



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. 6, June 1991

"1992-2002"

A conference and discussion of the environmental movement in W.Va.

Where will West Virginia be in 1992? In 2002?

That will be the focus of a day-long conference, Saturday, July 20, 10 a.m. to 5 p.m., at the state 4-H Camp, Jackson's Mill, near Weston. Cost is \$10, including lunch.

Norm Steenstra and Tom Rodd dreamed up the day, sponsored by the W.Va. Environmental Council and a newly formed "think tank" in Morgantown, Mountaineer Policy Institute, so we can focus on a variety of questions —

What are the economic trends? Demographics? What are our options? What will our friends and opponents be up to? What can we do now, and over the next decade, to get where we want to go? What can we learn from other states? How do we build for the long haul? What are we going to do in the 1992 elections?

Schedule

10 a.m. — Welcoming remarks and introduction, Cindy Rank, president, W.Va. Highlands Conservancy.

10:30 a.m. — "Green Growth: The Role of the Environmental Movement in Encouraging Sustainable Development." Panel chair: Carla Dickstein, Regional Research Institute. Panelists: Robert Hanman, Associate Professor of Geography and Geology at WVU; John David, Chairman, Social Studies Department, W.Va. Tech; Virgil Norton, Chairman, Department of Resource Management, WVU; Rolf Martin, Chemist, W.Va. State, and convenor of Earth Day Symposium; Michael Wolcott, Assistant Professor of Forestry, WVU.

Noon — Sandwiches and conversation.

1 p.m. — "Who's on First? What to do in the Ninety-two Elections." Panel chair: Norm Steenstra, W.Va. Environmental Council. Panelists: Joe Simoni, W.Va. ACE-AFSCME, MOVE; David Grubb, W.Va. CAG; Mark March, UMWA COMPAC; Paul Nyden, the Charleston Gazette; Barbara Fleischauer, W.Va. NOW.

3 p.m. — "Power to the People: Possibilities and Pitfalls for Grassroots Activism." Panel Chair: Tom Rodd, Mountaineer Policy Institute. Panelists: Caroline Carpenter, Benedum Foundation; Joe Szakos, Kentuckians for the Commonwealth; Diane Bady, Ohio Valley Environmental Council; Kate Long, activist and artist; John Alexander Williams, scholar, Appalachian Studies; Missy Wolverton, W.Va. Environmental Council.

4:30 p.m. — "What's Next? Conference Evaluation and Directions for the Future." Moderator: Jim Kotcon, W.Va. Sierra Club.

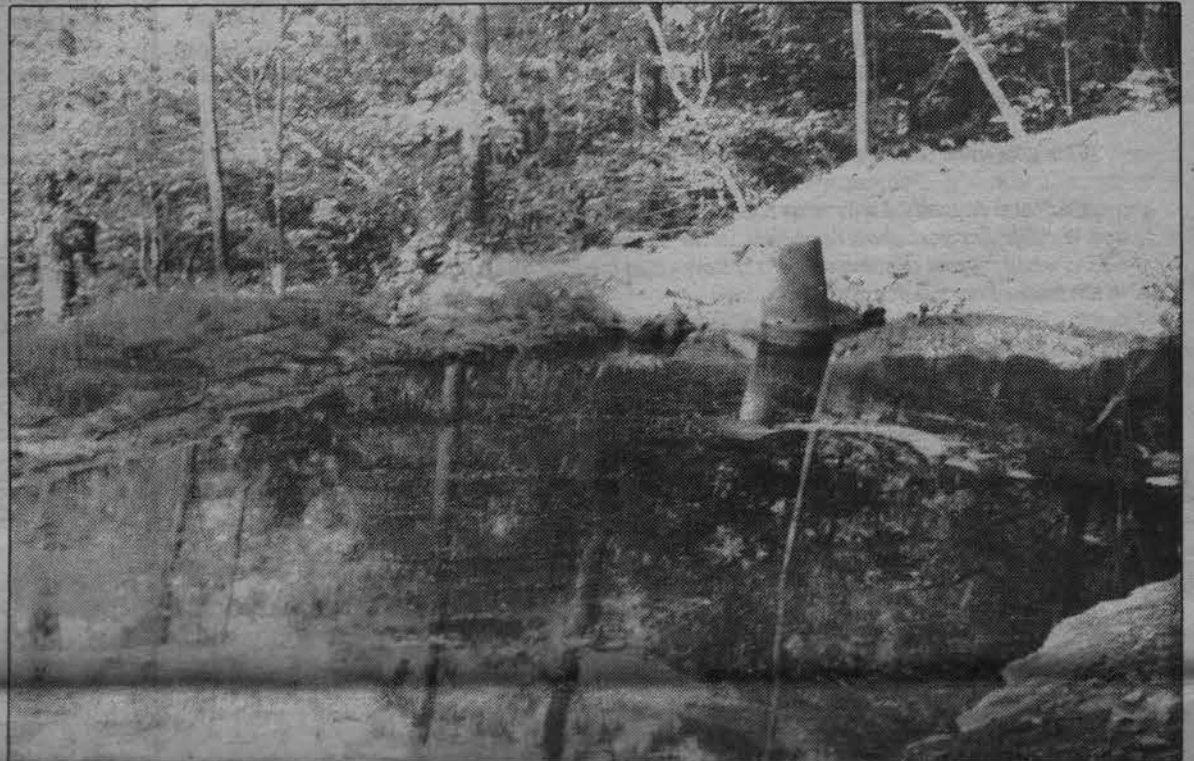
For more information, to pre-register, or to reserve a copy of the printed proceedings, write to: MPI, 264 High St., Morgantown, WV 26505; or call (304) 296-8611.

Summer Board Meeting

WVHC will piggy-back the Summer Board Meeting with "1992-2002." Board Meeting will be Sunday, July 21, at Jackson's Mill State 4-H Camp, beginning at 9 a.m.

Inside:

- * Dioxin standards/Apple Grove Pulp and Paper, page 4.
- * Spraying Coalition, page 7
- * Minerals purchased in Mon Forest, page 6
- * Corps says no to filling wetlands, DOH appeals, page 7.
- * Coal Field Water Protection Act, page 8.



ONE OF SEVERAL PONDS cut into a steep hillside to treat toxic water flowing from a huge sawdust pile at the Rosewood Lumber mill on Cleveland Mountain, near the Upshur/Webster County line.

Sawdust pile leaches cyanide

BUCKHANNON — Reports of cyanide leaching from a massive sawdust pile in southern Upshur County have caused a lot of concern for area residents and timber industry proponents.

Water samples taken in March from below the Rosewood Lumber Company mill in Cleveland (on Route 20 near the Upshur/Webster county line) indicated 3.35 micrograms per liter of cyanide — a level 67 times the stream standard in West Virginia.

In late May, Water Resources chief Eli McCoy approved a plan to level out most of the sawdust pile in hopes of solving the toxic leachate problem. McCoy approved the plan after a visit to the Rosewood mill with Water Resources inspector Ed King, who first documented the problem.

A series of ponds are set in benches on a steep wooded hillside between the Rosewood Lumber Company mill in Cleveland and the Left Fork of the Right Fork of the Little Kanawha River, a high quality trout stream flowing through the valley below.

Rosewood created the ponds this past winter to treat what they believed to be very acid water running from the sawdust pile.

