



The Highlands Voice

NON-PROFIT ORG.
U.S. POSTAGE
PAID
PERMIT NO. 2831
CHAS., WV 25301

Published Monthly by the W. Va. Highlands Conservancy

Vol. 24, No. 11, November 1990

EPA honors Environmental Council

MORGANTOWN — The West Virginia Environmental Council (WVEC) recently received an award for Excellence in Environmental Education from the Center for Environmental Learning.

Greene Jones, director of Environmental Services Division, U.S. Environmental Protection Agency (EPA) Region III, presented the award to council members at the Nov. 9 meeting of the EPA/West Virginia Environmental Round Table for their demonstrated cooperative effort to coordinate the activities of West Virginia's environmental community.

Jones commended WVEC for "building citizen involvement" and its "vigorous work in constituency building."

The West Virginia Environmental Council is the first West Virginia recipient. The Center for Environmental Learning annually presents awards to recognize excellence in environmental programs throughout Region III, which includes West Virginia, Virginia, Delaware, Maryland, Pennsylvania, and the District of Columbia.

Norm Steenstra received the award "on behalf of about 2,000 people who

have contributed their heart and soul and mind and money" to the environmental cause in West Virginia. Steenstra added his thanks to Speaker of the House Chuck Chambers, who nominated WVEC for the award.

"This award recognizes the importance of educating people, especially tomorrow's generations, about the fragile relationship man has with his environment," said EPA Region III Administrator Edwin B. Erickson in announcing the selection. "The West Virginia Environmental Council represents a unique approach to this effort."

G.R.E.E.N., a newsletter for friends of the West Virginia Environmental Council, is published monthly, except during the Legislative Session, when subscribers receive the weekly Legislative Update. Regular subscription to the G.R.E.E.N. is \$20; students/limited income \$12. To subscribe send a check to West Virginia Environmental Council (WVEC), G.R.E.E.N. Subscription, 1324 Virginia Street East, Charleston, WV 25301.

WVEC was among 111 environmental education projects nominated for this year's awards. Other activi-

ties selected for 1990 awards are:

* Conestoga High School, Berwyn, Pa., for its Advanced Biology program.

* I Video Productions, Inc., the Sea Grant Marine Advisory program of the Virginia Institute of Marine Science, and the Daily Press/Times Herald Newspapers-In-Education Program for a mixed-media study guide for teachers in Virginia, "Coastal Growth: A Delicate Balance."

* Metropolitan Edison Company, Reading, Pa., for its support of the Osprey Nesting Program.

* Fairfax County, Virginia, for its 1989 Annual Report on the Environment.

* The Chesapeake Bay Youth Conservation Corps, for providing youths with work experience and environmental education.

* The Virginian-Pilot and Ledger Star, for a 12-page supplement, "A Day of Reckoning."

* Bobbette Mason, science teacher and curriculum coordinator at Tower Hill School, Wilmington, Delaware, for her poetically written program

See Award, page 5



Norm Steenstra received the Excellence in Environmental Education Award, on behalf of the Environmental Council, from Greene Jones, director of EPA Environmental Services Divisions.

Board approves funds for legislative action

HUTTONSVILLE—Outrage, bewilderment and dismay hung over the Fall Board Meeting Nov. 11 at the Catholic Conference Center in Huttonsville.

Governor Gaston Caperton's decision to fire Division of Energy Commissioner Larry George seemed to pop up in almost every discussion. The governor's decision seemed most incongruous since it came on the heels of environmental victories at the polls the previous day. (See related stories on George, page 1 and election analysis, page 4.)

The board instructed president Cindy Rank to write to the gover-

nor expressing the Highlands Conservancy's concerns about George's firing and the implications that has for future direction at the DOE. (See Cindy's letter, page 6)

In a clear indication of the general concern, board members expressed little hesitation about increasing WVHC's financial commitment to environmental efforts in the 1991 legislative session. Again this year, WVHC will act in concert with other environmental groups in the state.

Board members expressed support for the legislative priorities

See Board, Page 8

George firing raises questions about DOE's future direction

The September issue of the VOICE included an interview with Larry George, newly appointed Commissioner of the W.V. Division of Energy (DOE). Since September, many things have happened and Larry is no longer part of the Caperton administration.

Larry George was President of the Highlands Conservancy from 1983 to 1986. He was serving as Deputy Director of the W.V. Division of Natural Resources (DNR) in July 1990 when Governor Gaston Caperton appointed him to head the troubled DOE.

In addition to his duties as DOE Commissioner, Larry was given the task of drawing up legislation that

would consolidate into a single agency, the various State agencies responsible for natural resource management in West Virginia.

Though Conservancy members had some reservations about the most recent set of surface mine regulations being proposed by DOE, the overall impression of Larry's performance as Commissioner was quite favorable. This impression appeared to be shared by a broad cross-section of interests throughout the State.

So much has happened since the September issue of the VOICE that it is difficult to present a tidy summary here. Numerous news stories in the last week have recounted the whole

affair in great detail, including all the personnel, questions and issues involved.

Without trying to re-state all the details, an over-simplified thumbnail sketch might say that differences arose between the Commissioner and an Administrative Assistant whose performance on the job was questioned.

The dispute went to the Governor's office and after several weeks of what seemed to be relative calm, Governor Caperton asked for the Commissioner's resignation.

Larry originally entertained the idea of staying on as Deputy Secre-

See George, Page 5

— from the heart of the mountains —

by Cindy Rank

Boe Zirkle: We'll miss you

Over the past several years readers of the *Voice* have been kept abreast of developments at the Island Creek/Enoxy Tenmile mining operation in Upshur County. Many of these articles referenced long-time Tenmile resident Elbert "Boe" Zirkle who battled with the local coal industry because of damage mining at the Upshur Complex was inflicting upon his family and the land and water that support them.

Boe died October 22 ... but he leaves behind a legacy not soon forgotten.

He was one of those people wise far beyond their schooling years, one of those West Virginians who are the backbone of the State, ... a man able to admit his own mistakes, ... a man willing to stand, against a tide of public sentiment, for what he knew was right.

Though some thought him to be an angry, bitter man ("the meanest man in the holler" a miner once told me), it was his kind and gentle spirit that joked with grandchildren and friends and moved him to love the earth and all creation around him.

For many of us, Boe and his family have been an inspiration, and have helped us understand more fully how severe acid problems caused by mining in fragile watersheds are not just violations of the law, but also can and do affect real people.

Mining began in Boe's community in the late '70s. Troubles began immediately and each permit created more acid drainage. In 1981 the West Virginia Reclamation Commission denied a lands unsuitable petition that would have ruled out mining in portions of the Buckhannon and Middle Fork Rivers, including Tenmile.

In its decision the Commission did acknowledge severe, negative and permanent impacts to the water in these areas, but chose, however to rely on the permitting process to control the spread of the acid problem.

In the following years objections to individual permits at the Tenmile complex went unheeded; mining continued, and the problems increased.

In 1984 Boe and his family sought help to combat a proposal that included an 80 foot high dam across the field in their back yard. A dam that would control run-off (and acid water) from the next 2,000 acres of mining planned for the hollows above their home on the Right Fork of Tenmile.

With the help of the Conservancy, several other major West Virginia sports and conservation organizations, local residents and officials from neighboring counties, a concerted effort was mounted once again to focus on the growing problems at Tenmile.

Members of the Highlands Conservancy who worked with Boe and the Buckhannon-Tygart River Coalition these past seven years to halt the destruction of Tenmile Creek and the ultimate threat to the Buckhannon River and the Tygart Valley River System will always be grateful to him for his part in the struggle.

We will miss Boe, his quick wit and warm humor, his persistence and his courage.

(See Page 3 for related reflections)

from the editor —

First and foremost, my apologies to Brian Hagenbuch and Andrew Maier for mistaking one for the other. Brian Hagenbuch, not Andrew Maier was talking to Cindy Rank in a photo on page 3 of the October *Voice*.

Next — Yes, this is the *Highlands Voice*.

At the Nov. 11 board meeting, board members approved a change to newsprint. Everyone was gracious and supportive of the change, which is more convenient for me and will give us a much lower printing cost.

I appreciate the help this month from Cindy, Norm, Frank and Karen, who all submitted articles for the *Voice*. The variety of voices adds a real richness. Please feel welcome to contribute — articles, art, criticism and suggestions.

