Why should this same activity not be welcomed, under control, on State lands?

B: Some risk is present in many otherwise desirable activities. Regrettably and predictably every year, some hunters suffer gunshot wounds and some skiers at Canaan Valley break legs. Because large numbers of people are involved, area management has taken the trouble to listen, study the problems and control risk, within reason. It would not occur to anyone to ban hunting and skiing first, and perhaps discuss it later.

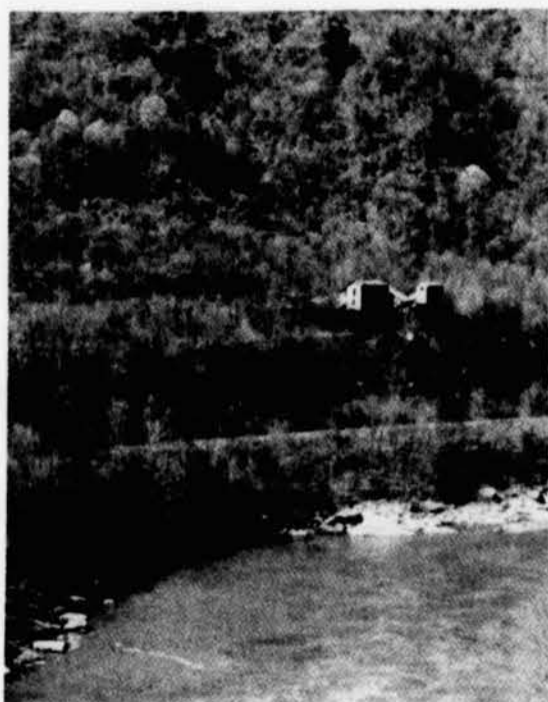
C: Climbing and caving are by nature exploratory in mountain terrain. Skilled climbers beat their way through the woods to check out new cliff faces. There has been a major shift in climbing interest to obscure segments of the New River Gorge in this manner recently. The search for new caves is an obvious activity. Expecting superintendents to post signs permitting activities on undiscovered sites is absurd.

D: Proposed Section 2.8, with its editorial comments on public vistas, appears to have been written with Coopers Rocks in mind, rather than unexplored areas.

Thirty years ago, members of the Pittsburgh Climbers saw problems with climbing up to the fenced public viewpoint at Coopers Rocks. Had there been an established channel of communication with the area management, responsible members would have been glad to discuss the matter. Active groups see the same problem today. They also know which specific rock faces are most desirable to modern climbers. Discussions would have avoided problems. Regulations should encourage such discussions.

(Sayre Rodman, co-chair of the Conservancy Public Lands Committee, addressed this issue on behalf of the Pittsburgh Climbers. He also presented these views at the Winter Meeting of the Conservancy.)

BOOKS



The Kaymoor tipple stands abandoned by the New River.
National Park Service Photo

Kaymoor:

A New River Community

Lou Athey — Eastern National Parks and Monuments Association, 1986

Visitors who come to ride the New River rapids occasionally spot a crumbling building or the remnant of a stone wall or coke oven and ask for an explanation from the guide. Invariably their guide, in the best oral literature tradition, will weave a fantastic tale about rabid frogs, killer catfish, or other dangers that forced the building of defense structures.

The most visible structure from the river, hence the one most frequently asked about, hence the one most frequently lied about, is the tipple at Kaymoor. Enough of it remains so that its function is still readily apparent, thus limiting the guide's tale, but fortunately for the river savant, a human-shaped opening has appeared on the river side of the building. Explanations for that opening may well exceed all other New River stories.

One version that at least may be printed reports that the crew on the last shift when the Kaymoor mine shut down for good got carried away in its celebration and threw the foreman onto the conveyor that ran from the mine to the tipple. The men assumed that the foreman would just land on a heap of coal in the tipple, but instead the poor fellow gained such momentum in his tumble down the belt that he crashed on through the side and out into the New River.

Not solely, I'm sure, to counter the literary efforts of whitewater guides has the New River Gorge National River encouraged research and publications on both the natural and human history of the gorge area. **Kaymoor: A New River Community** is the

most recent offering. Written by Lou Athey, a history professor at Franklin and Marshall College in Lancaster, Pennsylvania, the book investigates this mining community from its founding in 1899 to its demise in 1962.

Athey introduces the reader to Kaymoor with a description of this same tipple, but he wisely offers no explanations for the odd-shaped hole in it. He does, however, satisfy the reader's demands for just about any other question concerning Kaymoor.

The Kaymoor community, Athey points out, was actually two communities, Kaymoor One and Kaymoor Two. Kaymoor Two mine was located two miles downriver from One and was shut down in 1926. Kaymoor One itself was actually two communities; one centered in the gorge just upstream from the still-standing tipple and one located on the canyon rim above the works. The mine entrance was about two-thirds of the way up the slope from the tipple.

As the author says, "Coal ruled Kaymoor," and in addition to discussing the dangers of mining in the gorge area, the mining tools and equipment of the times, and the disputes between workers and owners, Athey investigates how Kaymoor was a "captive" of the Virginia iron industry, for the Kaymoor mines were owned by Low Moor Iron Company, located 125 rail miles away in Alleghany County, Virginia.

Athey doesn't just dwell on the economic aspects of coal camp communities. He writes about the games children played, domestic squabbles, hunting and fishing in the gorge, catching rainwater, and a host of other activities. Race relations, the role of women, religion and other topics are also covered.

The 64-page book contains a generous number of photographs of the mine works, the houses, and the ruins. The rafter, hiker, or other visitor in the New River area will benefit from Athey's sketch of this coal town, and residents of the area will appreciate the nudge it gives the memory. River guides will be shocked at the truth of it.

