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Canaan Valley Task Force lauded

ELKINS — The Canaan Valley Task Force has been selected to receive a Certificate of Environmental Achievement from Renew America, a national environmental organization based in Washington, D.C.

The Task Force was honored by leaders of the nation's environmental community for its success in protecting the environment, while serving as a model that can be replicated around the country. Christopher Clower, Task Force Chair and Supervisor of the U.S. Fish and Wildlife Service, West Virginia Field Office, accepted the award on behalf of the Task Force.

The Task Force was convened in July 1990 to protect the unique ecosystem and natural resources of Canaan Valley while considering local community needs. The Task Force is comprised of representatives from federal, state, and local government, conservation organizations, and residents of Tucker County, including local officials, and business, land, and home owners.

"I am very pleased with the open and positive dialogue that has developed through the Task Force," notes Clower. "This certificate is a tribute to all of the individuals who have participated in this forum, and to the initiatives we have undertaken."

Some of those initiatives include public outreach, a trends analysis, and funding of

resource investigations in the Valley. Through a booklet, Canaan Valley - A National Treasure, and a series of fact sheets, the Task Force has created a greater awareness of the Valley's resources and issues affecting those resources. A geographic information system is being used to study land use trends with an eye toward more effective land use planning.

Resource investigations are answering key questions regarding water quantity and quality in the Valley and other important issues.

You have not been overlooked!

With apologies from the editor, this is only the third edition of the *Voice* this year. Hopefully there will be four more before the end of 1992. Articles, art work, cartoons and letters are gratefully accepted.

"Tucker County is very appreciative of the Canaan Valley studies funded by the Task Force as well as having a forum for county concerns to be expressed," said Karen Bonner, Planning Commission President.

The Task Force has also provided a forum to discuss the proposed Canaan Valley National Wildlife Refuge.

Task Force membership included federal officials from the Fish and Wildlife Service, Environmental Protection Agency, and Corps of Engineers; state officials from the Division of Natural Resources, Division of Tourism and Parks, and the Governor's Office of Community and Industrial Development; local officials from the Tucker County Commission, Planning Commission, and Development Authority; owners of business, land, and homes in the local area; and representatives of conservation organizations, including the Highlands Conservancy, Audubon, WV Wildlife Federation, Sierra Club, Brooks Bird Club, The

Nature Conservancy, League of Woman Voters, Trout Unlimited, and Izaak Walton League.

"We are pleased to honor the Canaan Valley Task Force," says Tina Hobson, Executive Director for Renew America. "This program sets a positive example that can help other communities meet similar environmental challenges."

The Canaan Valley Task Force will be listed in Renew America's 1992 Environmental Success Index, a comprehensive guide to the nation's environmental programs. Updated annually with more than 1,600 entries, the Index serves as a unique directory to our country's environmental solutions.

Based in Washington, D.C., Renew America is a nonprofit organization committed to restoring our nation's communities through environmental action. Renew America's aim is to recognize and promote successful projects around the country that conserve, nurture, and improve the environment.

See pages 10 and 12 for more on Canaan Valley.

Pgh. Climbers celebrate Sayre Rodman's 70th



Sayre Rodman

The West Virginia Highlands Conservancy received \$400 from the Pittsburgh Climbers in honor of Sayre Rodman's 70th birthday, July 2.

The collection was made informally, said Suzanne Broughton of the Climbers. They group set out a decorated box at their regular meeting, "which happened to be July 2," Broughton said.

The contribution to the Conservancy was made "in honor of Sayre Rodman on his 70th birthday and in recognition of the time, effort and talent he has contributed to the West Virginia Highlands Conservancy," Broughton said.

Members also celebrated with a birthday cake decorated with a canoeing scene.

Gala Celebration
of
25th Anniversary
of the
West Virginia Highlands Conservancy
is planned for
October 23-25
Cass Scenic Railroad State Park

There will be an variety of opportunities Saturday to get out and see some of West Virginia's beauty -- on foot or water.

In addition, Bill McNeel will lead a special trip on the Cass Railroad and share his extensive knowledge of this chapter in Pocahontas County history.

Come and renew old friendships, enjoy a weekend of fun and gain strength for the next 25 years of environmental effort.

Full details should be in the mail to all WVHC members within the next few weeks, but to make sure of room reservations -- either at the park or at a nearby Bed and Breakfast, call Donna Borders, (304) 428-4746

1967 - 1992: 25 years working for West Virginians and the environment



— from the heart of the mountains —

by Cindy Rank

Reviewing DEP regs

Citizen and environmental groups throughout the state continue to fight for an improved bonding system in the West Virginia surface mine program that will 1) enable and require cleanup of scarred land and acidified water left by irresponsible mining practices, and 2) prevent such destruction by future mining operations.

For years these groups have sought remedies through the state regulatory program at individual permit sites, taken legal steps to force state and federal action where the state program or regulatory agency is lacking, worked through the rulemaking process in regular and special sessions of the legislature, etc.

In the October 1991 special legislative session these groups supported the portion of House Bill (H.B.) 217 which authorized the Director of the newly created Division of Environmental Protection (DEP) to increase the flat rate bond of \$1,000/acre to a site-specific bond that could be as high as \$5,000/acre, the exact amount to be determined by clearly defined criteria set out in a legislative rule proposed by the director. The rule was to "direct a conclusion as to the amount of bond" and to "limit subjectivity and discretion by the director and the division."

All parties involved in the negotiations of the legislation, legislative, agency, citizen, and industry representatives alike, agreed that more monies were needed quickly, that this increase would only be the first step in addressing the overall bonding program and that other questions of water bonds, forfeiture, use and liabilities of the special reclamation fund, etc. would be dealt with at a later date. The legislation therefore allowed for an abbreviated time for promulgation and enactment of the very limited site-specific bonding provision in H.B. 217.

The regulations now proposed by DEP go far beyond legislative intent and authority granted by H.B. 217. Only 30% of the proposed regulations deal with site-specific bonding as directed by H.B. 217 (i.e. Section 11.6, pp. 17-43 of proposed regulations). The rest of the 85 page proposal is being swept along on the coattails of the much needed and generally agreed upon notion of site-specific bonding.

Although these additional provisions are related to the state bonding program and may deserve consideration through normal time tables and procedures, NONE ARE AUTHORIZED BY H.B. 217, all increase dramatically the discretionary authority of the Director and most are destructive of current regulations, especially as they apply to mining in acid prone areas of the state. They destroy some of our basic guarantees for protecting the water resources of the state.

Under the pretense of providing more money for water quality bonds and for reclamation at some limited number of forfeited sites, these regulations seriously undercut current provisions of the law, increase drastically the discretionary authority of the Director and release the state regulatory agency from its legal responsibility to fully reclaim forfeited minesites.

Where permitting in acid prone areas has been illegal because full reclamation under the law (including maintaining water quality standards) is not feasible, these proposals chart a course for permitting based on the whim of the director even where perpetual acid mine drainage will result. Bonding to assure water quality at these sites is not required, the amount is entirely discretionary on the part of the Director, the amount is entirely discretionary on the part of the Director and will be maintained only for an undefined "adequate" amount of time.

Where efforts to make the special reclamation fund solvent have been focused on raising enough money to fully reclaim all sites forfeited after the 1977 Surface Mine Act as required by law, these regulations will redefine the liability of the fund by allowing the Director to pick and choose whichever and however many sites he wishes to reclaim. Consequently, no more money is needed and the bond pool will always be solvent because the state will reclaim only as many sites as available money will allow.

Where the state agency is now legally bound to abide by the same reclamation standards that are required of industry, these regulations will allow the Director of that agency to decide if, when and how those standards apply at sites the state chooses to reclaim.

Where citizens now have recourse to law in their efforts to hold both industry and the state responsible to restore each minesite to a condition capable of supporting the same or better use which it was capable of supporting prior to any mining, these regulations will force citizens to rely on the integrity and good intentions of industry and the Director of the state agency. (!)

These changes so increase the discretionary authority of the Director that they subvert

See Regs, page 3

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Spring Review looks at ecology and the Monongahela Forest

by Tom Dunham

Should ecology and biodiversity play a role in the management of national forests? This was one of the questions raised by Conservancy members with Monongahela National Forest Supervisor, Jim Page, at the Conservancy's Spring Review held at Watoga State Park.

Issues of ecology and biodiversity were raised critically by Conservancy Board member Donna Borders and Bill Ragette.

Borders noted that the present Monongahela Forest's Land and Resource Management Plan is fragmented because overall ecology played no role in the so-called management prescription areas (management prescriptions we should note is forest service lingo for the division of forest service acreage into such functions as recreation, timber production, and wilderness management.) Herein is the fragmentation that concerned Borders.

In the absence of an ecological view of the forest, a timber cutting area could exist next to a wilderness area when in fact both areas may be part of the same ecology.

Noting that the forest service currently manages for multiple use, Bill Ragette questioned how multiple use could ever be compatible with biodiversity.