When I'm not at home, which I am not enough, my answering machine is there.

As we head toward a new year, one change I would like to make is to have the *Voice* published earlier in the month — sometime in the middle third of the month. The printer has a preference for Sunday night printing, so I can't just say "It will be the 15th." I would like in the new year to have it ready for mailing each month by the 20th.

To that end, I suggest we keep the deadline for all but "late-breaking" stuff on the first of each month. (surely this month could not have been normal. Just about everything in this month's *Voice* — elections, Larry George's firing, board meeting, etc. — occurred after the first.)

The seventh or eight of each month will be the absolute deadline for everything (except when the really important stuff is happening on the 11th? I don't know. I guess I'll cross that bridge later.)

Meanwhile, please send story ideas, stories, ...and complaints and corrections to Mary Pat Peck, 36 Meade Street, Buckhannon, WV 26201, or call me at (304) 472-3049.

Mary Pat

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Cindy Rank
Rt. 1, Box 227, Rock Cave, WV 26234, (304)924-5802
SENIOR VICE-PRESIDENT:
Vacant
VICE-PRESIDENT FOR STATE AFFAIRS: Norm Steenstra
1001 Valley Rd., Charleston, WV 25302, (304) 346-5891 (work), (304) 346-8924 (home)
VICE-PRESIDENT FOR FEDERAL AFFAIRS: Skip Deegans
2112 New Hampshire Ave., N.W., Apt. 615, Washington, D.C. 20009, (202) 265-9337
SECRETARY: Richard diPretoro
264 High St. Morgantown, WV 26505, (304) 296-8963
TREASURER: Tom Michael
Rt. 2, Box 217, Lost Creek, WV 26385, (304) 623-3447
PAST PRESIDENT: John Purbaugh
6612 Lombard Dr., NW, Gig Harbor, WA 98335, (208) 572-4343 (work)

DIRECTORS-AT-LARGE

(Terms expire October 1992)

William P. McNeel, 1118 Second Ave., Marlinton, WV 24954, (304) 799-4369
John McFerrin, 1105 Tinder Ave., Charleston, WV 25302, (304) 345-5646
Carol Bradshaw, P.O. Box 177, Ranson, WV 25438, (304) 728-7281
Richard Wood, P.O. Box 648, Lewisburg, WV 24901, (304) 647-5130
Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304) 372-9329

DIRECTORS-AT-LARGE

(Terms expire October 1991)

Donna Borders, 1012 10th Ave., Marlinton, WV 24954, (304) 799-4381
Geoff Green, Rt. 1, Box 79-A, Burlington, WV 26710, (304) 289-3565
Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412) 828-8983
Carroll Jett, Rt. 1, Box 22, Sherman, WV 26173, (304) 273-5247
Perry Bryant, 1604 McClung, Apt. 202, Charleston, WV 25311
Brian Hagenbuch, 126 Shockey Dr., Huntington, WV 25701, (304) 522-7557

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB:
Vacant
NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region: Andrew Reeder
P.O. Box 1355, Dublin, VA 24084, (703) 674-6501
POTOMAC APPALACHIAN TRAIL:
Vacant
WEST VIRGINIA MOUNTAIN STREAM MONITORS, INC.: John Jett
Rt. 8, Box 241EB, Fairmont, WV 26554, (304) 296-5798
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1, Box 253, Elkins, WV 26241, (304) 636-4559
KYOVA CHAPTER TROUT UNLIMITED: Frank Akers
1601 Sycamore St., Kenova, WV 25530, (304) 453-1494
SAVE OUR MOUNTAINS: Andrew Maier
P.O. Box 1286, Hinton, WV 25951
MOUNTAINEER CHAPTER TROUT UNLIMITED: Louis W. Schmidt
Rt. 1, Box 109-A, Bristol, WV 26332, (304) 783-5345

COMMITTEE CHAIRS

CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5, Box 228-A, Morgantown, WV 26505, (304) 296-0565
MINING COMMITTEE: John McFerrin
1105 Tinder Ave., Charleston, WV 25302, (304) 345-5646
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman
32 Crystal Drive, Oakmont, PA 15139, (412) 828-8983
Donna Borders, 924 Second Ave., Marlinton, WV 24954
PUBLICATIONS COMMITTEE: W.E. "Skip" Deegans
2112 New Hampshire Ave., N.W., Apt. 615, Washington, D.C. 20009, (202) 265-9337
AIR/WATER TOXICS COMMITTEE:
Vacant
RIVERS COMMITTEE: Donna Borders
1012 10th Ave., Marlinton, WV 24954, (304) 799-6865 (work), (304) 799-4381 (home)
EDUCATION COMMITTEE:
Vacant
MEMBERSHIP DEVELOPMENT: Frank Young
Rt. 1, Box 108, Ripley, WV 25271, (304) 372-9329
WV SOLID WASTE COMMITTEE: Carroll Jett
Rt. 1, Box 22, Sherman, WV 26173, (304) 273-5247

ADMINISTRATIVE OFFICES

Pat Riffle: Membership Secretary P.O. Box 306 Charleston, WV 25321 (304) 768-8961	Mary Pat Peck: Voice Editor 36 Meade St. Buckhannon, WV 26201 (304) 472-3049
--	---

The *Highlands Voice* is published monthly by the West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321. Articles, letters to the editor and other information for publication should be sent to the editor, 36 Meade St., Buckhannon, WV 26201.

The *Highlands Voice* is printed on recycled paper.

Boe: Watching over his desecrated land

Environmental crimes are not always those that break the laws or damage the earth. They also include the trials and tribulations that come to those willing to stand up for what is right.

These people and their sufferings are the forgotten element in the cost-benefit analyses and risk assessments of the day. They are often hurt long before any laws and regulations come into play.

This reflection is a remembrance of one of those good people.

A friend suggested that putting these thoughts in writing might help. ...perhaps it has, some...

By Cindy Rank

At the West Virginia Environmental Council convention at Jackson's Mill in September, I talked about the Highlands Region as being home to the headwaters of most of the major river systems in West Virginia, ...and about the rural way of life that many people in this region live, ...and about the importance of maintaining good water in our small headwater streams, and in our springs, and in our local groundwater supplies, so that we might maintain this rural lifestyle for future generations.

I also spoke of a friend who had been fighting a coal mining operation that continues to destroy the streams and groundwater in and around his rural community. I said he was ill and he wouldn't be fighting much longer.

On October 25th, I went to Boe's funeral.

It was a difficult day, but gratitude, appreciation and affection for the entire Zirkle family, who have been willing to confront the tide of public sentiment to speak out for what is right, made it impossible not to drive to Tenmile for the funeral.

The first part of the trip from my house was somewhat bearable. The deaths of my father and other dear friends these past three years have (almost) accustomed my being to the depths of anguish and grief I was feeling.

...then I turned down the country road to Tenmile that first runs between the coal preparation plant and refuse hollows.

My already tear-blurred vision clouded even more at the all-too-familiar sight of multi-colored water flowing in the ditchlines. Heavy rains the past two days had diluted the deep orange and black water that normally oozes out of the hillside. But, it had also forced the company to step-up treatment, thus changing some sections of the ditch to a thick creamy white.

It's become a habit to slow my yellow Subaru to a crawl in this area so that I can better assess the day's state of affairs.

But this day was different.

I wasn't headed to Boe's to report what I'd seen and to ask for an update on his recent observations.

I was going on by his home this time. I was going the extra mile down to the river, to cross the bridge to the church that sits on the other side of the Buckhannon River, near the mouth of Tenmile Creek.

As people gathered and prayed together, the uncomfortable silence, the tearful sobs, and the anguish of family and friends as they filed by the open coffin one last time, were somewhat muted by the occasional splash and soothing flow of the rain-swollen river.

Boe would also have found comfort in the sound of the river. After the service, people went to their cars and we prepared for the drive to Boe's final resting place in these October flame-colored hills.

We followed the black limousine back over the bridge and my mind awoke once more to the terrible realization that we were headed to the cemetery on the hill above Boe's home, ...the one in the middle of the strip mining Boe fought against for so long.

My heart pounded wildly and my breathing was fitful as I caught sight of myself in the rearview mirror. Nostrils flared and eyes glazed, I was—as I suspected—beet red and ready to burst. Every nerve ending in my body was tense and every instinct inside urged me to crash through the parade of cars and dash on home, away from the surreal happening that was about to take place.