Kaymoor: A New River Community costs \$6.95 and is available at the New River Gorge National River visitor centers or by mail from Eastern National Park and Monument Association, P.O. Box 1189, Oak Hill, WV 25901. For mail orders, the total cost is \$8.35 for out of state orders; \$8.70 (including 35¢ for tax) for West Virginia residents.

This is the third book that the National Park Service through the Eastern National Parks and Monuments Association has had published on the history of the New River Gorge. The others are **Life on the New River** and **Sewell: A New River Community**.

The Braxton Connection

Skip Johnson — McClain Printing Co. Parsons, WV 1986

My connection with fishing is limited to several attempts, made mostly out of guilt, to ensure that my son was not going to be denied any valuable cultural experience. After several unsuccessful ventures, we finally landed a bass that had what appeared to be a regular-sized mouth and proudly took it home. We cleaned the fish and cooked and served the meal. It was tasty, and afterwards by son said, "All right! Maybe next March we can finally get a kite up." We haven't fished since.

I don't hunt either, unless coon hunting counts. Technically, I suppose it is hunting, for occasionally a kill is made. But mainly coon hunting is hunkering down by an oak on some ridge or a sycamore in the bottom, eating spicy sausages out of a jar, and jawing softly until someone says, "Liss-sen. That dog is looking up." Next, of course, the dog has to be found. There seems to be a woodland axiom that states if there is an extensive rhododendron thicket in the area, the coon must be treed on the side opposite the hunter. The chase is on.

Given this hunting and fishing background, I had always just glossed over Skip Johnson's "Woods and Waters" column in the **Charleston Gazette**, and when I received his collection of columns, **The Braxton Connection**, for Christmas, I put it aside for a snowy evening, which came with 10 inches on January 22.

I first took interest at the photograph on page four that shows a young man with this grouse hunting trophy—an old rusted toy truck. Then, on page 15, I knew I would finish the collection, for that's the end of "The \$2 Grouse Dog," an hilarious tale about an embarrassed hunter who has to account for the misadventure of his English setter in a chicken coop.

Later on, Johnson comments on fishing and admits, "I tend to become restless, for after all, a fish is a fish." And, "If I had invested and reinvested the money they (lost fishing lures) represent—an estimated \$2,301.23—it would have grown to \$77,683.30 over the years and I would be independently wealthy, rich beyond the dreams of avarice." This is the kind of fishing I know. In addition, there are enough of the usual fishing tales and comments on West Virginia fishing and fishermen to satisfy those who are really interested in the sport.

Hunters, too, should be satisfied with his numerous columns on grouse, turkey, and deer hunting and game management. Coon



Former **Charleston Gazette** graphic artist Bill Pitzer drew 13 illustrations for Skip Johnson's collection of columns and stories.

hunting only receives a line or two in passing. Maybe Johnson agrees that such mystical experiences are outside the category of hunting. There is one column devoted to raccoon, "A Catfod of Spring," where he reveals that he allows coons to eat catfood off his back porch. Paying homage?

The articles are not just concerned with hunting and fishing. "Living Legend of Flora, Fauna," for example, is a tribute to Maurice Brooks, and there are several other sketches of people. Comments on white-water rafting, hiking and other outdoor activities are included in the total of 53 columns.

The 114-page paperback contains 13 sketches by Bill Pitzer, a former **Gazette** graphic artist, and 15 photographs. The book is available at local bookstores for \$5.95, plus tax, or by mail from **The Charleston Gazette**, P. O. Box 2993, Charleston, WV 25301 for \$7.00, including postage and handling.

Skip Johnson is a native of Braxton County and continues to live there. He has been writing for the **Gazette** for over 30 years.

—Editor

Bookshelf Is Moving

The WVHC Bookshelf is being relocated. Orders should be sent to WVHC, Suite 201, 1206 Virginia St., E. Charleston, WV 25301 until a new location can be found.

The fourth edition of the **Hiking Guide to the Monongahela National Forest and Vicinity** has been sold out and will not be restocked. The fifth edition should be available later this year.

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 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.

WVHC Membership Categories (Circle One)

Category	Individual	Family	Organization
	\$	\$	\$
Senior/Student	12	---	---
Regular	15	25	50
Associate	30	50	100
Sustaining	50	100	200
Patron	100	200	400
Mountaineer	200	300	600

Name: _____ Phone: _____

Address: _____

City/State/Zip _____

Make checks payable to: West Virginia Highlands Conservancy
Mail to: Suite 201, 1206 Virginia St., E., Charleston, WV 25301

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.

Date _____

Amount _____

Check number _____

Running The Lower Meadow

by David L. Brown

(Representative Nick Joe Rahall has introduced legislation which if enacted would make the section of the lower Meadow described in this article West Virginia's first National Wild River. The article, first published in River Runner, January 1987, is reprinted in part with permission from the author and the magazine.)

The social psychology laboratory had already developed by the time we reached the U.S. 19 bridge over West Virginia's Meadow River. A dozen kayakers from Pennsylvania, Washington, D.C., and North Carolina were engaged in the usual pre-trip handwringing and fear rituals. Two groups stood on the bridge looking upstream at the intermediate middle Meadow. One small group looked downstream into the forbidden gorge of the lower Meadow.

A fleet of mammoth thunderheads had drifted out of the Ohio Valley bringing heavy rains to central West Virginia just in time for the Fourth of July weekend. The Meadow was running 1,590 cubic feet per second (CFS), 300 to 400 cfs higher than the optimum level for the middle or lower sections. As those on the bridge knew, the Meadow would be very pushy on this day.

Dave Broemel, Scott MacInnis, and I had driven in from Tennessee and were already committed to running the lower Meadow.

Fortunately, most of these paddlers were contemplating a run on the middle section. The lower Meadow's reputation appropriately eliminated it from their consideration. One respected guide book describes it as fit for the "Kamikazie Kanoë Klub" only. Because of this bad press, most eastern boaters would rather paddle the Gauley with a boat full of rattlesnakes than run the lower Meadow. It's the forbidden fruit of eastern whitewater—tempting but dangerous.