In reply to the criticisms, Page conceded that the Monongahela National Forest is behind other national forests in "ecological land classification." He mentioned that recently he had an ecologist on his staff that was collecting field data, but she was transferred, and currently there is no staff member working specifically in the ecology area.

Responding further to Borders' criticism, Page's assistant, stated that although ecology and biodiversity are not addressed by such terms, the forest service Plan does deal with some ecological areas. Specifically he stated that the prescription known as 6.2, addresses areas in a non-fragmented manner. However, a look at the Plan's 6.2 areas may lead others to a different conclusion.

According to the Plan, the 6.2 areas are natural areas of at least 2,500 acres with little evidence of roads. In defining these areas, the forest ser-

vice uses such terms as "outstanding scenery," "rugged natural beauty," and "species diversity." Laurel Fork, Cranberry Backcountry, and Cheat Mountain are 6.2 areas according to the forest service scheme. Concluding the forest service states that these areas are a "largely natural, undisturbed environment."

Yet a few pages away from these glowing descriptions, the Plan permits oil and gas leases in these areas of "rugged natural beauty" and "species diversity." Moreover, the Plan allows Page and his assistants to permit coal leasing in these same areas on case by case basis. As Page alluded, ecological dimensions have not quite caught on.

(Above) Panel of WVHC members and U.S. Forest Service staff discuss policy decisions in the Monongahela National Forest. (Right) Bill McNeil joins the discussion. (Below) Not all work! Square dancing helped add some fun to Saturday evening. (Below, right) Frank Young and Carroll Jett search for man-eating plants -- or that's what photographer Bob Gates said.



West Virginia Environmental Council Annual Convention

Sept. 11-13
Tygart Lake State Park
near Grafton

Issue groups include Toxics and Air Quality, Preservation and Protection, Mining, Water Quality, Land Use, Energy Policy, Solid Waste and Oil and Gas.

Special seminars are scheduled including, basic organizing skills and pointers, election reform, working with the media, universal health care, WVEC structure and policy, the presidential campaign and the environment, and a state election overview.

For more information, call Missy or Norm
346-5891

Regs — from page 2

both federal and state law. The law must clearly define requirements that will adequately direct whoever is head of the regulatory agency, be that Ken Faerber, George Dials, Larry George, Woody Wayland, Dave Callaghan, or?

Any and all changes proposed in this package (except for those in new Section 11.6) were not authorized by H.B. 217 for approval in this abbreviated process, and are illegal if enacted.

Attention focused on Middle Fork River:



Beautiful mountain stream wending its way through central West Virginia is devoid of life because of acid drainage from abandoned coal mines.

Acid-laden water is stripping river of fish, plant life

By Eric Niiler

(Reprinted from the July 18, 1992 *Charleston Gazette*)

AUDRA — When tourists in recreational vehicles pull up to Debbie Wilson's office, one of the first things they ask is "Where's the fish?" The Middle Fork River flows past her camper resort, but its crystal-clear waters are barren of fish or any aquatic life.

The river is strangely quiet. No plants, no bugs, no fish and no birds that eat fish. A constant flow of acidic water from strip mines upstream has destroyed 24 miles of the Middle Fork River in Randolph, Upshur and Barbour counties.

"It's one of the worst streams in the state," said Mike Shingleton, a fisheries biologist with the Division of Natural Resources.

Acid mine drainage is caused when sulfur and naturally occurring metals in coal are exposed to air and water. The chemical reaction produces sulfuric acid. Besides killing aquatic life, it also destroys cropland, corrodes bridges and boats, and reduces waterfront property values. More than 1,500 tons of acid are dumped into the Middle Fork by one stream alone.

While federal and state agencies have recently launched an ambitious cleanup project to stop the acid flows, the results are so far mixed. Reversing the environmental damage caused by 40 years of mining is difficult and has been complicated by conflicts over who's to blame and how best to treat the acid water.

Clarksburg coal operator James LaRosa mined coal from the Kittle

Flats area above the town of Cassity during the 1970s and early 1980s.

In 1983, after LaRosa stopped mining, the Division of Natural Resources accepted a \$115,000 settlement from LaRosa, relieving his obligation for future cleanup costs. The LaRosa mines and older abandoned mines on Whitman Flats are the biggest contributors of acid drainage to the Middle Fork watershed.

Today, the long-term cleanup price tag to neutralize the acid drainage could run in the millions of dollars, according to the DEP.

"It will be quite expensive to clean it up," said DEP director David Callaghan.

Although the DNR/DEP released LaRosa from any further responsibility in 1983, the federal Office of Surface Mining disagreed. In April, after a citizens complaint from the Highlands Conservancy, OSM ordered LaRosa to begin treating the acidic reddish-colored water. LaRosa is appealing the decision, and continues to operate several strip mines in Northern West Virginia.

Last week, more than 25 representatives of six different agencies converged on the Middle Fork area to tour Kittle Flats and a smaller abandoned strip mine operated by Pierce Coal Co.

Bulldozers and heavy equipment searching for coal leveled the hill down to a gentle slope after years of mining. Rust-colored water oozes from seeps like open sores on the

mountainside. Scrub pines and other underbrush are slowly reclaiming the topsoil, while turkey and deer tracks are visible in the mud.

The DEP has dug a giant pit near one acid seep and plans to line it with limestone. Limestone produces alkalinity when it reacts with water and reduces acidity. But the "enoxic trench" is still experimental.

About 20 miles away, the DEP has built several ponds which filter acid water through a series of cattail wetlands. Tiny microorganisms and bacteria which thrive in the wetland environment help neutralize the acids and heavy metals. The metals react with the living scrubbers, form a precipitate and fall to the bottom of the pond.

After spending more than \$110,000 on the wetlands pond, the process is still not perfected. The pH level has risen from 3.2 to 4.5 on average, but the water is still too acidic to support fish and other waterborne life.

"We've set up an environment in which Mother Nature can help us," Politan said. "Once it's stabilized, the microbiology system that cleans the water may come."

The six regulatory agencies have pledged a total of nearly \$570,000 to clean up the entire Middle Fork watershed, hoping to bring back the fish and other life. But some environmental critics say that the only solution is to ban all future mining in areas with acid-producing coal seams.

Stream killed by mine drainage

(reprinted from July 20, 1992 *Inter-Mountain*)

Middle Fork River now a dead stream

CASSITY, W.Va. (AP) — The Middle Fork River, once one of West Virginia's premier trout fisheries but now a dead stream, presents state mining regulators with a simple, if thorny, choice.

"The time will come when people will have to realize that our water resources may be more important than our mineral resources," said Cindy Rank, president of the West Virginia Highlands Conservancy.

"The Middle Fork is a prime example of the problems we've had and will continue to have as long as we keep approving these mining permits," she said.

At first glance, Middle Fork looks like a snapshot from a vacation brochure: a beautiful, clear stream wending its way among huge boulders, its banks lined with rhododendron.

But the bottom 24 miles no longer support any kind of aquatic life. The once-rich habitat was killed by acid drainage from coal mines that have dotted the area for generations.

"Clean water is going to be the issue of the '90s, just as land reclamation was the issue of the '70s and the '80s," said Ken Politan of the state Division of Environmental Protection.

Land reclamation was largely an enforcement matter, accomplished fairly easily, if not cheaply, once Congress passed the Surface Mine Control and Reclamation Act of 1977. The law requires coal companies to reclaim their mine sites to uniform standards and taxes them to pay for cleaning up those sites already abandoned.

Reversing the effects of acid mine drainage is more difficult.

While there are methods of treating the residual acid that flows from old coal mines in certain kinds of geology, engineers have been unable to come up with a permanent cure. And treatment, which must continue "in perpetuity," is expensive and not always effective.

A joint state-federal task force, headed by Politan, has been assigned to investigate ways to clean up Middle Fork as part of a national pilot project. The committee includes representatives of the Division of Environmental Protection, the Division of Natural Resources, the federal Environmental Protection Agency, the federal Office of Surface Mining and the state and federal Soil Conservation Services.

In its first annual report, presented at a meeting at Middle Fork on Wednesday, the committee estimated it will cost about \$1.2 million to install treatment facilities in the Middle Fork watershed, followed by an annual operating cost of \$818,000.

No one can say how long the treatment will have to continue. It could be forever.

"In the work I do, we treat 'in perpetuity' to mean 30 years," Politan said. "It is our hope that after 20 to 24 years, all the acid will leach out and be gone."

"We now have 10 years of records on some of these sites, and they show that the amount of acid is decreasing," he said.

He acknowledged, however, that the idea is still theory.

While Politan's committee is working on cleaning up the residue of old mine sites, an even thornier issue still faces the state: what to do to prevent new acid mine drainage.

Geologists know the causes of acid mine drainage and usually can predict where it will occur. But they still don't know how to prevent it, short of banning coal mining in areas known to produce acid drainage.

The state had an opportunity to do just that in 1981, when a citizens' group asked the state to designate the Middle Fork watershed as unsuitable for mining because of the potential for acid drainage.

