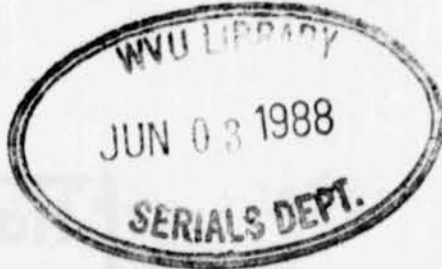




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Spring Board Meeting

The 1988 spring board meeting got off to an unprecedented early start on Sunday morning, April 17, at 9:00. For those who were already there, the early start was welcomed, but those who arrived on time at 9:30 were shocked to find themselves 30 minutes late.

The first order of business was the appointment of a nominating committee to select candidates for the October election of officers. The committee members are Linda Elkinton, chairwoman, Jim Van Gundy, Kim Taylor, and Gary Worthington.

John Purbaugh reported that there is no news on the Hawks Nest Dam Intervention Petition. The WVHC and national conservation groups are appealing the decision of the Federal Energy Regulatory Commission to relicense the Hawks Nest Dam at a minimum flow of 250 cubic feet per second. Conservation groups feel that a 2500-cf/s release should be maintained. At the January meeting, the board voted to continue to support the appeal but to limit financial participation. Purbaugh so informed the national groups involved.

State vice-president Ron Shipley told the board of "limited success" in this year's state legislature. He felt that the underground storage tank act and the solid waste management act are basically good laws. Recycling provisions were eliminated from the

solid waste act, but they are being studied by legislative committee. No groundwater legislation was passed. But that too is being studied by committee. There had been an attempt to repeal the state community right-to-know law, which states that industry must register a report on its hazardous wastes with communities. Shipley said that even though there is a federal right-to-know law, the state law is more stringent and should be retained.

For next year's legislative session, Shipley recommended that the WVHC set out an agenda of its own. He said that this year we predicted what would be on the agenda and did have some success in influencing the outcome, but if we go into the legislative sessions with a carefully planned program, he feels, we will be more successful.

The public lands committee is in need of volunteers in the Monongehela National Forest area. There are several problems within the forest that need attention: 1) military use of the forest; 2) drilling in the Gladys area, a 6.2 management area which should be a near-wilderness area; 3) swapping federal land so a membership resort can put ski trails on Big Spruce Mountain near Marlinton. Members who would like to help in the MNF area should contact Donna Borders or John Purbaugh. The board acknowledged the good work that Mary Wimmer of the

West Virginia Sierra Club has been doing in the MNF.

John Purbaugh also suggested that letters to Senators Byrd and Rockefeller are needed to help get the senate to pass the Virginia Wilderness Bill. About 2500 acres of Monroe County, West Virginia, in the Jefferson National Forest would become part of the existing Mountain Lake Wilderness. Similar legislation has already passed the House.

The summer board meeting will be held July 24, at Ray and Mary Ratliff's cabin on the Greenbrier River. Details are on page 2.

ACTIVITIES — CANOE TRIP

by Jean Rodman

Given the circumstances — no snow pack in the mountains, no rain, snow flurries in the early morning — it is amazing that five hardy people were eager to do the canoe run anyway.

Yes, the water was low and we put in halfway from Durbin to Cass. Yes, we did have to carry the boats and gear, but not a terrible distance. And no, we didn't see much wildlife because we could never take our eyes off the water for a second. But the sun was shining and the wind only slammed us against the bank a few times. Everybody

got stuck and scraped a lot. But we all seemed to have a good time and were glad we'd done it. Who'd have thought the Greenbrier would be so low in April? We'll all go back when the water is six inches deeper.

BEFORE BREAKFAST BIRD WALK

Who would have thought that arctic conditions would prevail in Cass in mid April? Despite the snow flurries, despite the steady, brisk wind, despite the 33 degree temperature, five intrepid watchers (one particularly stalwart individual even went on the canoe trip later in the day) huddled around the coffee pot in the community center at 6:30 a.m. and decided to go for a walk anyway.

The most frequently identified bird was the evening grosbeak. A flock of 50 or so was heard calling on several occasions as it moved about the community from feeder to feeder. The most surprising find on the Greenbrier was a pied-billed grebe, which even managed to locate a hole deep enough for diving. The most frequently asked question was "do you think breakfast is ready yet?" But 27 species were identified in the hour's walk, and two people even got up to go again on Sunday morning.

[For more on the Spring Review see Education Workshop on page 3.]

WV Rivers Bill Hearing Held

Hearings were held on April 19, 1988, in Washington, DC, before the Subcommittee on Public Lands, National Parks and Forests of the Senate Committee on Energy and Natural Resources concerning S. 1720, the senate version of the WV National Interest Rivers Conservation Act of 1987. The bill would add sections of the Gauley, Meadow and Bluestone rivers. Unlike the house bill, which passed the house earlier this year, the senate bill does not include the Greenbrier, which was dropped after a series of local meetings held by staff to Senator Rockefeller, the sponsor of S. 1720.

Testifying in support of the bill were Senator Rockefeller, Congressman Nick Rahall, Doug Maddy of the Fayette County Chamber of Commerce, and WVHC President John Purbaugh. W. Kent Olson, President of American Rivers, Inc. also testified in support of all three rivers bills before the subcommittee for hearing, including the WV bill. Representatives of the National Park Service opposed the bill, as they have opposed all rivers bills for several years, in conformity with administration opposition to such conservation efforts. Booth Senator Rockefeller and subcommittee chairman Dale Bumpers of Arkansas observed that such administration opposition was largely a formality which had been overcome before. Corps of Engineers representatives stopped short of opposing the bill itself, but expressed concerns about provisions regarding flow releases from the Bluestone Dam to benefit rafting on the New River.

Chairman Bumpers offered an enthusiastic statement of support for the bill, relating a personal story. It seems that the senator has a son who enjoys rafting on WV rivers, and



Congressman Rahall, who introduced the WV Rivers bill in the House, testifies before the Senate Subcommittee hearings on the companion bill in the Senate (S. 1720).

on one occasion, Senator Bumpers overreacted to an alarming weather report by calling Governor Arch Moore to ask that he "find my son." State police apparently didn't find the

son, but got within waving distance of his rafting party; the senator reports that his son "still hasn't forgiven me." (Deservedly so, senator.)

With the removal of the Greenbrier, the bill seems to contain no major issues of controversy which would derail its passage. However, the issues raised by the Corps and by trappers, who are concerned that under NPS management they couldn't continue their traditional use of some tributary streams contained in the protected river corridor, must still be resolved. Senator Robert C. Byrd joined Rockefeller in requesting hearings on the bill, and his support, while not assured, seems likely if remaining issues can be equitably resolved.

The Wildcat Brook in New Hampshire and the Hanford Reach of the Columbia River, bordering Washington and Oregon, were also the subject of the hearing, with bills proposing their protection before the committee. While the Wildcat Brook drew no stated opposition, the Corps predictably opposed language of the Hanford Reach bill which would preclude their damming of this last and only free-flowing section of the once-mighty Columbia. Testimony by the Yakima Indian Nation, which by treaty is guaranteed a major portion of the Columbia River salmon harvest in this reach of the river, was striking in its dignified simplicity. Speaking as the envoy of a sovereign, albeit conquered, nation, the Yakima spoke of the river as the source of their religious, cultural and economic heritage. We in the east are not often directly exposed to this native american influence over public lands and conservation issues, but it clearly helps shape the national debate on river protection.

WVHC Off Course?

Dear Mr. Purbaugh:

I originally joined the West Virginia Highlands Conservancy, because it was dedicated to the preservation of our highlands.

I was particularly impressed by the early activities of this organization, and believed it to be very effective.

However, I must say that in recent years there seems to be a drift towards trying to take on all projects, with the resulting drifting away from the original purpose of the organization. For example, the Highlands Conservancy seems to be concerning itself with nuclear waste dumps, acid rain, and other national issues, which I believe are more appropriately addressed by the large national organizations which are concerned. Obviously, it would be impossible for an eight hundred member organization to tackle everything effectively.

Meanwhile, the highlands are under direct assault again. With the exception of the Sierra Club Council in West Virginia, most of the large national conservation organizations concern themselves with some of the national issues of the west, and West Virginia receives little notice. therefore, it is essential for the West Virginia Highlands Conservancy to be effective, if our beautiful highlands are to be saved.

Three typical examples have occurred recently.

1. Five dams have been proposed for the Cheat River, and this proposal has been underway and fairly well-known for over two years. The Highlands Conservancy has apparently just discovered it.

2. The Monongahela National Forest has released a number of its decisions with respect to forest planning. Have they been reviewed?