"Nobody really goes down there,"

said John Lockwood of Rosewood Lumber. "But during hunting season one of our men was down there and he told us all these trees are dying."

Rosewood installed four small ponds and, in some, began treatment with soda ash briquettes to counter the acidity.

An acrid odor greets visitors before they reach the black water of the ponds. Drifts of bubbles sit on the surface of the water. As the sun rises above the surrounding hills, activity in the pond becomes noticeable. Bubbles rise to the surface like a pot at a slow boil.

"It's turned septic," said Water Resources Inspector King, who seemed baffled by the situation.

He first inspected the area in January after a fisherman complained about problems in the stream below. Despite Rosewood's ponds, the stream was clearly affected for at least a half mile downstream, he said.

"He had a sample of the water," King said. "I thought it must be contaminated, but he insisted he had rinsed out the jar several times. It smelled, well, very pungent."

Whatever caused the pungent smell was in the pond, King learned when he visited the site. Still, he was sur-

prised.

"I've never seen this kind of leachate from a sawdust pile," he said.

Where the black water flows over the hillside, leafless trees stand in sharp contrast to the spring green around them. On the far side of the pond, the bottoms of small pools of water are stained red. King estimated the flow at five to 10 gallons per minute running down the hill.

A fluffy grey-green-white fungus covers the ground where water flows further down hill from the ponds.

"It has the consistency of chicken fat," King said as he donned rubber gloves to pick some up. "I don't have any idea what it is."

Water level is low in the pond closest to the stream, but the blackened water continues to flow down the hill, apparently from the bottom of the impoundment.

Acting on a hunch, King asked the lab to test for cyanide in those first samples he took.

"It was just a hunch," the inspector said.

King's training is as a chemist and he worked in the DNR lab be-

See Rosewood, page 5

— from the heart of the mountains —

by Cindy Rank

At the risk of becoming lazy about writing this column, I'd like to forgo my own words this month and offer, instead, a commentary by our *Voice* editor, Mary Pat, which was written for the local newspaper in Upshur County.

The piece was prompted by the events surrounding pollution of the Little Kanawha River by cyanide leachate from a sawdust pile (see article on page one.)

In and of itself that story points to one of the many problems associated with the wood products industry that has yet to be solved by the voluntary programs now in place for that industry.

Mary Pat's reflections, however, go beyond any single incident and are about some deeper, more pervasive attitudes that often underlie - and undercut - even the most well written and well intentioned laws.

It's a guarantee that her words will strike a familiar chord in most of us.

(Ed.Note: Actually, I was most conscious of a conversation with John Schmidt of U.S. Fish and Wildlife Service, about wetlands in the section of Corridor H between Buckhannon and Elkins when I wrote this, but obviously Rosewood Lumber and a few other things were stewing in the back of my mind. mpp)

So much for law and order

by Mary Pat Peck

IMAGINE, IF YOU WOULD, a marijuana grower standing before Circuit Court Judge Thomas Keadle....disputing whether he, or she, ought even be charged.

No remorse. No promise that it will never happen again.

Instead, he argues that marijuana would be a boon to the depressed Upshur County economy.

Growing conditions are close to ideal. Otherwise wasted land could be put to use. It would provide jobs, at wages much higher than the area average.

Cultivation is relatively easy. It would not require the fertilizer and pesticides that cause such problems in the growth of tobacco. Marijuana is, after all, a weed.

Direct spin-off in packaging and transportation would add to the jobs. Small paraphernalia manufacturers would set up nearby.

Secondary spin-off, inspired by the capital flowing into the county, would be tremendous.

It may not be your drug of choice, judge, but the demand is high. How can you stand in the way of free-enterprise and economic opportunity for the county?

There is little evidence that marijuana approaches the addictiveness of nicotine. Or that its use has the same devastating effects on health as tobacco, or alcohol, for that matter.

And for those still not interested in drug-related riches, we could have a rope factory — marijuana comes from the hemp plant, you know. First introduced to West Virginia during WWII, to supply rope for the war effort.

So, whadda ya say, judge-o? What's to lose?

OR, IMAGINE A YOUNG MAN accused of stealing a car — a perfectly maintained older model, which the owners, a older couple, kept in their garage. It has been several years since either of them drove, but occasionally on a Sunday afternoon they go out and sit in it and remember the fun they had driving about when they were younger.

This isn't a crime, judge. I liberated it. A car like that deserves to be on the road. It needs to be on the road.

Actually, I tried to buy the car from those old folks, but they wouldn't sell. Offered them a good price for it, too.

If you look at one way, they're the criminals. It is criminal to have a car like that and not drive it. Really, judge, it's not fair that old folks like that should have this car. It just isn't fair. They don't even drive.

OR, A WOMAN WAS ANXIOUS TO GET HOME ONE NIGHT. She's had a drink or two more than she should have after work. In dense fog, a block from home, she'd hit a child riding her bicycle home from Girl Scouts.

Really, judge, it's all a mistake — a great tragedy. I usually never drink when I'm driving. And I really like children, especially this one. I know I've bought Girl Scout cookies from her every time she asked.

It would be counter-productive to charge me with any criminal offense. No good would come of it. It would just compound the tragedy. Instead, I'll pay for counselling for the girl's parents. And I promise to buy Girl Scout cookies from her sisters from now on. In fact, I'll increase my order.

BIZARRE, outrageous, ridiculous?

Of course it is. Yet, on another level, we accept, condone, even cheer, such lawlessness.

"Crime to many is not crime but simply a way of life. If laws are inconvenient, ignore them, they don't apply to you" — a reflection on the general lawlessness of human beings, from a magistrate's journal in one of Dick Francis' mysteries.

I ran into it over the weekend, as I indulged in a day of reading — just for fun. Curled up in a rocker, or out under a tree, British mystery writer Dick Francis can provide a terrific escape.

See Law and Order, page 3

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

Suite A 203, 1140 19th St. NW, Washington, D.C. 20036, (202) 797-6863 (w) (703)719-7388 (h)

SECRETARY: Richard diPreto

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

6019 49th St., 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, 702 Eleventh Ave., Huntington, WV 25701, (304) 525-4803

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

PITTSBURG CLIMBERS: Jean Rodman

32 Crystal Drive, Oakland, PA 15139, (412) 828-8983

WEST VIRGINIA MOUNTAIN STREAM MONITORS, INC.: Craig Mains

772 Weaver St., Morgantown, WV 26505, (304)292-3463

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

509 Jefferson St., Morgantown, WV 26505,

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

Suite A 203, 1140 19th St. NW, Washington, D.C. 20036, (202)797-6863 (w), (703)719-7388 (h)

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.

LETTERS TO THE EDITOR

Corridor H would diminish stunning landscape

Dear Editor:

It's hard to value what we experience every day. So whenever I have out-of-state visitors, I make a point to drive them out to Seneca Rocks along State Route 28.

My visitors are always amazed that I have such a stunning landscape virtually on my back door — the bleached white cliffs, deep gorges, wind carved rock formations, boulder strewn rivers.

Their oohs and ahs help me avoid taking such magnificent vistas for granted. I am reminded anew that West Virginia is one state which truly reflects its motto: wild and wonderful. Who would have it otherwise.

One of the proposed routes of the heralded Corridor H is along this stretch of Highway 28, and the very thought of it saddens me. Why saddens, one might ask? Now many more people will be able to discover and enjoy this view and come to appreciate the grandeur of West Virginia. Why be selfish? Why be protective? Besides, think of the money tourists bring with them.