But I followed helplessly in line. ...Knees shaking and hands frozen to the steering wheel, I passed Boe's driveway and turned up the familiar road that now bisects some thousand acres of strip mined, and mostly reclaimed, land.

All is relatively green, ...save the precious water in its various shades of acid death.

I blinked over and over again, making my usual check of ponds and ditches and seep areas. We kept driving slowly and painfully to the top of the hill, where a gravel road switched back to the small cemetery surrounded by a thin line of trees.

I had been there several times before, ...to assess the damage to headstones done by blasting only hundreds of feet away, and to walk the edge of the trees to view the current progress on the adjacent work areas of Job #10.

Each time, I had wondered what the honored dead thought of the recent changes in their homeland.

I tried to focus my attention inside the line of trees. Boe would have liked the brilliant colors and the cold fall winds. He loved the land, this hollow, the hills, the animals and sights and sounds that feed his family and fill their lives, the streams that once were alive with trout and other creatures only patient folks can see.

I walked to the far side of the funeral canopy and stood just behind the family, ...all of us now beginning to be reconciled to the inevitable.

I looked up as the preacher began his final blessings, up

beyond the shoulders of wife and sons and daughters, beyond the casket draped with the traditional spray of roses and greens, beyond the other baskets of flowers and beyond the bible clasped in the preacher's hands.

There, framed by the sky and all the grief and sorrow, was the remaining highwall on the old Shaw place, the drill and the giant dragline left on the site several years back.

The view burned in my mind as the preacher talked on.

To this day I don't know what prevented me from shouting out the loudest banshee scream I have ever let loose. Tidal waves of emotion swept over me again and again... anger... pain... frustration... shame... desperation... anguish....

What bitter irony for Boe to be 'laid to rest' here—a fallen warrior ("the meanest man in the holler" a miner once told me) asleep amidst the scenes of destruction he fought against so long and so hard.

It was all I could do to focus on friends and family and out personal loss and sadness. I heard us all say "Amen," exchanged tearful hugs with family members and walked away arm-in-arm with Boe's wife, Rosetta. Everyone got into their cars and headed out of the cemetery, back down through the strip job, to Boe's home at the foot of the hill.

I waited for everyone else to go. I was confused, and numb, and needed to be alone.

People have always been, and will always be, part of the environment that is victimized by the scourge of acid mine drainage. But our battles against this devastation usually include a distance and calm that allow effective tactics of cunning, patience, endurance, interminable discussions of hard cold fact, and persistent but reasoned appeals for fair and just applications of laws and regulations.

That day I had neither the distance nor the calm. I was filled with uncontrollable anger and rage.

I sat awhile to gather my scattered being. I took a few long deep breaths and started the car, ...preparing for my own departure.

As I looked out over the panorama one last time, I was surprised to find a chuckle rising slowly in my throat, and I had to laugh out loud.

...Visions of the old familiar twinkle in Boe's eyes flashed through my mind. It was that same twinkle that would appear just before he would tease an unsuspecting visitor, or pull a joke on an ever-appreciative grandchild.

With the wit and humor that punctuated Boe's life, he had to be laughing a bit himself.

I could almost see that big crooked smile spread over his chiseled face as he tilted his head to muse, "Well, I guess we got them good this time. They've got me here to watch over them permanently."

I headed on down the hill, eyes weary and heart heavy.

Conference on Environment explores land use decisions

CHARLESTON—"Land Use and the Environment" was the theme of the 1990 West Virginia Conference on the Environment held at the Charleston Civic Center, Oct. 25, 26.

Begun in 1985 by the West Virginia Chamber of Commerce and the West Virginia Manufacturers Association, the Conference attempts to bring together a broad cross-section of the society to explore environmental issues facing the Mountain State.

A Conference goal is to facilitate open and objective debate and discussion, among individuals from all interested sectors, of the complex issues involving West Virginia's water, land, and air resources.

This year's Conference was designed by a steering committee led by Mary Wimmer, Public Lands Chair of the West Virginia Chapter of the Sierra Club. The committee was comprised of representatives from

business and industry, environmental organizations, government regulators, elected officials, and unaffiliated people.

Wimmer's opening remarks set the tone of the Conference and she was followed by West Virginia Governor Gaston Caperton, who delivered some positive comments on the "Future of West Virginia's Environment." F.E. Bernard, professor of geography at Ohio University, Athens, gave a thoughtful and thought provoking presentation titled "This Living, Flowing Land: A Community, Not a Commodity."

Three panel discussions during the first day provided the groundwork for working groups which assembled on the second day of the Conference to address land-use planning problems in the hypothetical West Virginia county of Brigadoon.

Experts from Georgia, Vermont

and Virginia were featured on the first panel, which focused on effective environmental land use planning and explored requirements, benefits and ways to overcome obstacles.

The current state of environmental land use planning in West Virginia was the focus of second panel, which brought together Terry Tamburini, executive director of Mid Ohio Valley Regional Council, Larry George, commissioner of the West Virginia Division of Energy and Gil Churchill, capital resource coordinator for Eastern Region, USDA-Forest Service.

W.Va. Secretary of Commerce, Labor and Environmental Resources John Ranson, Jack Fugett, president of Philadelphia-based Capels Resources, State Administrative Forester William Gillespie, W.Va. Audubon Council president Suzanne Offutt and Conference organizer and Sierra Club

Public Lands Chair Mary Wimmer made up the third panel, which discussed perspectives on current West Virginia land use and the environment.

A reception and roundtable discussion provided time for relaxed conversation and additional questions between speakers, panelists, and participants and rounded out the first day's events.

On day two, small working groups were guided through a land-use planning problem in the hypothetical county. Using worksheets and overhead projections as background, each group tried to identify the major environmental impacts relating to land use in the county, explore the specific causes of these impacts and obstacles to achieving effective land-use planning and develop solutions to protect the environment while encouraging economic development.

At the end of the exercise, each group delivered a land-use plan to the county commission.

The 1990 Conference was sponsored by the W.V. Environmental Institute, an outgrowth of Conference efforts over the past six years. In addition to planning the annual Conference on the Environment, the Institute pursues other means to encourage dialogue and cooperation between groups who are often at odds over legislation and regulation of activities that impact on the natural resources of the state.

Membership in the Institute is open to everyone interested in environmental issues in West Virginia. For information, write to WV Environmental Institute, P.O. Box 127, Charleston, WV 25321.

(See related commentary on conference on Page 6.)

Election 1990: A hopeful sign for the environment

Election analysis
by Norm Steenstra

We've yet to see any statewide analysis of the election results that highlighted the success of the environmental movement, however, significant results occurred. Several green candidates won seats on their county commissions. Referendum victories were achieved in Barbour and Mason Counties and major gains were seen in the State Senate.

All in all, the 1990 general election substantiated the growth of environmentalists in the political arena of West Virginia.

The primary victories in May have now been proven to be a trend toward the future, rather than a flash in the pan.

The state senate has long been the major roadblock for strong environmental legislation. The environmental community made the Senate the priority for the general election.

How well did we do? WV-CAG (Citizen Action Group) and the Sierra Club endorsed 10 Senate candidates. Nine of those candidates won seats in the Senate. Six of those nine were elected for the first time.

Who would have been able to predict, at the end of the last legislative session, that as a unified movement we could help achieve the following:

- * Defeat 20-year veteran and Senate Minority Leader Bud Harmon and replace him with a strong environmentalist like Mike Withers.

- * Nominate and win in the primary against a Caperton appointee and then elect by an impressive grassroots campaign Dr. Don MacNaughton of Wetzel County.

- * Defeat, with the help of the United Mine Workers of America and the teachers, coal baron Tracey Hylton and replace him with a 100 percent environmental rating Bill Wooton from Raleigh County.

- * Elect, again with labor and teacher support, Jim Humphreys of Kanawha County, who in 1989 was co-sponsor of the Chambers groundwater bill.

- * Retain three strong environmental senators — Oshel Craigo, Sondra Lucht and Truman Chafin.