I attached copies of correspondence that I have had with the Forest Service concerning Limestone Opportunity area #13.003 located in the Monongahela National Forest. Some of these plans may well be disastrous, and all of us should take the opportunity to devote attention to reviewing it.

3. the intent of the military to use the private lands owned by the power company in the Canaan Valley and Dolly Sods areas for military maneuvers. The damage caused has already been severe. I know, because I have been in there and seen it.

Please — let's place our organization back on course.

Sincerely,

Thomas Ward

Dear Mr. Ward:

In response to your letter of April 7, 1988 I have several thoughts to offer. Also, I'm forwarding your letter and my reply to the Voice for publication, so that the membership can be aware of both.

Your general point that the Conservancy has expanded its focus beyond the highlands, with a loss in the strength of its advocacy on more traditional issues, is correct. However, an all volunteer group inevitably goes in the direction of the interests of its most active members. In my term as president (ending October 1988) I have been unable to recruit a core group of committee members to work on public lands management issues, including the sort of detailed review you have given to proposals for the MNF Limestone Opportunity Area in Tucker County. Please consider yourself a member of the public lands committee, and take the leading role in reviewing all such proposals in the Cheat Ranger District.

In contrast to our difficulty in staffing public lands review, we have been frequently contacted by members and others offering their energy on air and water toxics. I believe that these projects can help us to grow by taking advantage of this new energy. You mention two specific examples, nuclear waste dumps and acid rain, of our concerning ourselves with issues more appropriate for national organizations. There is a nuclear waste dump currently proposed for southern WV, and opposed by a local group (Save Our Mountains) which has both sought our help and contributed on "our" issues. We were contacted by a national group and asked to revitalize debate within WV on acid rain because of Senator Byrd's key role in achieving any national solution. In response to your question about military use of the forest and surrounding lands, I am enclosing my recent letter to the military requesting tighter restrictions on such activities.

Since our successful campaign to achieve designation of the Cranberry Wilderness, we have made protection of WV wild and scenic rivers our major proactive effort. Those rivers able to be protected first happen to be outside the highlands, but success on the Gauley, Bluestone and Meadow in this Congress can hopefully be expanded in future years to the forks of Cheat, the Greenbrier, Blackwater, Cacapon and others. We have not just discovered the threat to the Cheat, but the March Voice did mark our first publicity on these recent dam proposals. Unfortunately, members and committee chairs who do good work don't always heed my pleas to write about it for the Voice. Please submit something yourself.

I greatly appreciate your writing to express your concern that WVHC is "off course." We can only achieve what we can get people to do. I hope publication of your letter will stimulate greater activity by the members on the issues you care so strongly about. Please help chart our course for the future; you may wish to start by contacting VP Dave Elkinton, who has been striving to reduce to writing such a plan for our future.

Sincerely,

John Purbaugh

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

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Box 2502 Dudden Fork, Kenna, WV 25248 (988-9024)
SENIOR VICE PRESIDENT: David Elkinton
Route 5, Box 228-A, Morgantown, WV 26505 (296-0565)
VICE PRESIDENT FOR STATE AFFAIRS: Ron Shipley
1126 Hickory Rd., Charleston, WV 25314 (346-6971)
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TREASURER: Tom Michael
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1033 Quarrier Street, Suite 715, Charleston, WV 25301 (346-3706)

DIRECTORS-AT-LARGE

(Terms expires October 1989)

Richard diPretoro: 264 High Street, Morgantown, WV 26505 (296-8963)
Geoff Green: Rt. 1, Box 79-A, Burlington, WV 26710 (289-3565)
Sayre Rodman: 32 Crystal Drive, Oakmont, PA 15139 (412/828-8983)
Skip Deegans: 2112 New Hampshire Ave., N.W., Apt. 615, Washington, D.C. 20009 (202/265-9337)
Perry Bryant: 236 South High Street, Morgantown, WV 26505 (291-1465)
Jim Van Gundy: 240 Boundary Avenue, Elkins, WV 26241 (636-4736)

DIRECTORS-AT-LARGE

(Terms expire October 1988)

William P. McNeel: 1118 Second Avenue, Marlinton, WV 24954 (799-4369)
Cindy Rank: Rt. 1, Box 227, Rock Cave, WV 26234 (924-5802)
Kim Taylor, 1420 Lee St., Charleston, WV 25301
John McFerrin: 1105 Tinder Avenue, Charleston, WV 25302 (345-5646)
Donna Borders, 924 Second Ave., Marlinton, WV 24954

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 131, Charleston, WV 25321 (343-2056)
NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region: Martin DiLeggi
Route 1, Box 233-A, Alderson, WV 24910 (304/445-7508-Home)
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria, VA 22301 (703/548-7490)
PITTSBURGH CLIMBERS: Jean Rodman
32 Crystal Drive, Oakmont, PA 15139 (412/828-8983)
W. VA. COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights, WV 25040 (799-2476)
KVCTU: Doug Leppanen
819 Orchard Street, Charleston, WV 25302 (344-0467)
W. Va. MOUNTAIN STREAM MONITORS PROJECT: Milton Zelermyer
723 College Avenue, Morgantown, WV 26505 (296-6289)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1, Box 523, Elkins, WV 26241 (636-4559)
KYOVA CHAPTER TROUT UNLIMITED: Frank Akers
1601 Sycamore St., Kenova, WV 25530 (453-1494)
SAVE OUR MOUNTAINS: Andrew Maier
P.O. Box 1286, Hinton, WV 25951

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., Marlinton, WV 24954
PUBLICATIONS COMMITTEE: W. E. "Skip" Deegans
2112 New Hampshire Ave., N.W., Apt. 615, Washington, 20009 (202/265-9337)
MEMBERSHIP 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

Chuck Hamsher, **Membership Secretary**
Suite 201, 1206 Virginia Street, East
Charleston, WV 25301
(304) 766-6172

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

Summer Meeting

The Ratliffs have offered the use of their Greenbrier River camp for the summer board meeting. The meeting will be July 24, 1988, at 9 a.m.

People should bring their own lawn chairs and tennis shoes for wear in the river. Fishing and swimming are good and safe for children. Camping on the Ratliff site is available and there are accommodations nearby at motels and bed and breakfast inns. (General Lewis Inn, Greenbrier Inn, Riverside Inn, etc.)

For those arriving Saturday, there will be a pickup/covered dish dinner about 6:30 p.m. For Sunday breakfast, coffee will be available, but bring your own cereal or danish. There are also restaurants nearby.

Directions from I-64 at Lewisburg, take 219 to Ronceverte. In Ronceverte, turn right at the stoplight and follow the river through town to Rt. 63. Head toward Alderson on Rt. 63. As you are starting up the mountain outside Alderson, turn left on Rockland Road. Go three miles until the pavement ends, and then proceed for .6 of a mile on the gravel road until the first left. Cross the railroad tracks and turn right to the house.

Sara Corrie, 1915-1988

Sara Corrie, a founding member of the West Virginia Highlands Conservancy, died on March 15, 1988. She had served on the board of directors of the WVHC until January 1987. Sara had lived in the Huntington, West Virginia area for over 40 years. She is survived by her husband George B. Corrie, Jr. and her son George Bruce Corrie III.

Jean and Sayre Rodman sent the following remembrance:

Sara Corrie had a lot of what was once called "moxie," but more than that, more than courage, she had enthusiasm. She had this about everything — her friends, activities she was doing and planned to do, places she had been and planned to go. She ignored the crutches and the pains; she was even able to be enthusiastic about her motorized wheelchair/cart.

Once she sent us a poster of a raft on

the Gauley River just because she knew we'd rafted there first.

Sara had a lot to teach people. We'll remember her.

In 1978, Sara was paralyzed from the waist down as a result of a fall while practicing for a rappel of the 3000-foot Angel Falls. Even so, three years later, Sara set a world record in her age group for the woman's 100-foot-mechanical climb in a competition at the National Speleological Society's Annual Rope Climbing contest at Western Kentucky University.

George Dasher in the April 1988 West Virginia Caver remembers Sara:

Sara had a love of nature and joy of life. Many of us were drawn to her great strength and the courage with which she faced life. But it is also true that she enjoyed our company, watching and

admiring our comradery and the spirit with which we met the little every day challenges. Sara spent many a caving event observing, talking, and listening to her uncountable friends. It is this interest in others that made her such a loved and respected member of the caving community.

Sara's interests were many and varied. She enjoyed climbing, caving, rafting, sight seeing; she enjoyed doing. In addition to the WVHC, Sara was also a member of the National Speleological Society, and in 1968, she was awarded the N.S.S. Fellow. In 1978, she was awarded an N.S.S. Certificate of Merit for her contribution to vertical caving. She also belonged to the Enslow Park Presbyterian Church, the Daughters of the American Revolution, the Colonial Dames of the 17th Century, the Tri-State Sorority

Alliance, Huntington Gallery, and the Appalachian Trail Conference.