But I feel that a four-lane superhighway along Seneca Rocks will diminish the view of Seneca Rocks. There's a four-lane view and a two-lane view, and once Seneca Rocks is a four-lane view, with green signs overhead saying

SENECA ROCKS EXIT, TWO MILES, then it won't be the same view anymore.

It will have been cheapened by having been made too easy, too accessible. It will be more tame, and being more tame, far less wonderful, similar to the way a chicken is less wonderful than a pheasant, or a steer far less interesting than a wild buffalo.

I know from experience that when I'm traveling on an interstate highway, the quality of my involvement with the landscape deteriorates, becomes more passive and detached, less interested and intimate. My focus becomes straight ahead, the destination, not the journey.

Worse than the loss of personal connection to the landscape will be the flood of city refugees such a superhighway will inevitably bring to our region with it. Already we are a state that is changing very fast. Farms are being broken up by the hundreds and sold off in small plots. New buildings go up in a few days. The side of a mountain can be denuded of trees in a matter of hours.

We are already changing very fast, but open a superhighway through the center of our state, and we will find ourselves quickly swamped by the rate of change, to the point that our unique character will be jeopardized.

Our local banks will become branches of

city banks, our locally owned restaurants will be squeezed out by the influx of plastic chain restaurants. Everything will become more and more generic.

And three of our state's greatest qualities — our spaciousness, our special local flavor, and our wilderness — will be lost forever. Ironically the people streaming in will discover her the very things they were trying to leave behind: crowds, crime, lack of individuality, suspicion of neighbors, noise, pollution, all of it.

Certainly it is not in the nature of West Virginia to close its doors to immigration, as fellow state, Oregon, has tried to do. We are too generous a people to say, stay out, we don't want you. But an enlightened state policy must ask: whom do we want to come here, to be our neighbors, and whom do we not want? Because there's not room for everybody.

Right now we have an excellent winnowing device in our two-lane highways. Those who can't take the time, or who lack the intelligence or spirit of exploration, to find their way to West Virginia on well-kept two-lane roads, we don't really want here anyway.

This is not a reactionary stance. I'm not suggesting we go back to horse and buggy days (though I can appreciate the Amish for questioning progress as an illusion). Rather this is a

genuine conservative outlook which believes when things are deteriorating around you (as they clearly are in our cities), staying where we are is the best way to move forward.

In 10 years, if we don't spoil our landscape (including our social landscape) in our greed for a sudden "higher standard of living," our state will be the gem of the East. It already is, but because we take it for granted we remain in the darkness about its true value and our need to protect it.

Once there's a super-highway exit off Seneca Rocks, for example, it's only a matter of time before one will be viewing this natural wonder through the ubiquitous golden arches as part of the foreground.

Not everything that current political "wisdom" promotes is true progress or in the people's best interest. All change, growth in and of itself, is not necessarily for the good, especially change that is so rapid that it cannot be integrated into old forms and traditions.

I am convinced that small town West Virginia off exit ramps of a superhighway will never be the same again. Will never be as interesting, as unique, as colorful, as independent, as self-reliant, as West Virginian ever again.

I think that's the whole country's loss.

James L. Ralston, Instructor
Shepherd College, South Branch

Hiking Guide made for a great trip

Dear Folks,

Thank you very much for putting out your beautiful book on the Monongahela NF. We have just returned from three days at Otter Creek and found we knew virtually everything we needed to know to get in and out. We did get lost at one point, however, and I would like to make a couple of suggestions for the next edition of your book.

I have already described the area where we found difficulty to the ranger in great detail, and his is taking measures to correct the problem, but one small bit of information in your book would have kept us from going astray, and that is this: "there is a metal FS sign-in box at the junction of Moore Run Trail and McGowan Mtn trail."

If I had known that, I would not have mistaken a similar-looking spot farther south on McG Mtn trail for the Moore Run Trail. The spot is supposed to be a westerly turn (while proceeding north on McG Mtn trail), but looks more like a T, so I went east.

The ranger, Bill Woodland, said he would get on it right away, but it would still be helpful to know that there is a box at the proper spot (it is unusual, since that spot is 1/4 mile in from the FS324 entrance, where you expect the box to be) so there would be no mistaking another spot for it.

My other comments are more general. First, please tell AAA your new P.O. Box address, because forwarding time has expired on your street address and that is all the AAA book lists.

Fortunately I found your book at a backpacker's shop or I would not have gotten it in time for our trip because of the delay in finding our your address.

Third comment — I guess for most of the areas you describe, you use only the topo maps, but for Otter Creek you include a very clear map of the whole area (better than the FS pamphlet one), but the trail numbers are not on it, only the names, so it's a little hard to use in that way.

Otherwise, keep up the good work!

Sincerely,
Rod Knight
Oberlin, OH

More Letters,
Page 6

July Voice Deadline July 10

Letters, articles, reflections and reports are always welcome (read that, desperately hoped for).

Whether a report on a wonderful canoe trip, reflections on a quiet walk in the woods, report on a book that moved or informed you, or the latest of many efforts to assure that our special places remain special, the Voice is a great place to share your insights with people who share your values.

Send items for publication to:

Mary Pat Peck
36 Meade Street
Buckhannon, WV 26201.

Law and Order

But the words, "If laws are inconvenient, ignore them," repeated at intervals through the book, stuck with me. And struck me as a description of modern, respectable society.

SOME TIME AGO, I listened to an area businessman relate that he never obeyed the 55 mph speed limit on I-79 during a past energy crisis. As long as he could afford the gasoline and the fine, he rationalized, he was going to drive at the highway's design speed of 80 mph.

His listeners, mostly elected officials sworn to uphold the laws of the state, seemed to think his attitude made perfect sense.

If laws are inconvenient, ignore them.

AFTER TWO YEARS of trying to ignore federal law regarding preservation of wetlands, state officials will be forced to re-align a section of Corridor H between Buckhannon and Elkins. A two-year delay is expected.

If two years ago state officials and local business interests had

gotten behind obeying the law, instead of looking for ways to get around it, construction of the Buckhannon to Elkins section of Corridor H would be right on track.

Want to take odds on who we all will blame? My money is on those who upheld the law, as they are sworn to do. In this law-abiding community, their names will be mud.

A FEW YEARS AGO, a local oil and gas company was caught pumping into a small stream the toxic brine that results from gas-well drilling. Proper disposal of the brine is expensive.

The company paid a nominal fine after they were permitted to plead to negligently discharging the brine. That is, they negligently laid hose from the brine pit to the stream, accidentally attached pumps to it, and somehow, the pumps got turned on.

Those charged with taking the case to court said they couldn't see criminal prosecution of respectable businessmen who provided jobs in the community.

If laws are inconvenient, ignore them.

SAWMILL OPERATORS, timber industry advocates and state regulators alike are horrified at the notion that criminal or civil penalties might attend the discharge of cyanide from a sawdust pile into waters of the state.

The owners are cooperative. They didn't mean to do it. What value will it serve to bring charges?

No matter that they had not adhered to the voluntary guidelines for sawdust disposal — voluntary guidelines that industry officials insist are far more useful than regulations. No matter that the non-compliance was the cause of the toxic discharge and therefore of the destruction of streamlife for a considerable distance, and possible impacts on drinking water downstream. No matter that the discharge violated the law.