I decided to recite the facts about the lower Meadow and let them make their own decision.

"You can probably count on one four-mile-long rapid," I said honestly. "There are at least 17 Class IV to Class VI rapids in a three-mile stretch. Two miles drop 125 feet per mile. The whole river is studded with boulders and mined with undercuts. Bail out in 'Brink of Disaster' and it's a very short swim to 'Coming Home Sweet Jesus,' where half the river funnels from a deep trough into a sieve created by three slabs of sandstone. At this level, it's probably not the best day for your first run," I added.

Psycho and Fred decided to make their first run on another day. Another veteran of the lower Meadow had already walked away, advising them that it was "too high" — not exactly the news I wanted to hear.

We shouldered our boats and started through the high weeds and down the path that led to a steep bank overlooking the river.

The high level troubled us as much as it did those on the bridge. On the shuttle, Dave and I had talked about our retirement from hair-boating. Both of us feel we've lost our edge a bit over the past two years due to too much work, dry weather, and not enough paddling. The lower Meadow might be too much for us today.

Stopping under the bridge, we took one last look at the river level. It was time to focus on paddling. Good concentration is an asset on the lower Meadow. Running it requires an intimate knowledge of a seemingly endless series of intricate rapids hidden away in a forested gorge that repels scouting forays. Most rapids are "technical," requiring precise maneuvering through narrow slots, or careful set-up in tight eddies over blind drops. Powerful holes lie at the bottom of most drops and often convert confidence and control into the disheartening vertigo of a backender. But it's not the holes that make the lower Meadow dangerous, it's the undercuts. They seem to be strategically placed at every rapid like Viet Cong booby traps around a G.I. picnic. It's no wonder that Ron Mullet, a wizard of this run, designs computer systems. It takes that kind of brain to remember it all.

We put in and paddled around in the shadow of the bridge to loosen up.

This first rapid should be called "Rights of Passage." It's as deceptive as a roach motel and, according to the stories, quite a few Meadow neophytes don't make it much further. The obvious run looks like a straight shot between two sets of rocks. But the current actually moves right to left and under the boulder on the left. A paddler who casually lines up to run down the middle usually gets swept against the rock on the left. In the old days, glass boats were shattered to smithereens under this rock. Even plastic boats have been ripped apart. A swim here confirms the worst suspicions of many first-timers, and they walk out of the Meadow never to return.

We eddied out behind the rocks on the right and ferried out into the current downstream of the undercut, "Snaggle-tooth" and "Brink of Disaster" were next. Both looked bad, but we bolstered our confidence by running them without mishap.

We took out on river right below "Brink of Disaster" to portage around "Coming Home Sweet Jesus." Even at normal levels, it's hard to imagine anyone with all their marbles running this rapid. At 1,600 cfs, it looked especially gruesome. Like the vicarious at a car wreck, we stared into the swirling drain of "Coming Home Sweet Jesus," thankful that we were only wondering what it would be like to be trapped here.

After the short portage, we put in and paddled out into the throat of a rock garden. The steepest section of river awaited us with no letup for the next two miles or more. But at this point nothing looked familiar.

On and on, rapid after rapid, some of it familiar, some of it not. We tried looking downstream for loaves of water rising up out of the river bed. Usually there's a bad pourover on the other side. But on a river this busy, I sometimes think it's best to look for the main current and follow that, instead of searching for hazards. Once I got hung up in shallow water trying to eddy scout. Scott took the lead, paddling boldly over a blind drop. "That's the way to do it. Go for it," I thought, not realizing at the time that this observation had set me up for embarrassment downstream.

We entered the Island Falls section and I welcomed the return of my memory. "Another blind drop and big hole up ahead," I yelled back to Scott, hesitating a second to get my bearings.

Mistake! My bow grazed an eddy line and the current pushed my backend downstream. We were too close together and Scott bumped me as he went by. There was no time to turn around and no way to catch an eddy. The merciless Meadow treated me to another hydraulic, this time from the blind side. I was lucky and bobbed right out of the hole without turning over. Dave and Scott were waiting in the eddy below, obviously amused at my lack of style.

Up to this point there had been no time to enjoy the compelling scenery. Scott noted the crystal-clear air quality that gave full view to the distant cliffs. The gorge rises four to five hundred feet above the river here — the upper half sheer sandstone garnished with hemlock. The lower half is covered with rich green hardwoods that glimmer in the afternoon breezes.

Maybe it was the scenery, but we felt better about our chances for a clean run. Only two or three bad rapids lay ahead. A rapid I call "Decap" was next, but it wasn't difficult.

I looked downstream at water pouring over the flat rock. "It's usually dry, but don't worry, go for it," I reminded



It's never easy.

Photo by Kyle Anderson

myself. Like so many other technical runs on the lower Meadow, this one was right to left all the way across the river, then a quick 90-degree turn into a slot next to the flat rock. I made the ferry, executed the turn precisely, and lifted my paddle over the rock as the boat dropped into the slot.

Wham! To my surprise, the flow over the rock created a nasty pourover. The nose of my boat slammed to the bottom. "Vertical pin!" flashed through my brain. Fortunately, the pourover rotated my boat in a clockwise direction, twisting it free and, in the process, plunged me upside down into the unknown of a deep hole. My arms and paddle were still extended, a remnant of the vulnerable form that I took next to the rock, and the current had me nailed to the back deck. I couldn't set up to roll. A spell of panic took charge as my lungs cried out for air and I quickly pushed out of the boat.

With just a few seconds to collect the debris and get to the bank before the next drop, I looked around for my paddle. It drifted away, but I snagged the grab loop of my boat and kicked desperately into shallow water. Dave and Scott made a valiant stab at getting my paddle, but the current was too swift and it disappeared over the drop.