If anyone now seriously doubts that environmental issues are of major concern to West Virginia voters, they just need to talk to Sen. J.D. Brackenrich of Greenbrier County. J.D. won re-election, defeating Fred Sampson. (The only enviro-endorsed senate candidate to lose in the general election.) Since February, Fred and Elizabeth Sampson have taken turns beating up on J.D. Brackenrich's terrible environmental record. Ask J.D. if environmental issues were important to West Virginia voters. Ask J.D. if he ever wants to face an environmental candidate again.

A post-election analysis by WV-CAG on policy shifts and composi-

tion of the Senate indicates a net gain of four seats for progressive citizen issues, including the environment. The 1991 session augers well for strong environmental legislation.

The House remains secure. Although Republicans are crowing that they've picked up six House seats (they lost three Senate seats), several of these newly-elected delegates are supportive of strong environmental legislation. The "Chambers Team," for so long now the cornerstone of our environmental successes, remains intact and perhaps philosophically strengthened.

The fact that two environmentalists led the ticket in Kanawha County (Cerra and Grubb) indicates that even in that polluted urban county, green is good. State-wide, 73% of the enviro-endorsed House candidates were elected. In a WV-CAG analysis of policy shifts in the House, a one-seat gain on progressive issues was declared.

There were some disappointments. The loss of Andy Katz (Ohio), Jude McConnell (Barbour), Greg Phillips (Upshur), and Sharon Spencer and Lyle Sattes (Kanawha) were particularly painful. Yet newcomers to the House, including Brenda Brum (Wood), Perry Mann (Summers), and Greg Sayre (Monongalia) will offset those losses.

(After the election canvass, it appears that Sharon Spencer edged out Rudy Seacrist by a mere nine votes.)

Barbour County: The true test

We knew they would, and they did.

Barbour County voters overwhelmingly defeated the large landfill proposal and also helped Mike Withers defeat Bud Harmon.

Landfill developers spent a half a million dollars in a campaign to win popular support for the mega-dump. They lost big time.

The citizens spent a fraction of that amount, but sacrificed most of 1990 to defeat the ill-conceived project. If the victory in Barbour County demonstrates anything, it is that a grass-roots citizen effort can, in fact, defeat massive amounts of slick, PR campaign money and political prostitution.

The bogus claims by ERMS of economic development and job creation proved to be just leachate to Barbour voters.

Congratulations to all who worked on the campaign.

Other victories

Voters in Jefferson, Raleigh, and Lewis counties elected "green" county commissioners. Ray Freeman, a write-in candidate in Barbour County, narrowly was defeated. Mason County joined Harrison and Kanawha in passing a mandatory recycling program.

And then there's Mario

Mario Palumbo ran unopposed for the state-wide office of Attorney General. Mario is perhaps the first state-wide office holder to emphasize real green issues. He has formed a task force on the out-of-state garbage, championed the groundwater bill, and declared that the enforcement of environmental laws will be the priority for his tenure as Attorney General.

Palumbo also made several trips to Barbour County in support of their referendum. Perhaps the emergence of Mario Palumbo will prove to be the most far-reaching enviro victory of 1990....

We done good, guys!

Regional election analysis

North Central

Enviro-endorsed Senate candidates Gene Claypool and Mike Withers won Senate seats in the region. Withers, who very early came out in opposition to the Barbour County Landfill, narrowly defeated 20-year veteran Bud Harmon. Harmon refused to take sides in the Barbour County battle, citing the reason that it was "Barbour County's cup of tea." Most analysts agree that Withers' strong stand on the landfill and groundwater protection were the deciding factors in the race. Mike Withers election is perhaps the prime example of a grassroots victory for the environmental community.

The House races resulted in the reelection of enviro-endorsed delegates Steve Cook, Brian Gallagher, and Dave Miller. Newcomers who will certainly add to the "Chambers Team" include Greg Sayre, ? Beach, Floyd Fullen, and Ron Fragale.

Two major disappointments were CAG and Sierra-endorsed Jude McConnell and Greg Phillips, leaders in the Barbour County Landfill fight. Although they carried Barbour County, they lost in Upshur by wide margins to the two incumbent Republicans.

New Interim Committee To Study Solid Waste Crisis

In a very encouraging move in the direction of environmental sanity, the Legislature's Joint Committee on Government and Finance has designated a solid and toxic waste interim committee, to study and review matters related to solid waste management, in another encouraging move, House Speaker Chuck Chambers appointed Del. David Grubb (D-Kanawha) to co-chair the new committee.

The committee will work to evaluate the status and success of solid waste management and disposal laws in West Virginia, and determine what additional measures are needed

Eastern Panhandle

WV-CAG endorsed incumbents Dale Manuel and Jerry Mezzatesta easily won re-election. Both are key members of the environmental caucus in the House. Sondra Lucht, wife of West Virginia Environmental Council (WVEC) regional coordinator Bill Lucht, easily won re-election to her seat in the senate. Former delegate Pat Murphy was elected to the Jefferson County commission. This victory is extremely important because of the massive growth threats occurring in Jefferson County. Pats' presence on the commission is particularly reassuring and an example of the right person at the right position in a near-crisis situation.

Central Highlands

Not a whole lot of good news here. Anti-environment candidates and incumbents pretty much carried the day. One bright spot was the election of Sam Hicks, husband of WVEC regional coordinator Dianne Hicks, to the Lewis County commission. Dianne and Sam are outspoken critics of the proposed Westar Medical Waste Incinerator in Lewis County.

Southern Region

WV-CAG endorsed 10 House candidates in this region, all of whom won. Particularly satisfying was the re-election of Mary Pearl Compton, Tom Susman and John Hatcher, all vital members of the leadership team in the House.

Newcomer Perry Mann, recruited by WVEC's Andrew Maier and beneficiary of an intensive grassroots campaign, won election to the House.

Three Senate candidates were endorsed by environmental groups. Two, Truman Chafin and Bill Wooton, won. In the other race, Republican Fred Sampson, husband of WVEC regional coordinator Elizabeth Sampson, ran a great grassroots race against incumbent J.D. Brackenrich. Fred was unable to overcome a very heavy Democratic majority in Fayette County.

To Fred and Elizabeth we extend both admiration for your courage and gratitude for getting our issues out. You've set an example of personal commitment to environmental issues.

Environmental candidate Jack MacDonald won a seat on the Raleigh County commission.

Capital Region

The top two vote-getters in the Kanawha County House race were also the two most identifiable enviro candidates. Delegates Ramona Cerra and David Grubb led the ticket by impressive margins. Delegate Delores Cook (Boone County) won election as well.

(When challenged votes were counted in the canvass, Sharon Spencer had also been elected by a narrow margin.)

Senate winners included CAG-endorsed Jim Humphreys and Martha Wehrle. Wehrle won easily, however, it was after 1 a.m. before Jim Humphreys was declared the winner by fewer than 400 votes. Humphreys victory was particularly satisfying, since his opponent, Bob Payne, would have been a major step backward in achieving environmental sanity in the state.

Sen. Oshel Craigo of Putnam County crushed Elmer (Superfund) Fike by a good 6,000 votes.

Western Region

There were no enviro endorsements for the Senate in this region, however all four of the endorsed House candidates won re-election. The winners were Charley Damron, Pat White, Steve Williams and some guy named Chambers from Huntington.

The citizens of Mason County became the third county to vote for a mandatory, comprehensive recycling program. The campaign, led primarily by the M.A.C.E. group, resulted in a landslide victory in excess of 5,000 votes.

Congratulations to M.A.C.E. for its efforts.

Also serving as co-chair of the interim committee is Sen. J.D. Brackenrich (D-Greenbrier). Other members of the committee are Senators John Chernenko (D-Brooke), Oshel Craigo (D-Putnam), Sondra Lucht (D-Berkeley) and Charlotte Pritt (D-Kanawha), and Delegates Stephen Cook (D-Monongalia), Dave Pethel (D-Wetzel), James Rowe (D-Greenbrier) and Robert Ashley (R-Roane).

The committee will report its findings, along with any recommended new laws, to the full legislature in January.

Thank you, Barbour County

Barbour scores two environmental "hits"

By Frank Young

PHILIPPI—"This is the first time a rape victim ever got to vote on whether or not the rape would proceed," said entertainer David Morris.

The occasion was the Oct. 20 "Mountain Aid" concert near Philippi in Barbour County. The subject of discussion was the public referendum on a proposed 300,000 ton per month mega-landfill (that's 10,000 tons per day of mostly out-of-state garbage) in Barbour County.