They are cooperative, and they didn't mean to do it.

If laws are inconvenient, ignore them.

from Page 2

Water Resources considers dioxin standards

From three-piece suits to cut-off jeans

by Frank Young

"I've never seen a room with so many shirts and ties. They're all here. This is the big one; the best attended — everyone of us is more concerned — they hire more and more lawyers to counter us. They are paid hundreds of dollars per hour to ask you to lower our standards."

So said Norm Steenstra, W.Va. Citizen Action Group's Environmental Coordinator following a well-attended meeting of the West Virginia Water Resources Board June 20 in Charleston.

Steenstra and about 60 others had just endured a more than three hour long meeting that hot summer evening. The purpose of the public hearing was to consider industry's request that permitted dioxin discharge level into streams be increased nearly 100 times the board's current and the EPA recommended level of .13 parts per quadrillion.

The primary push of the 1.2 parts per quadrillion of the poison came from representatives of the W.Va. Chamber of Commerce and the W.Va. Manufacturers Association and several others (seven suits and ties total) all speaking for Apple Grove Pulp and Paper Corporation. The company proposes to build the largest pulp and paper plant in North America on the Ohio River in Mason County. They argue they need the higher dioxin discharge permits to operate such a facility.

But the seven industry stuffed-suits were not the only one's making pleas to the Water Resources Board.

Sixteen others, from suit and tie'd lawyer Stuart Caldwell with the Tri-State Building and Construction Trades Council, to Matthew Bennett and Christopher Schmill (wearing cut-off jeans) with the Student Environmental Action Committee (SEAC) all opposed the increased dioxin discharges.

Most advocated a zero discharge standard for dioxin, citing the already heavy concentrations of dioxins in the Ohio, Kanawha, Pocatalico, and lower Potomac river fish populations.

Judging by the applause given most of the those who spoke in favor of the lower or zero discharge levels, about three-fourths of the sixty or so people present favored the lower or zero levels. None of the industry advocates of higher dioxin discharge levels received cheers or applause.

Such an outpouring of public sentiment was previously unheard of at hearings of the Water Resources Board, Steenstra said.

Perhaps the most welcomed environmental speaker was attorney Caldwell, who said he represented "over 44,000 tradesmen and their neighbors worried about your rules possibly increasing the amounts of carcinogens from 5 to 8 1/2 times the present levels" in adjusting discharge levels from the present "low water mark" to the "harmonic mean flow" in a new proposal level.

Of the change in flow-level proposal, Caldwell said, "Call it what it is; call it the rule to increase the risk of cancer in W.Va."

Industry's seven spokesmen called current levels "unnecessarily stringent" and talked of West Virginia being in "a competitive position with other states."

"We cannot be more restrictive than other states.... Safety does not require the absence of all risk," said industry attorney David Flannery.

This writer was most confused by Dr. R.B. Reger, who identified himself as a "research professor of occupational medicine." Reger first said that dioxins are associated with liver function impairment, cancer, and the mutation of cellular DNA.

Reger started out by saying that no particular level of dioxins are advocated, but ended up saying that dioxin levels of 1,000 times EPA recommendations is acceptable!

This writer believes that Reger's testimony was an effort by industry to totally confuse the board members so they would be receptive to the less-confusing, but none the less one-sided, industry propaganda which proceeded Reger's confusing oratory.

Steven Schatzon and Dr. Russell Keenan, who represent Apple Grove Pulp and Paper, spoke of their support of "appropriate" water quality standards. States should use "great flexibility" in determining risk levels and dioxin discharges, they said.

A "pathway review" suggests that dioxin may not be a carcinogen at all, Keenan said.

"It must be clear to all of us that there is no right or wrong number for dioxin," Schatzon said.

Speakers on the side of environmental protection included Vance Packard, who writes and publishes a unique and unconventional tabloid, National Sacrifice Zone.

We have "compromised enough on our river systems," Packard said. Even now, he continued, he can't fish as much as he'd like on the Ohio River due to chlordane and PCB contamination of fish, and listed sever fish that no longer live in the Ohio River because of industrial contamination.

Donnie Gillespie of Mason County gave board members several articles from the Tallahassee Democrat and the Alabama Journal that detail the spoiling of Alabama and Florida rivers by pulp and paper mills.

Apple Grove Pulp and Paper: Timber in West Virginia

Fact Sheet #11,
Ohio Valley Environmental Coalition
P.O. Box 970
Proctorville, Ohio

West Virginia Timber: A History

In 1870, more than 10 million acres of virgin-forest covered West Virginia. By 1900, much of the commercial timber was owned by out-of-state companies who promised jobs and prosperity to local communities selected for saw mills.

Labor organizer Fred Mooney, writing of his youth in the backwoods of Kanawha County, pointed out that residents' initial elation later turned to "bitterness and chagrin" at the devastation caused by unregulated timbering.

The long interval between the welcoming of "progress" and disillusionment that followed made reversal of logging damage appear hopeless.

At the peak of logging activity in 1909, 83 band mills and 1441 other operations existed in the state. With the growth of the timber industry, laws were passed to protect the mostly out-of-state companies.

From 1879 to 1912, more than 85 percent of the total timber land in the state had been logged. Much of the remaining forest was destroyed by fires, as the carelessly logged areas formed a tinderbox of left-over branches and tree tops.

According to Roy Clarkson, "Throughout the state, lumbering and its insidious camp follower, fire, reduced the grandeur of the original forest to a rubble of smoking sticks and bare stone."

By 1920, the virgin forest was gone. Many acres of pasture land were created, but more typical was an ugly stubble, deterioration of land quality through erosion and silted streams. Once a land of beauty, West Virginia had become a place of ugliness. An economic bust followed the boom as mills ran out of fodder for their saws and closed. Previously bustling logging communities turned into ghost towns.

West Virginia Timber: Today

After more than 50 years of regrowth, West Virginia's forests are ripe again for harvest and the rate of logging is increasing. The question becomes, have we learned our lessons from the past? Environmentalists argue that West Virginia's current regulatory structure cannot prevent the overcutting and environmental damage which plagued the earlier logging boom.

No specific laws in West Virginia deal with timber operations per se. Based on history, such laws are necessary. Other major timber producing states have enacted comprehensive forest practice laws and the industry in those states prospers. Both the West Virginia timber industry and West Virginia Division of Forestry Director Bill Gillespie oppose mandatory timber laws and regulations.

Timber and Apple Grove Pulp and Paper

Timber regulation in West Virginia is especially pressing with development of the proposed Apple Grove Pulp and Paper mill along the Ohio River in

Mason County. Apple Grove would be the largest pulp and paper mill in North America. To feed this mill, between 50,000 and 100,000 acres of trees, mostly hardwoods, would be required yearly.

Greenpeace International and local activists have questioned whether this type of mill is needed, given the abundance of pulp products and the growing demand for recycled rather than virgin paper. Current regulations cannot protect the state's forests, water or air quality against a logging boom or from environmental damage from pollutants emitted during the pulping process.

Few laws exist to regulate the pulp plant, that's why they are coming to West Virginia.

Virgin pulp mills are notorious producers of dioxins, some of the most toxic chemicals ever created (See OVEC Fact Sheet #12). As an indication of toxicity, the U.S. EPA standards for dioxin discharges into water are 0.013 parts per quadrillion. In layman's terms, that equals 1.3 cents per \$1,000 trillion.