A breakdown paddle is essential on this run, and Dave had a good one and loaned it to me. We stumbled over the rocks for a few yards downstream to look at "Slidingboard." Tons of water streaked over an eight-foot drop into a boiling hole.

Dave and I couldn't decide what to do. "Good enough reason to walk this one," I proposed.

But Scott had enjoyed a flawless run and asked me about the route. "Go right of the peaking wave at the top, power through the hole at the bottom, and paddle like hell to the right to avoid the boulder immediately downstream. The hole looks bad today and there's not much water pillowing up on the rock downstream," I noted, "so there's a good chance it's undercut."

None of this fazed Scott. He just headed back to his boat. After suffering through a guinea pig's reward at the last rapid, I was glad to see him take the lead on this one. If he made it, Dave and I would also attempt it.

With throw ropes ready, we waited as Scott slashed downstream on a perfect line. He sailed off the drop and disappeared into the froth below. But this time he didn't come out. With a look of desperation in his eyes, Scott agitated through the wash cycle of "Slidingboard." Then a backender and almost out, but at the last moment his boat sank back in for another round.

"This is entertaining," I thought secretly.

Scott finally abandoned paddle surfing and decided to handroll in hopes that the backwash wouldn't catch his paddle and carry him back into the hole. For whatever reason, it worked. The hole released him. He made the turn at the bottom and paddled weakly to the eddy below. Looking up at us like a whipped puppy, he slit his throat with a hand gesture. The lower Meadow had heaped its revenge on another paddler.

The rest of the Meadow was more relaxed. We walked one more, "Double Undercut," thinking that it would be the last major rapid. But there were several more surprise holes, all of which we punched through.

Finally, five miles downstream of the bridge, we reached Carnifex Ferry, at the confluence of the Meadow and Gauley Rivers. Normally, the survivors are relaxed and joking at this point. But our day was not quite over. We had set up our shuttle at Panther Creek on the Gauley, three miles downstream. That meant we had to run "Lost Paddle," "Shipwreck Rock," "Iron Ring," "Sweet Falls," and all that's in between. The Gauley was running 16,000 cfs and looked like a storming sea.

Dave said he felt renewed. "How could we replace this?" he asked, referring to our earlier talk of retirement.

"He's right," I thought.

This kind of adventure seems essential to each of us, but in a way that's difficult to understand. We certainly didn't feel like we had conquered anything on the Meadow River except our own fears and limitations. Maybe that's what drives us to paddle these truly wild runs. Or maybe there's some mysterious primal instinct that's fulfilled by these outdoor challenges — one that's not served by career paths, tax shelters, and the other pale abstractions of survival in an urban setting. Who cares? It's invigorating and that's all the reason we need.

David L. Brown is executive director of the Eastern Professional River Outfitters Association and the Knoxville Water Sports Festival. He has also published several paddling articles.

Board Meeting (continued from page 1)

uty Directors of the Divisions with DOE. Civil service status would diminish political influence in environmental and mine safety enforcement and permitting decisions.

Repeal the two acre exemption for surface mining operators. WVHC litigation rendered the two-acre exemption invalid due to a title defect in the 1985 Energy Act; however, it is requested that this provision be repealed.

Extend conflict of interest standards to the DOE Commissioner and his Deputy Commissioner. Currently, these positions are exempt from the conflict of interest standards that are applied to all other DOE employees.

Delete the language in the statutory policy and purposes section in the Energy Act that directs DOE to be an advocate of industry and economic development. This language should be supplanted with West Virginia's traditional policy statement for surface mining programs; that is, DOE should be an advocate of environmental quality and natural resources conservation.

Committee Reports

Linda Elkinton, Canaan Valley Chair, updated members on the Canaan Village litigation and presented for discussion a proposal by Davis Chamber of Commerce for a Davis to Hendricks scenic railroad. Donna Borders, co-chair of the Public Lands Committee is doing further investigation.

Elkinton also reported on the recent 404 Wetlands Permit Appeal victory. Details on this story can be found on page 1, "Court Upholds Need for Wetlands Permit in Canaan."

On behalf of the Publications Committee, Lois Rosier reported on the November 1986 West Virginia Trails Conference. She said networking, which involved meeting the representatives from many different trail use organizations and exchanging information about using resources and clarifying objectives, was perhaps the most valuable part of the conference. Based on her recommendation, the Board voted

to continue to support the Trail Conference.

The Public Lands Committee expressed concern over the attempt by the WV Department of Commerce to limit "high-risk" activities on state parks. Zayre Rodman, Co-chair of the Committee, writes his views on page 3 of this issue, "High-Risk Activities and WV State Parks."

In another public land matter, Conservancy members discussed the proposal by Virginia-based organizations to create a wilderness area on the West Virginia/Virginia border in the George Washington National Forest. Apparently, no bill has been introduced, and no further action was taken by the Board.

On mining related matters, Richard diPreto of Mountain Stream Monitors reported on the formation of the Buckhannon/Tygart River Coalition, a group formed to address long-term acid mine drainage problems in that watershed. The Conservancy voted to support this new group new with \$100 in seed money for printing and other expenses.

Resignations and Appointments

After moving to Canton, Ohio, Lois Rosier has resigned as Conservancy Secretary, a position she held since 1981. "I feel the secretary needs to be a state resident," she said. Lou Neuberger was appointed to replace her.

Larry George has resigned as Vice-President for State Affairs. George felt he could not devote enough time to the duties of monitoring the legislative programs. No replacement has been appointed to date.

The National Speleological Society representative, Sara Corrie, has also resigned. The new representative is Martin DiLeggi of Alderson.