In "The Indomitable Sara Corrie," an article in the NSS News, September 1986, Anne Whittemore paid tribute to Sara:

Sara is a special, gutsy lady, an explorer at heart, whose presence has touched many lives. Her story is presented as inspiration to others and as a tribute to her for the zealous and fearless way she meets life, always seeking new opportunities and pushing her abilities to meet each challenge.

"Sara had a lot to teach people. We'll remember her."

Contributions in Sara's memory can be made to the WVHC Endowment Fund, Suite 201, 1206 Virginia Street, East, Charleston, WV 25301.

Education Workshop

The WVHC Education Committee sponsored its first educational workshop during the 1988 Spring Review. River conservation planning was the topic of the workshop, and the presenters were Glenn Eugster and Robert Potter from the National Park Service, Drew Parkin, formerly of the NPS, and Susan Wilkins from American Rivers.

The focus of the workshop was to stimulate wider recognition and appreciation of local river resource values and to give WVHC members and others direction in how to begin and sustain an effective river conservation effort.

The key to river conservation, according to the presenters, is to get a broad base of individuals from all areas affected by the river — conservation groups, landowners, public officials, developers — and work toward positive action which all factions can agree upon. To do this the individuals involved must understand the values of the natural, cultural, and recreation resources of the river and recognize that there will be differences of opinions about how river resources can best be used. Working out these differences is a long and sometimes tedious process, but the factions must come to some consensus and set goals and establish alternatives for a plan of action.

The presenters took the WVHC members and others attending the workshop through a model of the river conservation plan. The Greenbrier River was chosen as the model and participants presented various views on how the Greenbrier resources should be handled. Eventually the group reached two seemingly unreconcilable goals for the model: flood protection for those who live along the river

and maintaining the Greenbrier as a free-flowing river.

Glenn Eugster reminded the group that in order to reach a consensus, compromises may have to be made. For those who want flood protection, a dam is not the only alternative, and for those who want a free-flowing river, doing nothing is not the only alternative.

A thank you goes out to the presenters for helping participants see the value of broad-based input and reaching a consensus and to the WVHC members who attended the workshop.

The education committee is planning a workshop on public land issues to be offered this summer. The workshop will provide current and background information for members who wishing to become more active on public lands issues, perhaps as WVHC public lands committee members. The education committee welcomes any suggestions from members for future workshop topics. Just contact Jim Van Gundy, Donna Borders, or Gary Worthington.

Speaker

Glenn Eugster, Chief of the Division of Park and Resource Planning, Mid-Atlantic Region, was also the keynote speaker at the Saturday evening meeting.

The WVHC should be, according to Eugster, making state and local river conservation a greater priority. West Virginia has several unique rivers that need river conservation plans. He said the best possible information is needed on the rivers to make the best possible choices. He suggested that the group could prepare and publicize conservation

information on the wise and appropriate use of river resources and that the information did not have to be presented as being against development.

He also suggested that West Virginia should consider the need for a statewide assessment of rivers, for the state lacks an overall data base on the natural, cultural, and recreational resources of its rivers. A river assessment is not an impact assessment. It is an objective evaluation which tries to be issue free and tries to get all agencies involved. An assessment can be used by many agencies for planning. It can be used to help establish guidelines for zoning, for example, or to help with a needs assessment for fish or wildlife. [The June Voice will have an extract from a NPS publication by Eugster on statewide river assessments.]

The concerted effort to develop West Virginia's tourism industry has led the NPS to spend more time and money in helping the state identify natural and historical areas to develop. He cited the current studies of the Stonewall Jackson Lake area and Blennerhassett Island as examples. He could not comment on the results of those studies but he did say they would be ready soon.

Eugster also pointed out that the NPS can offer technical planning assistance to groups who have areas they feel have unique natural or historic resources. For example, there is an interest in getting a local management plan for the Greenbrier River. The plan would be generated by local citizens and the NPS would offer technical assistance in the planning.

WV Rivers Testimony

(Testimony of John Purbaugh, President of the West Virginia Highlands Conservancy before the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, regarding S. 1720, the W. Va. National Interest Rivers Conservation Act of 1987.)

The West Virginia Highlands Conservancy ("WVHC") is an all volunteer, non-profit organization, with approximately 750 individual and organizational members. A majority of the members are West Virginians, but a significant number are from the D.C. and Pittsburgh metropolitan areas and bordering states. Since its formation in the mid-sixties, the Conservancy has worked for the conservation and wise use of the state's natural resources. After achieving protection of the Dolly Sods, Otter Creek, Cranberry and Laurel Fork wilderness areas, we have focused on river corridor protection as a way to enhance the high quality of outdoor recreation and natural experiences available in this increasingly important segment of our economy.

The Conservancy has throughout its twenty year history worked for the conservation of West Virginia's public lands and scenic rivers. The Conservancy originally proposed specific legislation in January 1986 to establish the Gauley River National Area and the Bluestone Wild and Scenic River. We greatly appreciate the consideration of the West Virginia delegation, particularly Senator Rockefeller and Representative Rahall, in sponsoring legislation in both houses to achieve these objectives.

Our testimony in support of S. 1720 will discuss briefly the outstanding scenic and recreational value of these rivers, and will address several minor issues regarding specific provisions of the bill.

I. New River

Title I of the bill amends existing law establishing the New River Gorge National River in several respects. Most of the changes, other than boundary adjustments recommended by the NPS, deal with the needs of the whitewater rafting industry. Recreational whitewater experiences, both

by private paddlers and by clients on commercial trips, have become the most visible symbol of this region's changing economy. The Conservancy has among its members both private paddlers, private paddlers groups, commercial raft guides, and rafting companies, all of which use and treasure the New River. Title I requires the NPS to improve river access for both commercial and private paddlers, without restrictions. The required study by the Corps of Engineers of flow management to enhance river recreation on the New River will help alleviate the occasional "traffic jams" which can occur when low flows coincide with peak rafting use. This combination of provisions provides a framework within which access and capacity problems can be managed by the NPS.

The Conservancy feels that the most significant unresolved issue in management of the New River National River is the need to extend the river's protected boundary downstream from Fayetteville to Gauley Bridge. Though we do not believe that this issue is

adequately developed for consideration in this bill, we do not wish our general agreement with the boundary changes proposed by the bill to indicate our satisfaction with NPS decisions on all boundary questions. During the debate over how best to protect the resources of the New River Gorge, Congress in 1978 authorized the National River excluding the ten miles from Fayetteville to Gauley Bridge, but expressly directed the Park Service to study the feasibility of including this stretch. 16 U.S.C. §460m-17(iv). Nearly ten years of experience have shown that inclusion of this stretch is necessary to fully accomplish the statutory management objectives for the river, as detailed in the National Parks and Conservation Association's February 1987 report entitled "New River Gorge National River: Water Through the National Park Service's Fingers". The West Virginia Highlands Conservancy will work with NPCA in future efforts on this critical remaining stretch of the New River.

(continued on page 6)

Rahall Has Hearing To Prevent Illegal Mining Operations

WVHC To

by Paul Nyden

LOGAN — Rep. Nick Joe Rahall, D-W.Va., held a hearing of his mining subcommittee in Logan Monday, calling it "a pre-emptive strike" to prevent illegal mining in the state.

"There are those who take the view that instances of wild-catting and . . . questionable coal prospecting practices are indicators of an indifferent regulatory attitude," Rahall said.

State Department of Energy Commissioner Ken Faerber called Rahall's hearing "nothing more than a media event to sensationalize an issue that doesn't exist." Faerber said the current environment for illegal mining in the state is "inhospitable."

Faerber defended his record of enforcement in the face of repeated questions about several controversial mining companies, including Black Gold of West Virginia, Laurita-owned companies near Morgantown and Templeman Construction on Campbells Creek.

Mark March, a UMW official who testified after Faerber, said, "The reason there is no illegal mining here is that, even if you run a wildcat mine, Faerber will end up giving you a permit."

March testified he told the DOE three times about Templeman's previous violations in Kentucky, but the DOE did nothing with the information. "Templeman continued to mine as an outlaw miner until he got all the coal he could get. Now he is back in Kentucky after leaving a 90-foot highwall, destroying a bridge and not paying his miners.

"If all permit applications were checked out properly, there is no doubt there would be a lot of operations like Templeman's uncovered. I have no confidence in any DOE investigation," March said.