Apple Grove developers have requested that West Virginia regulators increase dioxin discharge standards into water by 100 fold.

West Virginia Timber: The Future

It is clear that West Virginia's maturing forests will be increasingly logged, yet many regulators and legislators resist the idea of requiring registration of logging jobs and use of Best Management Practices by the industry. Sustained multiple-use values of forest resources must also be considered.

Legislation was proposed in 1991, but failed. A soil erosion and sediment control bill, which has languished in the legislature for 18 years, also failed.

According to Huntington columnist Dave Peyton, "If it takes a decade to get timber laws, the state's timber and half of the soil will be gone forever."

Sources

- William, John. 1984. West Virginia: A History. W.W. Norton & Co. New York.
- Clarkson, Roy. 1964. Tumult on the Mountains. McLain Printing, Parsons, WV.
- Wimmer, Mary and Brian Hagenbuch. 1991. "Avoiding tumult on the mountains: Planning for the future of West Virginia's forest-based industries" 1991 Earth Day Symposium at W.Va. Academy of Sciences meeting.
- McEntee, Sheila. 1991. "DNR says timbering in WV must be regulated" G.R.E.E.N. WV Environmental Council, Dec. Jan.
- Fowler, Monty. 1991. "Plans for Mason County pulp mill attracting Greenpeace's attention" The Herald-Dispatch, Huntington, WV Feb. 17.
- Kroesa, Renate. 1990. The Greenpeace guide to paper. Greenpeace USA, Wash. DC.
- Feldhake, Charlie. 1991. "Good soil erosion bill could present tough fight this year" G.R.E.E.N. WV Environmental Council, Dec./Jan.
- Peyton, Dave. 1991. "Once more realities of politics swamped WV legislature" Herald-Dispatch, Huntington, WV. March 11.

While much of industry's propaganda centered around risk-assessment, Brian Hagenbuch of Ohio Valley Environmental Coalition told Water Resources Board members, "Risk assessment is not an exact science; it is a government method for permitting discharge of toxics."

No new dioxin-producing industries should be permitted, Hagenbuch added, and those presently operating should be phased out within five years.

Connie Lewis of the League of Women Voters said the lower levels of dioxin recommended by EPA are "the most defensible."

Water is a basic need," said Christopher Schmill of Student Environmental Action Coalition. The issue in the hearing, he added, is "short-term gratification versus long-term sustainability."

Matthew Bennett, also of SEAC, opposed dioxin discharges above the EPA recommendation. Bennett advocated zero discharge. Citing the present level of pollution in the Ohio River, Bennett said, "This is a matter of life and death."

See Dioxin, page 5

Rosewood

fore taking the job as field inspector. His hunch combined the damage from the very acidic water flowing down the hill and the fact that Rosewood cuts a fair amount of cherry.

"I knew that if cattle or goats or whatever eat wilted cherry leaves they can die," King said.

At the mill about a week before McCoy's meeting with company representatives, the mill operator was reluctant to permit entry to see the sawdust pile, which King estimated at 30,000 cubic yards in size.

"I was advised not to let you," John Lockwood said when asked for permission to see it.

The pile grew to its present proportions in the last three years, Lockwood said, when the charcoal plant at Parsons stopped taking sawdust.

During that time someone has set fire to the sawdust pile three times, Lockwood said. He believes those fires, plus whatever smoldering has continued in the massive pile, is responsible for the toxic leachate.

Few foresters credited reports of cyanide coming from a sawdust pile.

At a workshop two years ago foresters were assured that nothing toxic could come from sawdust or bark, said Bob Whipkey, assistant administrative forester for the Forestry Division of the West Virginia Department of Agriculture.

"I seriously doubt if it is from the breakdown of any of the wood," said Whipkey. The forester even doubts if the chemical analysis is accurate, but if it is, Whipkey said, he doesn't believe it is from the sawdust.

"I'm sure it will be tracked out that there's something in that pile other than wood," Whipkey said. He guessed that toxic drainage from a sawdust pile would only result if old batteries or vehicles were covered up by sawdust.

Initial response was the same from Dr. Doug Gardner, wood chemist at West Virginia University's Division of Forestry.

"My first thought would be to ask what was on the site before they put the sawdust there," Gardner said. A small amount of cyanide might be a by-product of combustion, Gardner said, but it would probably be too small to detect.

The wood chemist changed his mind after checking a book on extractives from Eastern Hardwoods. Cyanogenic glycosides are present in the tissue of the Prunus species, which includes cherry trees, Gardner said. Under acid conditions free hydrogen cyanide could be leached from sawdust and bark.

"I wouldn't have thought it," Gardner said. "It's one of those things you wouldn't think would happen — unless you sit down and think about it awhile."

While admitting a problem, John Lockwood does not believe the stream has been severely degraded.

"We caught fish in there last week

from page one

below where this is coming in," Lockwood said. "Four or five nice ones."

DNR sampling showed dramatic decrease in acid-sensitive stream life downstream, King said. In mid-May, the Mountaineer Chapter of Trout Unlimited decided not to stock trout downstream because of the condition of the stream.

Rosewood intends to resolve the problems, Lockwood said.

"Whatever it is, we're going to take care of it and make it okay," he said.

They have stop adding sawdust to the pile, since they were contacted by DNR, Lockwood said. They have also begun hauling out some of it. At that point they had taken out 80-100 cubic yards, he said, and will continue to haul it away.

His father, Raymond Lockwood, secretary-treasurer of the company, is coordinating the clean-up.

"I think the problem will be taken care of by spreading out the pile," the senior Lockwood said.

The problem is solvable, he said, but the entire clean-up will take some time, he said. In a proposal to the state, he estimated it would take until October to finish the job of moving the 30,000 cubic yard pile, but he believes the toxic run-off can be eliminated before that.

With Water Resources' permission, Raymond Lockwood intends to

have workers cut through the middle of the pile and put in a culverts. The company has located about at least seven wet-weather springs along the bench where the sawdust will be spread and they are prepared to install culverts to channel water under the pile, rather than through it.

Like his son, Raymond Lockwood believes the water toxicity is related to fires in the pile, but he can't account for the presence of cyanide.

"As far as I know, there's nothing to produce cyanide," John Lockwood said.

"I'm as much an environmentalist as anyone," Lockwood said. "This thing is a disaster, but we're going to take care of it. We have to."

In addition to scattering the sawdust, Rosewood will monitor water several times and check on water quality in two wells at the community of Cleveland just downstream, said Raymond Lockwood.

"I figure we'll have it taken care of by October," Raymond Lockwood said. "Maybe sooner if we put a little more shovel into it. I think we can solve the problem (of toxic runoff) sooner."

When he initially discovered the problem, King ordered Rosewood to stop storing sawdust. They now hauling it to the Kingsford charcoal plant in Parsons.

Water Resources Chief Eli McCoy does not anticipate assessing any civil



WATER RESOURCES INSPECTOR ED KING donned rubber gloves to check out a fungus growing where water flowed down the hill.

or criminal penalties against Rosewood. The company will have to dismantle the sawdust pile, stop the discharge, and sample the stream three times between now and October.

"We have no interest in simply being punitive," McCoy said. "No one's happy about this, but the DNR is not out to put the wood industry out of business."