Mary Ratliff has replaced Milton Zelermyer as Chair of the Membership Development Committee. Zelermyer, who has moved to Morgantown, will continue to represent the W. Va. Mountain Stream Monitors on the Board.

Ann Gentry, Chair of the River Conservation Committee, will replace Paul Brant as a director-at-large.

In related matters, the Board voted to abolish the Highway, Finance and Events committees.

Spring Review

The spring review will focus on Canaan. Mary Moore Rieffenberger (Chair), Linda Elkinton, Ray Ratliff, Jim Van Gundy, Adrienne Worthy, and Gary Worthington are on the committee. Information will appear in the Voice as soon as a time and meeting site are selected.

Board Meeting Pumpkin Cheesecake

The most frequently asked question at the meeting was addressed to Jean Rodman: "May I have the recipe for your pumpkin cheesecake?" And so, here it is:

Materials: a 15" x 10" jellyroll pan

Ingredients: 1 sixteen oz. pound cake mix
3 eggs
2 tablespoons butter or margarine
4 teaspoons pumpkin pie spice
1 eight oz. package cream cheese
1 can sweetened condensed milk (Eagle Brand)
½ teaspoon salt
1 cup chopped nuts

Directions: Combine pound cake mix, 1 egg, butter and 2 teaspoons spice. Mix until crumbly. Press into greased pan. Fill with the following mixture: Beat cream cheese until fluffy; add condensed milk, 2 eggs, pumpkin, 2 teaspoons spice and the salt. Pour over crust. Sprinkle with nuts. Bake 30-35 minutes at 350 degrees. Check with toothpick or straw in center. Cut into 20 squares or 40 bars. Serve with whipped cream.

Nature Conservancy Completes 28 Projects In West Virginia

The West Virginia Chapter of the Nature Conservancy announced that it successfully completed 28 separate land protection projects in the state during 1986.

Each of the protected sites is home to rare plants or animals, including some that occur at less than a dozen places in the world. A total of 641 acres is encompassed in the protected areas, worth about \$500,000 at fair market value.

Three of the areas protected have been established as formal nature preserves. These include a bog near Droop in Pocahontas County, a wooded mountainside near Roderfield in McDowell County, and a marl marsh near Martinsburg in Berkeley County. The Nature Conservancy now man-

ages 16 nature preserves in the state.

In its 23-year existence, the West Virginia Chapter has been responsible for the protection of more than 80 different areas in the state, totaling 30,000 acres.

Field Trip Schedule For 1987

The field trips sponsored by the West Virginia Chapter of the Nature Conservancy are open to the public.

April 25-26-The Smoke Hole and the Trough-Canoeing on the South Branch of the Potomac River. Extra flotation and life jackets are required. Trip leader: Ed Maguire, 345-4350.

May 3-Blennerhassett Island-There will be a \$5./person fee to pay for the charter barge and reservations must be made by

April 25. Bring lunch and water. Contact: Roger Stern, 345-4350.

May 9-Birding at Altona March-Located near Charles Town, this marsh may be the best example of a marl marsh in WV. Trip leader: Jean Neely, 876-2410.

July 11-Droop Mountain Bog and Bear-town State Park-Droop Mountain Bog is one of the Nature Conservancy's newest preserves. Trip leader: Roger Stern, 345-4350.

July 25-Canoeing the New River-The stretch of New River from Prince to Thurmond has Class II and III rapids. Extra flotation is required. Trip leader: Ed McGuire, 345-4350.

August 23-In Search of Mt. Porte

Crayon-This will be hike in the area known as Roaring Plains, south of the Dolly Sods Wilderness. Trip leader: Rodney Bartgis, 636-1767.

September 19-Cranesville Swamp-The swamp is the first West Virginia preserve established by the Nature Conservancy. Contact: Roger Stern, 345-4350.

October 24-Canoe-Birding the Potomac-This outing is a leisurely canoe float trip down the Potomac River in the Shepherdstown area. Contact: Jean Neely, 876-2410.

For additional information on the trips or about becoming a member of the Nature Conservancy, contact the WV Field Office, P. O. Box 3754, Charleston, WV 25337 or phone (304) 345-4350.

RRS Organization Works For Rivers

River Research Systems (RRS) is a nonprofit corporation organized three years ago to assist canoe clubs, conservation groups, and other with hydroelectric development problems which are cropping up all over the country. Hydropower is especially hard on whitewater rivers for obvious reasons — whitewater boaters and hydropower developers both need the same thing — rivers with gradient. Tax incentives (still on the book even after the '86 law) and other Federal subsidies have stimulated a deluge of new projects in the past seven or eight years.

Several individuals who had worked extensively on technical engineering and legal issues involving the protection of the Ocoee River and the Gauley River realized that canoe clubs and local river protection groups needed assistance in dealing with the technical issues that arise in river conservation fights where hydropower is involved. In response, these people formed RRS and then initiated the Whitewater Defense Project in cooperation with the American Canoe Association and American Whitewater Affiliation.

Beginning in 1985 and continuing today, RRS has used its earlier experiences and its legal and engineering background to assist the AWA in developing the technical information and evidence needed to support AWA in its precedent-setting litigation at the Black River in NY State. The Black River case is the first hearing ever conducted by the Federal Energy Regulatory Commission in which the values of

whitewater recreation are to be examined and balanced against the values of hydroelectric development.

Since the Black River case is a first-of-a-kind for whitewater rivers, RRs worked hard to provide extensive technical analysis establishing the values and importance of preserving the whitewater. Testimony was prepared on the history of whitewater sports, the growth in demand for whitewater, the scarcity of whitewater rivers, the economic value of whitewater recreation, the economic value of electric power production, and other related topics.

RRS is continuing to help AWA with the Black River case and also with other AWA whitewater cases at FERC. In West Virginia, RRS provided advice to the Eastern Professional River Outfitters Association regarding flows on the New River and worked with Citizens for Gauley River to provide the data and analysis needed to defeat the Corps of Engineers Long Tunnel proposal.