On Nov. 6, Barbour countians overwhelmingly rejected, by better than a two to one margin, the proposed landfill siting in that county. John Faltis, president of Anker Energy and E.R.M.S. Inc., developers of the proposed huge dump, outspent the citizens opposition group, called Concerned Citizens of Barbour County, by about 16 to 1.

E.R.M.S. spent about \$400,000 disseminating the pro-landfill propaganda, but got votes for the project from only about 32 percent of the voters.

Concerned Citizens of Barbour County, a grassroots citizens group spent only about \$24,000, but mounted a straight-shooting, effective campaign, which brought out record numbers of voters who voted against the proposed dump by 68 percent. The percentage of registered voters who actually voted was higher than in a presidential election year.

Some observers believe that the Barbour County landfill referendum is the first time ever that the public has been permitted to vote on the acceptability of the siting of an industrial entity within a particular geographic area in West Virginia, and even possibly anywhere within the United States.

Industrial siting is usually done by industry itself or by the "movers and shakers" of economic development. An act of the 1990 legislature put large, Class A landfills (over 10,000 tons of garbage per month) at the discretion of local voters in county-wide petitions and subsequent referendums.

The landfill developers promised jobs, "free" dumping privileges for local area garbage, "spin-off" economic development, and a "safe" garbage dump.

The prevailing opponents cited concerns about leachate contaminated water, connections between the garbage industry and organized crime, toxic and/or nuclear waste being inadvertently or purposely slipped into the waste stream, and a multitude of uncertainties about the short and long term storage of millions of tons of garbage in the hills and valleys of Barbour County.

Quoted in the Charleston Gazette after the election, Chuck Schnautz, a leader of Concerned Citizens of

Barbour County, said, "Overall, this has been a positive thing; it's shown people that they have the power and will count in elections in the future. We are not going to stop at this issue."

Following the defeat, dump developer John Faltis also spoke to the Gazette.

"I don't think West Virginia is ready to move into the 21st century in terms of waste disposal; I really thought it was going to be a close election," Faltis said.

But it wasn't even a little close. So overwhelming was the defeat, that not even one voting precinct in the entire county recorded a vote total in favor of the mega-dump.

The landfill issue also appears to have precipitated a second environmental political touchdown. Five term incumbent Senator C.N. "Bud" Harmon, of the 15th Senatorial District, including Barbour County, was narrowly defeated by Mike Withers, a Grafton High School teacher and environmental protection advocate. Withers was supported by the Sierra Club, W.Va. Citizens Action Group and by several labor organizations.

Also, the Sierra Club charge Harmon with "Greenscam" for alleged misrepresentation of his environmental voting credentials in the State Senate.

Wither, the winner, strongly opposed the landfill. He carried Barbour County by a large margin, apparently due to his anti-landfill stance. Harmon has long been perceived as being a "pro-business" senator and as one who does not favor strong and effective environmental legislation. Harmon took no strong stand against the landfill.

This writer also remembers that about 10 years ago, when the legislature discussed possible zoning of Canaan Valley to protect its scenic and fragile ecology from over development (which has now come to pass) Harmon called such zoning proposals "the most outrageous confiscation of property rights without a deed ever...." That zoning did not take place, but the over development continues. Harmon, and others of similar ilk, will haunt us for some time to come.

This writer was particularly touched by some of the performers at the Oct. 20 "Mountain Aid" concert at the Barbour County Fairgrounds. This concert/folk festival featured dozens of musicians and other performers who donated their talents so the Concerned Citizens of Barbour County might have sufficient fund to respond to the television, radio, newspaper, mass mailing and door-to-door campaign of the landfill developers.

The program began with lawyer-musician-environmentalist Tom Rodd of Morgantown doing several

musical numbers and proceeded through the afternoon and evening with the inimitable Kate Long, Mike and Peggy Seeger, Larry Groce, and dozens of others. All these performers included anti-landfill sentiment in their shows.

The finale performance, by Ivydale (Clay County) native David Morris, was exhilarating, educational, inspirational and will long be remembered by several of us who braved the evening chill until the end.

Morris described in song and prose, the exploitation of West Virginia human and mineral resources over the past hundred and fifty years or so. He referred to the Barbour County landfill proposal, and dozens of similar garbage proposals for West Virginia as the next "wave of exploitation" against mountaineers. He talked of previous "waves" of profiteering—first the timber, then the coal (often including the land above it), the oil, the gas, and now the garbage.

He told us that the huge dumps, promised to be safe and "state of the art," will fail and injure us and the environment, as did the coal mines, the Buffalo Creek dam, the space shuttle, the Chernobyl and Three Mile Island nuclear power plants. Morris reminded us that every kind of machine can fail and injure, kill and pollute.

Morris pointed out that every "wave of exploitation" has brought us a false sense of economic security while delivering death, environmental mayhem, a depletion of our resources and, ultimately, often a lowering of our will and ability to resist even further exploitation.

Morris told the crowd (more accurately a group of two or three dozen by 8:30 p.m.) to vote against the landfill because if it was full of false promise, it would deliver Barbour countians and West Virginia more continuing miseries than it would ever produce benefits, and that if the landfill referendum were approved, the road would already be laid for dozens more like this mega-dump proposal; but that if the proposal were defeated, the precedent would be set and we (other West Virginia counties with similar proposals) would find it easier to defeat such dumps and would have fewer profiteers seeking to get rich by burying East Coast garbage in West Virginia hills and valleys.

By this time, most in attendance

had left the arena to find warmth and rest. Many had been there nearly all day. I wondered if anyone was still listening.

I later learned that Carol Jett was still listening. But he and I didn't live and vote in Barbour County. He and I, and our wives and his three children, had come 130 miles to have a good time, provide moral support, maybe spend a little money for the cause, and to attend the Environmental Council meeting.

But the voice of David Morris, and the message he was there to deliver, warmed my heart that cold Saturday evening in Barbour County. Morris was saying, "This is the first time a rape victim ever got to vote on whether or not the rape would proceed." I wondered if anyone was listening.

But Barbour County was listening to David Morris, and to Kate Long, and to Tom Rodd, and to the other. The vote was predicted to be close. I called Chuck and Linda Schnautz's home about 11:30 p.m. election night. I was sort of afraid to ask what I really wanted to know.

Linda answered the telephone.

"Linda?"

"Yes." (cheerily)

"This is Frank Young, the old rabble rouser from Jackson County."

"Yes."

"How'd the election go?"

"Sixty eight percent against. We carried every precinct."

Tears came to my eyes. They'd carried every precinct! I knew some of the effort Chuck and Linda had put into the battle. But I probably really knew of less than one percent of their efforts.

I then said to her, "The people of West Virginia owe a debt of gratitude to the good people of Barbour County." I don't remember what else we said. Linda and Chuck Schnautz had worked the road, making it easier for those behind.

For some time, I've thought of myself as probably an agnostic. But as I hung up from talking to Linda Schnautz, my thoughts were "Thank God for Linda and Chuck Schnautz, thank God for David Morris, thank God for Barbour County."

Many of us may never know how important the Barbour County defeat of the landfill will be to the rest of us. For present and future generations, *Thank you, Barbour County.*

George

from Page 1

tary of Commerce, Labor and Natural Resources in order to draft the legislation that would enable the formation of a single state agency for Environmental Affairs. But on the morning of Nov. 14, he handed in his resignation from that post as well.

Since it was Larry who first approached many of the State's conservation and environmental organizations to support Gaston Caperton in his bid for Governor in 1988, and since Governor Caperton on many occasions referred to Larry as proof of his administration's commitment to the environment, the events of the

past weeks are discouraging and disconcerting.

The WVHC Board of Directors discussed this situation at the Fall Board Meeting Nov. 11 and directed the president to write to the governor. The letter attempts to summarize the opinions of the WVHC Board of Directors as expressed at the Fall Board Meeting. It is reproduced on Page 3.

(Note: Before going to press, Robert Gillespie, who Governor Caperton named to replace Commissioner George, announced his decision to turn down the governor's appointment.)

Award

from page 1

which views the environment through the eyes of a Native American.

* Local Land Trust Assistance program of the Maryland Environmental Trust and Chesapeake Bay Foundation, for providing to individuals, groups and local governments, free technical, legal, and prac-

tical guidance in forming land trusts.