McCoy believes that the stream will quickly recover once cyanide and the extremely acid water are no

longer pouring into it.

"With the winter and spring flows we should see a return of aquatic life. It will rapidly repopulate from upstream," he said.

Raymond Lockwood was pleased with the outcome of his meeting with McCoy and others from Water Resources.

"If everyone does what they say they'll do there will be no problems," Raymond Lockwood said.

Dioxin

from page four

Bill Ragette of Putnam County advocates a zero discharge level. Alluding to present dioxin levels in fish, Ragette said, "They (industry) try to tell us how to cut our fish — how to eat it — so that they can make more profit."

Keith Taylor, President of the Isaac Walton League, spoke of already too heavy dioxin discharges and odorous smells from pulp and paper mill stacks. He also talked about the conflicting claims made by Apple Grove's parent company, Alabama Pulp and Paper, about the potential for environmental pollution from facilities like that proposed for Apple Grove.

(Taylor has promised this writer a full text of his remarks with details of his claims about the conflicting claims — see next month's Voice for more about this.)

The Ohio River is already heavily polluted said Missy Woolverton, who works at W. Va. Citizen Action Group. She urged the board to "hang tough" in spite of political pressure she was sure they must endure.

WVHC President Cindy Rank, coming across as one dispensing motherly advice, told the board WVHC supports the EPA recommended standard, but that she preferred zero discharge of dioxins. Zero discharge would promote better tech-

nology, she said, echoing earlier statements that industry should be forced to use technology of the 1990s, instead of the 1950s.

Perry McDaniel, president of the W. Va. Environmental Council, urged "no less stringent" standards that the EPA recommendations. McDaniel, who was at one time a forester, said the pesticide 2,4,5,T was banned years ago because dioxin was a by-product of the production. Despite protests that 2,4,5,T was a vital, irreplaceable product, McDaniels said, alternatives were developed.

Paper products can be manufactured without chlorine and dioxins, said McDaniels, Woolverton and others. They believe it is just a matter of requiring the use of more modern technology.

In summing up the positions of the 16 speakers who favored lower or zero dioxin discharge limits, W. Va. CAG Environmental Coordinator Norm Steenstra perhaps said it best.

"We do care.... We're looking at a holistic approach.... Industry is ok if they play by our rules, not by the rules they set and ask us to make for their benefit."

According to the Water Resources Board Chairman, a final proposal and rationale document is to be formulated in mid-August.



DEAD TREES in the path of toxic water stand in sharp contrast to the spring green of surrounding trees.

LETTERS TO THE EDITOR

Another view of Greenbrier River Trail permit process

Dear Editor:

The recent (May 1991) Highlands Voice article regarding the West Virginia Trail Alert mentioned that further delays to the rehabilitation of the Greenbrier River Trail are being attributed to the Corps of Engineers (Corps) and the U.S. Fish and Wildlife Service (Service).

As stated in the article, the Corps is requiring a permit for the project because it no longer qualifies as emergency work associated with the 1985 flood. I would like to shed some light on the present situation and why the Service is concerned with the proposed work.

The Greenbrier River Trail is in the Federal Railbank. The West Virginia Division of Parks must maintain the trail as a railroad right-of-way to be in compliance with P.L. 94-210, the Railroad Revitalization and Regulatory Reform Act. If not, ownership of the right-of-way would revert to adjacent landowners.

The Division of Parks held a meeting on May 17 to discuss their proposed project with state and federal resource and regulatory agencies. Nineteen sections of the trail, ranging in length from 500 feet to 5350 feet, would require the placement of rock fill out into the Greenbrier River an average of 17 feet.

In order to do this, all riparian vegetation (trees, shrubs, etc.) would be grubbed and cleared for approximately 7.6 miles of Greenbrier River shoreline. Many of the areas slated for filling occur where 1985 flood waters have scoured deep holes that are excellent fisheries habitat. Other sites consist of moderately to well-vegetated riparian/wetland plant communities that have reclaimed the once flood-damaged shoreline.

Federal guidelines [Section 404 (b) (1) of the Clean Water Act] requires that non-water de-

pendent activities requiring the placement of fill in waters of the United States (rivers, streams, lakes, wetlands, etc.) can only be permitted if the proposed activity is the least environmentally damaging alternative.

The U.S. Fish and Wildlife Service is keenly aware of the recreational importance of the Greenbrier River Trail and the requirements of the Railroad Revitalization and Reform Act. The Service is also aware of the tremendous biological and recreational importance of the Greenbrier River and its associated fish and wildlife habitat.

Our job is to evaluate fish and wildlife impacts associated with projects requiring federal permits and provide our assessment of those impacts to the permitting agency.

The Division of Parks' proposed construction methods are the least costly but could cause significant damage to this high quality resource. At the May 17, 1991 meeting, I asked the Division of Parks to consider alternative methods of railbed rehabilitation that would not require the permanent alteration of nearly eight miles of riparian, nearshore, and instream fish and wildlife habitat.

Official Department of the Interior-Fish and Wildlife Service comments will be submitted in response to the anticipated Corps (Huntington District) public notice for the project in accordance with the provisions of the Fish and Wildlife Coordination Act and the Clean Water Act.

Anyone with concerns regarding this project is encouraged to comment on the public notice when it comes out. The Service remains hopeful that fish and wildlife resources can be protected while allowing for the rehabilitation of the trail.

John E. Schmidt
Fish and Wildlife Biologist

Commentary by Andrew Maier on West Virginia Public Radio May 30, 1991

I was down in McDowell County recently, where a Philadelphia man wants to build one of the five biggest landfills in the country. Now, the line being peddled by the dump's supporters is that no one down there is against it. That, in fact, they're actually eager to become the trash can of the East. The area's delegates and senators, and even the governor have been spouting this like it was gospel.

Well, as Gomer Pyle used to say, "Surprise, Surprise." The people down there not only oppose the mega-dump, they're hot about it. They've discovered that Philadelphia guy hasn't been quite straight with them. Now there's a shocker.

It seems that instead of dumping "household garbage only," the plan is to dump incinerator ash, residual waste and sewage sludge. McDowell folks have a shorter word for that last stuff, and even those who wouldn't mind being used as a trash can draw the line at being used as a toilet. They've also discovered that the big promises of jobs, which have soared to 400, may actually be only 25.

The McDowell folks are also worried about "the foot in the door." After all, once

the dump's in, it could ask the DNR for permission to take hazardous waste. Now, I'm not saying the Caperton administration would ever say yes, but under a Governor like Arch Moore, a small cash payment and all bets are off!

And if this dump is supposed to attract more development, how come the FBI, with its 2,500 jobs, says it won't come to Clarksburg if a landfill 1/10 the size of the McDowell dump expands? McDowell folks see that this would be a cap on all future development, not an incentive.

And, from what I've heard, McDowell's elected officials are in for a surprise of their own. I hope they recall that the supporters of a huge nuclear dump for McDowell are all out of office, or in jail. The voters don't like it one bit when the delegates and senators tell one story at home and a very different one in Charleston, like when they say "everyone wants it" but then they fight tooth-and-nail to stop a referendum vote on it.

I wonder why they wouldn't want people to vote on it? Could it be that there actually is opposition down there? Could a majority be against the dump? Surprise, Surprise.