Provision for such "lands unsuitable petitions" is part of the federal surface mining law. Although the designation could not include areas already being mined, it would have prevented new mining in the area.

The petition was turned down, however, by David Callaghan, then director of the state Department of Natural Resources and now head of the Division of Environmental Protection.

In turning down the petition, Callaghan said "technological advances have improved the capability of preventing negative hydrologic impacts from mining operations."

The problem, Callaghan said, was "that the utilization of this technology on the mining operations...have not been sufficiently applied so as to prevent negative impacts."

"A blanket designation of unsuitability would work an unfair hardship on operating companies, land owners and citizens of these areas," Callaghan said.

Rank disagrees.

"The simple, long-term solution is to stop granting permits in the area," Rank said.

Six mines are still active in the Middle Fork watershed, according to Politan. In addition, another coal operator has filed for a permit to open a new mine there.

The application has been stalled by the operator's financial inability to meet engineering requirements imposed by the Division of Environmental Protection, Politan said.

"But the coal market could improve and he could come up with the money," said Roger Anderson of the Division of Natural Resources.

"I'm not an abolitionist," Anderson said. "But there's no sense in coming up with techniques to combat AMD (acid mine drainage) when you're just going to add more to it."

Threats to the Buckhannon River continue...

Overtreated mine discharge destroys remote fishery

From the Record Delta, Buckhannon

STAR BRIDGE — A local coal company was cited in May for actions that led to a fish kill on the Left Fork of the Buckhannon River.

Carter-Roag Coal Company, which operates two mines and a prep plant near Star Bridge (close to the Upshur/Randolph County line), was cited for failure to minimize adverse effects to fish and other environmental values. According to Department of Environmental Protection (DEP) inspector Dan Lehmann overtreatment of water being pumped from a deep mine caused the fish kill.

The Left Fork was considered an excellent fishery. In a cooperative effort by Mountaineer Chapter of Trout Unlimited (TU) and West Virginia Division of Natural Resources, the stream had been stocked for years with fingerling brown trout.

A stocking of catchable size fish planned for the week after the fish kill was postponed until fisheries biologists could assess whether the damage was permanent.

"Everybody hates to see this," said Mike Shingleton, District Fisheries Biologist.

That was an understatement for fishermen like Don Garvin, secretary of the Mountaineer Chapter of TU.

"What's happened up there is a sin against all residents of Upshur County," Garvin said. "This was one of the few remaining pristine and beautiful areas in Upshur County."

Efforts to establish brown trout in the stream

have been very successful, Garvin said. He has no doubt the browns are reproducing. In addition, native brook trout reproduce in the tributaries of the Left Fork and migrate to the large stream as they grow.

"Mountaineer Chapter has put a lot of effort into helping restore the fishery and our members have spent a lot of time on the stream," Garvin said.

"It has been under constant assault by timber and mining interests. In the past we've had a lot of cooperation from industry in maintaining the integrity of the stream. This is very tragic."

Timing of the fish kill was not completely clear. Area residents saw "gray water" flowing in the Left Fork of the Buckhannon River Tuesday, May 12, but the first call to report a problem came Thursday.

Carter-Roag was pumping a couple of hundred gallons of water per minute from a deep mine, according to Lehmann, and "extreme conditions" in the mine necessitated continued pumping at that rate.

The water being pumped was heavily laden with fine clay particles from the roof or pavement of the mine shaft and the company was treating the water with a flocculant, a chemical that cause the small solids suspended in the water to clump together and settle to the bottom. Water overtreated with flocculant was pouring out of the company's pond and into the Left Fork of the Buckhannon, which was relatively clear.

While the flocculant is useful in removing sediment from water, in relatively unpolluted water it is highly toxic to fish and other aquatic life, Lehmann said. The fish were not killed by aluminum sulfate, the chemical flocculant, but by a polymer component of the flocculant.

"It's mucousy, slimy stuff. In clear water, where it has no particles of sediment to cling to, it will coat the rocks or coat a fish's gills," Lehmann explained. The polymer clogs the fish's gills and they suffocate.

The circumstances of the fish kill made it difficult to pinpoint the cause, Lehmann said, as did delay in notifying state agencies.

The coal company called Lehmann on Thursday morning, but he was doing a career day program at an area school and didn't get the message until late Thursday when company officials called again. Lehmann went to the site Friday morning but an early storm added sediment to the river, which helped use up any excess flocculant still present.

"On Friday, everything looked good. There was no acid, no black water," Lehmann said.

Fisheries biologists picked up dead fish on Friday, but the fish had been dead too long to test for a chemical toxin. In addition, the delayed notification made their job harder. Many dead fish may have washed downstream between Tuesday and Friday.

"And, I've heard that people carried away buckets of dead fish," Lehmann said. "That doesn't help the fisheries people figure out the

extent of the kill."

Both Lehmann and Shingleton agreed that there is no problem with acid drainage at the Carter-Roag mine. Drainage from area mines and the river itself are consistently close very close to neutral, on the pH scale used to rate acidity or alkalinity.

"pH is not a problem," Shingleton said. "But acid isn't the only thing that can kill fish."

Benthics — the river bottom bugs — did not seem to be affected by the fish kill, said Shingleton after a quick check in late May of the Left Fork of the Buckhannon. His department will do a more complete fish survey this week to fully assess the fish kill.

In any fish kill, quick notification of state authorities is vital, Lehmann said. The sooner fisheries biologists and DEP inspectors are on the site, the better the chance they can determine the cause, minimize the damage, and more fully assess the impact.

Anyone who sees evidence of a fish kill, or other pollution, should call the state's Pollution, Toxic Chemical and Oil Spill Hotline, Lehmann said. It is the fastest, surest way to make sure the appropriate inspectors are notified.

The toll-free number is 1-800-642-3074. The number is listed with other emergency telephone numbers on the front page of every telephone book.

Island Creek Mining appeals water quality standards

From the Record Delta, Buckhannon

BUCKHANNON — Island Creek Coal Company is seeking permission to discharge more chemicals than state regulations allow into Ten Mile Creek, a tributary of the Buckhannon River.

In a hearing in June before the state Water Resources Board, Island Creek is appealing conditions of a water-quality permit granted in January for discharges from their Central Treatment Facility and Job 10. The permit has been under negotiation between the company and the Division of Natural Resources (DNR) for about two years.

In their appeal, Island Creek is asking the Water Resources Board to reject DNR Director Ed Hamrick's finding that Ten Mile Creek was historically a trout stream and that water being discharged from the Island Creek Mine should meet the standards for a trout stream.

Levels of iron and aluminum must be sharply cut from discharges into a trout stream and additional monitoring is required if trout stream standards are to be met.

The company has also raised questions about the status of their request to be able to discharge more manganese into Ten Mile Creek than is permitted by any state water quality regulations.

The coal company asked for the variance several years ago, but Buckhannon city officials and several sportsmen and environmental groups opposed the request. After a hearing in Charleston, the Water Resources Board never issued a decision.

Buckhannon Mayor Anthony Gum said Sunday that he had not been notified of the appeal, but believed that the city would still have an interest in the outcome.

The Buckhannon Water Plant treats about 1.5 million gallons of water per day from the Buckhannon River. The city water supply serves about 75 percent of Upshur County residents.

On several occasions the city's water supply has been severely impacted by discharges from mines upstream. The Buckhannon River is also a major tributary of the Tygart River, which provides drinking water for Barbour County.

Island Creek's appeal represents the continued process of shifting to others the cost of degrading the county's resources, according to Cindy Rank of the Friends of the Little Kanawha, a member organization of the Buckhannon-Tygart River Coalition.

Treatment costs for water discharged from Island Creek and other mines upstream have been passed on to those who use city water, Rank said. Several years ago the city had to start using potassium permanganate in its treatment process to remove elevated levels of iron and manganese from Buckhannon River. Some of the problems generally associated with iron in water can be attributed to manganese, which stains teeth and can turn clothes brown.

"Both iron and manganese levels are directly related to mining and particularly to Island Creek's mining upstream," Rank said, "but the costs are passed on to other users."

Island Creek's communication with the

Buckhannon Water Plant about major discharges of untreated or overtreated water has improved since several summers ago. At that time water plant operators struggled to cope for several weeks with water so hard that soap would not lather and non-dairy creamer "curdled" when poured into coffee. Eventually plant operators learned that Island Creek was pumping heavily treated water from their Ten Mile mine.

"With the space already disturbed at Ten Mile, Island Creek has plenty of room for other treatment options, so they can abide by the law that says there will be no deterioration of water quality or water hydrology off the site," Rank said.

State targets acid drainage for cleanup

By Paul Nyden
(Reprinted from the August 14, 1992
Charleston Gazette)

At least \$14 million will be dedicated to treating acid drainage from coal mining during the next four years under a new West Virginia Streams Restoration Program announced Thursday by Gov. Gaston Caperton.

Acid water kills fish and other aquatic life, in effect putting streams off limits for fishing and other recreational life.