Recently, with help from the American Rivers Conservation Council, RRS established a Hydropower Early Warning System. The system will provide early warning to canoe clubs and others of pending hydropower proposals in their area, and will guide them in the initial stages of becoming involved in the FERC process. If successful, this project will lead to an increase in contested cases at FERC and a greater awareness within the agency and nationwide of the values of recreational rivers and free flowing streams. Since RRS and

ARCC currently have no funds for this project, we are seeking grants to keep it going.

Two new hydropower projects are proposed for the Gauley to replace the project which the Corps of Engineers was forced to drop. RRS is now working with groups attempting to insure that those projects do not injure recreation on the Gauley, and is possible that the Gauley will be soon designated as a National Recreation Area.

RRS is working with the U.S. Whitewater Team and the American Canoe Association in their current efforts to prevent damage to whitewater associated with new power development now planned on the team training course on the Potomac River and on the race course at the Savage River in Bloomington, MD.

All the work is done by volunteer experts—economists, lawyers, engineers. The costs of the Whitewater Defense Project are funded solely by contributions from individuals and groups and by fund-raising events. For example, the Gauley River Festival this year was held to benefit the project.

If you need additional details regarding the Whitewater Defense Project or about the specific issues on which the RRS is working, please call Pope Barrow, Director, RRS at (301) 320-4015 or write to River Research Systems, 6321 Walhonding Road, Bethesda, MD 20816.

NEWS BRIEF

(Editor's Note: 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!!!)

New River Parkway Included In Federal Highway Bill

Senator Robert Byrd (D-WV) said that West Virginia stands to gain more than \$105. million for highway construction under the Federal Highway Bill which passed the Senate February 4.

Byrd added several amendments to the highway bill for West Virginia, including one to authorize construction of the New River Parkway. The parkway would be a two-lane scenic highway connecting with I-64 near Sandstone Falls, going along New River past Pipestem State Park and connecting with I-77. The proposed \$17.6 million parkway is included in the House highway bill as a demonstration project.

Byrd said, "The New River Gorge has been called the Grand Canyon of the East, and this parkway would showcase its natural beauty." He added, "The parkway will not only enable people to enjoy the natural beauty of New River, but it will also open up the southern part of West Virginia to increased tourism."

Last year similar legislation was defeated in Congress.

Charleston Gazette, February 7, 1987

Wood Products Could Become More Important In State Economy

Legislation focusing on wood and education is being prepared by the Senate Select Committee on Economic Development. With about 30 billion board feet of harvestable timber available, West Virginia's forest industry is seen by Si Boettner (D-Kanawha) as "the backbone of future economic efforts."

Unlike past efforts to promote the state's wood industry, Boettner said the proposed Economic Development Act of 1987 gives the industry the tools to make the proposals work.

The development act calls for the creation of the West Virginia Wood Product Development Corporation that would contain four divisions: 1) marketing and promotion of the timber industry to help new businesses develop markets and products; 2) industrial development and retention to promote a secondary wood industry and assist the primary market through various improvements; 3) capital financing to help new businesses by providing loans, grants and other financial assistance; 4) research and information to examine changing uses for wood and create new technology and manufacturing processes.

Charleston Gazette, February 2, 1987

Liability Limits Proposed For Rafting Outfitters

Legislation has been proposed that would set a limit of \$300,000 as a ceiling on damages that could be awarded as a result of commercial rafting accidents. The bill would limit the liability of the 36 commercial rafting companies and their guides operating on New, Gauley, Cheat, Shenandoah, and Tygart rivers. The bill does not limit liability if negligence can be proved.

The bill, if passed, should help outfitters obtain liability insurance and reduce premiums. Rates have gone up for commercial outfitters even though there have been very few suits resulting from river trips on West Virginia rivers.

Under other terms of the bill, an outfitter's license fee will be increased to \$500. per year per river for a 10-year period. Currently they pay \$250. per year per river for a one-year license. The fee increase would be used to hire a DNR conservation officer to work full time on enforcing rafting regulations.

In addition, the bill calls for the retention of the whitewater advisory board that is currently scheduled to be phased out in 1988.

Charleston Gazette, February 3, 1987

Governor Wants \$500,000 To Kill Black Flies

Governor Arch Moore wants \$500,000 to continue the spraying of black flies on the New River this year. In 1986, Moore had ordered the DNR to begin spraying the pesticide Bti to control the flies on the grounds they are a nuisance and a health hazard.

The National Park Service did not allow spraying within the boundaries of the New River Gorge National River last year. The state has applied for a permit from the Park Service, and the application is being reviewed in the agency's regional office in Philadelphia.

The Park Service feels that the indirect impact resulting from removing black flies from the river's insect chain has not been adequately studied. If the black fly is eliminated or severely reduced, predatory insects, such as the damselfly, may be affected. Hellgrammites, a popular bait for fisherman and a source of food for sport fishes, may also be reduced since they are a primary and secondary predator of black fly larvae.

The state maintains that there is no detrimental effect. The Park Service has commissioned a new study that will focus on the productivity of the flies.

Charleston Gazette, February 3, 1987

U.S. Gives Up Collecting Fines From Some Strip Mine Violators

Office of Surface Mining Director Jed Christensen said about half of the \$159. million in fines owed to the government by strip mine violators will be considered uncollectible within the next six months.

The fines were imposed on operators of strip mines for failing to follow government safety and reclamation requirements. Christensen said the main reason why the fines cannot be collected is because they are too old and many of the coal companies are out of business. Some of the fines date to the passage of the Surface Mining and Reclamation Act almost 10 years ago.