Mike Burdiss, another UMW representative, urged the congressmen to pass a law making it a felony to mine illegally and to purchase coal that is mined illegally. Rahall said he is on record supporting such a law.

Reps. Bob Wise, D-W.Va., Larry Craig, R-Idaho, and Ben Nighthorse Campbell, D-Colo., also attended the hearing.

Joan Sims, president of the 4-H Road Community Association near Morgantown, testified on a citizens' panel. "We have to spend our time and our money to protect our community because DOE won't do its job," she said.

Sims is challenging James L. Lairita Jr.'s application to mine the same area after Sims revealed his Pennsylvania mines were cited for more than 300 violations since 1984.

John Salstrom and Sandy Miller from Six Mile Creek in Lincoln County appeared on the same panel. They are fighting a controversial permit application from Black Gold of West Virginia.

Miller told the congressmen that Delbert Burchett, a bankrupt Kentucky coal operator who owes \$9 million in unpaid taxes and fines, publicly represented Black Gold and hired people to prospect for coal on Six Mile Creek. She said property values will drop 30 percent to 50 percent if Black Gold is allowed to strip mine.

Michael Letson, whose Mt. Black Diamond formed a joint venture with Sandra Perry's Black Gold of West Virginia, said, "I find it incomprehensible that we have been insulted ever since we came to Lincoln County." He called news reporting narrow, myopic and anti-business.

Under intense questioning Wise, Letson and Perry admitted they have no mining experience. They also said they made a mistake by prospecting without a permit. Letson said he has hunted quail with Burchett and learned about coal from him, but that Burchett has no financial interest in Black Gold.

Under intense questioning from Wise, Letson and Perry admitted they have no mining experience. They also said they made a mistake by prospecting without a permit. Letson said he has hunted quail with Burchett and learned about coal from him, but that Burchett has no financial interest in Black Gold.

Perry specifically attacked The Charleston Gazette. "The so-called state newspaper . . . can destroy a person's life and cast dark shadows over a business venture." She also complained of receiving death threats and expressed fears Rahall's panel planned "to nail me to a cross."

Perry also asked, "Is it that a woman's place in a man's world is not accepted in West Virginia?" Perry said she wants to help unemployed people in Lincoln County. "People, not the coal, was my first fascination with West Virginia."

Letson testified he already has invested \$200,000. When Wise asked how much was spent to buy property, he replied, "It's none of your business." Letson then said he spent about \$40,000 for property, but never paid Burchett. Letson said Burchett's son, Keith, performed some of the illegal prospecting. "Keith found the project and we gave him a finder's fee," he said.

Under repeated questioning from Wise, neither Letson nor Perry would reveal who they plan to hire to actually mine their Lincoln County coal.

Ben Greene, president of the Surface Mining and Reclamation Association, closed the hearing by attacking The Charleston Gazette and environmental organizations. He said there is no illegal mining in West Virginia. "Applicants for mining permits are scrutinized more today than ever before. They are scrutinized more than any other industrial applicant."

Greene praised the DOE, calling it "justifiably proud of its record of enforcement, regulation and reclamation."

Earlier in the hearing, Wise presented figures from U.S. Office of Surface Mining reports. Kentucky inspectors, Wise said, cited 71 percent of the violations OSM inspectors discovered during follow-up inspections, while West Virginia inspectors cited 19 percent. Percentages from other states were: Ohio, 63 percent; Virginia, 54 percent; and Pennsylvania, 50 percent.

Carl C. Close, director of the U.S. Office of Surface Mining's regional headquarters in Pittsburgh, said Wise's figures were accurate. Close said he is concerned that DOE inspectors cite so few.

(Reprinted with permission of the Charleston Gazette.)

Congressman Rahall and members of the Subcommittee, I appear before you today at the request of the Subcommittee Chairman, Nick Joe Rahall. I have been informed by the Congressman that the focus of this hearing is on supposed illegal mining activities in West Virginia and the conduct of out-of-state coal operators seeking to do business in the State of West Virginia in an attempt to avoid permit block situations.

Before I present the findings of the West Virginia Department of Energy on these two specific questions, I would like to state that I have already discussed these issues with the Congressman and we both agree that a problem does not exist. We do, however, disagree on the necessity of holding a hearing when no problem exists in order to, in his own words, "pre-empt a problem from occurring." This hearing is nothing more than a media event resulting in unwarranted sensationalism of an issue that has already been acknowledged as not existing. Very simply what has occurred is that out-of-state special interest groups have taken site specific regulatory issues such as MEPCO and Black Gold and have combined that with inaccurate and inflammatory reporting in an attempt to create an issue where none exists.

It is apparent to me that the Subcommittee has failed to define the specific issues that are the subject of this hearing, so that we can meaningfully comment on them. What is the issue? Is it operators who have mined in more than one state? Is it operators who are owned or controlled by individuals who may live in another state? Is it small or medium or large companies? Until this Subcommittee goes beyond the hyped-up rhetoric of "out-of-state operator" and clearly says what the concern is, we are all wasting our time and the taxpayers money by appearing here today.

The fact of the matter is that even under OSM's weakest definition of ownership and control, all twenty of West Virginia's top coal producing companies are controlled by out-of-state interests. The irony is the two companies menti-

Testimony of John Purbaugh before subcommittee on mining and natural resources, House Interior Committee field hearing April 25, 1988, Logan, WV.

Chairman Rahall, Congressman Wise, and members of the subcommittee:

Since its formation in 1967 the WV Highlands Conservancy has worked for full and evenhanded enforcement of surface mining laws. Passage in 1977 of the federal Surface Mining Control and Reclamation Act was a major step, because it established minimum standards of performance in all states, in order to eliminate the unfairness of a wide variation in state-level enforcement. The WV surface mining program before passage of the federal act, while far from perfect, had a "no nonsense" reputation, under which wildcat, fly-by-night operators were effectively discouraged from operating in this state. Early implementation of the federal program, after state primacy was approved in 1979, continued this tradition of preventing gross abuse by strictly enforcing limits on prospecting and requiring permits BEFORE mining began.

In 1985 the state legislature approved creation of the WV Department of Energy, restructuring the previous agency approach to regulation of surface mining, and openly stating a new goal of making it easier to mine in WV. While boosting the mining industry is a legitimate governmental function, the combination of booster and regulator in one agency has proven to be a disaster. The most tangible evidence of this disaster is the return to WV of the old "shoot and shove" crowd. Testimony to be given today by citizens from across the state will demonstrate that prospecting without approvals, permit applications by "front men" for out-of-state operators with bad enforcement records, and other such abuses have returned to WV. Because out-of-state mining operators with bad records feel they can escape notice longer in WV than in their previous haunts, we have begun to draw a steady stream of such mines. To be sure, such abusers are relatively small in number when compared to the entire industry, but the nature of their abuse and its

Statement Of Commissioner Fa

oned earlier are West Virginia companies.

I have provided the Subcommittee with pictures of four supposedly out-of-state coal operators; you can decide for yourself which, if any, of these operations have damaged West Virginia.

In spite of these facts, I will try to answer the first question I have been asked to respond to, which is "the current environment within West Virginia for illegal mining activities and the potential for future abuses of this nature."

The answer is that the current environment for illegal mining in the state is, as it has always been, inhospitable. West Virginia does not now, nor have we ever, condoned illegal mining activities; and I can say that emphatically.

In a state with the geographic characteristics of West Virginia, the possibility exists that in isolated instances, mining activity can occur in remote areas without the public or the proper regulatory agencies being notified. Such a possibility exists anywhere coal deposits occur, including West Virginia. That's the fact of the matter. It is also a fact, however, that West Virginia has always had, and continues to have, a very low incidence of non-permitted mining activity. Such activity, when it occurs, is reported, investigated, and the operation shut down with violations cited and penalties assessed. Criminal action may also be taken if the offender fails to comply with an order of the Commissioner. This is the same procedure that has been in place since 1981 when West Virginia first obtained primacy for enforcing surface mining regulations. This procedure works effectively, and as a result, West Virginia does not have a problem with non-permitted or, as the Chairman of this Subcommittee prefers to label the activity, "illegal" coal mining. West Virginia chooses not to regulate by the exception but rather to regulate against the exception, taking immediate action when a violation occurs.

The second question which I have been asked to respond to by this Subcommittee is the "status of out-of-state coal operators seeking mining permits in West Virginia in an

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effect on neighboring citizens makes this a problem going far beyond mere numbers.

To nip this unwelcome return of gross abuse in the bud, citizens have turned first to DOE itself, and then to the Interior Department's Office of Surface Mining, with equally disappointing results. After-the-fact enforcement against a wildcat prospecting operation is of no help to neighboring landowners. By their very nature, such problems require swift investigation and aggressive enforcement.