Iron and acid pollution from mines has recently threatened city water supplies in places like Morgantown and Buckhannon. In some Southern West Virginia coal towns, streams and well water are undrinkable.

The restoration program will be the state's first comprehensive program dedicated to treating mine-polluted water.

"Acid mine drainage from abandoned coal

mines is a major source of water pollution in West Virginia. It is estimated that more than 1,900 miles of West Virginia streams and rivers are (affected) by acid mine drainage," Caperton said.

"The problem is severe enough to render miles of streams devoid of life. In many instances, these streams were once among West Virginia's most valuable scenic and recreational water resources. The Blackwater River is a prime example," Caperton stated.

The Blackwater River above the town of Davis, the Middle Fork of the Buckhannon River and the North Branch of the Potomac are three likely choices for treatment under the new program.

"We definitely intend to open this up to public participation to determine which watersheds will get priorities for funding," said Tom Heywood, a senior aide to the governor.

Both federal and state funds will be used. States may currently use up to 10 percent of federal Abandoned Mine Lands funds for water treatment. Heywood said this will provide about \$1.5 million a year, or \$6 million over four years.

The state will kick in another \$2 million a year, or \$8 million over four years. Half of this would come from the state's Special Reclamation. The rest will come from other administrative funds. Heywood said this may require some slight modifications in state laws.

In 1990, Congress allowed states to begin using up to 10 percent of their AML budgets for water projects, in addition to reclaiming and revegetating land. If Congress increases this to 25 percent, as several coal states hope, this would add another \$7 million, for a total of \$21

To cut or not to cut

by bill ragette'

Frederick Baker, the late Dean of the University of California School of Forestry, once said, "Forests form and thrive best where there are no people and hence no forestry." Let's face it, people are everywhere, but by minimizing our impact on the forests they will be better able to withstand various onslaughts (mostly human induced) like acid rain and air pollution, gypsy moth, spruce budworm and other insect infestations, and climate change. Considering that timbering is the most destructive current use of the Monongahela National Forest (Mon), I'd like to examine the possibility of a permanent moratorium on logging.

Let's deal first with the traditional reasons for timbering; the need for the resource, the creation of habitat for game animals, and of course, jobs. As for the need for timber products, that seems to be almost inarguable; we all use wood and paper. But according to Resource Bulletin NE 114 of the US Forest Service we are growing three times the volume of trees as we are cutting in West Virginia. A ban on timbering in the Mon, which constitutes but 12 percent of West Virginia's timber base, would still leave much more production than we currently 'harvest.'

One of the Forest Services' reasons for timbering is the fact the timbering creates openings where herbaceous flora thrives, providing feed and habitat for certain game animals. This is supposedly a benefit from timbering that helps offset the great deal of money lost on timber sales in the Mon.

The Forest Service also claims that timbering increases diversity. Although it's hard to argue against the former claim, do we really need more deer and other game animals? I have seen shale barren plants grazed to the ground surrounded by many deer tracks. These 'openings' foster the growth of exotic weed species (game animals, cow birds, plant weeds) that compete with the native species.

Even in Otter Creek where there are no openings (except for the bog), deer are the main visible wildlife. The other 90 percent of the state outside the Mon is ideal habitat for these game species, but no where else do we have

extensive habitat for native and forest interior species.

The type of diversity that timbering creates is a false diversity. While the number of species in the immediate area temporarily increases after logging, the overall picture (from a regional or global perspective) is that species and populations diversity decrease. Many neotropical migrants are as seriously threatened by cowbird predation due in large part to the cre-

off the land in the first few decades of this century. There just couldn't have been much timbering in the four or five decades that followed. Only just recently has the size of timber allowed renewed timbering on a large scale. With better management of private forest lands and by instituting a moratorium now we can avoid much of the crisis that will come about later when the industry has become hooked on the supply of cheap wood from the Mon.

forest lands.

A secondary effect is that timber workers will be better paid as they will be working with a more valuable product.

With no timber cut, the Mon might be able to fulfill its original purpose to protect watersheds and the water supply. Anytime the land is disturbed and soil exposed you'll have erosion. Admittedly good management practices can reduce this erosion, but nothing is as good as the original. Only unbroken forests can insure minimum erosion and runoff, and maximum health of the mountain rivers and streams.

The EPA declared habitat loss to be the number one environmental problem, this ahead of the ozone hole, acid rain, global warming. Only by stopping the cut can we preserve the habitat necessary for true biological diversity.

Our small wilderness areas are not unlike overcrowded zoos. We trample salamanders and snails that may soon be gone forever. Only the Mon can provide the extensive land area in West Virginia that a healthy ecosystem needs. This is the wisest and best use of these lands.

What we can leave as a legacy to our great grandchildren would be a vast 'virgin forest.' A spiritual and recreational retreat for millions, a safe harbor for all the little creatures and wilderness that we have almost banished forever from the face of the earth.

I hope the Highlands Conservancy will support a moratorium on logging, getting the Forest Service to do that is but the next step away.

*By the law of supply and demand,
when the supply of below-cost
timber dries up, privately held
timber will be more valuable ...*

ation of openings and edge as by destruction of the rain forest, their other homes.

And then there's the question of jobs. That's the tough one. Although there's no need for job loss if the same amount of timber is harvested, some jobs will have to move. In counties like Pocahontas where Forest Service land nears 50 percent of the land base, evidently there will be a lessening of the timber supply along with the moratorium.

But remember, all of the timber was stripped

To me it's a question of values, do we allow whalers to continue to ply their trade just because they'll lose their jobs if we don't allow whaling to continue?

So what's the benefit of a moratorium?

From a practical viewpoint it will increase the value of the timber on private land. By the law of supply and demand, when the supply of below-cost timber dries up, privately-held timber will be more valuable and folks will spend more money and time on better managing their

The beauty? of clear cutting



A large, ridge-top clearcut on in western Ritchie County, southeast of Parkersburg. (Photo by Robert F. Gates)

Parking available at Gauley's Panther Creek Take-Out

The West Virginia Rivers Coalition (WVRC) has come up with a solution to a parking jam up for paddlers during Gauley season. In the past, paddlers have crammed vehicles along the narrow Panther Mountain Road at the end of the infamous Panther Creek takeout trail. The trail is the preferred egress from the Upper Gauley run during Gauley season.

WVRC has negotiated and leased a field about 150 feet (just uphill) from where the Panther Creek trail intersects with Panther Mountain Road. The leased field is available on Gauley release draw-down days, and will be well-marked. Paddlers should park there to avoid the intractable jams which occur especially when outfitter buses come up the road.

"WVRC arranged for the parking as a small token of our appreciation for the support of paddlers," said WVRC's Mac Thornton. WVRC is engaged in an intense battle to gain permanent protection for 13 classic paddling streams in the Monongahela National Forest.

From our friends...

Middle Island Creek Deserves Our Support

by Herk Conner

(reprinted from the newsletter of the Mountaineer Chapter of Trout Unlimited)

A proposal by the Pennzoil Corporation seriously jeopardizes the Middle Island Creek muskie fishery. The plan calls for pumping up to 500,000 gallons of water daily out of the creek. The DNR denied Pennzoil the permit for their plan last year. Now there is a new plan in the works to augment Middle Island's unstable flow with a 20 acre pond. This new plan might be permitted by DNR. The Middle Island Creek Fishermen's Association, a new group formed to oppose the plan, does not feel this is a viable solution, due to recent low- or no-flow water levels. A much more reliable source of water for a project of this size would be the Ohio River.

Personally, though appreciative of Pennzoil's economic impact on the surrounding area, I am concerned about the possible affects of this operation on water wells in the area. Pennzoil has made reassuring statements concerning this; however, it appears to me that they are just that: reassuring statements. I have not heard anyone state unequivocally that they know what will happen to the ground water.

Yes, yes, this is warm water drivel. But here is the clincher: there are no laws regulating this type of water removal from West Virginia streams. If this project is permitted, next week some outfit with the proper equipment could start pumping a half million gallons a day from your favorite brookie stream!

Obviously, it is time to prioritize the use of our streams. Water rights will become a contentious point even in verdant West Virginia. The coalition that has formed around this issue is headed toward legislative action next year, and will deal with the consumption of our streams by such practices. Though this is still in the preliminary stages. TU would be a welcome addition to this process. I have promised at least minimal cooperation from the Mountaineer Chapter, and would assume more considering that this legislation would likely include cold water streams.

I once knew a Baptist preacher who started the last 20 minutes of his sermon with the phrase, "In closing..." So, in closing, I would like to point out that your letter to the governor can really affect the immediate situation. Please write Governor Caperton and tell him you are opposed to allowing Pennzoil Corporation to

pump water at the proposed capacity from Middle Island Creek in Tyler County. Tell him that you do not feel the augmentation plan will stop the detrimental effects of this de-watering plan. Send your letters to:

Governor Gaston Caperton
Capitol Building
1800 Washington Street
Charleston, WV 25305

(Pennzoil announced in mid-August that it would abandon plans for Middle Island Creek and opt instead for an Ohio River facility.)