Critics, however, say the money could have been collected long ago if the government had not been so lax in its effort. Tom Galloway, a Washington lawyer who won a judgment against the Interior Department on behalf of two environmental groups in 1982, said, "They are failing to pierce the corporate veil. It doesn't take a legal genius to collect money from the former corporate officers."

Christensen said OSM may finally catch up with the corporate officers if they ever try to open a coal mine again.

In addition, OSM is still making efforts to collect the remaining \$75. million in unpaid fines. Christensen said he hoped to collect as much as 15 percent of the remaining amount, but he acknowledged that a more realistic figure was probably between 8 and 10 percent.

Charleston Gazette, February 2, 1987

Carbon Dioxide In Air Increases

Combustion of fossil fuels in 1985 increased the carbon dioxide content of the atmosphere by 11.4 billion tons, a rise larger than that of any previous year.

Ralph Rotty, a New Orleans mechanical engineering professor who has been publishing annual carbon dioxide estimates since 1973, said a country-by-country analysis of fuel consumption indicates carbon dioxide in 1985 exceeded those of 1979, the previous high. Data are not yet available for 1986.

Many scientists believe that by trapping heat that would otherwise be radiated into space, greenhouse gases are beginning to force the average temperature of the Earth to rise. A temperature rise of only a few degrees could result in the most extreme climate changes in human history. According to computer projections, such an increase could occur in a few decades.

Environmental groups and some members of Congress have called for action to limit emissions of the gases, especially carbon dioxide, which is believed to account for as much of the greenhouse effect as all other gases combined.

Charleston Gazette, February 8, 1987

Acid Rain Bills Could Boost Economy

A study by Management Information Services, Inc. has said the U.S. economy would get a multibillion dollar stimulus if Congress passed a law to curb acid rain. The study estimates, after factoring in expected job and sales losses in such industries as coal mining, a net gain in sales of from \$7.5 billion to \$13. billion and in jobs of 100,000 to 194,000. The boost would come from sales generated by spending to meet the enforced cleanup of emissions from coal-fired industrial and utility boilers.

Management Information Services, Inc. said its study is the first attempt to estimate the net economic impact of acid rain abatement, rather than to focus on the \$4. billion to \$9. billion a year in estimated compliance costs. "Far from hurting U.S. industry, acid-rain control legislation, through the large purchases of capital goods and services it will generate, will provide a much needed shot-in-the-arm for many anemic U.S. manufacturing, capital goods, machine tool, iron and steel and related industries," the study said.

The for-profit based Washington company arrived at its estimates by applying computer models to the provisions of acid rain bills considered last year by the House and Senate. The House and Senate bills would have different impacts on different parts of the nation because of their varying approaches to how much reduction must be made in polluting emissions and how the reductions can be accomplished.

The Senate approach, for example, would require greater reductions in emissions of sulfur dioxide and nitrous oxides, precursors of acid precipitation, and could encourage power companies to switch away from high-sulfur coal, which would hurt many Eastern miners.

According to the study's estimates, West Virginia would have a net gain of \$1.5 billion in sales and more than 13,000 jobs under the acid rain bill considered in the House. Under the 1986 Senate bill, West Virginia would have a net loss of more than 2,000 jobs and \$291. million in sales.

The 1986 bills are expected to be the starting points for consideration of acid rain legislation this year.

Charleston Gazette, February 1, 1987

State To Stock 1.4 Million Trout

The West Virginia Department of Natural Resources is scheduled to put 1.4 million hatchery-raised trout totaling 700,000 pounds into the state's streams and lakes in 1987. This is a 12 percent increase over last year's stocking program which was curtailed by the November 1985 floods.

According to Don Phares, head of the DNR's cold water fishing program, the state also plans to introduce 250,000 brown trout fingerlings into a number of clear, cold streams.

Charleston Gazette, February 5, 1987



Cathedral State Park

Photo by Ron Snow (DOC)

Visiting Ancient Sages

by Robert Stough

Though small and quickly passed as one speeds along U.S. Route 50, those who take the time will find in Cathedral State Park a sublime remnant of a wilderness long lost.

Numerous trails wind among towering trees and beside gentle streams lined with rhododendron and wildflowers. The forest floor is covered with moss and ferns, and many songbirds call from high in the canopy, their music echoing through the ancient woods. Although the park contains some fine specimens of yellow birch, beech and cherry, among others, it is the giant hemlock trees that evoke a feeling of the primeval wilderness. Many of these hemlocks are hundreds of years old and have massive

trunks alive with moss and lichens that soar far up into the sky. One is moved to wonderment in the presence of such beings, who have grown so tall and strong on nought but sunlight and rain, and now are home and hearth to all manner of bugs and birds. And yet one is also moved to sadness upon reflection that this is but a tiny remnant, and one of the very few of those, that are left of great Appalachian forests. So Cathedral Park is not only a soothing wayside, but also a poignant reminder of what we all have lost, and of what future generations can regain if we have wisdom enough now to preserve our remaining wilderness.

Proposals Critical To Future Of Buckhannon/Tygart Rivers

by Richard diPretoro

Two proposals by Enoxy Coal, Inc. for operations on Tenmile Creek of Buckhannon River in Upshur County, WV, are undergoing intense scrutiny by several citizens, organizations and regulatory agencies. The future of the mining operation on one hand, and of the receiving rivers on the other hand, hangs in the balance.

The two proposed projects are: 1) a 500+ acre extension of mining up the Right Fork of Tenmile toward the DLM site, and 2) a centralized acid mine drainage treatment impoundment. The coal to be mined is the same as that mined to date by Enoxy and DLM in the area: the Kittanning seams.