Summer Board Meeting, 9 a.m., July 21, Jackson's Mill State 4-H Camp

Mon Forest minerals bought

Purchase will protect Cranberry and adjacent areas from mining and related water quality damage.

by Skip Deegans

The Trust of Public Land (TPL), a non-profit land conservation organization, has purchased 16,248 acres of minerals in the Monongahela National Forest.

Known as the Hewitt property, most of the purchased minerals are in the Cranberry Backcountry and adjacent to the Cranberry and Cherry Rivers. TPL will now sell the minerals to the U.S. Forest Service.

Chrisanne Worthington, Associate Director of TPL, successfully cut the deal after several years of negotiations. TPL had an option which tied up the minerals. Sale was contingent on a Forest Service agreement to buy them from TPL. Late in the negotiations, the regional office of the Forest Service balked, and would not approve the sale.

State and national conservation organizations, including the West Virginia Highlands Conservancy, rallied to convince the Forest Service to approve the sale. U.S. Representative Nick Rahall was particularly outraged,

since he had obtained federal fund to buy the property. At the last minute, the Forest Service approved the purchase.

The mineral purchase was an important step in the continued protection of other valuable resources including area rivers.

Recent coal mining in the Hewitt tract had not been done responsibly and was causing water pollution. West Virginia Department of Energy revoked permits and forfeited reclamation bonds for two mining companies operating in the tract, Rabbit Run Energy Co. and J.L. Mullens Coal Co.

Mike Hewitt, one owner of the the mineral tract, asked Office of Surface Mining (OSM) for a determination that he had valid existing rights to strip mine the coal. Although OSM eventually determined Hewitt did not have the right to strip mine, conservationists feared the courts might overturn OSM's decision, or that OSM might at some time in the future change the standard for determining a coal company's rights to strip mine in national forests.

The Cranberry and Cherry rivers are under consideration by the Forest Service for designation as Wild and Scenic Rivers. Both are two of West Virginia most popular trout streams, and TPL's purchase of the Hewitt tract bodes well in WVHC's continued efforts to protect these rivers from mining pollution.



The fifth edition is 320 pages and includes:

- * classic West Virginia hiking areas like the Allegheny 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;
- * conservation concerns.

To order your copy of the Monongahela National Forest Hiking Guide send \$9.95 to:

The West Virginia Highlands Conservancy
P.O. Box 306
Charleston, WV 25321

Please include \$1.50 for shipping and handling. West Virginia residents include \$.60 sales tax. (\$11.45, or \$12.05 in W.Va.)

I have included a check or money order for the amount of \$_____ to the WVHC for _____ copies of the Monongahela National Forest Hiking Guide.

Name: _____

Address: _____

City: _____

State: _____

Monongahela National Forest Hiking Guide, Fifth Edition

by Bruce Sundquist and Allen de Hart

with the cooperation of the Monongahela National Forest staff and numerous hikers

Corps denies DOH request to fill wetlands, VanKirk appeals Corridor H decision

CHARLESTON—West Virginia Division of Highways (DOH) officials want to split the difference when it comes to avoiding wetlands in the stretch of Corridor H between Buckhannon and Elkins.

State Highway Commissioner Fred VanKirk said he will appeal the U.S. Army Corps of Engineers' rejection of a permit to place fill in one of two sizable wetlands along the route. VanKirk, instead, is suggesting changes in the original plans that would reduce to 18 acres, the 37 acres of wetlands which would have been impacted with the original alignment.

A meeting between the Corps of Engineers, DOH, and state and federal resource agencies is set for July 10, according to E. Raymond Beringer, chief of the Regulatory Branch for the Corps in Pittsburgh.

Earlier this month, Colonel Harold F. Alvord, district engineer for the Corps of Engineers, denied the DOH request to fill wetlands in the path of the Appalachian Corridor.

"I have determined that the placement of fill into the wetlands in connection with the proposed highway construction is contrary to Section 404 (b) (1) guidelines and that practicable alternatives exist," Alvord informed VanKirk in a letter dated June 4.

"I support construction of this highway and recognize the benefits to the citizens of West Virginia," Alvord continued.

He promised the Corps cooperation in expediting the permit process for a practicable alternative to this section of Corridor H.

VanKirk now proposes to relocate the road around wetlands associated with a beaver dam along Laurel Run near Talbott in Barbour County just north of the Randolph County line. He wants to maintain the original alignment though a section about three miles long just past Kesling Mill Road.

The alternate plan DOH developed, but does not want to use to avoid the first wetlands past Kesling Mill Road, would require relocation

of seven homes, VanKirk said.

The original alignment appears to meander through much of a long narrow wetland area. DOH is willing to modify one Secondary road crossing, VanKirk said, to move it out of the wetland. The slopes of some fills might also be modified to reduce the impact.

These wetlands are shrub swamp and wet forest land, said John Schmidt of the U.S. Fish and Wildlife Service. This type of wetland is characterized by saturated soils, rather than standing water, Schmidt said, and the biological diversity of these particular wetlands is very good.

Although VanKirk has affirmed a willingness to mitigate the damage by creating new wetlands, Schmidt questions whether it is possible.

"I've never seen it," Schmidt said about successful construction of a shrub swamp/forested wetland. "If it were the beaver dam, well, that's the easiest kind to replace."

The present situation stems from changes in federal law since plans for the highway were drawn up more than a decade ago. When funding again became available, DOH simply took the plans off the shelf.

"In July 1989 we were out there discussing this because of the wetlands in Buckhannon bypass," Schmidt said. "At that time the understanding was 'we'll work this out here, but show us the rest of the alignment so we can look at it and anticipate any further problems.'"

Six months later, when all the agencies finally got out for a field review of the alignment between the bypass and Elkins, they discovered 42.42 acres of wetlands.

In May 1990, DOH provided the resource agencies with alternatives to going through the wetlands, including alignment shifts and construction adjustments. Compared to the total cost of the original alignment, the best alternative would have cost about 2 percent more, Schmidt said.

"DOH showed us an alternative which would avoid 90 percent of the



WV Department of Highways wants to fill these wetlands located along the proposed route of Corridor H between Buckhannon and Elkins. U.S. Army Corps of Engineers has ruled the wetlands must be avoided, since practical alternatives exist.

impacts," Schmidt continued. "We came away feeling we worked out the problems in advance. Then in the fall 1990, DOH submitted an application to the Corps to fill 37 acres of wetlands."

Schmidt is frustrated that the alignment continues to be a problem.

"DOH has worked with us on numerous projects. They know our position. They know our statutory responsibility," Schmidt said. "Wetlands are high quality fish and wildlife habitat."

DOH's decision to ask for a permit

to fill even though other alternatives existed "didn't seem like an effective use of resources," Schmidt said.

"We're all the losers," he continued. "The delay takes the road out of construction for more time and the wetlands issue gets put in a bad light. It's a shame. We over here in Elkins would like the road built."

It has been almost two years since the first problems surfaced with wetlands in the Buckhannon bypass, Schmidt said. If DOH had started looking along the Buckhannon to Elkins route for alternatives that would

comply with the law, the road could be under construction today, he said.

Bob Neill of the permit section of the Corps of Engineers agreed.

"We take no great pride in denying this permit," Neill said.

DOH drew up practical alternatives, but then apparently rejected them.

"The highway department didn't want to change the plans," Neill said. "We didn't want to deny this permit, but we didn't have an alternative. It didn't comply with the law."