Imagine your vacation...

M.A. Jones, PAW/CLAW

You return and every "house" in the neighborhood has been bulldozed. All your family and friends are dead or gone. Every tree has been cut; branches and brambles are scattered about in piles. The water is a silty brown ooze. The air smells burnt; it stings your eyes and lungs. A humanoid, hairless and walking upright, hands you information concerning this "development." (You notice many small pieces of green paper hanging out of its pockets.)

"We looked around and found nothing significant," it said. "Obviously nothing significant happened while we were here. Everything's fine. See ya soon. We're gonna enhance this area for things we like and kill the rest. Don't worry; it can't be seen from the road. Ok? Bye-bye..."

This happens on public lands — your national forests — everyday. You pay for it with tax dollars; it costs less to leave it alone. There are 250,000 acres of roadless areas on the George Washington National Forest; it will cost you less to leave them alone. There are over 1,300 miles of streams; it will cost you less to leave them alone. There are at least 240 "sensitive" (to anthropogenic activity) species in the GW; it will cost you less to leave them alone.

The Forest Service "preferred alternative" is not to leave it alone. It needs YOUR help to make THEM leave IT alone. Envision kinder, gentler forest management. Imagine wilder Appalachian mountains...

Long-time member passes torch

"The young will have to carry on"

Dear West Virginia Conservationists:

Now that I've grown old, much as I would like to continue to be part of your group, I can no longer send money. Even though I've lived a fairly healthy life, when old age descends on one, there are problems with health. Through the last 25 years or so I've contributed in my small way to many groups, I no longer can do this.

I am very pessimistic. Environmental groups have not been able to slow down the destruction of our old forests, the rape of the earth by Reagan, Bush regime and the world bankers greed. Previous civilizations were lost due to erosion. Now it appears this one is on its way to destruction. Decay morally and physically — from AID's to disease in dogwoods, spruce, etc.

It's very sad. The loggers and miners interest, the crooked politicians — I fought it — now I'm tired. The young will have to carry on.

Thelma Wiegel
Elizabeth, Pa.

Fish & Wildlife will help restore private wetlands

Ms. Cindy Rank, President
WV Highlands Conservancy

Dear Cindy:

The Fish and Wildlife Service, through the "Partners for Wildlife" program, is restoring wetlands on private land. Efforts are typically focused on restoring the hydrology of wetlands that have been drained primarily for agricultural purposes through ditching, tiling, or stream relocation. Restoration efforts will be limited primarily to areas with hydric soils where we can restore hydrology by plugging ditches, breaking drain tiles, or constructing small dikes. This program is not designed to create new wetlands or farm ponds.

The Service can pay up to 100 percent of the cost of the restoration activity. Partnerships with other organizations or individuals, however, are welcomed and encouraged. Landowners participating in the program are required to sign a Wetlands Restoration Agreement that extends for a period of ten years or more. During this period the landowner will agree not to drain or otherwise alter the wetland.

In West Virginia we are just beginning our wetland restoration program. One key to a successful program will be to identify sites that will provide the broadest array of wetland and wildlife habitat benefits within the constraints of our operating budget. Funding is available for a number of restoration projects provided suitable sites can be identified in the near future.

Toward that end we are asking interested individuals or organizations for assistance in locating potential restoration sites. Simply passing the word to individuals that you feel may be interested and have lands that qualify would be a big help. We have enclosed several copies of a handout for circulation. In addition, we will be happy to make more copies of the handout available to you or to individuals or organizations that you specify. Please encourage interested parties to contact this office to receive more information.

If you have any questions regarding the program or know of potential restoration sites on agricultural lands, please call Jim Hudgins at (304) 636-6586. We look forward to hearing from you.

Sincerely,
Christopher M. Clower
Supervisor
Fish and Wildlife Service
West Virginia Field Office
Elkins, WV 26241

Energy/environmental policies encounter the world of politics

By Jim Kotcon, Sierra Club

Preliminary Remarks at 1992 Earth Day Symposium

Apr. 25, 1992, West Virginia University, sponsored by Mountaineer Policy Institute

The most important and difficult environmental issue in West Virginia is the interaction between energy policy and environmental policy. The energy industry is fundamental to West Virginia, one of our largest employers. Economically it is a major industry. Coal and oil and gas are basic natural resources that are being exploited by the state. Production of electricity and other forms of energy are major components of the economy.

There are numerous environmental implications associated with those industries. A few days ago on Earth Day, a spokesperson from Mon Power labeled the Clean Air Act amendments unnecessary. They challenged whether acid rain exists and said money being spent on scrubbers and acid waste cleanup was wasted.

Utility industries and the energy industries in West Virginia won't admit that acid rain exists, that it is currently killing streams in West Virginia, that it is degrading water quality throughout the state, that it is a significant threat to forests and to human health, and to the infrastructure of our society. Because of this attitude there's been so little action on acid rain, both in Canada and the United States.

I am concerned that the acid rain stonewall-

ing by these industries foretells an even more difficult battle, on a more fundamental problem of the energy industry, and that is global warming.

There are ways of mining, burning coal that could mitigate or minimize the impact on acidity of rainfall. And we must minimize the emission of greenhouse gases - carbon dioxide, methane, nitrous oxide. There are fundamental problems in burning coal, and simultaneously minimizing greenhouse gases. This issue is going to profoundly affect and change the energy industry in West Virginia.

There has been little to no addressing of this issue among the political leadership in West Virginia. We are likely to find ourselves in the same position that we were in the acid rain debate. Political leaders refused to admit that it existed, and only at the last minute did anyone say, "If we do have to have it, then let's do something to protect jobs."

In the global warming debate, I believe that we will similarly have a long period of denial, followed by disruptive change.

The political leadership won't act because of the tremendous influence the energy industry has had on politics in West Virginia.

Book Reviews:

Confidence in reclamation questioned by reviewer

Environmental Regulation of Coal Mining: SMCRA's Second Decade

Reviewed by Richard diPreto

McElfish, James M., and Beier, Ann E., 1990. *Environmental Regulation of Coal Mining: SMCRA's Second Decade*. Environmental Law Institute, 1612 P Street NW, Washington, DC 20036; 282 pp.

Introduction

This book takes a helpful look back and then ahead to the future of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). It was written two years ago but remains an excellent source of perspective and information on coal mining practices, as well as regulation.

Chapter Titles

- 1) SMCRA's Second Decade
- 2) Regulating the Environmental Effects of Coal Mining
- 3) Federal-State Relations — The Core Issue
- 4) Permitting
- 5) Reclamation Bonds
- 6) Acid-Producing Coal Mines
- 7) Regulations of Effluent Discharges from Coal Mining Operations
- 8) Underground Mining — Subsidence
- 9) Water Loss from Underground Mining
- 10) Designations of Lands Unsuitable for Mining
- 11) Abandoned Mine Land Reclamation
- 12) "Valid Existing Rights" and Other Issues

Brief Comments

Chapter 2 gives a thumbnail sketch of the U.S. coal industry and a good basic description of underground and surface mining techniques.

Chapter 6 (which cites my published work on acid mine drainage prediction) outlines well the basics of acid mine drainage formation.

Of special interest to Conservancy members, the authors say this about permitting mining in potential AMD areas:

"The approach sanctioned under SMCRA is to require an applicant to make an affirmative demonstration sufficient to assure the regulatory authority that prevention (as opposed to treatment) can be achieved." (p.144)

Chapter 7 discusses several issues that have concerned the Conservancy such as in-stream ponds and water-quality-based effluent limitations. This chapter cites former Conservancy leaders John Purbaugh and Rick Webb as well as the Conservancy itself.

Chapters 8 and 9 provide additional detail on longwall mining techniques and the mechanism of subsidence. Chapter 8 hardly mentions West Virginia although the state produces more deep-mined coal than any other state and West Virginia has, by far, the largest number of longwalls. The lack of mention would seem inappropriate except the West Virginia also has essentially no organized citizen activity on mine subsidence and regulatory agencies use public outcry as an indicator of problems, their safety net. If there is no public outcry, there are no problems. Chapter 9 cites several studies led by Henry Rauch.

Chapter 10 contains a discussion of the Buckhannon River Lands Unsuitable for Mining petition brought several years ago by the former (not present) West Virginia Rivers Coalition.

Most chapters conclude with several specific recommendations for improving SMCRA's performance.

The book contains a short but useful glossary of acronyms and abbreviations commonly used in mining regulation (for example, CHIA, AOC, SOAP). The authors generously documented the book and made remarkably few technical errors considering that they are lawyers. Perhaps the pre-publication reviews by Frank Caruccio, Pat McGinley, and Henry Rauch among others helped in that regard.

Other reviews

The pro-industry "Coal Journal" (July, 1990) criticized, saying the book is: "...filled with subjective and inaccurate conclusions...highly biased against the coal industry and...strongly reflects the prevailing anti-coal attitudes that the indus-

try must counter." Industry apologists, Carl Zipper and Richard Roth of Virginia Tech, said in a "Natural Resources Journal" review, "The book...is likely to prove especially persuasive among those who have little or no familiarity with on-the-ground realities of coal mining."