WVDOE's failure to provide such swift and sure enforcement has been documented by the most recent OSM report on the state program, including already widely publicized data showing that OSM inspectors cite five times more violations than do WVDOE inspectors, and that 1 of 3 WV mines aren't in compliance with the law. State budget cuts, poor morale and normal attrition have reduced the inspection and permit reviewing work force to levels which require overworked and sometimes unqualified people to do their inacequate best. Most egregious is DOE's failure to investigate an operator's mining history prior to permit issuance, even when there is evidence of outstanding violations and past mining abuse. OSM refuses, apparently as a matter of local and national policy, to issue 10 day notices or to otherwise exercise oversight until after a permit has been issued. Such a policy renders the federal presence useless in cases of front-men applicants and similar abuses.

The Highlands Conservancy is frequently contacted by individuals and groups of coalfield citizens who need help in responding to this problem. By my testimony, I hope to put their individual problems, which you will hear about directly from these people, into an overall perspective. In the subcommittee's review of OSM performance and in your consideration of revisions to the law to address such problems, please consider imposing the mandatory duty on regulators to assess and collect harsh fines in such cases, the mandatory duty to investigate common control relationships beyond the regulatory presumptions of such control, and felony offenses for prospecting or mining without lawful permits. Thank you for coming to the coalfields to hear from those most affected by these abuses.

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attempt to avoid permit block situations."

The answer to this question is simply that these coal operators have no status in West Virginia because we have procedures in place to block operators from receiving permits where required by our approved program. First, we block applicants from receiving permits if they have outstanding violations, delinquent civil penalties, or bond forfeitures, in West Virginia. Second, we use OSM's Applicant Violator System to determine if an applicant has any bond forfeitures, unabated federal violations, delinquent federal civil penalties, or delinquent AML fees in any state which require us to block a permit. Third, whenever we are aware of information indicating an applicant has a problem in another state which may require us to block the permit, we investigate the information and if it is accurate we block the permit until the problem is corrected. Fourth, if we are made aware that an applicant failed to list violations from another state on an application, and we had already issued the permit, we would either suspend or revoke the permit and would pursue criminal sanctions against the individual for falsifying documents.

These procedures are followed regardless of whether the applicant, the owners or controllers of the applicant, or the company headquarters are within or outside West Virginia.

In closing, I want to turn to the real problem and that is open and honest support for the energy producing industry in West Virginia. Department of Energy was specifically developed to support the state's energy industry and to work cooperatively and constructively with federal agencies like OSM and EPA to continue to move West Virginia's energy industries forward and not let the critics obstruct this progress. The Department of Energy has nothing to hide so let's not make it appear so.

Thank you.

Mining In The NRGNR

[Gary Worthington represented the National Parks and Conservation Association (NPCA) and the Mary Draper Ingles Chapter (MDIC) of the West Virginia Scenic Trails Association (WVSTA) at the April 25 hearing.

NPCA is a national, nonprofit organization founded in 1919, with members in all fifty states dedicated to promoting and defending our national park system. WVSTA is a volunteer organization dedicated to building and maintaining a statewide trail system in West Virginia and promoting interest in hiking. The MDIC, for which Worthington serves as chairman, has through the WVSTA a memorandum of understanding with the National Park Service at the New River Gorge National River (NRGNR) to cooperate for the purpose of joint protection and management of the scenic, natural, recreational, and cultural resources of the Mary Ingles Trail, a long-distance hiking trail which crosses lands within the boundaries of NRGNR.]

The NRGNR has not been immune to some of the concerns being voiced generally about the status of the surface mining regulatory program in our state. This year marks the tenth anniversary of the NRGNR. It is a time to pause and reflect on what the National River represents to the citizens of our state and the nation, and to contemplate all of the good that this park has done and will do in the future.

But it is also a point at which we should rededicate ourselves to preserving this treasure, for this ten-year milestone is only a beginning. We would like to thank you, Mr. Chairman, for your continued interest in the preservation of the National River, an interest most recently expressed in your championing of the West Virginia National Rivers Conservation Act. New River needs that attention.

At a hearing before this committee in Washington, D.C. on February 26, 1988, NPCA introduced photographic evidence depicting surface mining and prospecting impacts on the NRGNR. The evidence showed that only the thinnest of lines separates prospecting from surface mining as defined by the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Section 522(e) of SMCRA declared units of the national park system off limits to surface coal mining, subject to "valid existing rights." However, federal regulations and the West Virginia state program allow prospecting to continue even in areas protected by Section 522(e). In addition, the legal definition of valid existing rights remains in limbo, and there is no assurance that the final definition will offer the strictest level of protection for national parklands and minimize impacts from adjacent lands.

The Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) has submitted a brief report to [Congressman Rahall] containing updated photographs of some of the areas NPCA highlighted at the February 26th hearing. The update is welcome, for it, too, represents the kind of attention the park deserves. But, the fact that reclamation has occurred at some of the prospect sites in no way contradicts the evidence that what is occurring at New River is not prospecting, but surface mining. The reclamation work is a positive step, but it is the very least the park is owed. Also, on prospect sites within the proposed new boundary of NRGNR, where permits continue to be issued, scars on the land may continue to appear, and full-scale surface mines may be likely after that land is added to the park.

Within the park boundary, the number of acres that are now under permit and could be disturbed totals sixty-two (62) acres. Two surface mines have been approved within the last year for the area that is inside the boundary delineated by the West Virginia National Rivers conservation Act. A total of twenty-three (23) acres have been disturbed in these two operations. In January, the West Virginia Department of Energy approved for the first time a prospect application in which the operator proposed significant disturbances in the park's main corridor. This and other operators who have received prospect permits have indicated their desire to file full-scale surface mining permit applications as well. The final definition of valid existing rights may in fact give these projects a legitimate claim to mine in the National River and exempt those lands from Section 522(e) protec-

tions. These factors could end what little control the Park Service has over mining in the park and would make a mockery of the values and ideals of the national park system.

Last year 400,000 people came to the gorge to enjoy the scenery, the river, the forest, the geology, the wildlife, and the history of the area. They came to boat, to fish, to hike, to climb, and to camp. Surface mining with its bulldozers, trucks, and other heavy machinery, its blasts and booms and meshings and mashings of metals is not compatible with these pursuits. Surface mining will not attract visitors to the gorge, nor will it encourage them to return. Surface mining is just not compatible with the park's ideals of conserving the scenic beauty and the natural and historic objects within the park.

My particular concern is with constructing hiking trails with NRGNR. The MDIC goal is to build a trail on the west side of the river from Cotton Hill, just north of extended boundary of the NRGNR, through the entire length of the park to Hinton. In the narrow corridor of the gorge, surface mining on or near either rim will affect trail planning. Escaping the visual and aural disturbances in that narrow corridor will be difficult. The land which encompasses the Campbell Mine on the east rim is a case in point. The mining activity has ceased, and even though grass is growing again and pines are about two feet high, the general emptiness is still visible from the proposed trail route and from nearly any point on the slope across from the old mine.

Mining activity on the proposed trail poses even more serious problems. For example, a deep mine with valid existing rights that is located within the adjusted boundary has recently reopened. MDIC must now relocate the trail around the mine, but after three exploratory hikes, the members still have not found a safe new route.

The National Park Service has opened to the public only about 5 miles of trail. But in this tenth year, this time of new beginning, the park seems ready to put more effort into trails. Trail planning by park personnel is underway and \$400,000 of last year's budget has been earmarked for trail planning, and construction. Dealing with surface mining issues can only detract from trail planning, indeed from all recreational planning, and once again slow the overall development of the park.

Permitting activity continues within 300 ft. of the existing boundary and within the adjusted park boundary described in the West Virginia National Rivers Conservation Act. This month new prospecting applications were filed on twenty (20) acres of land on Backus and Highland Mountains in Fayette County. Most of the sites in this prospect application are in clear view of the overlooks from Grandview State Park, and some can be seen from the river. This area has already been extensively prospected, yet the operator is returning for more. What is the intent of the prospect? Clearly, what is taking place here is not prospecting but abuse of the privilege in order to surface mine one prospecting area after another.

From the perspective of NPCA and MDIC, both the Office of Surface Mining Reclamation and Enforcement and the West Virginia Department of Energy have been reluctant to protect the park within the fullest reach of the law. OSMRE has promised revised regulations on prospecting by May 1988, but the outcome of this rulemaking will nonetheless leave the park vulnerable for several more years. Under its approved state program [West Virginia Code, Chapter 22A-3-7(a)], the commissioner of DOE "may issue an order denying or limiting permission to prospect where he finds that prospecting operations will damage or destroy a unique natural area." Our state, though blessed with outstanding beauty and a rich history, has but two units of the national park system. The National River is the sole federally-protected area that is predominantly a natural environment. It seems clear that these distinctions would qualify New River for special consideration and exemption from prospecting under the West Virginia code.