West Virginia needs a timbering bill

by Matt Evans

reprinted from *The Mountaineer Monitor*, newsletter of Mountaineer Chapter of Trout Unlimited

As you may be aware, the State of West Virginia does not have any regulation over the timbering of trees. The removal of trees can result in enormous damage to our ecosystem. Consider the following facts:

- * The number one pollution source to West Virginia streams is soil and sediment runoff.
- * Approximately 50% of West Virginia streams can't sustain fish habitat due to pollution sources.
- * A primary source of sediment pollution is logging.
- * There are more miles of logging roads in the United States than Interstate Highways.
- * West Virginia loggers have no requirements over runoff control, road-bed grades, land restoration requirements, etc.

Consequently, it is imperative that the State of West Virginia pass a "timbering" bill in order to protect our natural ecosystems — namely the forests and the streams.

Other Appalachian states, such as Maryland and Pennsylvania, require "best management practices" from logging operators. Unfortunately, West Virginia has no such requirements.

Best Management Practices (BMPs) mandate certain requirements, such as road grades not exceeding 20 percent slope, water bars for sediment control, shut-down of logging operations during snow melt or heavy rains, etc., etc. BMPs also require soil control plans with each permit and annual BMP course training prior to issuance of an operator's license. All of these requirements are paramount in protecting our fragile ecosystem. That is why Trout Unlimited needs your help...

... and WE NEED YOUR PHOTOGRAPHS!

See Timber bill, page 8

Spraying Coalition to document spraying abuse in West Virginia

The Coalition (between the West Virginia Environmental Council and West Virginia Greens) to re-examine herbicide/pesticide spraying is now maintaining a database to record spraying abuses. A two-page spraying incident form is available to citizens who have been affected by herbicide or pesticide spraying.

If you have been the victim of indiscriminate or careless spraying, please join us in recording your story. Lifestyle disruptions, medical conditions, livestock or crop damage are examples of adverse spraying events. The Coalition's goal is to force a re-examination of spraying in West Virginia.

For a free copy of the documentation form, call or write Spraying Coalition, 1324 Virginia St. E., Charleston, WV 25301, 346-5891.

Coal Field residents want water protection

Questions and Answers from the Citizens Coal Council

This year, the Citizens Coal Council, a nationwide organization of citizens groups in America's coal fields, is asking Congress to enact the Coal Field Water Protection and Enforcement Act. When we decided we needed a new law, we knew this would raise new questions. Here are our answers to the most important questions.

Is this new law needed?

Absolutely. The Department of Interior's Office of Surface Mining itself admits that the current law doesn't adequately empower the agency to protect water supplies. Yet, it is a virtual certainty that any form of coal mining — strip mining, conventional underground mining or the new "longwall" method — threatens water. Federal mining law currently regulates land reclamation with far more power and clarity than it does protection of water supplies. We know that there are thousands of unremediated water violations across the country which occur every year.

How is water threatened by mining?

Strip mining can destroy or pollute wells and other forms of surface and ground water. Underground mining can disrupt or pollute aquifers and ground water, as well as create cracks that swallow or diminish both standing and flowing surface water supplies.

Do we need more regulation of the coal industry?

There are between 25,000 and 30,000 unabated violations of federal and state mining laws registered in the computerized "Applicant/VIOLATOR System" that is run by the Office of Surface Mining. This statistic stands as testament to the need for more aggressive and continuous enforcement oversight of the industry. We see further reason for stronger measures to control law-breakers in the coal industry in the recent national scandal over fraudulent coal dust testing.

As Labor Secretary Lynn Martin commented, "I am appalled by the flagrant disregard for a law designed to protect coal miners against disabling lung disease that is represented by the widespread tampering we have uncovered. We are talking about tampering with people's lives."

How will this legislation affect the United States' energy independence?

It won't. Efficiency doesn't have to be reckless. We reject the notion that we must choose between productivity on one hand and safeguards for people and the environment. This a "red herring" raised by industry every time issues

of health and safety are discussed. We believe protection of water resources is compatible with productive and efficient development of the United States' coal resources. We cannot and must not trade life-sustaining water for sloppy coal mining practices.

How many coal mining operations will be affected by this legislation and what will be cost?

No good coal mining operation will be hurt by this legislation. Any coal operator who treats his neighbors and their water with the respect and dignity they deserve will have no trouble at all in complying with the mandates of the Coal Field Water Protection and Enforcement Act of 1991.

This law basically says that coal operators must respect people's water rights. If their operations harm people's water, they must restore or replace that water to the condition it was before mining began.

This bill is a Good Neighbor policy, codified into law. Listen again to what Labor Secretary Martin had to say: "I'm pro-business, but good people in good businesses want to have corporate responsibility."

This bill also would make state and federal regulators do their jobs more vigorously by providing strict penalties for any regulator who fails to enforce the law. The recent coal dust testing scandal, as well as dozens of other similar problems, point out the need to hold law enforcement officials to a high standard of ethical conduct.

Who supports this bill?

Dozens of citizens' organizations in the coal fields nationwide initiated the drive to create this bill. It is truly a product of grassroots democracy at its finest! The list of supporters among civic, labor, church and environmental organizations is growing daily and steadily.

The Citizens Coal Council
80 F Street N.W., Suite 714
Washington, D.C. 20001
(202) 737-2217

July Voice
deadline:
July 10

Timber bill

from page 7

Passing any kind of legislation in West Virginia, environmental or otherwise, is not an easy task. Many West Virginia legislators are not convinced that current logging practices are damaging our ecosystem, therefore, Trout Unlimited is attempting to compile a book of photographic evidence which will help convince our legislature that "Best Management Practices" should be mandated in West Virginia.

When you go fishing, backpacking, hiking, bird watching, etc., Trout Unlimited is asking you to take your camera along and take pictures of the logging operations that you run across. These pictures, along with some narrative background information, will be compiled into a formal presentation to be used during the next legislative session.

If possible, please not as much about the logging location as possible — the county it's in, any towns, roads, or streams it's near, etc., and the dates you took the photographs. If you can provide us with negatives, that would help also, since we will need to make duplicates for our presentation. And finally, don't disobey the law when taking pictures: many timber leases are posted.

You can send or deliver your photos to any MCTU officer, or, if you wish, you may send them to:

Matt Evans,
102 Baker Ave.
Clarksburg, WV 26301

With your photographs, we may be able to convince enough legislators to pass a badly needed timbering bill. Thanks for your help.

Water Protection Action Week, July 13-18

Citizens Coal Council will launch the fight for the Coal Field Water Protection and Enforcement Act during Water Protection Action Week, July 13-18, by campaigning for the bill among lawmakers in Washington, D.C.

"We're tired of streams and wells drying up. We're tired of smell, unnaturally colored, polluted water. We're tired of government regulators who don't regulate. We're tired of government enforcement officials who don't enforce. We're tired of being told the burden of proving our loss is on us. We're tired of excuses," the organization's call to action reads.

"In the finest tradition of our country's grassroots democracy, we're taking this campaign public by fully exercising our First Amendment right to petition our government for the redress of grievances. And we've got plenty of grievances!!!! Come, join us, and we will make our voices heard, for our homes, our families, our communities and for future generations."

For more information on Water Protection Action Week activities in Washington, contact Will Collette or Lucy Birkett at the Washington office of the Citizens Coal Council (see above.)

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: _____