In contrast, I (who worked three years underground and visit many dozen mines) find SMCRA's Second Decade rather moderate and accommodating to the coal industry. For example, the publisher's description of the book states, "Coal mining, absent environmental controls, can damage lands and waters, and threaten health and safety" (emphasis added).

I take issue with that statement. Instead, I say "Coal mining most definitely damages lands and waters, and does threaten health and safety; environmental controls only attempt with partial success under the best of circumstances to curb the damage and contain the threats."

In another example, the concluding sentence of Chapter 2, states: "...the ability of the coal industry to increase production while taking on the requirements of reclamation has been plainly demonstrated. The remaining problems can be solved." That statement accommodates the industry in that it accepts that coal mining can occur in an environmentally acceptable manner, if only SMCRA governs it strictly, a notion which I have long

disputed.

To be fair, the authors would clearly "solve" acid mine drainage by denying permits for mining acid-producing coal and certainly, only such denials constitute a real solution. I would go further, however, and state that the problem of valley fill stability can only be solved by not creating valley fills; the problem of mine subsidence can only be solved by not creating voids underground; the problem of degrading prime farmland by mining can only be solved by not mining it; and so on.

These and other problems can be more strictly and effectively managed in accordance with SMCRA, yes. Some of their external costs which they inflict on the community can be made internal, yes. But solved? No. Coal mining is inherently destructive under the best of circumstances.

Conclusion

The only solution to the environmental problems of coal mining is to produce our electricity in other, less damaging ways and to cease mining coal. In their hearts, coal owners and investors, industry leaders, slavish academics, and other coal apologists know this, too, and show it by acting threatened even by constructive and helpful criticism such as that offered by the authors of SMCRA's Second Decade.

Environmental Quality is a labor issue

Fear at Work -- Job blackmail, labor and the environment

by Richard Kais and Richard L. Grossman

Although both deregulated U.S. industry and environmental damage are spinning out of control, the necessary fundamental rethinking of economic/ecological priorities is blocked by job blackmail. Time and again, business leaders claim that environmentally sound practices are too expensive and threaten the jobs of those in their employ. Virtually never are workers afforded the "right to manage" their workplaces in keeping with needs of their own, and the Earth's future. Through careful research and case histories, *Fear at Work* exposes the fraud at the root of environmental job blackmail and points the way toward revising economic structures in keeping with the demands of a fragile planet.

336 pages. Notes. Index.
Paper \$14.95 Cloth \$39.95

(Excerpts from the Forward by Barry Commoner)

Fear At Work gave the labor movement and environmentalists the first comprehensive analysis of the myth — propagated by industry and often accepted by both labor and environmentalists — that environmental quality and economic development are incompatible. Now, the validity of that analysis has been reinforced by new insights into the origin of the environmental crisis.

In the early 1970s a series of laws was passed in the United States — and widely emulated in other industrial countries — that was designed to decrease annual emissions of major pollutants ranging from 70% (for example, in nitrogen oxides) to 90% (for example, in carbon monoxide). The environmental regulations were guided by a common strategy: they took effect only after pollutants were detected in the environment. Then and only then did the laws call for action. Pollution levels were determined; their ecological and health effects were evaluated; on that basis, levels of "acceptability" were determined; emission standards designed to achieve these levels were established; and finally the polluters were told to install emission controls that were supposed to meet these standards.

We now know that this strategy has failed. For example, although EPA rules on automotive emissions called for a 90% and 70% reduction in national emissions of carbon monoxide and nitrogen oxides respectively, between 1975 and 1985 carbon monoxide emissions fell by only 19%, and nitrogen oxide emissions increased by 4.2%. Indeed, a survey of the actual emissions since 1975, when the EPA began to produce consistent annual data, shows that most pollutant emissions and their levels in the environment have been reduced by only 10-20%, far less than the improvement mandated by the environmental

legislation.

There have been a few successes. Emission levels, and their biological effects, have been reduced by 70-90% for airborne lead, DDT and PCBs in wildlife and people, mercury in the Great Lakes, strontium 90 in the food chain, and phosphate concentrations in certain rivers. In each case these real reductions in environmental pollution were achieved not by installing control devices that were supposed to recapture the pollutants after they were produced, but by stopping the production of the pollutants in the first place: lead was removed from gasoline; DDT and PCBs were banned; mercury was eliminated from the production of chloralkali; some cities banned the sale of detergents that contained phosphates; the atmospheric nuclear explosions that produce strontium 90 were banned. Every pollutant on this very short list of successes reflects the same remedial action: production of the pollutant was prevented.

In each case the production processes that originally generated the pollutant were changed. In gasoline production, lead was replaced by organic octane boosters; in cotton production, DDT was replaced by other insecticides; in transformer production, PCBs were replaced by other dielectric fluids; in chloralkali paints, semipermeable membranes now are used in the electrolytic cells instead of mercury. In sum, the strategy of pollution prevention requires an appropriate change in the technology of production.

This strongly confirms the view that there is no inherent conflict between environmental quality and economic development. Where it has existed, this conflict is a product of a control strategy. The addition of a control device to a chemical plant's discharge pipe, or a power plant's stack, is economically unproductive. It is a capital cost that does not contribute to the plant's output apart from exceptional circumstances in which the device traps a salable product, such as sulfur from sulfur dioxide. As a result, it is possible for the plant management to argue that the cost of controlling pollution could render the plant unprofitable — an argument that, as Kais and Grossman show in "Fear At Work", is often only an excuse for abandoning a plant that is otherwise obsolete. Moreover, control devices protect the outside environment but contribute nothing to worker's protection from the internal pollution. In contrast, the strategy of pollution prevention eliminates the generation of pollutants from the production process itself — a step that reduces the exposure of workers and the outside environment to zero.

This places the fight for environmental quality squarely in the realm of labor. Of course, the campaign for pollution prevention

See *Fear at Work*, page 10

Windmill Issue Puzzles W.Va.'s Environmentalists

(Reprinted from *The Inter-Mountain*, August 22, 1992)

CHARLESTON, W.Va. (AP) — West Virginia environmentalists aren't sure if plans to build power-producing windmills in a scenic mountain region are a dream or a nightmare.

"This is a divisive issue," said Jim Kotcon, president of the state chapter of the Sierra Club.

"Many of our members believe in the establishment of alternative energy sources, but many also believe in protecting the area's wildlife and aesthetic qualities," Kotcon said.

Kenetech-U.S. Windpower, which operates similar operations in Altamont Pass, Calif., presented a proposal in July to the Tucker County Commission to build 150 to 200 wind turbines on mountains overlooking Canaan Valley and a ridge north of the Dolly Sods Wilderness.

The Sierra Club, which has defended the Canaan Valley area against commercial development, has yet to decide what, if any, action it will take, Kotcon said.

"We're still in the information-gathering stage," he said.

Other environmental groups say the threat of birds flying into turbine blades raises concerns.

"Wind power and the prospect of having it on line is very exciting to us," said Cindy Rank, president of the West Virginia Highlands Conservancy. "But the location — hundreds of windmills along the edge of Canaan Valley and the Dolly Sods and in the migratory flight path of hawks and songbirds — that location will be very difficult for us to swallow."

A topographic map of the proposed windmill locations shows two main lines of 135-foot-tall turbines.

One would snake for nearly six miles along the crest of Cabin Mountain overlooking northern Canaan Valley. The other follows the Allegheny Front for four miles from the Bear Rocks scenic overlook to a point overlooking a dam at Stony Water Reservoir. Kenetech-U.S. Windpower representatives say they are scouting several sites and if there is opposition in West Virginia the wind turbines will be built elsewhere.

"There's an impression there that this process has gotten ahead of itself," said company Vice President Hap Ellis. "We didn't mean to give the impression that the project is as far along as they seem to think it is."

Ellis said sites in Virginia and North Carolina are also being considered, but plans to build a plant anywhere are only speculation.

Representatives for the developers say they plan to provide drawings of what the finished project would look like. So far, only the topographic map has been available.

Jim Rawson, a planner for the state Division of Natural Resources, said it may all boil down to a question of beauty.

"There's no water discharge. It doesn't pollute the air. There are no requirements under the Fish and Wildlife Coordination Act and it's going to be located on private property," Rawson said. "It's an aesthetic question."

Fear at Work from Page 9

— to choose recycling instead of trash-burning incinerators; to stop the use of carcinogenic pesticides on crops; to phase out fossil fuels and nuclear power in favor of solar energy — is a task for the general public. But pollution prevention also means a major shift in labor-management relations. Unlike the decisions that determine labor's wages and working conditions — once the sole prerogative of management but now, at least in unionized firms, the subject of negotiation — decisions that govern production technology have been left entirely in management's hands.

To protect workers and the general environment alike, production processes themselves must be changed. This means that the commitment to environmental improvement as a national social goal must be translated into social governance of the decision-making process that determines production technology.