Our organizations feel that prospecting abuses in the park and statewide are symptomatic of the need for improvement in West Virginia's regulatory program. We can only expect that if the current regulatory climate in West Virginia persists, coal operators will be encouraged to step up prospecting activity on any and all lands in and around the National River.

New River continues to need your attention.

OSM Finds 5 Mine Violations To DOE's 1

by Paul Nyden

For every violation discovered by Department of Energy inspectors, find five. One-third of the mines in West Virginia today fail to comply with federal law, reveals a new oversight report from the U.S. Office of Surface Mining.

When coal companies are fined for environmental violations, DOE collects only 3 cents on every dollar, the report states. Last year, operators paid \$392,551 of standing fines totaling \$12.5 million.

"You put these findings together and it means that thousands and thousands of violations in West Virginia are not being cited or corrected," said L. Thomas Galloway, a Washington, D.C., environmental lawyer.

"These findings alone should require OSM to take action," Galloway said. "Yet the report contains not even the slightest hint of any serious action in the face of what OSM itself concluded are major problems."

Galloway said the state's system of collecting fines is essentially voluntary. "If an operator is responsible and wants to pay, he pays. If he does not want to pay, he faces almost no sanction for not doing so."

Federal officials studied a sample of 349 coal mines, out of 3,333 mine sites in the state, to prepare their annual report covering the period between July 1, 1986, and June 30, 1987. At these mines, state inspectors cited 35 violations. Federal inspectors found 186.

"The reason for the state not citing all existing violations is probably a function of the number of field inspectors," OSM states. Each of 49 inspectors, up from 44 the previous year, must visit between 50 and 60 mines monthly. "With the demands placed on the field inspector . . . there is limited time available for citing violations," the 120-page report states.

Galloway said that West Virginia's "federally approved program requires 88 inspectors. With 49 inspectors, the state had 55 percent of the required number . . . With 55 percent of the needed inspectors — and we have grave doubts that 88 are enough — the state will never be able to enforce the law effectively."

The new report praises Energy Commissioner Kenneth R. Faerber for improving enforcement during his second year in office. It states DOE "continues to aggressively identify and reclaim abandoned mine problems in the Mountain State."

But it goes on to identify DOE's continuing failures to protect the state's mountains, forests and streams.

Galloway praised and criticized the report. "Given the scope and magnitude of the problems in West Virginia and the almost total failure of the state to enforce its approved

program, the OSM evaluation is dismally incomplete and inadequate. It is a weak report by the weakest OSM field office in the United States.

"But as weak as it is, the new report is a damning document," Galloway said. "It shrouds gross failures in 'bureaucratise' of the first order. But if you read it closely, you begin to get a rough idea of several major failures of DOE."

The report points out that state regulations limit fines for any violation to \$22,500 — or \$750 a day for each day a violation goes uncorrected, up to 30 days. Because fines are capped, OSM states DOE should use alternative enforcement means once that cap is reached.

Faerber disagrees. Suspending and revoking mining permits, he argues, is the most effective way to deal with such operators, many of whom mine coal for a year or two and disappear. The OSM report, however, charged that DOE does not use permit revocation "in either a timely or consistent manner."

The report also contains these criticisms:

- DOE fails to take quick action on violations once 30 days is up. Studying a sample of 40 violations, OSM discovered it took DOE an average of 59 days, and as long as 172 days, to assess fines.

- DOE did not get, or seek, a single injunction against a coal operator who failed to obey federal law.

- DOE did not attempt to assess fines against any individual company officer who knowingly and willfully violated the law OSM criticized DOE for not even having procedures to do this. George V. Piper, DOE's lawyer, believes it is much more difficult to prosecute individuals than to revoke permits.

- DOE filed no criminal charges against any individual company officer. State law sets fines between \$100 and \$10,000, and jail terms up to a year, for "any person who knowingly makes false reports or statements or who willfully resists, prevents or impedes the commissioner or his agents."

Galloway said, "OSM notes, without any serious discussion, that West Virginia never takes action against corporate officers who knowingly violate the law. Individual sanctions are one of the best ways to pierce the corporate shell, the corporate veil, and go after the individuals responsible for these problems." Federal officials and Kentucky officials are already doing this.

The report also discussed reclamation bonds. In West

Virginia, companies must post bonds of \$1,000 for each acre mined. To reclaim abandoned mines, it costs DOE much as \$7,200 an acre. In addition to spending money from forfeited bonds, DOE also uses its Special Reclamation Fund created by a tax on coal operators.

Mine reclamation costs might increase, OSM warns and the special fund "may have to be strengthened if the projected forfeiture rate of 1,000 acres per year were to continue and/or reclamation costs rise considerably above [an average of] \$3,744 per acre."

Galloway believes bonding could be a potential disaster. "Many of the state's so-called 'inactive mines' are never going to be mined again. Inactive is often a euphemism for mines that are not going to be reclaimed, but which are not being pushed to bond forfeiture." (State law permits companies to keep their inactive mines in limbo, without reclaiming them fully.)

"If these inactive mines were pushed to forfeiture and if all unabated cessation orders were pushed, the 1,000 acres per year would multiply several times," Galloway predicted. "If the state's enforcement system worked effectively, the bonding system would collapse."

"OSM is well aware there are significant problems with inactive mines. This category has been abused for some time," Galloway said. "But OSM simply notes the problem. Next year, they will note it again."

Other comments in the report include:

- In areas inhabited by endangered or threatened species, only one of three permits examined by OSM documented claims that mining would not harm them.

- DOE is developing a system, which it did not have last year, to determine whether there are significant historical features on proposed mine sites.

- Companies planning to open prospect mines often fail to "provide the source of legal right to enter and conduct operations." DOE must begin requiring operators to provide detailed information about their legal rights to any coal mined, the report states.

In an April 6 letter attached to the report, Faerber wrote, "I am pleased that the report accurately reflects the continued achievements of the department in implementing the state's reclamation program."

"It also accurately portrays those areas where additional improvement is needed," Faerber wrote. "Most importantly, it shows that these concerns are primarily administrative rather than 'on-the-ground' environmental issues."

(Reprinted with permission of the Charleston Gazette.)

Rivers Testimony (continued from page 3)

II. Gauley River

The Conservancy initially proposed the protection of segments of the Gauley River as a National Recreation Area, rather than by designation under the Wild and Scenic Rivers Act, as a way to recognize the outstanding recreational value of the river for whitewater rafting and kayaking, and for other remote outdoor recreational pursuits. The Conservancy's proposal was that the National Recreation Area serve to protect the Gauley downstream from the Summersville Dam to Swiss from further alterations to its flow and for the protection of its scenic, recreation, geologic, fish and wildlife, historic and cultural values.

Unlike designation under the Wild and Scenic Rivers Act, there is nothing inherent in the creation of a national Recreation Area which gives policy guidance for the future management of the Area to protect these values. By stating the purpose of the NRA to be the protection and preservation of scenic, recreational, geologic, fish and wildlife resources of the Gauley River and by incorporation provisions of the Wild and Scenic Rivers Act, §201 and §202 of Title II of this bill ensure that essential river conservation goals will be met. The advisory committee approach to ensuring that the managing agency has the full range of public involve-

ment in its decisions is one which the Conservancy supports. In fact, we think that the advisory committee could usefully be broadened or replicated to cover the management of all protected rivers or lands under this bill. Meaningful public participation in land management by federal agencies is essential to ensure a mixture of local and national goals.

III. Meadow River

Title III of the bill would designate the lower Meadow from the Rt. 19 bridge downstream to its confluence with the Gauley, as a national wild river. In the Gauley River Wild and Scenic River Study of August, 1983, the National Park Service also identified the segment upstream from the Rt. 19 bridge to Meadow Creek as also eligible for scenic status designation. As a general principle, the Conservancy favors full designation in accord with the conclusions of such studies, but recognizes the need for further public understanding of the concepts of designation before the remaining eligible area is included. The 4.5 miles below Rt. 19 fall steeply through an almost inaccessible gorge to its confluence with the Gauley, and has been called the "forbidden fruit of eastern whitewater" by expert kayakers, who often continue on down the Gauley before taking out. This river, designated as

wild and scenic, is a valuable addition to the interconnected system of the rivers protected by the bill.