The new mining would affect the last major unaffected tributary of the Right Fork of Tenmile Creek. Every previously healthy tributary mined so far by Enoxy or DLM has had its ability to support native brook trout reproduction destroyed and there is no reason to suppose that the latest proposed

operation would be any different. The area is an acid producer by every known standard. The company intends to rely on phosphate treatment in reclamation to prevent acid formation. The phosphate technique has been tested at small scales with questionable results and is completely untested and unproven in completed backfills. Siltation problems occur which are largely independent of acid problems.

The proposed impoundment is the result of a consent order between Enoxy and DNR designed to address Enoxy's repeated treatment failures. Impounding up to 2500 acre-feet, it would purportedly handle all the drainage from the 1500+ acres already mined by Enoxy plus the additional 500+ acres on Right Fork. It would be an instream facility of a type prohibited by law especially in streams supporting native brook trout reproduction. Numerous other questions relating to design, interbasin transfer of

Wetlands Permit In Canaan (continued from page 1)

highest and best use of the power company lands in Canaan Valley," says Boyd. "We think Monongahela Power could make an overwhelmingly important contribution to the local economy and to the citizens of the State by allowing their holdings in Canaan Valley to become a federal refuge."

"The decision of the U.S. Court of Appeals clearly validates the action of the U.S. Army Corps of Engineers," says Paul Zeph, Atlantic Regional Representative for the National Audubon Society.

"They are the agency charged by law with protecting important and irreplaceable wetland resources and this court decision should, for all logical and practical purposes, put an end to this controversy."

The Monongahela Power Company's plan to construct a 75 foot high dam across the Blackwater River near Davis in Tucker County and create a 7,000 acre shallow reservoir in the northern Canaan Valley was formally presented in July 1970, when they applied to the Federal Power Commission (now the Federal Energy Regulatory Commission) for a license for a 1,000 megawatt pumped-storage hydroelectric plant in Canaan Valley.

Federal laws required both an FERC license and a Section 404 Wetlands Permit. Citizens, hunting and fishing and environmental groups forcefully protested and filed legal actions to prevent construction of the project because of the damage it would do to the wildlife and plant resource in Canaan.

After long debate and over the strong objection by the FERC's own Staff and

Administrative Law Judge, the FERC granted a license for the project in 1977. Conservationists' appeal of this decision led to a "stay" of the license. Then, because the project would flood and destroy some 4,000 acres of valuable wetlands in Canaan, the U.S. Army Corps of Engineers denied the required Section 404 Wetlands Permit in 1978. The power company kept the plan alive with an appeal of that decision to the U.S. District Court where both this and the licensing question remained for some five years until the recent decision.

"We think it is time the Monongahela Power Company stop wasting our, ratepayers, money pushing for this project," says David Grubb, State Director of the WV Citizens Action Group, "and does something good for the area again."

"The court battles and permitting procedures have already cost them and us hundreds of thousands of dollars and it's time to stop."

"No good cause can be served by continuing the battling," concurs Chris DeChristopher, speaking on behalf of the WV Chapter of the Sierra Club.

"In fact, had the Corps not denied that permit," DeChristopher points out, "it would have made a mockery of the Federal Clean Water Act, and, as the U.S. Court of Appeals decision notes, 'Congressional intent would be betrayed.'"

"Let's stop the litigation and work together to protect the lands in Canaan for everyone's benefit."

Acid Neutralization Project On Cranberry River Drainage

The WV Department of Natural Resources will soon begin an acid neutralization project on the Dogway Fork and the South Fork of the Cranberry River.

The Cranberry River once had the reputation of being a high-quality "put and take" trout stream, and it provided a fishery of native trout plus holdover trout outside normal stocking periods. But an acidic bedrock combined with acid precipitation has gradually reduced water quality and holdover trout population. Since the early 1970's, state and federal agencies had been trying to determine the most effective and efficient way to neutralize the acidic water.

In 1982, an environmental assessment done by the DNR identified rotary drums as the best way to introduce limestone into the stream to neutralize the acid. Field tests from a prototype drum have shown that neutralization of the Cranberry River drainage is

possible.

The liming device was developed through a cooperative program involving the DNR Wildlife Division and the College of Engineering at West Virginia University. It uses limestone aggregate that is ground inside rotary drums and fed into the stream from a storage bin. Automatic adjustments are made to compensate for changes in stream level. The liming drums on the Dogway fork should be in operation by this fall, and those on the South Fork of Cranberry should be operating by the fall of 1989.

The Funding for the construction of the project came from both federal and state dollars, but the upkeep of the project will be the responsibility of the state. The DNR is considering collecting a day-use fee or issuing a special Cranberry River license stamp for fishing the Cranberry in order to pay for the lime treatment.

drainage and long term performance bonding for such an expensive and extensive facility have yet to be answered.

These two proposals would be of interest in and of themselves even if they only affected Tenmile Creek, a formerly healthy and beautiful stream. But a study by former DNR biologist Dan Ramsey suggests that the acid already being produced but neutralized by operations in the Tenmile-Alton area could acidify the Buckhannon River if expensive neutralization treatment failed permanently as it has in the past temporarily. Furthermore, the Buckhannon River with its load of neutralizing chemicals is said by Ramsey to be the only factor keeping the Tygart River and Lake from being acidified by mine acid carried to it by another former trout stream, the Middle Fork River. Even assuming that the expensive additions of chemicals could be maintained indefinitely, serious questions remain as to the advisabil-

ity of adding such quantities of sodium and other dissolved constituents to rivers. The Tygart River forms the Monongahela at Fairmont which in turn forms the Ohio at Pittsburgh. Many communities draw drinking water from these rivers. The Pennsylvania Fish Commission and the Pittsburgh District Corps of Engineers as well as the Barbour and Taylor County Commissions have expressed various concerns. So the question of allowing more acid sources to be created on a remote tributary of the Buckhannon River in Upshur County has regional significance and economic implications far beyond the maintenance of a single mine for a few more years.

If interested in more information on this subject, write or call:

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