As Kazis and Grossman point out: "At stake is the future of democracy — economic and political democracy."

Fear at Work is available from New Society Publishers, a non-profit, worker-controlled publishing house dedicated to fundamental social change through nonviolent action. Add postage and handling of \$2.50 for the first book and \$.75 for each additional book. For UPS delivery, add \$2.

New Society Publishers-New Society Educational Foundation
4527 Springfield Avenue
Philadelphia, PA 19143

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County SWA's intervene in suit

HINTON — Solid waste authorities representing 34 of West Virginia's counties intervened on August 1 in the lawsuit brought by the West Virginia Landfill Association challenging West Virginia's solid waste laws.

Federal Judge John T. Copenhaver gave individual Solid Waste Authorities until that day to decide

whether to join the suit in the defense of the state's solid waste policy.

Solid waste authorities are county or regional agencies in charge of administering solid waste laws. The Authorities run recycling programs, clean up open dumps, organize litter pick-ups and approve landfill siting and expansion.

Opposing forces pan state mine proposals

(Reprinted from the *Charleston Gazette*, August 15, 1992)

Coal operators and environmentalists expressed numerous objections Friday to new surface mining regulations proposed by the state Division of Environmental Protection.

The rules were proposed under a bill approved by the Legislature during its second special session in 1991.

The measure permitted the agency to bypass the normal process in order to speedily draft new rules for bonding, under which the bond a coal operator must post is determined by the anticipated cost of reclamation.

Under current law, operators post a flat bond of \$1,000 per acre, regardless of the mining conditions. The proposed regulations would establish a sliding scale to determine the difficulty of reclamation, setting the maximum at \$5,000 per acre.

However, environmentalists and coal operators accused the agency of exceeding its authority to "fast track" the bonding regulations. They said the agency has included other regulatory areas not specified by the Legislature in its thick proposal.

In an Aug. 3 letter to division Director David C. Callaghan, House Speaker Chuck Chambers reiterated that "the exception from the traditional rule-making process was intentionally narrow and express.

"In my judgment, the agency's proposed regulations exceed the statutory grant of restricted authority and should be modified," Chambers said.

During Friday's public hearing, small operators expressed concern that the increased concern that the increased bond could put them out of business if a phase-in period is not included.

Harold Collins, president and general manager of Herndon Processing Co. in Wyoming County, said cash flow is a major concern for his company, which operates four small contract mines and a preparation plant.

"I believe several of us smaller operators would be bankrupted by this, leaving our sites to be reclaimed by the state, and I'm sure that's not what was intended by these regulations," Collins said.

Bill Raney, president of the West Virginia Coal Association, said while his organization approves of the concept of improved bonding, the Division of Environmental Protection "has gone beyond the scope of its

authority" with the proposed rules.

"It appears that we're trying to correct an enforcement problem by more complicated regulations," Raney said. "The outlaws will be more out of compliance than ever and responsible operators will be penalized."

Raney also contended that the agency has no authority under state or federal law to require bonding to enforce water quality, which is an issue on sites that release acid mine drainage into local streams.

Cindy Rank, president of the West Virginia Highlands Conservancy, objected to Raney's contention.

"Reclamation has always meant reclamation of water resources as well as land reclamation," Rank said. "The purpose of reclamation is to restore the full use of the land."

Concern over pollution from acid mine drainage was one of the driving forces behind the revision of the bonding rules, because no technology has been devised to stop the flow once it has been released.

While the polluted water can be treated, the pollution cannot be stopped. Treatment, which can run into millions of dollars annually, must be continued indefinitely.

That's the reason the new regulations should not be implemented, said Tom Rodd, a spokesman for the citizens environmentalist group Mountain Stream Monitors.

"These regulations are a blueprint for more permitting of mines in acid-producing seams, because it removes the limits and the requirements set by the law and leaves it to the discretion of one individual — the director," Rodd said.

He brought along bottles of polluted water he dubbed "Chateau Callaghan," taken from streams allegedly polluted under permits issued by the division director.

Rank said her organization had worked hard with the Division of Environmental Protection, the Legislature and the coal industry to come up with a bill to make it possible to improve bonding regulations.

"But the regulations you have proposed go far beyond that," she said. "These proposed regulations subvert federal and state law and undercut our efforts to be reasonable and sit around the table to work these things out."

County solid waste authorities joining the lawsuit include Summers, Braxton, Calhoun, Ritchie, Wetzel, Brooke, Monongalia, Tyler, Barbour, Preston, Marshall, Mingo, Roane, Wyoming, Wirt, Tucker, Morgan, Clay, Lewis, Gilmer, Ohio, Upshur, Raleigh, Mason, Grant, Hampshire, Hardy, Mineral, Pendleton, Taylor, Kanawha, Wood, Lincoln and Berkeley counties.

"Solid waste authorities have been instrumental in cleaning up West Virginia's countryside, but they've also helped discover the bad environmental records of some landfill operators," said Summers County Solid Waste Authority chair Andrew Maier.

At a press conference at the federal courthouse in Charleston, organizers handed out copies of newspaper articles describing pollution, fines, criminal records and alleged organized crime connections relating to existing and proposed West Virginia landfills.

Tom Degen, secretary of the Calhoun County Solid Waste Authority, said that this lawsuit continues a pattern of deception by landfill operators.

"They filed papers with the court claiming to have at least nine members. Now we read in the newspaper that they really only have one or two."

Degen referred to articles in the *Charleston Gazette* reporting that members of the Landfill Association quit after finding that they were named as plaintiffs in the lawsuit without their permission.

"It appears that the few remaining plaintiffs in this case want to force solid waste management in West Virginia back 10 years," said Martha Huffman, member of the Wetzel County Solid Waste Authority. "But we will not go back."

Help Wanted Vice-President for Federal Affairs

West Virginia Highlands
Conservancy

Volunteer in the Washington, DC, area wanted to serve as liaison between the Conservancy and Congressional offices, government agencies, and national environmental organizations. Unique opportunity to make a dent in meeting the challenges of protecting West Virginia's environment. For more information, please contact Cindy Rank, President, West Virginia Highlands Conservancy, Rt. 1, Box 227, Rock Cave, WV 26234. (304) 924-5802.

Also celebrating:

Brooks Bird Club

will celebrate their

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October 9-11, 1992

**Cedar Lakes Conference Center
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For reservations, contact Jane Anderson, 2042 Weberwood Dr., South Charleston, 25303, (phone 344-1446),

Trail users told to take a hike

By Eric Niiler
(reprinted from the July 25, 1992 *Charleston Gazette*)

A Huntington company is trying to boot hikers out of a section of the Allegheny Trail in Canaan Valley, which has been used by outdoor-lovers for the past two decades.

Western Pocahontas Properties, a landholding partnership, has asked the West Virginia Scenic Trails Association to remove its six-mile trail and markers from its Tucker County property.

Company officials said they are worried about liability in case someone is hurt while hiking on private land. The firm wants to lease the property to hunters. But the hiking association noted that the section of trail has been used for years without a problem.

Allegheny designated Wild and Scenic

The Congress has passed legislation designating 85 miles of the Allegheny River in Pennsylvania under the federal Wild and Scenic Rivers Act. The American Whitewater Affiliation and other paddling groups supported the bill, which was sponsored by Congressman Bill Clinger (R-Pa). The bill also called for interim protection and studies of potential designation for the Clarion River and Mill Creek, two tributaries of the Allegheny. All three streams are well-known easy canoeing runs popular with Western Pennsylvania boaters.

The Allegheny is only the second river designated under the Wild and Scenic Rivers Act and entirely located within the Middle Atlantic states (Pa, Del, Md, Va, DC, WV). The other is the Bluestone in West Virginia.



"I'm furious," said Elsa Nadler, a member of the trails association in Morgantown. "This trail was put in 20 years ago. They told us to get out, stay out and we don't want to hear from you."

Nadler has "adopted" a six-mile section of the Allegheny Trail along the North Fork of the Blackwater River south of the abandoned town of Coketon. Hikers and campers traveling through Canaan Valley use the trail frequently, according to Nadler. The Allegheny Trail winds 330 miles from Pennsylvania state line to the Appalachian Trail in Virginia.

"This is my area," she said. "I love Canaan Valley."

The dispute heated up last month when the Department of Environmental Protection planned to renovate the trail as part of a \$3 million mine reclamation project in the area. The trail winds through an abandoned strip and deep mine, which is being worked on by DEP engineers.

When DEP informed Western Pocahontas about the trail renovation plans, it said, that the hiking group never had permission to be there in the first place.

"They made a request in the late 1970s, but we denied their request," said Douglas N. Toothman, land resources manager for Western Pocahontas. "We were under the impression that they were using public roads."

Toothman told the trail association in a June 30 letter that it had entered into a lease with the Mountain Top Hunting Club for a portion of the area where the trail is located.

"Having the trail on our property open to the general public is not compatible with the main use of the members of Mountain Top, especially during hunting season," Toothman wrote.