IV. Bluestone River

Title IV of the bill designates a segment of the Bluestone River, approximately 13 miles, upstream of the Rt. 20 bridge, as a national scenic river. The Bluestone River Wild and Scenic River Study, completed by the National Park Service in August of 1983, found that a 25.5 mile segment, from the breached dam at Spanishburg to the normal pool of the Bluestone Lake, qualified for scenic river designation. As with the Meadow River, the Conservancy supports eventual inclusion of the entire 25.5 mile segment, which has been canoed by many of our members, but recognizes the value in protection now for the 13 miles included in the bill. The provisions of section 503 of Title V, requiring NPS to establish a public awareness program to further public understanding of the effects of designation of additional segments, is a judicious approach to dealing with the very real concerns of local citizens.

V. Other Rivers

The public awareness program established by §503 of Title V. of the bill is an exciting opportunity for all advocates of river protection, and for those uncertain or initially

opposed to such programs, to debunk the myths of designation under the Wild Scenic Rivers Act and explore solutions to the remaining problems. We do not think, however, that the protection of study rivers should end coincident with the conclusion of the public awareness program, since there will be an inevitable lag of several years before designation of these rivers can be fully debated or finally achieved. In the House bill, H.R. 900, by Mr. Rahall, portions of the Greenbrier River were included, with our full and enthusiastic support. However, it now appears that further public education efforts are necessary before inclusion of this beautiful river, and this unique public awareness program can assist in that process.

VI. Conclusion

S. 1720, The West Virginia National Rivers Conservation Act of 1987, is an important step toward protection of eligible segments of the Gauley, Meadow, New and Bluestone Rivers for their scenic, natural, recreational and economic importance to the State. The Conservancy and its member conservation, sportsman, and recreation groups urge passage of this bill because it can both protect the natural environment and enhance the economic environment of this key river system.

NEWS BRIEFS

Byrd Attacked For Blocking Bills To Control Sources Of Acid Rain

WASHINGTON (UPI) — Northeastern lawmakers assailed two powerful Democrats Wednesday for blocking acid rain control measures and expressed outrage over a top federal researcher's admission a recent report minimizing the problem misrepresented the scientific data.

Members of a House subcommittee said Senate Democratic leader Robert Byrd of West Virginia and Rep. John Dingell, D-Mich., the chairman of the House Energy and Commerce Committee, have stonewalled legislation to force reductions in industrial sulfur and nitrogen emissions blamed for acid rain.

At the same time, the Reagan administration's acid rain research program was attacked with charges that managers of the program misrepresented technical data in a report last fall in an effort to minimize the environmental threat posed by acid rain.

"It (the report) was intellectually dishonest," said Rep. James Scheuer, D-N.Y., chairman of a House environment subcommittee.

In a surprising response to Scheuer's allegations, James Mahoney, the newly appointed director of the National Acid Precipitation Assessment Program, acknowledged the September 1987 interim report was flawed and he promised to rewrite it. Under questioning, he repudiated one of the report's conclusions.

Byrd, whose state produces much of the coal blamed for sulfur emissions from power plants, has prevented acid rain legislation developed by the Senate Environment and Public Works Committee from being called up for action on the Senate floor.

Dingell's heavily industrialized home state also would be hard-hit by additional emission control measures. He is in prime position to block acid rain legislation, since such proposals must pass through the committee he heads.

Charleston Gazette, 4/28/88

Higher Global Temperatures Linked To Greenhouse Effect

WASHINGTON — Average global temperatures in the 1980's are the highest measured since reliable records were first kept more than 130 years ago, according to reports now coming in from scientists around the world.

Temperatures have been rising more or less steadily for much of the last century. But, in the view of some scientists, a sharper rise detected in the 1980s is the most persuasive evidence yet that carbon dioxide and other industrial gases are trapping heat in the atmosphere and warming the Earth as if it were a greenhouse.

In interviews, meteorologists and others engaged in plotting global climate trends were cautious about blaming the greenhouse effect for the recent sharp increase, saying mathematical models of the phenomenon project much sharper increases than have so far occurred.

But several agreed that if the pattern persisted into the next decade, it would almost certainly mean that an era of global warming, caused by humans and certain to affect them in major ways, has begun.

How hot is the world now? The scientists do not offer a straightforward response, saying that the vast amount of data is still being studied and that comparisons cannot be precise. But the data gathered by American, British and Soviet scientific teams generally show a faster warming so far in the 1980s than in the century before. And most of the readings agree that the three or four warmest years on record occurred in this decade.

Sunday Gazette-Mail, 4/3/88

Third World Tree Planting Urged

WASHINGTON (UPI) — Third World nations must plant trees to cover an area twice the size of Texas by the year 2000 to stem environmental degradation and maintain living standards, a research organization said Saturday.

The Worldwatch Institute said replacement trees are needed to meet demands for fuel and industrial wood products and to stem erosion, to return nutrients to the soil and to protect water supplies.

Another compelling reason is that planting more trees would help stabilize the climate by slowing buildup of carbon dioxide in the Earth's atmosphere and mitigating the trend toward global warming, the greenhouse effect.

"It gives us more reason to be putting financial resources there," researcher Sandra Postel said.

Postel and her colleague Lori Heise estimated that trees must be planted on 130 million hectares, equal to about 320 million acres, an area slightly larger than Ethiopia and twice the size of Texas.

Forest cover in industrial countries is relatively stable. But worldwide each year, an area of trees the size of Connecticut — 40 million acres or 16 million hectares — is gathered for fuel wood, harvested for commercial timber or cleared for crops or cattle ranching.

Just as carbon-based fossil fuels such as coal and oil release carbon dioxide into the atmosphere, trees release carbon dioxide when they burn and decay.

Deforestation may add a fifth as much carbon dioxide to the atmosphere each year as combustion of fossil fuels. But growing trees counteracts that trend by absorbing carbon dioxide through photosynthesis. Thus, more trees would help slow the global warming process.

Sunday Gazette-Mail, 4/24/88

Land Acquisition For NRGNR

OAK HILL (AP) — A 10th anniversary grant of more than \$6 million this year should help transform the New River Gorge National River into one of the strongest links in the National Park Service's eastern chain of parks, officials say.

"This year should be a turning point," said park service spokesman Andy Kardos. "We've never had this much money before."

More than \$4 million will be used to design and build facilities in the park. The remainder is designated for land acquisition.

An estimated 100,000 people already use the river every year for fishing and white-water rafting. That number is sure to increase, officials say, with the addition of better access roads, tourist information centers and hiking trails.

The park service is moving cautiously — some say too cautiously — in developing natural and manmade resources in the New River Gorge, one of the most spectacular physical features in the Eastern United States. Much of this year's congressional appropriation, for example, will be used for planning of long-range projects.

The park's designated area encompasses 62,500 acres along a 52-mile stretch of the river and several tributaries. The National Park Service owns 16,000 acres in the park.

John Reed, who recently took over as land acquisition officer at New River gorge National River, contends much has improved in the past year.

"I think all criticism of our land acquisition program has been answered in the past year," said Reed, adding that the park service has bought about 10,000 acres of the 16,000 acres it owns since Oct. 1.

Reed said the reason for the acceleration in land purchases is simple: more money is available than ever before.

"From the conception of the park through fiscal year 1987, we spent \$3 million for land," Reed said. "Since fiscal year 1988 has begun, we've spent \$6 million."

Congress appropriated \$2 million for land purchases this year bringing current reserves for land acquisition at the park to about \$7 million, he said. Current negotiations could mean the entire reserves would be spent this fiscal year, he said.

"People criticize the park service sometimes for not moving quickly enough," Kardos said. "But it's normal that once a park is established that it takes a few years to reach the next level of growth."

In Kardos' opinion, New River Gorge National River has reached that "next level." But he warned against uncontrolled development.

"I've seen areas where people wanted tourism, but they ended up burying the very thing that would attract tourists," said the 21-year park service veteran, who's worked at seven national parks.

Sunday Gazette-Mail, 4/10/88

Senate Passes Alternative-fuel Bill

WASHINGTON — A coal-to-methanol bill sponsored by Sen. Jay Rockefeller, D-W. Va., that will create coal mining jobs was approved by the Senate Friday.

The bill to offer automakers incentives to build alternative fuel-powered vehicles passed on a voice vote. It offers automakers some relief from federal fuel economy regulations if they build vehicles that use methanol or ethanol, fuels made from coal, natural gas or grain alcohol.

The House has passed a similar bill and Rockefeller said he expected no difficulty in the two chambers working out the minor differences in the two measures.

"This is a tremendous victory for Appalachian coal," he said after the vote," he said after the vote. "Our country has a 400-year supply of coal. Common sense tells us to aggressively develop coal for our future energy security."