Information about the Center for Environmental Learning is available from center director Bonnie Smith, Center for Environmental Learning (3EA11), U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107, (215) 597-9076.

Tentative meeting dates for 1991

Mark these dates on your calendar now for the coming year's WVHC Board Meetings and Spring and Fall reviews:

Winter: Jan. 6

Spring Review: May 3-5

Summer: July 20

Fall Review: Oct. 11-13 or Oct. 18-20

How to put up an umbrella: Land use at WV Conference

Commentary
by K.S. Farris, past VOICE Editor

Reports about the sixth annual WV Conference on the Environment have appeared in newspapers and on television news. Being informative in the same way as those reports is not my intention. Although, an outline to achieve such a goal would include:

- * give no factual head count or description of the individuals attending;
- * do not offer any summation concerning the people and organizations attending;
- * don't focus on those who made the Conference happen;
- * if you are feeling generous, give coverage to specific groups, for example, the Concerned Citizens of Alderson Glen-Ray are prepared to hand out a story (!);
- * don't actually report on what the speakers say;
- * if Governor Caperton opens the conference and then practically flees the room before there are any questions, only report positive things he said while still in the room....

Everyone is as informed about the Conference before it

happened as they are by catching those familiar sound bites about clean air and jobs for West Virginians.

But the Conference did happen.

It will may be the twentieth or even fortieth conference for assigned reporters. Participants and potentially interested audiences perceive an annual event. The story behind the entire two-day conference — the subject of the discussions, and speeches, and workshops, should be one of the biggest stories in West Virginia — "land use and the environment."

Speakers: Day One

Suzanne Offutt, president, WV Audubon Council, and the second-to-last on the opening day, Thursday, October 25, was certain in her assessment of the state of land-use planning in West Virginia: dismal.

An alert observer of trends in the Eastern panhandle, Offutt detailed the pressures that have changed the area and proposed solutions. The pressures of rapid growth, and a grab for limited resources are some of the obvious consequences of being "discovered" by developers. Jefferson County land values are now

at \$20,000/acre.

Advocating community-initiated growth, Offutt suggested a state-wide environmental policy, a natural heritage act, mandatory planning commissions for every county and citizen input on zoning decision as tools for creating ethical and fair guidelines.

Jack Fugett, president of Capels Resources, Inc., spoke about the proposed Capels Resource landfill in McDowell County. The West Virginia he described included some of the most unpleasant things. His admiration for the legislation on solid waste and the regulations put in place was genuine and on the mark.

Fugett pointed out that only five percent of land in McDowell County is developable. This underscored a more general principle emphasized by other speakers — every community is unique. A solution for one community may not be applicable to other communities.

A general perspective and overview of historic practices, the values that supported those decisions, changing and alternative values and solutions for a positive, sustainable manner of land use were offered by F.E. Bernard.

Describing himself as an "odd Quaker environmentalist with a rustic lifestyle," Bernard gave insight for assessment of rural, city and valley habitats typical of the U.S. Bernard offered evidence of new commandments developing a "greener" standard, a land ethic.

A national conference on religion (1988) concluded: "Integrity of creation implies every creature bound to every other creature in a great community. We're part of the totality sharing with other living beings in their creaturehood."

Repair of wasted landscapes, formulating land-use ethics and stewardship principles for future sustainable growth cannot be manufactured from a blueprint. Every community must develop their own plan. Community standards should reflect public and private land uses.

Other panelist ranges from John Sibley, Georgia's executive director for the Governor's Development Council; our own Secretary of Commerce, John Ranson; DOE Commissioner Larry George; Richard Collins, Director of Institute for Environmental Negotiation; and Gil Churchill, USDA-Forest Service. In all, a dozen moderators and panelists presented information about planning, negotiating, developing, implementing plans and projects.

A relaxed awards luncheon broke up the first day's panels. Not too stuffy or overly admiring, awards presenter Pat Gallagher delivered a plaque to National Institute for Chemical Studies (NICS) director Paul L. Hill. From his brief remarks, it was clear that the acknowledgment will reinforce his resolve to continue NICS service to the community, the region and the chemical industry.

Several local firms had booths at which they provided information about their services. Displays ranged from hard facts about acid rain to the actual tools used in soil permeability sampling.

Many businesses are addressing new markets and new concerns. Others exist solely to provide information about technology and law that focuses on the environment. Along with new products, some businesses also offer new sensibilities.

Workshops: Day Two

The final day was a well-designed group exercise on planning. Each table pretended to be a planning committee with a mission to present a comprehensive report to the county commission.

Every table shared the same set of facts. A little about the history of the county, a little about the resources, a little about the topography, a little about the demographics. Each planning committee's report was different, a little.

No utopias were presented in the final reports to the fictitious county commission. The assignment really didn't read that way. Although, it didn't preclude innovative and comprehensive plans.

That's why it was mildly disappointing to hear reliance on the same strategies that enrich the few — coal, timber, recycling, in a context that protects vested interests.

One underlying theme of the Conference was that no one can predict the future. Another discussed tenet holds that plans should focus not so much on the future as on the common good for everyone and everything present now.

LETTER TO THE GOVERNOR

Governor Gaston Caperton
State Capitol Complex
Charleston, WV 25305

Dear Governor Caperton,

Reasoned comment about developments surrounding the Division of Energy the past few weeks has become increasingly difficult. I am, however, compelled to write both out of my own dismay and because of the outrage of friends and members of the environmental community and in particular of the West Virginia Highlands Conservancy.

We are deeply concerned about the changes in personnel at the Division of Energy and about the events surrounding these changes.

It has always been the belief of the Highlands Conservancy, and others in the environmental community in West Virginia, that the future health and well-being of the State depends in large part on the preservation and wise use of our natural resources. At the heart of the sustainable future that we all strive for is a crying need for strong enforcement of environmental laws and for an uncompromising commitment to this goal from the Administration and from the Governor himself.

Leadership from the Governor's Office in the past has been rather bleak in this regard. However, over the past year and a half you have shown a growing awareness that indeed this a matter that will not only protect the birds and the bunnies of the State, but will also help to guarantee the long term financial stability and well being of West Virginia as we drag ourselves kicking and screaming out of the dark ages and into the light of the 21st century.

For many of us the credibility of your commitment to sound environmental protections was solidified by two action in particular:

1) By your appointment of individuals to head the Division of Energy and the Division of Natural Resources who were willing to emphasize enforcement and environmental protection as the primary goal of these agencies;

2) By your initiating legislative action in the June '90 special session that removed the promotion of coal from the statutory directives of the Division of Energy thus strengthening the regulatory and enforcement powers of that Agency.

Events of the past weeks have seriously diminished the credibility of your office on both counts.

First, as Commissioner of Energy, Larry George brought to the DOE a respectability and consistency that has been lacking since the creation of the DOE in the mid 80's. In five short months he had made some tough decisions and was able, because of his understanding of the laws and regulations, to defend and explain those decisions to the people most directly affected; he was willing to pursue strong enforcement and sent a clear message to his staff and field personnel that it's not only OK to do their jobs as stated in the law, but that it's a

requirement, and that the Charleston Office would fully support their actions in this regard; he attempted to focus on some of the most important problems facing DOE today, including site specific bonds and perpetual acid mine drainage at mine sites throughout the State; his presence was a morale booster, and began to provide the stability and direction needed for continued primacy of the Surface Mine Program.

Whatever personnel problems developed, as news media reports have outlined in great detail, it is untenable that removal of Larry George as Commissioner was the most reasonable resolution of the conflict.

Second, in light of your expressed desire that the Legislature in June clarify State Statute so that the promotion of the coal industry cannot be recognized as a rightful or proper duty of the State regulatory agency, it is inexcusable that the newest appointee for DOE Commissioner be a man who believes West Virginia should be the "Saudi Arabia of the United States."

Furthermore, Mr. Gillespie apparently brings no substance to the office. He admits to having no knowledge of mining laws and regulations; he could have little understanding of the issues or problems that must be dealt with; he can give no clear directives on policy matters. A bit of learning is an element in any new job, but excessive "on-the-job" training is neither advisable nor desirable for West Virginia's Commissioner of Energy.