On Friday, Toothman said the firm's president hasn't decided what to do about the dispute with the hikers. He refused to release the name of the company's president.

Pete Pitsenbarger, director of abandoned mine lands for DEP said the trail had been marked on agency topographical maps for years. The DEP is willing to restore the trail if the two sides come to an agreement.

"If they can work it out, we're more than willing to help," he said.

Nadler said that hikers would be forced to hike along busy W.Va. 32 if the trail were rerouted to avoid the Western Pocahontas land. She said that the previous owner of the property, Western Maryland Railroad, had given implicit permission to hikers. "They just left us alone," she said.

Review:

Anderson's Campground Directory

By Mac Thornton

Never again will I pay \$10 or more for a campground tome from a multinational map firm, whose editors obviously have never combed the countryside to look at the places they recommend. By contrast, locally published Anderson's Campground Directory (1992) is an amazing bargain, priced at \$5.95.

Campgrounds are like country restaurants: they all serve the same function, but quality and charm vary wildly. And the best ones are hard to find — especially by the minions of the multinationals.

Built on years of on-site research, Anderson's has the hidden gems missed by the others. One example: The Cove near Gore (west of Winchester, Va.) It is a big lake with a beach in a gorgeous spot, with nicely separated sites and modern facilities. The Cove isn't in my expensive multinational brand book.

Anderson's is owned and nurtured by avid river conservationist (and former WVHC vice-

president for federal affairs) Skip Deegans and his wife, Judy. They have invested lots of travel and they have fattened up the book to a healthy one inch, as it covers the Middle Atlantic and Southeast, all the way to Florida.

The book includes hundreds of dollars worth of coupons, and includes an offer one really cannot refuse. Campground books go out of date fairly quickly, but if you stay at five of the listed campgrounds and send in a coupon, you get a free copy of next year's Anderson's edition. Now if we could only get the car companies to adopt this concept!

Anderson's Campground Directory (1992) is available at most all outfitters and campgrounds, or you can order a copy by mail for \$7.75 (includes postage) by writing: Anderson's Campground Directory, 5400 Eisenhower Avenue, Alexandria, VA 22304

Mac Thornton is chair of the West Virginia Rivers Coalition and an avid outdoorsman.

Great environmental music

"We Are Not for Sale," a dynamite tape of eclectic, home-grown music with an environmental theme is available from the West Virginia Highlands Conservancy. Musicians Mike Morningstar, Larry Groce, Ron Sowell, Kate Long, Stewed Mulligan, Mountain Thyme, David Morris, Jim Martin, Colleen Anderson, Barney and the Bedrockers (Steve Himes), and Tom Rodd bring a new dimension to the fight for environmental justice in this dynamite tape commissioned by the West Virginia Environmental Council.

Proceeds support the work of both WVEC and WVHC.

To order, send \$10, plus \$1.25 shipping and handling (total, \$11.25 per tape) to Mary Pat Peck, 36 Meade St., Buckhannon, WV 26201. Checks should be made to the West Virginia Highlands Conservancy.

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.



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

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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**.

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Canaan Valley -- A National Treasure

(from the brochure of the same name produced by the Canaan Valley Task Force)

Sitting high in the Allegheny mountains in eastern Tucker County, West Virginia, is a unique and beautiful area known as Canaan Valley. With an average elevation of 3,200 feet above sea level and a 35,000-acre watershed, it is the highest valley of its size east of the Rocy Mountains. Its northern forest character and unique wetlands support many plants and animals that are unusual and rare, not only in West Virginia but also in the eastern United States.

Residents, government officials at the local, state, and federal levels, and concerned citizens across the nation are engaged in a cooperative effort through the Canaan Valley Task Force to ensure that the Valley will always be a national treasure.

Canaan Valley National Wildlife Refuge

Fact sheet

Proposal...

U.S. Fish & Wildlife Service proposes to acquire up to 24,000 acres of undeveloped land from willing sellers on a funds available basis.

Land will be purchased from willing sellers — that is people who wish to sell to the government at fair-market value.

Over 4,000 acres of land with existing residential developments, as well as resort and commercial developments have been excluded from the purposed boundary.

No additional regulations will be placed on landowners who do not sell their land to the government as a result of the refuge.

Purpose...

To insure the ecological integrity of Canaan Valley and the continued availability of its wetland, botanical, and wildlife resources to the citizens of the United States.

Canaan Valley has over 6,700 acres of wetlands making it the largest wetland complex in West Virginia. The Valley maintains a diverse and unusual assemblage of habitats and plants typically found in Canada or New England.

Opportunities...

Provide recreation and education consistent with the refuge purpose.

The refuge will provide for hunting and fishing, as well as bird watching, photography, nature study, and other wildlife-oriented activities.

Unique educational opportunities for children and adults will be available through interpretive programs and facilities.

Community Benefits...

Provide a boost to the local economy while preserving the features that have drawn residents and visitors to the Valley.

Government payment to Tucker County through the Refuge Revenue Sharing Act will exceed current tax revenues.

Increased tourism will generate business revenues for the local community and nearby towns.

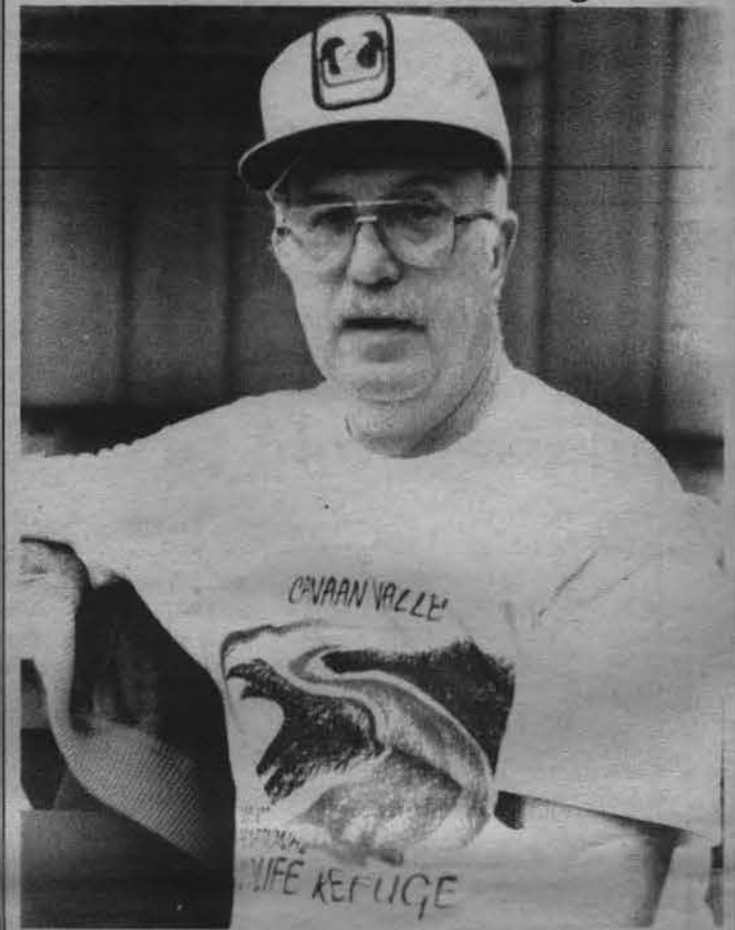
Professional management of the land will insure long-term protection for Canaan Valley, a National Natural Landmark.

The U.S. Fish and Wildlife has proposed the Canaan Valley National Wildlife Refuge as West Virginia's second refuge.

For more information, please contact...

- *U.S. Fish & Wildlife Service
P.O. Box 1278, ELKINS, WV 26241 (304) 636-6586
- *WV Division of Natural Resources
Capital Complex, Building 3, Charleston, WV 25305 (304) 348-2754
- *Tucker County Commission
Tucker County Courthouse, Parsons, WV 26287 (304) 478-2414

Support the Canaan Valley National Wildlife Refuge



Paul Rank, spouse of WVHC President Cindy Rank, was caught relaxing at the Spring Review in his new Canaan Valley t-shirt.

Like Paul, you can show your support for a National Wildlife Refuge at Canaan Valley.

New t-shirts created for the Citizens for Progress in Tucker County are available from the West Virginia Highlands Conservancy. The shirts were printed by Mountain Tops in Davis. They are 100% cotton (preshrunk). Lettering is purple; the band through the center is aqua, with green on either side; the remaining band of color grades from red to yellow.

Shirts are available in adult and children's sizes. Kid's shirts are gray. Adults are gray, white, and a few turquoise ones.

Citizens for Progress have been vocal, local supporters of the refuge. They receive part of the proceeds to continue those efforts.

To order shirts, send name, address, and size needed, and a check for \$12 (includes postage and handling) to Mary Pat Peck, 36 Meade Street, Buckhannon, WV 26201. Checks should be made to West Virginia Highlands Conservancy.

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

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Address: _____

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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.

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Amount: _____

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