United Mine Workers President Richard Trumka has estimated that if 20 percent of America's cars used methanol, about 45,000 jobs would be created in the coalfields.

Rockefeller said the bill will not create jobs next week, but builds a foundation that will provide steady, well-paying employment for years to come.

Rockefeller said there had existed a "coal vs. corn" adversity between methanol and ethanol backers. "I decided to link up with Sen. (Tom) Daschel of South Dakota who heads the ethanol group.

"We made this an alternative-fuel bill," he said, adding that the auto industry had not opposed it. "They know the Japanese (automakers) have taken dead aim at the California market because of their air problems."

Methanol and ethanol burn cleaner than gasoline and alternative-fueled vehicle use is supported by legislators of western U.S. states and urban areas where smog is a dangerous problem.

Charleston Gazette, 4/16/88

Population Growth Linked To Environment

LOS ANGELES (UPI) — The United States and other industrialized nations must help stem the population explosion in the Third World or face ecological disaster, a report released Sunday warned.

Timing the release of its findings with the start of World Population Awareness Week, the Washington-based Population Institute report predicted that the environmental balance that sustains life on Earth is "being thrown dangerously out of kilter by the continuing (population) surge."

"For now, nations and governments too often find it easy to ignore the emerging realities of this growing imbalance between population and resources," the institute's president, Werner Fornos, said. "As we approach the end of this century, however, that luxury will vanish as the signs of ecological damage become increasingly unmistakable."

Charleston Gazette, 4/18/88

Monongahela National Forest Hiking Guide Now Out

Edition 5 of the WVHC **Monongahela National Forest Hiking Guide** is now available. This edition is bigger and better than ever, with 320 pages, 60 maps, 39 photographs, descriptions of 164 trails totalling 780 miles, a new section on ski-touring, and a full-color cover. The authors are Allen de Hart and Bruce Sundquist. Allen has hiked all the trails of the Monogahela N.F. over the past few years. Bruce edited Editions 1-4. The hiking community and the U.S. Forest Service provided the authors with trail reports and photographs.

In the U.S. Forest Service's planning process that led to

the 1986 Land and Resource Management Plan, over 35,000 comments were received from the public. The gist of these comments is that the Monongehela is a "Special Place." And indeed it is. The hiking and backpacking opportunities it provides are among the best in the eastern U.S. The more outstanding areas are becoming known far and wide — Otter Creek Wilderness, Dolly Sods Wilderness, Flat-rock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Back Country, Cranberry Wilderness, among others. This guide will help you get to know

these and other special places in the forest.

Profits from the sale of these guides support a wide variety of worthy environmental projects in the West Virginia Highlands Conservancy.

To order your copy of **Monongahela National Forest Hiking Guide**, send \$9.95 plus 5% sales tax for WV residents (6% after June 30), plus \$1.25 postage (book rate) to West Virginia Highlands Conservancy, Suite 201, 1206 Virginia Street E., Charleston, WV 25301.

Ski Club Wants Land Swap With National Forest

The Laurel Creek Development Corporation has proposed a land exchange with the U.S. Forest Service for lands on Big Spruce Knob within the Monogahela National Forest. The Laurel Creek Club, a 4,000-acre private club, is being developed along Highway 219 about 10 miles from Marlinton. The site is surrounded by the Monongahela National Forest and is near the Cranberry Wilderness Area and the Handley public hunting and fishing area.

Laurel Creek claims that acquiring the northeast facing slope of Big Spruce Knob is critical to their development. In exchange for the 735-acre parcel on Big Spruce, the developers have offered 408.3 acres near Laneville in the Potomac Ranger District, 211 acres on Laurel Run in the Cheat

Ranger District, and 108 acres along the Greenbrier below Clover Lick in the Marlinton Ranger District.

The forest service is in the preliminary stages of doing an environmental analysis of the proposal. The West Virginia Department of Natural Resources is involved in evaluating the proposal from the standpoint of fisheries and wildlife habitat, and the U.S. Fish and Wildlife Service will be doing a threatened and endangered species evaluation.

The Ski Club would like to have 20 ski runs open on 130 acres by December 1988. Plans call for the first trails to be cut on Laurel Mountain, adjacent to Big Spruce Knob. In all, the Club wants to have 50 runs open on 700 acres. In addition to the ski

runs, the first phase includes a 500-unit condo-hotel, restaurant, and health club. Later cross-country skiing and hiking trails, two golf courses, lakes, a swimming pool, stables, and a 40-court tennis complex will be added. In all, the final plans call for 900 residence and 1,400 hotel rooms.

A Pocahontas resident expressed a concern about the effects of the construction and the subsequent run-off on Day Run, a native trout stream. Jane S. Jesse in a letter to the Pocahontas Times said she had examined a Laurel Creek Club brochure and "counted 16 slopes ending in Day Run." Jesse also pointed out that "Day Run has lovely native trout. And folks, they don't grow natives in hatcheries."

Mary Wimmer, Conservation Commit-

tee Chair of the West Virginia Chapter of the Sierra Club, has also expressed concerns about how near the development is to the Cranberry Wilderness and what effects it will have on the Williams River watershed. She also questions the precedent of trading National Forest mountain slopes to enable private development to take place within the remote Forest boundary. What is needed, she said, is more public involvement in the decision-making process.

WVHC members who live in the area are urged to find out more about the proposal. As Mary Wimmer said, "Working together and with the Forest Service we should be able to effect the best decision on the proposed land exchange, which may end up to be no exchange when all the facts are in."

Spraying For Black Flies Begins Again

On Monday, April 25, the West Virginia Department of Natural Resources began the first of a series of aerial sprayings to kill black flies along the New, Bluestone, and Greenbrier Rivers. As of the end of the month high water had prevented DNR officials from checking on the results on the New and Bluestone Rivers, but according to DNR biologist Mike Zeto about 90 to 95 percent of the black fly larvae were killed on the Greenbrier.

The spraying will occur throughout the summer, and some of the tributaries of the three rivers may be sprayed as well. According to Zeto an exact spraying schedule cannot be set up because no one can predict exactly when the larvae will emerge.

This is the first spraying for black flies since 1986, and the first spraying over federal lands. In 1986, the state spent nearly \$150,000 on spraying, but the National Park Service would not allow the spraying on federal lands in the New River Gorge National River. No money was available for spraying in 1987. This year the House of Delegates attached a black fly spraying program to a bill reorganizing the DNR, but the Senate killed the bill because the proposal also called for the elimination of the Department of Energy.

The summer-long project will cost about \$170,000. Part of the funds will come out of the DNR budget while the rest, according to DNR Director Ron Potesta, will be taken

care of by the governor.

A recent National Park Service (NPS) report prepared by entomologists at Virginia Polytechnic Institute indicates that the 1986 spraying contributed to a decline in aquatic insects and affected the river's food chain. According to the authors of the report, "The Bti treatments appear to have been responsible for some of the decrease in production, reducing the production of nontarget organisms as well as the target black flies." Other environmental factors, including a lower discharge from Bluestone Dam contributed to the decline as well. Overall, in 1986 according to the report, "when Bti treatments occurred, secondary production of the dominant aquatic insects on the rock outcrops immediately below Bluestone Dam was only 53% of what it was in 1983, when there were no Bti treatments."

Eli McCoy, deputy chief of the DNR's Water Resources Division, said, according to the Charleston Gazette, that he expected a decline in the productivity of the microinvertebrates and aquatic insects, but "I will admit I was a little surprised it was a reduction of 50 percent." But he wondered what that decline really means. "The questions are very difficult to answer." The study doesn't say that the Bti spraying is solely responsible for the decline. McCoy said, "I think we're going to have to look at two or three years of that productivity data before we can say that the decline is real,

and then we have to evaluate what that decline means."

Save Our Mountains (SOM), an environmental group that tried to stop the 1986 spraying, may try to sue to halt the current sprayings. Their concern is that there may be a general decline in the river productivity and that there is no need to interfere in the natural ecosystem of the river since the black fly is merely a nuisance, not a health threat. Basically the SOM members agree with the findings of the 1988 NPS report which agreed with the findings of the 1986 NPS report that "consistent elimination of black fly larvae will not have an immediate catastrophic effect on the New River ecosystem, but there will be a gradual, long-term loss in productivity brought about by a reduced capacity to retard the downstream transport of nutrients and energy."

SOM members also felt that the DNR should have informed local authorities when the spraying was to take place. Potesta responded by saying that the DNR made certain that no one was on the river at the time of the spraying and since Bti is not known to be harmful to humans, there was no need to notify health officials.

The SOM group is meeting with the National Parks and Recreation Association and other environmental groups to decide whether or not to file a lawsuit. (From news stories and NPS report)

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