For those of us who have fought long and hard to bring respectability to the State's management of its energy resources, the intentions of the Administration are in total disarray. A cloud of confusion has once again enveloped our approach to environmental affairs and we seem to be headed back to business as usual where personnel at all levels must question just how far they can go without retribution from above.

In the midst of such confusion, directions are unclear and the State's ability to administer Federal regulatory programs must once again be seriously questioned.

This confusion also calls into question the ability of the Administration to create an adequate single state agency for environmental protection. In the first instance, there isn't enough time to do a thorough job before the 1991 Legislative Session. Secondly, rearrangement of offices and positions is a necessary element in any such reorganization, but it is the underlying commitment to aggressive environmental protection that is needed and it is exactly this commitment that we are no longer sure of.

Sincerely,

Cindy Rank, President
Rt. 1, Box 227
Rock Cave, WV 26234

LETTERS TO THE EDITOR

Dear Editor:

I would like to submit the following as a letter to the editor for the Highlands Voice. I enclose a diPretoro letter in my paper to show that he gets to make his points in papers that do not share his views, and I would hope the same applies to The Highlands Voice.

The February 1, 1990 issue of The Highlands Voice contained an article by Richard diPretoro which is most misleading as it concerns the coal industry and its interest in coal mining regulation.

First, let me be clear in saying that I oppose false and inaccurate statements by coal industry foes like diPretoro. But I do not share the extreme view he assigns to those who disagree with him, of saying bad mining practices should be overlooked because coal provides jobs and tax revenues to our state.

Second, let's be clear. Mr. diPretoro wants to abolish coal mining in West Virginia "as soon as possible." So his arguments are a means to that end, one I doubt all your readers agreed with.

Most coal operators are business people. An important point for a business person is the ability to plan ahead. For a coal producer, then, a stable regulatory climate is better than one in flux, even when the "flux" is an effort to reduce regulation of the industry.

Contrary to the diPretoro claim, most coal sellers can pass through to their customers, especially in the sale of coal under contract, most of the legitimate costs of mining and processing coal. So long as regulations are applied evenly, even "spot" sales of coal do not demand on or produce efforts to weaken coal mining regulations.

What hurts coal producers is when a regulatory agency enforces regulations against all coal operators save a favored few. That sort of selective enforcement is what environmentalists should worry about.

The diPretoro article talks about "an increasingly competitive international market." I question what he knows about international coal markets. I, myself, have been an expert witness before regulatory bodies for an environmental group in Illinois, a consumer group in South Carolina and another in Virginia, and the Consumer Advocate here in West Virginia.

I also have visited coal mines in Canada, Swaziland, South Africa and Australia, where most of our foreign competition comes from.

The truth is that diPretoro and his extremist friends are trying to sell your readers the line that all coal operators are "devils" and those of us who try to pin him down to the truth are "despoilers" or "hired guns."

These are typical of the sort of

person who practices the "politics of resentment; and they will try to "sell" anything to environmentalists to gain their support.

The facts are to take one diPretoro claim: hardwood forests can't be grown on mined lands, that the U.S. Forest Service said in a recent study that West Virginia hardwood board feet are increasing even as we mine and timber many acres. A Kentucky environmental newspaper acknowledges forests and trees can be grown on mined lands, and are. DiPretoro can try to slip in words such as "in anything approximating a reasonable time," but in truth Highlands Conservancy members with an open mine (sic, I think, ed.) can contact the different coal organizations and arrange to see hardwoods growing well on coal mined lands.

Mr. diPretoro was once asked by a coal miner what, if he won his battle against coal, would happen to his family? He is still waiting for that answer. It and "what is wrong with profit" are both good questions needing answers.

Norman Kilpatrick,
Director, Surface Mining Research Library

Editor, The West Virginia Hillbilly
(ed. note: Mr. Kilpatrick enclosed an article from the September 1990 edition of *Inside Environment*, presumably the article mentioned in his letter. It is re-printed to the right.)

Corridor H routing choice stuns officials

By Ken Spence

BUCKHANNON — W.Va. Division of Highway's decision to use the original routing on sections of Corridor H between Elkins and Buckhannon came as a surprise to DNR, EPA, and other environmental agencies.

Environmental Protection Agency ecologist John Forren said DOH's choice of the original routing, which involves about 40 acres of wetlands, was not what he expected.

"They are pursuing original alignments. I had the impression they were going to select an alternative. This poses a problem," Forren said.

Frank Pelurie, environmental coordinator for Division of Natural Resources (DNR), said DOH's decision should have been discussed before the public notice was issued. The choice of original routing surprised him as well.

"I thought the agreement was to avoid some (wetlands) and mitigate the rest," he said.

DOH officials say any change of routing would be too costly and create considerable delay for redesign and right-of-way acquisition.

DOH chief engineer for development Norm Raush estimated it would take two or three years for redesign and involve \$5-\$10 million added expense.

"They changed the rules in the middle of the game. We were in complete compliance with all regulations when plans were completed in the late '70s and early '80s," he said.

Federal legislation, in place since 1972, has required permits before filling wetlands, said John Forren of the EPA.

"They would have run into the same problem then," he said.

This legislation was revised in 1977, but the permit process had remained the same. DOH would have had to obtain the same permit even if construction had proceeded when the road was originally designed, Forren said.

DNR and EPA officials were puzzled by DOH's decision to ask for the permit from the Army Corps before reaching an agreement with other agencies.

Members of the various agencies and DOH officials met this spring and summer to discuss alternative routes and were under the impressions they would be consulted before a decision was made.

Forren said he had received word informally that DOH planned to go with the original plan for the sections. He said he contacted staff members at DOH just a few days before notice of the routing decision was published Oct. 25.

"I was told they were not at liberty to comment about routing," Forren said.

"You don't ever reach agreement prior to the permit process," said Raush of DOH's decision.

"I would hope they are not using public sentiment for the highway as a means to continue with the original route," said Forren.

"As a native West Virginian, I see Corridor H as an absolute necessity. A highway is going to be built, it just needs to be done in an environmentally sound way," he said.

It will be up to the Army Corps of Engineers to issue or deny the permit for the route selected by DOH.

Richard Sobol of the Corps Pittsburgh District Office said the project would be reviewed to make certain there are no other alternatives to the wetland route.

"Heavy weight will be given to any U.S. Fish and Wildlife or EPA objections," he said.

Deadline for comments on the permit request is Nov. 14. The EPA has been granted a 10-day extension on their comment period.

Others wishing an extension must make individual requests, Sobol said.

(reprinted with permission from the *Record Delta*, Nov. 12, 1990)

Containerized Seedlings Boost Planting Response

Miners find success worth the expense

By Lee Clark

The season for tree planting in Southern Appalachia has traditionally been limited to early winter and spring. Because bare-root seedlings require chilling to force them into dormancy, lifting of seedlings is delayed until late November.

Since seedlings are not available until late in the year, coal operators lose about four weeks of planting time. Mining companies with several hundred acres of permits usually feel the frustration of a short planting season, especially if the weather turns rainy and cold.

This problem can be alleviated. Containerized seedlings can extend the planting season, and operators can gain as much as three additional months of planting, allowing them to start as early as September.

These trees already have their roots contained in soil which eliminates the tree's need for dormancy and greatly reduces transplant shock. Soon after planting, the tree's roots start growing in their new environment. During a mild winter, this can add up to 6 months additional root growth which helps the tree survive the dry summer months.

Site selection and preparation is critical to containerized tree survival. A good ground cover of rye or wheat will greatly aid the seedlings. This will provide shelter for the seedlings from winter frost and shade the trees from the harsh heat and sun of summer.

Roger Profit, a reclamation specialist with Golden Oak Mining in Whitesburg, Ky., said he was pleased with the success of his containerized planting. Containerized trees planted in 1988 helped Golden Oak obtain release of a reclamation bond on 500 acres. These containerized trees cost the company more than bare-root seedlings, but in the long-run saved Golden Oak the cost of another planting. In 1987, the company planted the same 500 acres with bare-root seedlings and lost the seedlings to that year's drought. The containerized seedlings planted in 1988 survived the long, dry summer when much of the grassy vegetation previously established did not.

Harmon Mining Co.'s Henry M. Cox in Harmon, Va., planted over 300,000 seedlings on 18 different permits in the fall of 1989. Most areas were mountaintop removal with light vegetation. Cox said that 90 percent of the areas planted this past year had previously been planted with bare-root stock and failed. Cox says the "trees

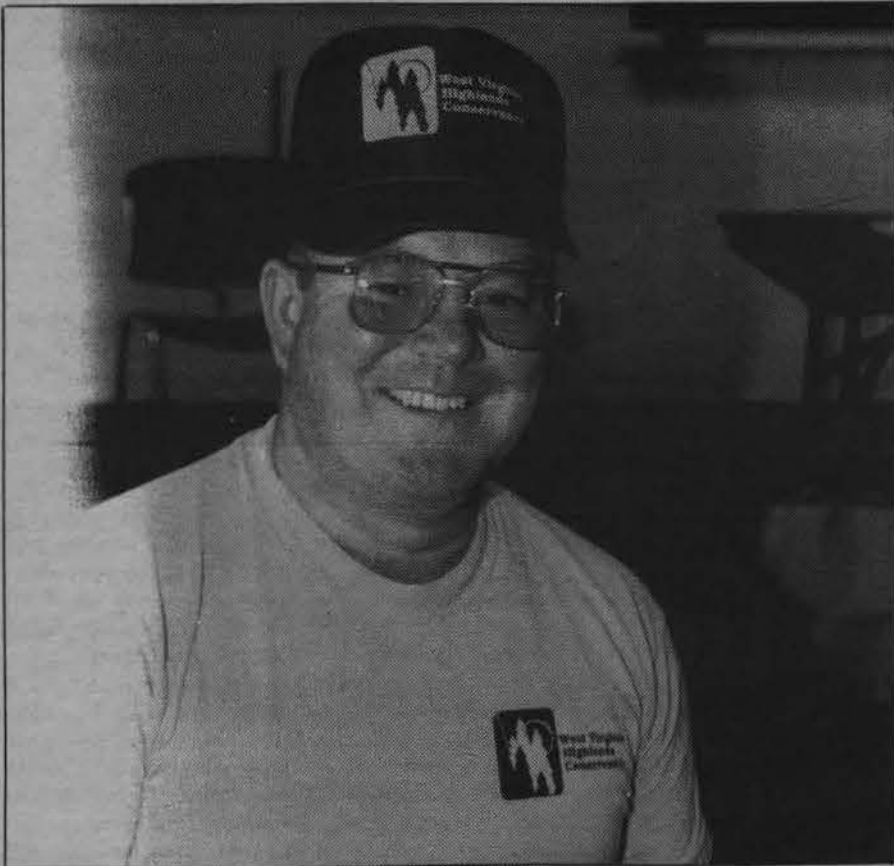
are doing very well" and feels his success this past year is due to the containerized white pine and Virginia pine, and the good crew who planted them.

Over approximately 250 acres, he was extremely pleased that better than 95 percent were successful. Although weather had been favorable this year, a typical season will see only about 40 percent to 50 percent success rates with bare-root seedlings. Even with an excellent planting crew, it can mean replanting the failed trees the following year.

The skill level of the planting crew can have a very high degree of influence on the success rates of the trees, since moisture and care with the root system can have a critical effect on the trees' ability to survive the transplant. Since containerized seedlings reduce the trauma and seem to assure higher success rates, Cox said he "would like to go to all containerized seedlings."

Another advantage of containerized planting on mine sites is the trees' tolerance of grassy conditions, especially the white and Virginia pine species. Vegetative cover in the first year after soil reconstruction is a requirement under the surface mining laws. Another factor to consider when choosing the more expensive containerized seedlings is their higher tolerance of droughty conditions.

Raymond Sumter of Wolf Creek Mining in Lovely, Ky., reported that his company had experienced 80 percent to 90 percent success with the spring planting, as compared to 60 percent to 70 percent success rates with bare-root plantings. Sumter said white and yellow pine actually had less than 50 percent success with bare-root, while containerized pine plants had better than 80 percent survival. "Pines make the biggest difference" in the comparison between the two he said, with autumn olive and black alder achieving closer results. "Results have been excellent," according to Sumter. Having planted in a variety of site conditions, Sumter said they were surprised to find the seedlings surviving with 3-foot high sericia plant, as well as on sites with new grass sprouts just coming up. We didn't have to do any spraying" to remove grass around the new trees, either. "We just prefer the containerized seedlings," says Sumter.



Carroll Jett modeled a WVHC hat and tee-shirt at the Board Meeting.

Tee-shirts and hats with the West Virginia Highlands Conservancy logo are now available in pink, red, light blue, navy blue, green, yellow. Hat are also available in brown. Tee-shirts are \$7, and are available in small, medium, large and extra large. Hats are \$4. One size fits all. Please include 50 cents for each item ordered to help with the cost of postage. To order hats or tee-shirts, write to Carroll Jett, Route 1, Box 22, Sherman, WV 26173.

Board

from page 1

hammered out at the West Virginia Environment Council meeting at Jackson's Mill.

In light of the governor's recent actions, there appeared to be little hope that a comprehensive legislation to form a single state-wide environmental agency could be written and reviewed in time for the 1991 legislative session.

The board approved funds to help several other environmental efforts around the state, including a cooperative venture with Environmental Policy Institute and several chapter of Trout Unlimited for a federal initiative on acid mine drainage.

The board approved a change of printing companies for the VOICE and a return to newsprint, as long as it is recycled. The change is

expected to cut costs significantly.

Members at the Annual Meeting confirmed the recommendations of the Nominating Committee. Cindy, Norm Steenstra, Skip Deegans and Tom Michaels remain in their previous positions. Richard diPreto will assume the duties of Secretary. The position of Senior Vice President is vacant, but Cindy can appoint someone to fill the job.

Donna Borders was appointed to fill Richard's directorship, vacated when he became Secretary. Bill McNeel and John McFerrin were returned to the Board for terms that will expire in October 1992. Joining the board are Carol Bradshaw, Richard Wood and Frank Young.

Looking for Christmas gifts?

Consider a gift membership to the West Virginia Highlands Conservancy, a WVHC hat or tee shirt, or the Fifth Edition of the Monongahela National Forest Hiking Guide. Proceeds from all of these great items go to fund the projects of the West Virginia Highlands Conservancy.

Urgent Call for Farm Bureau members

If you are a member of the Farm Bureau who would like to see strong, protective legislation for groundwater passed this year, we want to talk to you.

The Farm Bureau was one of the biggest opponents of House Bill 4100, the real groundwater bill, last year. We need members who are willing to speak out in favor of a strong bill to the Farm Bureau.

For more information, please contact West Virginia Environmental Council at 346-5891.

Special Christmas Offer

Introduce a friend to WVHC for only \$10
(Do it today so you don't forget)

Please enter a one-year gift membership in the West Virginia Highlands Conservancy and send a gift announcement

To: Name: _____

Address: _____

City: _____ State _____ Zip _____

From: Name: _____

Address: _____

City: _____ State _____ Zip _____

Please make checks payable to West Virginia Highlands Conservancy and mail to P.O. Box 306, Charleston, WV 25321. (attach extra sheet for additional gift memberships.)

The Hiking Guide makes a great gift

The Fifth Edition of the Monongahela National Forest Hiking Guide is 320 pages and includes:

- * Classic West Virginia hiking area like the Alleghany Trail, Otter Creek, Spruce Knob, Blue Bend, Dolly Sods and more;
- * Detailed descriptions of 164 hiking trails covering 780 miles;
- * 60 maps;
- * 39 black and white scenic photos;
- * hiking and safety tips;
- * and conservation concerns.

The Hiking Guide was prepared by Bruce Sundquist and Allen de Hart, with the cooperation of the Monongahela National Forest staff and numerous hikers.

To order the Monongahela National Forest Hiking Guide, send \$9.95 to:
The West Virginia Highlands Conservancy
P.O. Box 306
Charleston, WV 25321

Please include \$1.25 for shipping and handling. West Virginia residents include 6% sales tax.

Join the West Virginia Highlands Conservancy

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: _____

Address: _____

City/State/Zip: _____

Make checks payable to: West Virginia Highlands Conservancy
Mail to: P.O. Box 306, Charleston, WV 25321

Membership Benefits

- * 1-year subscription to *The Highlands Voice*.
- * Special meetings with workshops and speakers.
- * Representation through WVHC 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: _____